

CRIMINAL JUSTICE

Staff: Asha Venkataraman, Greg Doss, Jeff Simms, and Carlos Lugo, Analysts

Budget Summary (\$ in 1,000s)

	2019 Adopted	2020 Endorsed	2020 Proposed	% Change 2020 Endorsed to 2020 Proposed
Select Public Safety Initiatives				
<i>LAW – Pre-filing diversion mainstream contracts</i>	\$150	\$125	\$225	80%
<i>HSD – Ramp down funds for Safety RFP</i>	-	-	\$1,314	n/a
<i>HSD – On-Site Nurses</i>	-	-	\$650	n/a
<i>HSD – Nurse Call Line</i>	-	-	\$40	n/a
<i>SFD – Health One</i>	\$475	-	\$400	n/a
<i>SPD - Mental Health Professionals</i>	\$90	\$90	\$310	244%
<i>High-Barrier Pilots – Shelter (\$2,400) & Other (\$532)</i>	-	-	\$2,932	n/a
<i>LEAD</i>	\$2,261	\$2,549	\$2,549	0.0%
Total FTEs	-	-	-	n/a
Fund Source(s)				
<i>General Fund</i>	\$2,976	\$2,764	\$8,420	205%
<i>Other Sources</i>	-	-	-	n/a
Total Funding	\$2,976	\$2,764	\$8,420	205%

Background

The 2020 Proposed Budget adds \$8.4 million for investments in selected program and services related to the criminal justice system. The Budget Summary table shows the changes in the 2020 Proposed Budget compared to the 2020 Endorsed Budget.

Significant changes in the 2020 Proposed Budget for these investments are highlighted below. These include changes for which there are no issues identified at this time. Changes with identified issues are presented for the Council’s consideration. The Issue Identification section discusses how the 2020 Proposed Budget is or is not consistent with previous policy direction provided by the City Council in [Green Sheet 19-1-B-1-2019](#) (i.e., the development of strategies that are driven by racial equity and centering communities most impacted by the criminal legal system). The strategies would conform to a set of principles and values developed in partnership with those communities and would determine how best practices can apply in Seattle. The strategies would examine whether and how to shift funding away from the criminal legal system to community-based restorative justice practices, including alternatives to incarceration.

Notable Proposed Changes with No Identified Issues

1. \$100,000 for Pre-filing Diversion - City Attorney's Office (LAW) – Asha Venkataraman

The 2020 Proposed Budget would add \$100,000 to the \$125,000 reflected in the 2020 Endorsed Budget. The combined amount of \$225,000 will support work that diverts young adults who have allegedly committed low-level misdemeanors from the traditional criminal legal system. The City Attorney's Office (LAW) contracts with Choose 180, a community-based organization that provides workshops under a restorative justice model. In 2019, LAW contracted with Choose 180 for six annual workshops and to support a dedicated young adult outreach and intake specialist. The proposed increase would allow LAW to contract for an additional six workshops.

2. \$1.3 million for Safety Request for Proposals (RFP) Ramp Down – Human Services Department (HSD) – Amy Gore

In 2019, HSD conducted an RFP process to fund organizations providing systems navigation and trauma intervention services to 18 to 24-year old individuals harmed by the criminal legal system in Seattle. HSD awarded \$4.4 million to 14 organizations. The 2020 Proposed Budget would add \$1.3 million of one-time funds to support organizations with existing contracts who applied for but did not receive awards from the RFP process. This investment was discussed on October 17 as part of the HSD presentation.

3. \$650,000 for On-Site Nurses (HSD) – Jeff Simms

The 2020 Proposed Budget would add \$650,000 in ongoing funds to place a total of four nurses at the five emergency shelters and permanent supportive housing facilities that result in the most 9-1-1 calls. These nurses would be on-site in the evening and early night to address physical health needs of individuals residing in these programs.

4. \$40,000 for a Nurse Call Line (HSD) – Jeff Simms

The 2020 Proposed Budget would add \$40,000 to develop and operate a nurse call line for homeless services agencies. Of this amount, \$3,000 is one-time. Customers utilizing homeless services programs would have the option to contact medical professionals on these lines rather than calling 9-1-1.

5. \$400,000 to Enhance Health One – Seattle Fire Department (SFD) – Greg Doss

The 2020 Proposed Budget would add \$400,000 to enhance the Health One mobile integrated health service. Health One sends a team of two fire fighters and one social worker to the scene of EMS calls that do not require emergency transportation (fire, ambulance). Patients are instead diverted to therapeutic destinations.

