



KING COUNTY AUDITOR'S OFFICE

DECEMBER 13, 2022

Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals

ELISE GARVEY
ANU SIDHU
BEN THOMPSON

Executive Summary

We found that a lack of systemwide strategic direction and coordination on data and goals makes it difficult to determine whether programs that divert people from or provide an alternative to incarceration are achieving intended outcomes and addressing racial disparities. King County has 12 adult incarceration alternative and diversion programs. While some programs receive regular monitoring and have undergone evaluation, others have never been evaluated, meaning decision-makers and the public do not have information on the effectiveness of these programs. We recommend better cross-agency coordination on data and goal setting, which will help county leaders and partners improve alternative and diversion programs and track progress toward criminal legal reform and racial equity goals.



King County

Acknowledgment & Audit Limitations

The purpose of performance auditing is to identify areas for improvements, but we also found areas where King County agencies are doing well. For example, the Performance Monitoring and Evaluation unit, within the Department of Community and Human Services (DCHS), proactively created a monitoring and evaluation plan for the Vital program and is working on one for the Legal Intervention and Network of Care program. These plans, as we discuss further in the report, help county agencies and their partners think through how data will be used to see whether programs are working as intended and support improvements. Another example is in the Prosecuting Attorney's Office (PAO), which has been working with local organizations, such as the Urban Indian Health Institute, on how to collect victims' race data more thoughtfully so that it sensitively and accurately captures people's identities. PAO plans to share this effort with other county criminal legal agencies. A third example is the Criminal Justice Coordinating Table, which helps county agencies discuss and collaborate on criminal legal issues. Building on these types of efforts will be important for ensuring greater transparency and effectiveness for adult alternative and diversion programs and larger county criminal legal reform goals.

We would like to acknowledge the demanding work performed during the COVID-19 pandemic by the agencies included in this audit: the Department of Adult and Juvenile Detention, DCHS, Department of Judicial Administration, King County District Court (District Court), King County Superior Court (Superior Court), and PAO. Our audit data-gathering and interviews occurred over a period which included spikes in local transmission of COVID-19, which forced these agencies to take, continue, or increase measures to protect their staff and the people they serve. Even with these urgent challenges, agency staff and leadership made time to answer our questions and provide us access to their data systems, policies, and records.

District Court and Superior Court stated that they declined to participate in this audit. As a result, we did not have the full and unrestricted access to all persons, property, and records that we are granted by King County Code. We were able to gather some information through formal requests and online documentation, but court staff were not available for interviews, limiting the amount of context and information available for court programs in this report.

Improved Strategy, Data, and Coordination Could Help County Meet Goals

REPORT HIGHLIGHTS

What We Found

We found that county decision-makers lack key information about the effectiveness of programs that divert people from, or provide an alternative to, incarceration. King County has 12 adult incarceration alternative and diversion programs. Several of these programs, including some of the County's longest-standing programs, have never received an evaluation. Evaluation helps county agencies, leaders, partners, and the public understand where more work or change is needed. We found that programs that received evaluations had monitoring evaluation plans and requirements.

While county leaders have stated systemwide goals for criminal legal reform, including maintaining low jail populations and eliminating racial disparities, the County lacks a strategy and a system for accountability for reaching these goals. The absence of a strategy makes it difficult to determine whether programs are helping achieve system-level outcomes.

Lastly, we found shortcomings in available data that reduce the County's ability to understand program outcomes. First, county criminal legal agencies do not have an efficient way to share data needed to measure program outcomes. Second, criminal legal agencies collect race data in varying ways, making it difficult to analyze racial disparities in the criminal legal system.

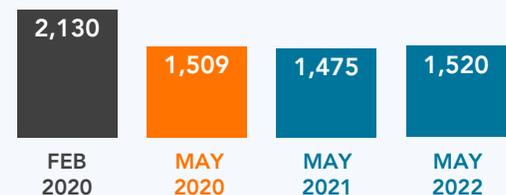
What We Recommend

We recommend that the County Executive, the Prosecuting Attorney's Office, the Department of Judicial Administration, Superior Court, and District Court implement a strategy for achieving criminal legal reform goals that include alternative and diversion programs. We also recommend that the County complete criminal legal data integration and define which race data will be necessary to analyze racial disparities in the criminal legal system.

Why This Audit Is Important

Without clear data and goals to track program effectiveness, King County risks underserving its residents, not achieving intended transformational change within the criminal legal system, and perpetuating harm and inequities caused by incarceration. Programs that divert people from and provide alternatives to incarceration are one way to help achieve larger criminal legal reform and anti-racism goals. Although King County decreased its adult average daily population in its jails to 1,300 people in 2021; in 2022, it rose above 1,500. Time in jail can lead to negative impacts such as job loss and housing instability. These impacts are worse for Black people because they are disproportionately represented in Washington state jails and prisons. For King County to manage current alternative programs, county actors need an understanding of what efforts exist and whether those efforts are working effectively.

King County average daily jail population:



Source: Department of Adult and Juvenile Detention

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Incarceration Alternative and Diversion Programs

SECTION SUMMARY

Some King County adult incarceration alternative and diversion programs have neither received, nor have plans to receive, an evaluation, which means the County lacks information about the effectiveness of and potential improvements for these programs. Incarceration alternative and diversion programs aim to reduce reliance on jail or prison facilities and address underlying causes of criminal behavior. We reviewed the County's 12 programs that divert adults from or provide an alternative to being in jail or prison as to whether these programs have planned or conducted monitoring and evaluation. We found that each program conducts different levels of monitoring and evaluation for their program—some have received multiple evaluations and regular monitoring, while others, including some of the County's longest-standing programs, have never had an evaluation. This means the County lacks information on whether all programs are working as intended or if improvements could better serve people and meet county goals.

What do incarceration alternative and diversion programs do?

Incarceration alternative and diversion programs aim to reduce the use of jail or prison facilities and may include services to address underlying causes of criminal behavior.¹ Services provided include medical and community-based resources to meet participant needs, as opposed to people continuing through the traditional criminal legal process. Generally, alternative and diversion programs aim to reduce the use of incarceration and to reduce future involvement in the criminal legal system. Some programs also include goals to improve the well-being of participants. The County Executive has noted that alternative and diversion programs are part of the County's commitment to reduce the county jail population, reform the criminal legal system, and use anti-racism as a guide for criminal legal reform.

How many alternative and diversion programs involve King County agencies?

There are currently 12 programs serving adults that are operated by or involve the participation of King County agencies, including the Department of Adult and Juvenile Detention (DAJD), Department of Community and Human Services (DCHS), Department of Judicial Administration (DJA), King County District Court, King County Superior Court, Prosecuting Attorney's Office (PAO), and Public Health – Seattle & King County (PHSKC). County agencies play a wide range of roles for these 12 programs. Some, like the Community Center for Alternative Programs (CCAP), Therapeutic Assisted Diversion (TAD), and Electronic Monitoring, are

¹ As King County lacks an agreed-upon definition of what constitutes an alternative or diversion program, we used this definition to scope our work. We did not include reentry programs or programs that might include jail bookings as outcomes, but for which preventing incarceration was not included as a primary purpose, such as the Program for Assertive Community Treatment (PACT) and Response Awareness, De-escalation And Referral (RADAR).

run primarily by county agencies. Others, like Law Enforcement Assisted Diversion (LEAD), have multiple county agencies, as well as community organizations and other jurisdictions, involved in key aspects and decision-making for the program. For more information about what each of the programs does and which agencies are involved, please see exhibit A, below, and the program profiles in appendix 1.

EXHIBIT A: There are 12 programs involving county agencies that help prevent incarceration for adults.

Programs	County agencies ²	What programs do
Community Center for Alternatives Program (CCAP Basic and CCAP Enhanced)	Department of Adult and Juvenile Detention (DAJD), Department of Community and Health Services (DCHS), King County Department of Public Defense (DPD), King County Prosecutor’s Attorney’s Office (PAO), King County District and Superior Courts	Provides coordinating case worker, services based on needs assessment, and mental health services; assistance with public benefits, connection to GED (general education development) and life skills classes, daily phone check-ins, and random drug tests, as required by the court.
Community Courts	District Court	Conducts assessment to determine participant needs; connections to services based on identified needs; community service, and connections to mental health, substance use, human services, housing, employment, and education.
Community Diversion Program (CDP)	PAO, Public Health – Seattle & King County (PHSKC)	Care coordinators at PHSKC will assess individuals and refer them to appropriate community services. If the individual completes an assessment and connects with services, PAO will decline to file the charges. PAO’s Loss Recovery Specialists will assist victims to have eligible losses paid from CDP Loss Recovery Fund. ³

Table continues on the following page.

² See appendix 1 for full list of participating agencies, including community organizations and other jurisdictions for each program.

³ The Community Diversion Program has not started providing services as of August 2022.

Programs	County agencies	What programs do
Drug Diversion Court (DDC)	DAJD, DCHS, Department of Judicial Administration (DJA), DPD, King County Sheriff's Office (KCSO), PAO, Superior Court	Provides a daily structure that supports recovery. Participants earn rewards to encourage positive life skills and are held accountable to program requirements through monitoring. Participants receive comprehensive support and resources, including inpatient and outpatient treatment, medications for opioid use disorder, housing, transportation, peer support, vocational and educational support, and family counseling, if needed.
Electronic Monitoring	DAJD, DPD, District and Superior Courts, PAO	Conducts monthly in-person location verifications, verifies participant work or treatment schedules, monitors compliance to court-imposed conditions, including compliance with curfew conditions.
Law Enforcement Assisted Diversion (LEAD)	DCHS, KCSO, PAO	Trauma-informed, intensive case management of acute and other needs, such as chemical dependency treatment, mental health care, legal system support, financial counseling, and referrals into shelter, permanent housing, and other services leading toward self-sufficiency. LEAD also ensures coordination with PAO.
Legal Intervention and Network of Care (LINC)	DCHS, DPD, PAO	Individual case management for assistance with resources, advocacy, and connection to treatment; legal coordination to meet existing court obligations and avoid new charges; respite beds in staffed mental health residential facilities; psychiatric assessment and medication management; behavioral health treatment; and peer support services.