6. Mental Health Professionals – Seattle Police Department (SPD) – Greg Doss

The Proposed Budget would add \$310,000 to fund four additional contracted Mental Health Professionals (MHP) in the SPD Crisis Response Unit. The Unit currently consists two police

officers and one MHP. The Unit works to connect individuals in crisis to resources to divert them from the criminal justice system. This add would allow SPD to expand from one Unit to five Units.

7. \$2.9 Million for High-Barrier Pilot Programs (Finance General) – Various Staff

The Proposed Budget would add \$2.9 million in Finance General Reserves to fund four pilot programs to address high-barrier individuals as follows:

	One-time	Ongoing	Total
Enhanced shelter (King County jail west wing)	\$2,400,000	\$0	\$2.4M
Case conferencing (LAW)	\$0	\$149,500	\$149,500
Rapid-reentry connector (King County)	\$0	\$213,000	\$213,000
High Barrier probation (SMC)	\$0	\$170,000	\$170,000
Total	\$2,400,000	\$532,500	\$2,932,500

Note: Items b, c, and d below are discussed in more detail in the Issue Identification section.

a. *Enhanced Shelter in King County Jail Pilot – Jeff Simms*

The Proposed Budget would add \$2.4 million in new funding to open and operate an enhanced shelter in the King County Correctional Facility. Capital cost for tenant improvements would be equally split with King County. The \$2 million is added to Finance General Reserves for this purpose. The \$400,000 would provide six months of operating the program, assuming it can be operational by July 2020.

b. *Case Conferencing Pilot – Asha Venkataraman*

This pilot would focus on high-barrier individuals by establishing an ongoing case conferencing group with dedicated law enforcement staff to discuss progress and strategies. The \$150,000 would provide a dedicated assistant city prosecutor for this purpose.

c. *Rapid Reentry Connector Pilot – Asha Venkataraman*

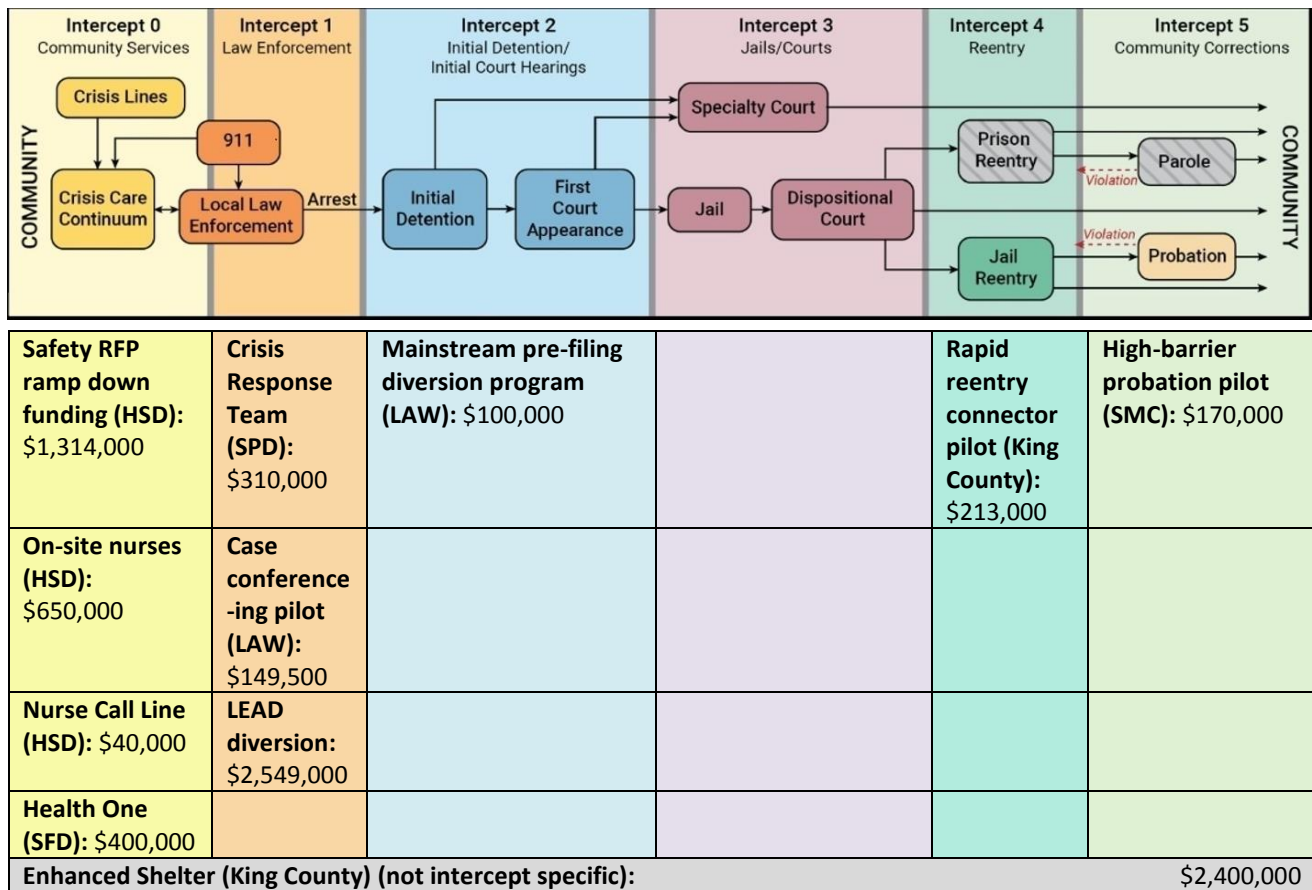
The King County jail provides limited reentry planning support to individuals who have been in custody for 72 hours or more. However, there are no reentry services for individuals booked into jail who are released under the 72-hour threshold. This proposal would embed a reentry planner in the jail to triage such releases with services. The 2020 Proposed Budget would add \$213,000 for this purpose.