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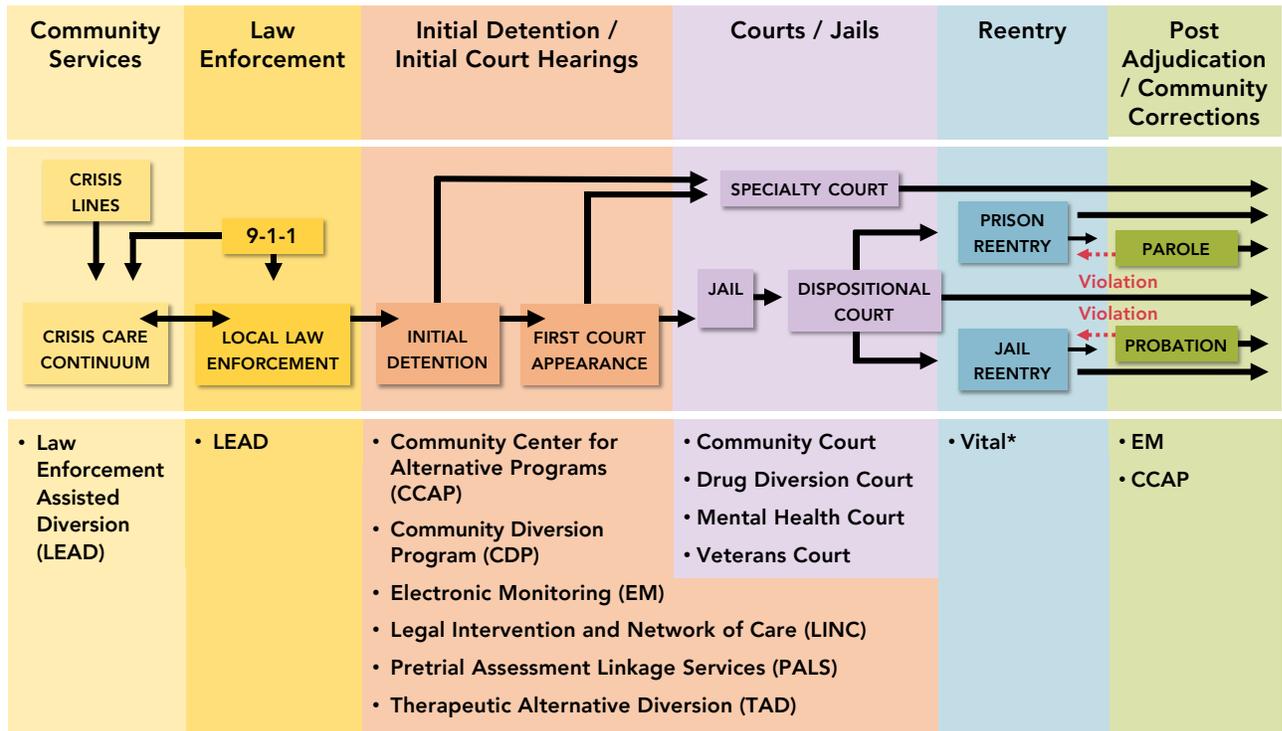
Programs	County agencies	What programs do
Pretrial Assessment and Linkage Services (PALS)	DAJD, DCHS, DPD, District and Superior Courts, PAO	Originally, the program was built to conduct comprehensive needs assessments, provide linkage to community-based services, assist with applying for Medicaid and other publicly funded benefits, substance use disorder treatment, opiate disorder treatment, counseling services, mental health and behavioral health services, cognitive-behavioral intervention, acupuncture services, and GED preparation and testing services. Due to COVID-19 pandemic, the program is limited to services provided by Asian Counseling and Referral Services (ACRS).
Regional Mental Health Court (RMHC)	DCHS, District Court, DPD, KCSO, PAO	Uses wraparound approach to assess and address participant needs, provides positive feedback, connection to mental health and substance use treatment, random drug tests, requires accountability for non-compliance with treatment and probation conditions.
Regional Veterans Court (RVC)	DCHS, District Court, PAO	Uses wraparound approach to assess and address participant needs, provides positive feedback, connection to mental health and substance use treatment, veteran mentoring, random drug tests, requires accountability for non-compliance with treatment and probation conditions.
Therapeutic Alternative Diversion (TAD)	PAO, PHSKC	PHSKC conducts intake and obtains consent for participation in the program. PHSKC connects to community services. Upon confirmation, PAO either dismisses or does not file charges.
Vital (Familiar Faces Intensive Care Management Team)	DCHS, PAO	Intensive, flexible, community-based care management with behavioral health treatment integrated with primary health care, housing support, and legal coordination.

Source: King County Auditor’s Office based on information provided by county agencies

When do these programs intervene in a participant's criminal legal process?

As of August 2022, most programs intervene during or after a person's initial detention or court hearing. Some, like LEAD, can divert a person from the criminal legal process before being referred for charges. Others, like TAD, Drug Diversion Court, and Regional Mental Health Court, divert a person from the traditional criminal legal process once law enforcement has referred a charge to the PAO or the person has initially appeared in court. And others, like Electronic Monitoring, only offer an alternative to being physically in jail. See exhibit B for a full map of where programs intervene.

EXHIBIT B: Programs intervene at different points in the criminal legal process, with most intervening during or after initial detention or court hearings.



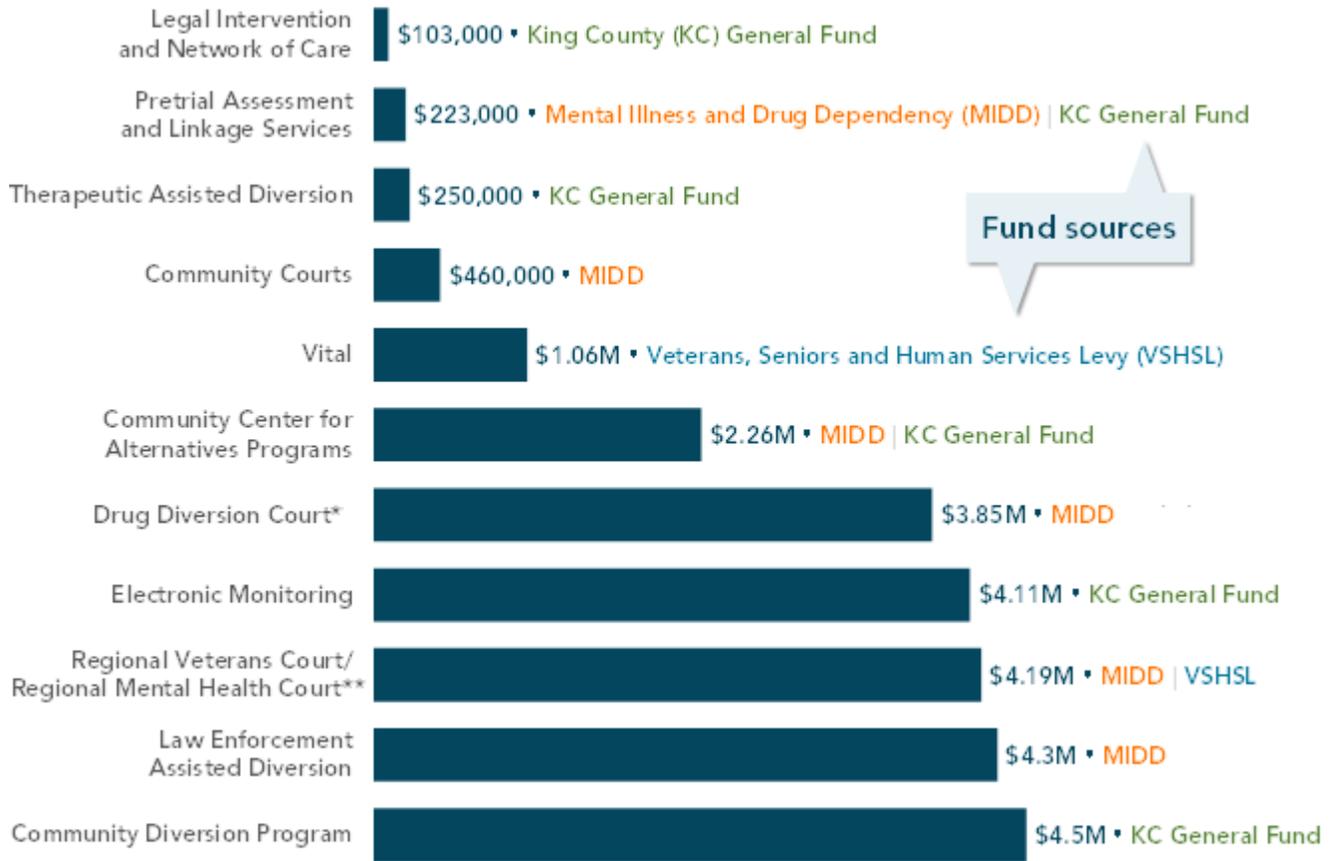
*Vital also continues to work with participants at multiple points in process.

Source: King County Auditor's Office interpretation of the Office of Performance, Strategy and Budget's criminal legal intercept map

How much in county funds are put toward alternative and diversion programs?

Collectively, King County budgeted over \$26 million for these programs for 2021–2022 through different funding streams, including the Mental Illness and Drug Dependency (MIDD) sales tax revenue; the Veterans, Seniors, and Human Services levy (VSHS); and General Fund. Some programs also receive funding from the state and partner jurisdictions. The Legal Integrated Network for Care (LINC) program, for example, has a few dedicated staff members at DCHS and PAO, but is otherwise entirely funded by state funds (see exhibit C and appendix 1).

EXHIBIT C: King County budgeted over \$26 million on adult incarceration alternative and diversion programs for 2021–2022.



* The budget for Drug Diversion Court includes \$302,000 in housing vouchers.

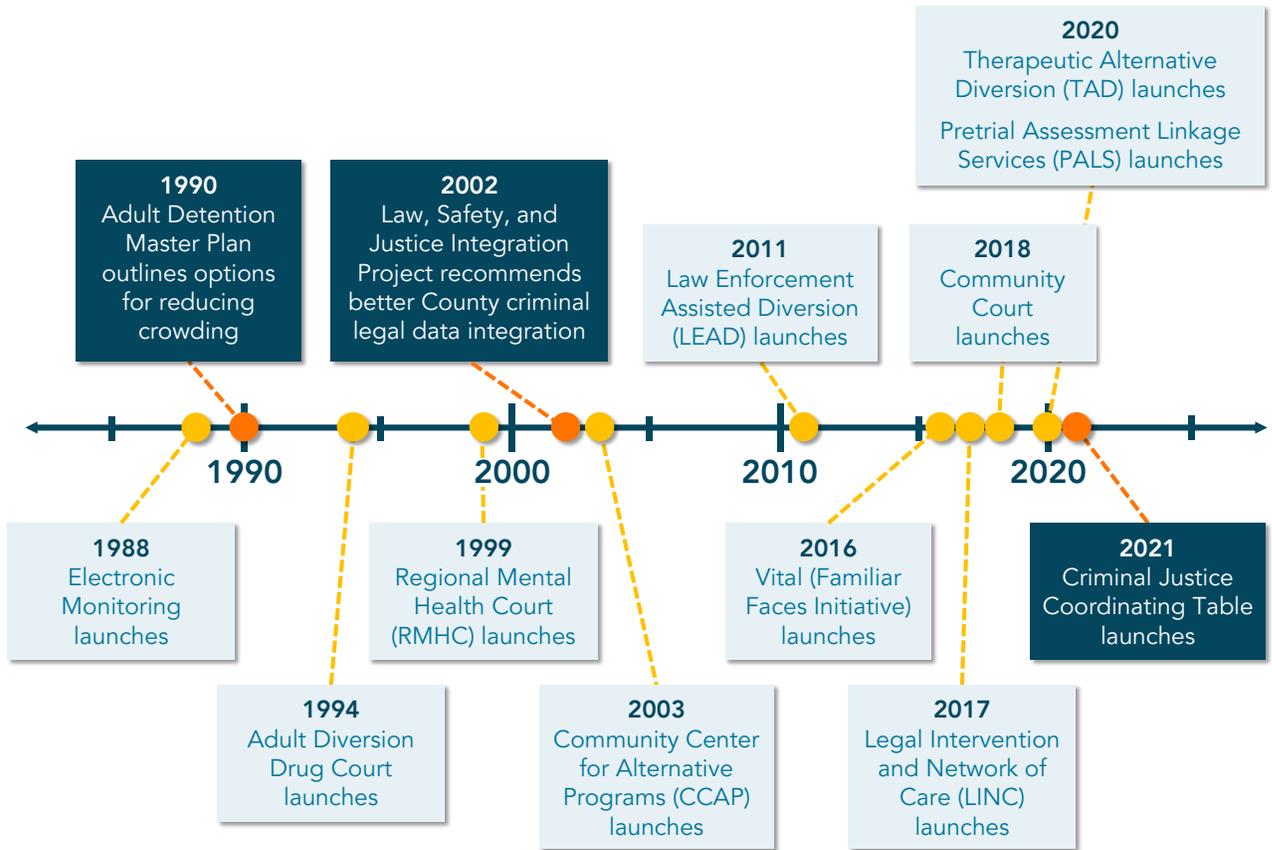
** Funding for these two programs is bundled and includes \$3.9 million from MIDD plus \$290,000 from VSHSL.