d. *High Barrier Probation Pilot – Carlos Lugo*

Individuals who plead or are found guilty of a misdemeanor offense may be sentenced to jail or placed on probation. The 2020 Proposed Budget would add \$170,000 for implementation of the High Barrier Probation (HBP) pilot through Seattle Municipal Court (SMC).

The 2020 Proposed Budget additions discussed in this paper are categorized in Figure 1 by stage in the criminal legal system, using the Sequential Intercept Model (SIM). SIM was developed to provide a conceptual visualization to use when considering the interface between the criminal legal system and the mental health system. It is useful beyond its original intent to provide a framework for where the City’s programs, responses, and proposed investments fall. The SIM maps out the criminal legal system by breaking it into six intercepts corresponding to key decision points where interventions could prevent individuals from entering or penetrating deeper into the criminal legal system. It is the general framework that the high-barrier individual work group (HBIWG) used in its deliberations and a valuable tool in mapping how the City is investing its resources upstream of involvement in the system and further downstream within the system itself.

Figure 1: 2020 Proposed Budget Adds by Intercept



Issue Identification

1. Non-shelter related high-barrier individuals pilot programs - Asha Venkataraman & Carlos Lugo

The 2020 Proposed Budget would add \$532,500 to support three non-shelter-related high-barrier individuals pilot programs (items 7b, 7c, 7d).¹ There are three related potential issues for Council's consideration. First, the HBIWG developed the pilots in a process separate from the Council's criminal legal system alignment work. Second, it is unclear whether and to what extent the pilot proposals align with Council policy and intent, because the development of the pilots is still in progress, as is the Council's alignment work to partner with communities most impacted by the criminal legal system. Third, it is unclear how these pilots align with the Reentry Workgroup's recommendations (see [report released October 2018](#)).

A preliminary comparison of the HBIWG's process and the initial description of the pilot programs shows both inconsistencies and consistencies with respect to the intent of the Council's criminal legal system alignment and the Reentry Workgroup's recommendations. It is Central Staff's assessment that setting aside funding in Finance General reserves for recommendations from the work group is prudent. However, it is unclear whether the Executive's decision that the HBIWG's proposed pilots are the appropriate recommendations and whether the designation of funds for these specific pilots is timely.

Options

- A. Cut or reprogram some or all proposed adds intended for the pilots (7b, 7c, and 7d) for other Council priorities. Specifically:
 - 1. 7b. Case conferencing: \$149,500
 - 2. 7c. Rapid reentry connector: \$213,000
 - 3. 7d. High-barrier probation: \$170,000
- B. Add a proviso restricting spending until additional information has been provided.
- C. Adopt 2020 Proposed Budget.

2. Law Enforcement Assisted Diversion (LEAD) Program Funding - Greg Doss

LEAD focuses on reducing recidivism and improving psychosocial outcomes for people who have been, or are at risk to be, engaged in the criminal justice system. LEAD also focuses on individuals engaged in law violations due to behavioral health conditions, continued drug use, and/or extreme poverty. The goal of LEAD is to reduce law violations by participants through use of harm reduction-based case management, prolonged engagement and coordination among justice system, law enforcement, human services and neighborhood partners. Program evaluations have found LEAD's point-of-arrest referrals are an effective, evidence-based method of achieving program goals and outcomes.

¹ High-Barrier Individuals Working Group, "Progress Report" P 17 (Sept. 12, 2019).

LEAD estimates 70 percent of its clients are referred through social contacts while the other 30 percent are arrest referrals. While social contact referrals are not true point-of-arrest diversions, the majority of referrals are made by SPD officers who consider a client's criminal background before making referrals. In all cases, social contact referrals must be based on officers having a basis of knowledge and understanding that the individual violates the law related on behavioral health issues or poverty. LEAD staff have also indicated that approximately 80 percent of its clients are homeless.

Arrest diversion criteria were expanded in 2018 to include a population of clients with higher acuity mental illness. Beginning July 2018, LEAD law enforcement partners are able to refer individuals to LEAD when they are involved with a wider range of offenses, including criminal trespass; theft; and property destruction, which collectively account for nearly half of cases in which individuals were held for competency evaluation by the Seattle Municipal Court in the first quarter of 2018.

LEAD currently expects to receive \$4.87 million in funding from Seattle (\$2.55M in the 2020 Proposed Budget), King County (\$1.6 million), and private contributions (\$0.72 million).

LEAD anticipates that its costs for services in Seattle will be about \$4.72 million higher than currently identified funding: \$9.59 million in planned 2020 spending vs. \$4.87 million in 2020 revenues. LEAD's significant growth in costs are driven by the following assumptions:

1. Growth in the number of clients served - continue accepting referrals from most precincts and begin accepting referrals from the Southwest precinct;
2. Continue accepting both pre-arrest diversion referrals (when officers have probable cause to make an arrest) as well as social contacts (when officers believe there is a high likelihood of an impending arrest);
3. Decrease the average caseload of case managers from 44 clients to 25 clients.

LEAD program staff presented the measures below at a presentation before the Budget Committee on October 2, 2019. Additional information and background are provided in Appendix A.

LEAD 2020 Budget Request

LEAD has created a budget to:

1. accommodate the significant increase in caseload that LEAD projects (assuming no changes, e.g., in the way LEAD accepts referrals, in the range of services offered, etc.);
2. ensure that LEAD case managers staff a portfolio of no more than 25 cases; and
3. ensure that the Program receives adequate resources for the staff that support the program.

Beginning in 2021, LEAD's cost for case management is expected to increase to the full cost of the services. The anticipated 2021 increase to the LEAD program costs will result in a fiscal bow

wave of at least \$728,000 annually. LEAD staff anticipate additional significant costs in 2021 that are dependent on the following factors and for which there are no cost estimates:

- Continued and heightened public pressure for stepped-up enforcement in the lead-up to the Mayor's race, City Attorney race and the two citywide Council races;
- Increases in SPD staffing as incentive payments, recruiting strategies and a possible recession set in to improve the labor market;
- Expected geographic expansion into South Seattle and the Southwest precinct;
- Increased officer awareness via the LEAD database coming online in spring of 2020 and accessibility via the neighborhood offices in SODO, Capitol Hill & Aurora; and
- Full implementation of the expanded arrest referral criteria which were set (by SPD and the City Attorney, in consultation with BHRD and PDA) to be able to embrace 50 percent of all SMC cases in which legal competency is an issue.

Options:

- A. Fund the Program request of \$4.72 million. (See item #1 under Budget Actions Proposed by Councilmembers section.)
- B. Fund less than \$4.72 million. This action might be informed by information obtained about LEAD's work with private funders. (See item #2 under Budget Actions Proposed by Councilmembers section.)
- C. Fund less than \$4.72 million with an understanding that the Program may have to discontinue accepting new cases and/or not expand citywide.
- D. Fund less than \$4.72 million and request that the program reduce its scope of potential clients (e.g., fund only point-of-arrest diversions).

Budget Actions Proposed by Councilmembers as of October 10, 2019

Non-LEAD related criminal justice

- 1. Cut \$1.5M from SMC funding used for probation enforcement (Councilmember Sawant) –** This action would make an ongoing reduction to probation enforcement and redirect the \$1.5 million to pilot restorative justice alternatives to the traditional criminal justice system.
- 2. Add funding for community-based responses to hate violence (Councilmember Herbold) –** This action would add one-time small grant funding in an amount to be determined for the Office for Civil Rights to administer to community-based organizations who implement or can develop responses to hate crimes. This would also help these organizations create a mechanism to share reporting of hate crime data.