Source: King County Auditor’s Office based on information provided by the Office of Performance, Strategy and Budget

How long have these programs been operating?

King County’s longest-running program has been active for more than 30 years, but most other programs were launched after 2002 (see exhibit D). The County’s longest-running alternative programs are part of the courts and jail. The addition of new programs accelerated in the 2000s, and most programs were added after 2002. The County has also made multiple attempts to strategize and better coordinate criminal legal actors through efforts like the Adult Detention Master Plan, Criminal Justice Council, and Criminal Justice Coordinating Table (see exhibit D).

EXHIBIT D: The County has been implementing alternative programs for more than 30 years.



Source: King County Auditor's Office

What makes a person eligible for these programs?

Programs have a wide range of eligibility requirements, including type of or severity of charge, and the level of supportive services required. For example, Vital, a program administered by DCHS, focuses its efforts on high-need participants who are frequently booked into the King County Correctional Facility. CCAP, on the other hand, gets participant referrals from a Superior or District Court judge. Judges determine the level of need for participants in this program and can refer a person with fewer service needs into CCAP Basic, which requires minimal court reporting and limited services. Judges refer people with greater needs into CCAP Enhanced, which requires more court reporting and a higher level of structured services (see exhibit E).

EXHIBIT E: County alternative and diversion programs serve people with different types of charges and with a variety of needs.

Programs	Whom do these programs serve?	Who determines participation?
Community Center for Alternatives Program (CCAP Basic and CCAP Enhanced)	Sentenced and pretrial adult individuals through court referral. Excludes violent and sex offenses. Other ineligibility based on criminal history.	Superior or District Court judge
Community Courts (Auburn, Redmond, and Shoreline)	Adults with misdemeanor charges; specific crimes heard vary by city; participants must be assessed as low risk to reoffend with significant needs. Driving-related cases are ineligible.	Judges serving at associated community court jurisdictions
Community Diversion Program (CDP)	Adults with first-time, low-level felony property and drug related offenses. Excludes certain crimes, including violent and sex offenses, and ineligibility criteria includes repeated felony history or concerning fact patterns.	Prosecuting Attorney's Office (PAO)
Drug Diversion Court (DDC)	Adults charged with eligible felony property, drug and other crimes related to an underlying substance use disorder charged in Superior Court. Ineligibility based on specific criminal history.	PAO makes court referrals and Superior Court judge determines whether the DDC eligibility criteria was appropriately applied and makes final decision on participation.
Electronic Monitoring	Governed by RCW 9.94A.734 and judicial discretion. Excludes violent and sex offenses. Other ineligibility based on criminal history.	District or Superior Court judge

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Programs	Whom do these programs serve?	Who determines participation?
Law Enforcement Assisted Diversion (LEAD)	<p>Adults who commit or at-risk of committing law violations related to their behavioral health challenges and/or income instability.</p> <p>Can be ineligible based on elements of crime and criminal history.</p>	Law enforcement agency
Legal Intervention and Network of Care (LINC)	<p>Adults with misdemeanor or low-level felony offense with a behavioral health condition that can raise concerns of competency.</p> <p>Excludes violent or sex offenses.</p>	Community House Mental Health Agency, PAO, Seattle City Attorney’s Office
Pretrial Assessment and Linkage Services (PALS)	<p>Originally intended for pretrial individuals charged with nonviolent felonies referred by Superior Court. Eligibility expanded to include some violent felonies referred by Superior Court, and misdemeanors referred by District Court and Federal Way Municipal Court. Participants must also have an address or community ties to South King County.</p>	District or Superior Courts, or Federal Way Municipal Court judge
Regional Mental Health Court (RMHC)	<p>Adults with mental health diagnosis, amenability to treatment, and nexus of mental health and crime. Eligibility can include felony, municipal court, and state misdemeanor cases.</p>	District Court judge, RMHC clinician
Regional Veterans Court (RVC)	<p>Veteran with behavioral health needs charged in King County. Eligibility can include felony or misdemeanor charges.</p>	District Court judge

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Programs	Whom do these programs serve?	Who determines participation?
Therapeutic Assisted Diversion (TAD)	Adults with expedited felony property offense, where there is restitution of \$2,000 or less. Must not have disqualifying criminal history, open felony case with Superior Court, or two prior referrals to TAD within 18 months of the current offense. PAO reserves the right to refer individuals who may not fully meet the criteria.	PAO
Vital	Adults who have been booked into the King County Correctional Facility four or more times within a 12-month period, and twice in a three-year timeframe.	Department of Community and Human Services

Source: King County Auditor’s Office based on information provided by county agencies

How many people can these programs serve?

Alternative and diversion programs vary widely in the number of people that have been or can be served, ranging from 40 to 450 people. (See exhibit F.) There is also a wide variation in the average length of time a person participates in each program, ranging from about a month to over three years. The COVID-19 pandemic also impacted service levels for some programs. For example, Electronic Monitoring served 65 people prior to the pandemic but expanded to 350 people during it. For others, like LINC, DCHS reported that the number of referrals dropped significantly during the pandemic.

EXHIBIT F: County alternative and diversion programs have different capacities and durations.

Programs	Numbers of participants	Average length of participation
Law Enforcement Assisted Diversion (LEAD)	900 people, serving approximately 450 per month	3.3 years
Drug Diversion Court	350 active participants at a time.	16 months
Electronic Monitoring	Prior to COVID-19 pandemic, capacity was 65. Since pandemic,	152 days

capacity increased to 350.

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Programs	Numbers of participants	Average length of participation
Therapeutic Assisted Diversion (TAD)	200–300 people per year.	30–90 days
Regional Mental Health Court (RMHC)	250 combined capacity with Regional Veterans Court. About 210 of those 250 participate in RMHC.	1–2 years
Community Courts	No specified capacity limit but 192 participated in 2020.	3–6 months
Community Center for Alternatives Program (CCAP Basic and CCAP Enhanced)	Prior to the COVID-19 pandemic, capacity was 125, and 100 for CCAP Enhanced and Basic, respectively. Since the pandemic, capacity decreased to 60 and 100 for CCAP Enhanced and Basic, respectively.	100 days
Legal Intervention and Network of Care (LINC)	95–100 people	1 year
Vital	60 people	3.3 years
Regional Veterans Court (RVC)	250 combined capacity with Regional Mental Health Court. About 40 of those 250 participate in RVC.	1–2 years
Pretrial Assessment and Linkage Services (PALS)	Original pilot anticipated approximately 100 participants; however, current capacity is 40 participants.	33 days
Community Diversion Program (CDP)	Not yet serving participants.	–

Source: King County Auditor’s Office based on information provided by King County agencies

Why is it important to be able to evaluate these programs for outcomes?

Evaluating for outcomes on program goals allows county agencies, leaders, partners, and the public to understand whether programs are working as intended, where improvements are needed, and how to best use available funds.

The American Evaluation Association states that program evaluation is a systematic process to gather and analyze data about what programs are doing and accomplishing so people can answer questions such as whether to continue, expand, or improve programs to make sure they achieve intended results. There are multiple types of program evaluation, and each evaluation must be designed to be appropriate for the program being evaluated and the questions being asked. Program evaluations that provide descriptive information about programs, or assess the amount or quality of outputs (things the program did, like make referrals or provide services), can provide valuable information about how a program is operating, but not whether participants are better off because of the program.⁴

How many of these programs have been evaluated for outcomes?

Only four programs have been evaluated for outcomes: Drug Diversion Court (DDC) LEAD, Regional Mental Health Court, and Vital. LINC and Pretrial Assessment Linkage Services (PALS) received evaluations that provided descriptive information about program activities and participants. Monitoring and evaluation vary widely by program making it difficult for policy-makers and the public to understand the relative effectiveness of programs (see exhibit G). For example, King County started CCAP in 2002, but as of August 2022, the program had not had a comprehensive evaluation. As a result, it is unclear whether intended outcomes were achieved by this program. A 2019 proviso response from DAJD noted that CCAP is unable to provide data for many of the outcomes included in the proviso. The issue of limited data hindering the ability to evaluate programs is further discussed in the next section. In some cases, programs cite evidence from research on the general effectiveness of the type of program. While helpful for program design, this lacks the locally specific results that could help inform program improvements to better meet local needs.

EXHIBIT G: Programs vary in the types and amount of evaluation and monitoring received.

Programs	Received outcome evaluation?	Received other evaluation?	Monitoring
Community Center for Alternatives Program (CCAP Basic and CCAP Enhanced)	No	No	Minimal — jail bookings are monitored as a part of Mental Illness and Drug Dependency (MIDD) reporting for the behavioral health services component of program.

Table continues on the following page.

⁴ “What is Evaluation?” American Evaluation Association, <https://www.eval.org/About/What-is-Evaluation>.

Programs	Received outcome evaluation?	Received other evaluation?	Monitoring
Community Courts	No	No	MIDD reporting and investment monitoring by the Office of Performance, Strategy and Budget.
Community Diversion Program (CDP)	Program not yet implemented as of August 2022.	–	–
Drug Diversion Court (DDC)	Yes, external evaluations are conducted annually by the Washington State Department of Social and Human Services (DSHS).	Yes, a 2013 DSHS evaluation of drug courts included a cost-benefit analysis. This information was not specific to King County; however, King County participants comprised the largest group. A 2003 Washington State Institute for Public Policy study also included a cost-benefit analysis of DDC. In 2006, Christopher Murray & Associates conducted a process evaluation specific to DDC.	MIDD reporting
Electronic Monitoring	No	In 2021, DAJD responded to a County Council proviso request to provide a report on program outcomes from January 2020 through June 2021. However, DAJD was not able to provide complete outcomes, such as case resolution, due to data limitations and could only provide descriptive information.	–

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Programs	Received outcome evaluation?	Received other evaluation?	Monitoring
Law Enforcement Assisted Diversion (LEAD)	Yes: external outcomes evaluation based on data prior to 2015.	Yes: external cost-effectiveness evaluation based on data prior to 2015.	Department of Community and Human Services (DCHS) conducts regular output and outcome monitoring (internal review, shared with county partners). MIDD reporting
Legal Intervention and Network of Care (LINC)	No	Yes: Washington state evaluation of descriptive information.	DCHS conducts regular output and outcome monitoring (internal review only). DCHS submits monitoring data to Washington state.
Pretrial Assessment and Linkage Services (PALS)	No	Yes: external evaluation of descriptive information in 2022.	DAJD regularly reviews output data (internal review only). MIDD reporting
Regional Mental Health Court (RMHC)	Yes: external outcomes evaluation in 2018.	No	MIDD reporting
Regional Veterans Court (RVC)	No	No	Veterans, Seniors and Human Services (VSHS) levy and MIDD reporting.
Therapeutic Assisted Diversion (TAD)	No	No	Prosecuting Attorney's Office, Public Health – Seattle & King County, and the Office of Performance, Strategy and Budget conduct output monitoring (internal review only).