LEAD

- 3. Add \$4.72 million to the LEAD program (separate proposals were made by each of the following: Councilmembers González, O'Brien, Mosqueda, and Sawant) –** This action would fully fund the LEAD program to support over 1,400 clients and the services of 73 case

managers. This is ongoing funding that would create a bow wave of not less than \$728,000 for the 2021 budget all other things being equal.

4. **Add \$3.5 million to the LEAD Program (Councilmember Bagshaw)** – This action would provide partial funding for the LEAD program to support over 1,400 clients and the services of 73 case managers. This is ongoing funding that would create a bow wave of not less than \$728,000 for the 2021 budget all other things being equal. This funding level assumes that the LEAD Program will actively seek private sector contributions to make up the difference to the \$4.72 million requested.

Appendix:

- A. LEAD Program Funding

LEAD Program Funding

LEAD focuses on reducing recidivism and improving psychosocial outcomes for people who have been, or are at risk to be, engaged in the criminal justice system. LEAD also focuses on individuals engaged in law violations due to behavioral health conditions, continued drug use and/or extreme poverty. The goal of LEAD is to reduce law violations by participants through use of harm reduction-based case management, prolonged engagement and coordination among justice system, law enforcement, human services and neighborhood partners. Program evaluations have found LEAD's point-of-arrest referrals are an effective, evidence-based method of achieving program goals and outcomes.

LEAD estimates 70 percent of its clients are referred through social contacts while the other 30 percent are arrest referrals. While social contact referrals are not true point-of-arrest diversions, the majority of referrals are made by SPD officers who consider a client's criminal background before making referrals. In all cases, social contact referrals must be based on officers having a basis of knowledge of understanding that the individual violates the law related on behavioral health issues or poverty. LEAD staff have also indicated that approximately 80 percent of its clients are homeless.

LEAD's governing structure is comprised of the Public Defender Association (PDA), the King County Prosecutor's Office, the Office of the Mayor, the City Council, the King County Council, Evergreen Treatment Services, SPD, the King County Sheriff's Office, the City Attorney's Office, the American Civil Liberties Union, and other community stakeholders that participate in LEAD's Operations Group.

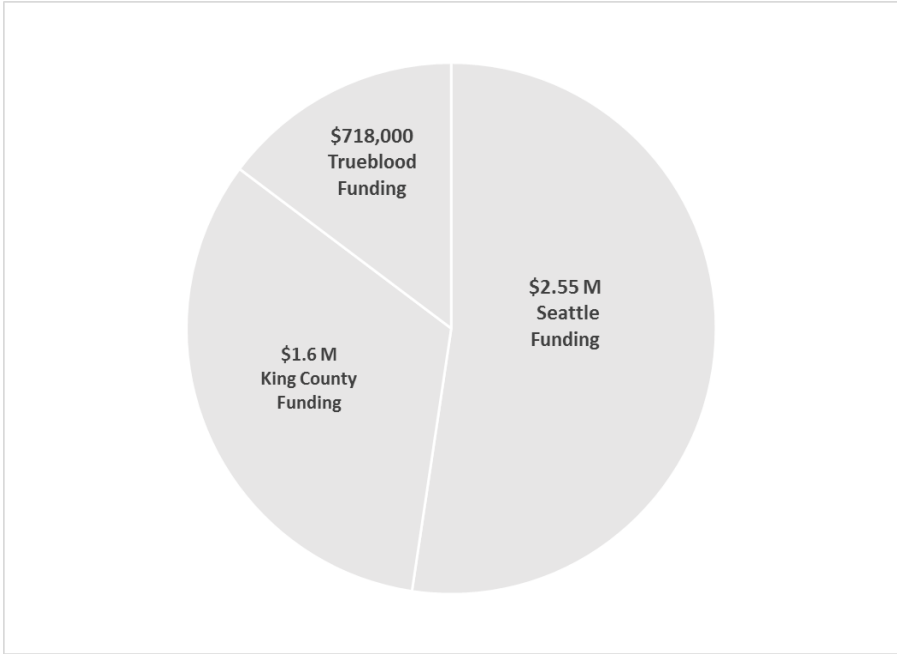
Arrest diversion criteria were expanded in 2018 to include a population of clients with higher acuity mental illness. Beginning July 2018, LEAD law enforcement partners are able to refer individuals to LEAD when they are involved with a wider range of offenses, including criminal trespass; theft; and property destruction, which collectively account for nearly half of cases in which individuals were held for competency evaluation by the Seattle Municipal Court in the first quarter of 2018.