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Programs	Received outcome evaluation?	Received other evaluation?	Monitoring
Vital	DCHS outcomes evaluation in process, as of August 2022.	DCHS including outputs in evaluation in process, as of August 2022.	DCHS conducts regular output and outcome monitoring (internal review, shared with partners). VSHS levy reporting

Source: King County Auditor’s Office graphic based on information provided by county agencies

Not all programs have monitoring and evaluation plans

Not all of the diversion and alternative programs we assessed have monitoring and evaluation plans. This reduces the likelihood the programs are monitored and evaluated and therefore would have information to ensure accountability or to improve the programs. Program evaluation and ongoing monitoring help to show whether programs are operating as intended and achieving their goals. This can inform program improvements. We found that programs with plans for monitoring and evaluation more consistently received monitoring and evaluation. Examples of positive planning include:

1. **Vital:** DCHS has a performance monitoring and evaluation plan for Vital that includes the program’s logic model, a list of program output and outcome measures, how often those measures will be collected, and planned monitoring and evaluation activities. DCHS is drafting an evaluation report of recidivism, housing, and emergency service use outcomes, along with outputs such as services provided to participants.
2. **LEAD:** LEAD brought in an external evaluator to conduct a quantitative outcome evaluation early in the implementation of the program, which quantified the program’s impact on reducing recidivism. LEAD planned for and conducted another evaluation with the same external evaluators to assess the cost-effectiveness of the program.
3. **DDC:** External evaluations are required and conducted annually by the Washington State Department of Social and Human Services (DSHS) as a part of state funding requirements. DSHS evaluates for outcomes such as recidivism, employment status, and Medicaid enrollment.
4. **PALS:** In 2020, PALS planned and conducted an evaluation of its program launch; however, as reported by DAJD, the evaluation was limited to descriptive information due to the COVID-19 pandemic and its effect on program implementation.
5. **Community Diversion Program (CDP):** Public Health – Seattle & King County (PHSKC) and PAO are planning for an evaluation as part of the design of CDP, and an external partner will provide an evaluation after the program starts to provide services.

Conversely, programs without plans are less likely to evaluate or report program results; thus, less information is available about program effectiveness. For example, Electronic Monitoring does not have documented monitoring and evaluation plans or evaluation requirements, and there have been no program evaluations to date. While monitoring requirements attached to funding, such as annual reporting for the MIDD sales tax and VSHS levy increased the likelihood that data is available, not all programs with monitoring requirements received program evaluations. For example, while community courts and CCAP report on a few MIDD-related outcomes, neither have received evaluations of program effectiveness.

Documented monitoring and evaluation plans help programs organize and communicate a framework for ensuring that monitoring and evaluation is done and is useful. This allows decision-makers to understand what is working in diversion and alternative programs and make changes to what is not working.

Recommendation 1

The County Executive should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 2

The Prosecuting Attorney's Office should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 3

Superior Court and the Department of Judicial Administration should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 4

District Court should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.



Need for More Systemwide Coordination

SECTION SUMMARY

A lack of systemwide coordination on data and goals makes it difficult to know whether incarceration alternative and diversion programs are achieving intended outcomes and whether county funds are furthering countywide goals. King County goals for criminal legal reform include maintaining low jail populations and eliminating racial disparities. Despite these, there is no coordination to track or measure progress toward county goals across programs. Disconnected data systems make it difficult to measure progress on criminal legal outcomes that span various agencies. Additionally, though there are recent efforts to collaborate across agencies to discuss programs and program improvements, not every criminal legal agency is involved in these efforts. We recommend that the County Executive, PAO, DJA, Superior Court, and District Court develop a strategy to achieve the County's criminal legal goals. And to better measure progress within programs and across systemwide goals, we recommend that agencies participate in cross-branch coordination when implementing alternative and diversion programs.

County lacks strategies to achieve criminal legal goals

The County's criminal legal reform efforts lack a documented strategy and system for accountability, making it difficult to identify whether programs achieve their intended system-level outcomes. Effective system reforms include clear goals, strategies implemented across involved agencies to help achieve those goals, and a process to measure progress. In September 2020, the County Executive made statements about the importance of being an anti-racist county, reducing the jail's adult average daily population, and crafting a new approach to public safety. In 2022, District Court stated that the court has a commitment to ending systemic racism and bias. While the County Executive created a priority for justice and safety, including objectives and strategies, there is no clear articulation of how King County will achieve these types of criminal legal goals across the many criminal legal agencies and how programs will impact outcomes. This contrasts with other large, multi-agency county efforts like mitigating the effects of climate change, which has the Strategic Climate Action Plan, or equity and social justice, which has the Equity and Social Justice Strategic Plan. To work toward change, each plan specifies goals, strategies, and coordination bodies. In the previous section, we described how monitoring and evaluation requirements enhance stakeholders' ability to assess progress on goals for incarceration alternative and diversion programs, however, we found that not all programs have monitoring or evaluation requirements. A documented criminal legal strategy should clearly articulate the need for monitoring and evaluation at the individual program level to assess how the relative effectiveness of programs contributes to countywide goals.

Recommendation 5

The County Executive should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 6

The Prosecuting Attorney's Office should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 7

Superior Court and the Department of Judicial Administration should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 8

District Court should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Programs are not explicitly aligned to county criminal legal goals

Incarceration alternative and diversion programs could play a key role in fulfilling criminal legal reform goals but are not connected to a systemwide strategy, reducing King County's ability to achieve its goals through the programs. In 2002, the County Council and the County Executive at the time emphasized the key role incarceration alternative programs have in reducing jail populations and recidivism. However, county leaders have not articulated how incarceration alternative programs contribute to county goals or how leaders intend to include incarceration alternative programs in their actions to meet those goals. This is in part because the County lacks an overall criminal legal strategy, as described above. This lack of a strategy has meant that many of the County's incarceration alternative programs do not include goals such as eliminating racial disparities, a goal expressed by county leaders. Additionally, not all criminal legal programs track outcomes that align with county criminal legal goals, impeding the ability to track progress systemwide.