Funding History: The flagship LEAD program was launched in Belltown in 2011, and, due to demand from other neighborhoods, the Mayor and the Council have expanded the program to other downtown neighborhoods in 2014 and to the East Precinct in 2016. The 2018 Adopted Budget included a total of \$996,600 in appropriations for the LEAD program for established service areas as well as \$750,000 that was proposed to be provided for LEAD to expand its services into the North Precinct. The Council imposed a proviso on the \$750,000, which required the LEAD program to expand its eligibility criteria to include parking infractions or other traffic violations related to vehicular living.

In the 2019 Adopted Budget and again in the 2020 Endorsed Budget, LEAD received \$462,000 per year to expand its services citywide, which included the South and Southwest precincts. The 2020 Endorsed Budget included an additional \$288,000 for additional case managers to

support the increased caseload that was expected as LEAD expanded into the southern areas of the City, and/or to respond to increased demand in existing service areas. The 2020 Proposed Budget matched the funding from the 2020 Endorsed Budget.

*Chart 1. LEAD Funding for use in Seattle in 2020 (\$4.87 million)
(Funding for King County or Burien clients not included)*



The LEAD program’s non-City funding includes the following:

- King County will provide LEAD \$3.7 million for services in 2020. Of this amount, Seattle is authorized to use \$1.6 million. The remainder (\$2.1 million) largely goes to South King County and Burien.
- LEAD was awarded grant funding as part of the Trueblood Court Settlement Agreement.² Program staff expect that approximately \$718,000 of this funding will support in Seattle LEAD clients whose law violations were thought to stem from high acuity mental health needs.
- LEAD received private foundation grants during its pilot phase in 2011-2015, but by design, those funds were replaced by public support as of 2016. LEAD-Seattle could be eligible for federal Comprehensive Addition and Recovery Act (CARA) funding as well as state-level funding in WA (HB 1767 via Washington Association of Sheriffs and Police Chiefs). The next CARA grant cycle will not open until summer 2020 and funds won’t be available until 2021. HB 1767 funds are small in number compared to anticipated demand (\$1 million statewide each fiscal year).

² For a description of the Trueblood settlement, see <https://www.dshs.wa.gov/bha/division-behavioral-health-and-recovery/trueblood-et-al-v-washington-state-dshs>.

Expansion of LEAD into the North and South Precincts

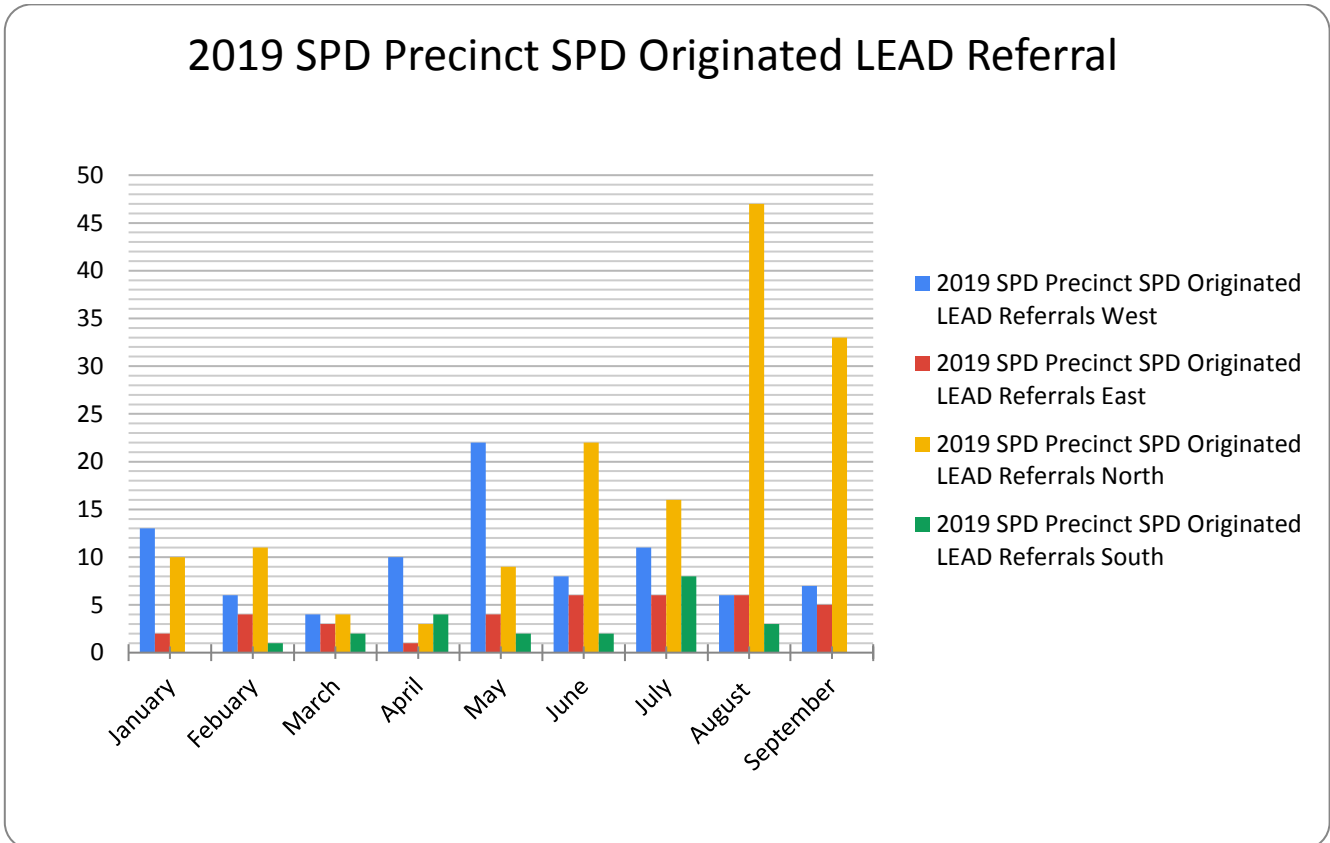
As noted above, LEAD began to expand its services into the North precinct in 2018 and began in 2019 to provide service in the SoDo area of the South Precinct. The program found that referrals from the North precinct came in at a rate that was significantly higher than the program had originally projected. Meanwhile, broader training and improved communications resulted in modest increases of referrals in the East and West precincts.

According to LEAD staff, the initial referral rate in SODO was somewhat suppressed because LEAD project managers communicated to South precinct commanders that capacity was limited due to caseload pressures and the lack of a neighborhood-based workspace.

LEAD expects that the planned opening of a workplace in SODO later in 2019 will increase the number of referrals. LEAD has not yet offered referral options in the southern areas of the South Precinct or in the Southwest Precinct at this point, but the Program expects that referrals from the Southwest Precinct could begin in late 2019 when workspace becomes available in Burien.

Program staff have indicated that LEAD’s caseload increase in 2019 (see discussion in the following section) occurred in part due to a number of operations that SPD conducted related to public perception of hotspots of low-level crime and disorder downtown and on Aurora. As more operations are planned, referrals will increase.

Chart 2: Referrals that are made by SPD Precinct Officers

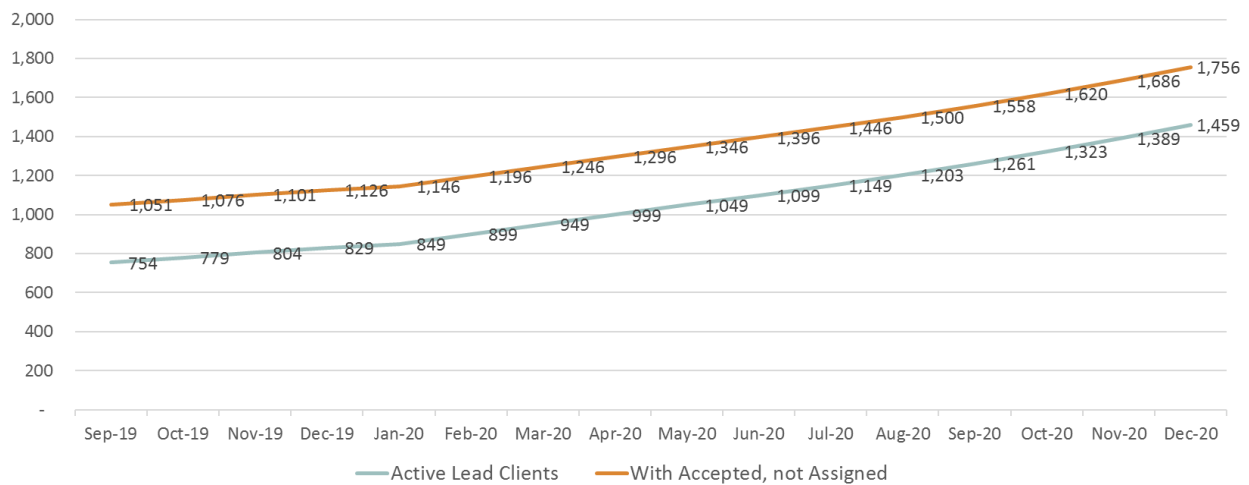


Caseload Growth

LEAD staff have indicated that referrals and intakes are expanding faster than the Program’s case management capacity. In 2019, the Program nearly doubled its existing clients growing from a pre-2019 total of 388 cases to a current active client of 754 in September 2019. Program staff expect the caseload to grow to 829 by the end of 2019 and believe that current referral rates could result in an active client count of 1,400 by the end of 2020. Chart 2 above shows where the LEAD program has experienced growth in 2019.

On average, each case managers are assigned 44 cases, a level that is not sustainable and could prevent the Program from providing the kind of service that clients need to be successful. LEAD management staff have indicated that caseloads should not exceed 25 cases per manager, based on historical experiences and to maintain fidelity to the evidence-based model.

Chart 3. Expected Caseload Growth (Projections by LEAD staff)



SPD indicates that LEAD’s projected increase in case load assumes a linear trajectory that is inconsistent with the SPD’s experience in the precincts that have implemented LEAD. SPD staff anticipates a large number of LEAD referrals will be made after initial implementation of the program in each new geographic area. However, staff also anticipates that law enforcement referrals will level off as eligible participants are enrolled in the program.

Central Staff believes it is likely that referrals in SoDo will increase when LEAD managers release the capacity restrictions that have been placed on SoDo referrals. Additionally, unrestricted referral opportunities in the rest of the South Precinct and in West Seattle are also likely to increase caseload. Unless the LEAD program changes its current referral practices (e.g., deciding to refer only point-of-arrest clients), it does not seem unreasonable that the caseload could grow at the rate LEAD staff are projecting.

LEAD Client Service Measures

LEAD program staff presented the measures below at a presentation before the Budget Committee on October 2, 2019. The Mayor’s Office has been working with Program staff to

develop performance measure that can be specified in the LEAD funding contract that is managed by the Human Services Department. This effort is still ongoing.

Table 1. LEAD Performance Metrics through June 2019

	2018	2019 Jan-June	2019 July-Dec
Permanent Housing Obtained	89	81	108
Substance Use Disorder Treatment Services Obtained	205	188	251
New Mental Health Services Obtained	62	73	97

Table 2. Expenditures necessary to support projected caseload in 2020

LEAD Expenditures	2018	2019 (projected)	2020 (projected)
Direct Program			
Case Management Services (ETS)	2,643,000	3,419,000	7,919,000
Seattle City Attorney	173,000	203,000	203,000
Program After Hours Coverage			150,000
Program Purchases, Consultants, Communications	60,000	63,000	60,000
Total Direct Program	2,876,000	3,685,000	8,332,000
Project Management Costs			
PDA Personnel Costs	438,000	524,000	564,000
Rent and Occupancy	-	87,000	236,000
Travel, Professional Services	16,000	11,000	51,000
Legal Services Attorney			120,000
PDA Administrative Allocation	206,000	273,000	288,000
Total Expenditures	3,536,000	4,580,000	9,591,000

As indicated in Chart 1, LEAD expects to receive \$4.87 million in funding that can be used in Seattle in 2020. The Expenditures in Table 1 represent expenditures that would be dedicated to serving clients in Seattle. The gap between LEAD’s projected expenditures and revenues is \$4.72 million, which is what the Program has requested from the City in support of the 2020 LEAD expansion.

LEAD indicates that the gap between planned expenditures and currently secured revenues may be reduced after program staff meet with private funders. LEAD staff hope to secure additional non-City funding. LEAD staff have indicated that these meetings are happening during the week of October 21st. LEAD staff have also indicated that any revision to the Program’s funding request could be made in the very near term (before the Council budget session is over). Finally, LEAD staff have requested that the Council make a long-term commitment to funding LEAD at scale, and they have added that a study would be required to determine the fiscal resources necessary to fund LEAD at scale over the long term.

The largest increase to the 2020 LEAD expenditure is for case management. This expenditure has been discounted in 2020 for one year by 25 percent to allow the program to add 53 case managers. Most case workers would be hired in the first quarter of 2020.