Recommendation 9

As a part of Recommendation 5, the County Executive should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 10

As a part of Recommendation 6, the Prosecuting Attorney’s Office should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 11

As a part of Recommendation 7, Superior Court and the Department of Judicial Administration should ensure that their strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 12

As a part of Recommendation 8, District Court should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

No cross-branch coordinating body for programs

There is no cross-branch coordinating body for alternative and diversion program implementation, limiting opportunities to make program improvements. A US Department of Justice (DOJ) report highlights the benefits of local jurisdictions setting up criminal justice coordinating committees, which bring together criminal legal agencies across branches. According to DOJ, these coordinating committees can eliminate duplication, fill service gaps, and improve the quality of service. For example, King County’s other strategic multi-agency efforts include coordinating bodies, such as the Climate Leadership Team, which consists of the County Executive and representatives across departments to provide oversight and recommendations on King County’s climate action plan. Some criminal legal coordination happens through the Criminal Justice (CJ) Coordinating Table, but it does not include District and Superior Courts, which are key actors in alternative and diversion programs. As a result, though the judicial branch plays a key role in making eligibility decisions and referrals to many of the alternative and diversion programs, it is not involved in discussions or decision-making that could help inform program improvements. Further, the lack of cross-branch coordination about program goals has made it difficult for some agencies to understand how to appropriately measure goals. For example, DAJD said that although its programs include reducing recidivism as a goal, DAJD does not measure it because the department is unclear how to define it. DAJD indicated that program goals are sometimes created by external entities such as the courts, so it is unable to track these goals without clear information from the entities that created them. Staff with the Office of Performance, Strategy and Budget (PSB) have also stated that a lack of coordination across criminal legal programs has meant agencies have created new programs without understanding whether preexisting programs in other agencies already serve a similar need, which could lead to duplication. The CJ Coordinating Table provides opportunities for agencies to discuss issues and opportunities across programs. It has been described as a space for county actors to understand how they can better coordinate within the criminal legal

system and includes involvement from DAJD, DCHS, DPD, Jail Health Services, King County Sheriff's Office, PAO, and PSB. District Court recently announced its commitment to being anti-racist, indicating there are shared criminal goals across branches, further emphasizing the importance of coordination.

Recommendation 13

The County Executive, Prosecuting Attorney's Office, Superior Court, and District Court should participate in county criminal legal coordination efforts.

Limited data hinders efforts to evaluate programs

County agencies do not have an efficient way to share data to monitor or evaluate alternative and diversion program processes and outcomes. Programs need to have complete and reliable data to track progress on goals. Several criminal legal program goals span the criminal legal system, requiring data from each agency to measure outcomes. County agencies can share data with one another through separate data-sharing agreements or because of reporting requirements included in funding agreements. For example, DCHS created data-sharing agreements for its programs with DAJD so that program staff can monitor jail booking data. However, DCHS agency staff told us that to evaluate program outcomes, they would like to see data from other potential points of contact with the criminal legal system, such as from the Sheriff's Office, but do not have access to that data. In another example, two DAJD programs include goals to reduce the "failure to appear rate." DAJD indicated this data is stored in court data systems and DAJD staff said they do not receive court data. This means DAJD cannot determine whether its programs are meeting goals to reduce failure to appear rates.

Data shortcomings in King County's criminal legal system have been well-documented in prior audit reports and in past county efforts to create a criminal legal database. Since 2011, nearly half of our criminal legal audit recommendations address data shortcomings.⁵ As indicated in our office's [Law Enforcement Audit Program \(LEAP\) 2022 biennial report](#), the amount of work required to develop systems of complete and accurate data—where people's records can be connected across elements of the criminal legal system and data can be easily accessed and analyzed by policy-makers and oversight offices—is significant. The County has previously recognized the need to develop a coordinated data system; a 2002 report on the Law, Safety, and Justice Strategic Integration (LSJI) Plan stated that a lack of a coordinated criminal legal data system cost the County significant staff time in redundant data entry and led to inaccurate information about people going through the criminal legal system because different agencies had different information about the same people. The report noted that "the County can improve the management of criminal cases, reduce costs associated with those cases, and improve public safety, by sharing and integrating the information within the disparate computer systems of the County." The report recommended that the County proceed with the LSJI project, but it was not

⁵ King County Auditor's Office. Law Enforcement Audit Program: 2022 Biennial Report.

implemented. County staff we spoke with did not recall why it was never implemented but suggested it might not have been possible at the time due to technology limitations. Because of the extent of issues resulting from data shortcomings, our LEAP report included this matter for Council consideration, "To address disparities, Council may wish to consider whether legislation or other Council action would help increase cross-branch data transparency and access."

As of April 2022, King County Information Technology (KCIT) began an effort to support the collection and sharing of high-quality criminal legal data. The project is still in progress but KCIT's intent is to create a central data repository that facilitates data sharing and would be available to both decision-makers and those providing essential oversight to the criminal legal system. As of July 2022, KCIT has taken several steps on the criminal legal data integration project, including completing King County's equity impact review, benefits achievement plan, estimated cost projections, and a high-level implementation plan. In addition, KCIT indicated that it submitted budget documents for the project to PSB for consideration in the 2023–24 budget.

Recommendation 14

The County Executive should prioritize and adequately resource completion of the criminal legal data integration project.

Race data tracked various ways

There are many ways race data is collected across criminal legal agencies, making it difficult to analyze racial disparities in the criminal legal system. A clear strategy for defining and collecting race data is necessary for conducting meaningful analysis of racial disparities in the criminal legal system. As discussed above, county leaders have included eliminating racial disparities as one of their goals in criminal legal reform. Currently, county criminal legal agencies each collect race data differently. For example, race is self-reported by participants in DCHS programs, while on the other hand, DAJD programs collect this information from different sources, including from booking officers, who may record race based on officer perception. In addition, as a result of a recommendation made in our 2020 audit "[Sex Offense Cases: Some Victims and Their Cases May be Harmed by Gaps](#)," PAO has been working with local organizations, such as the Urban Indian Health Institute, about how to collect victims' race data more thoughtfully so people's identities are sensitively and accurately captured. PAO indicated it hopes to coordinate this work with DAJD to help the department collect self-reported data of defendants upon booking. Another potential issue is that agencies do not use the same categories for race, limiting the County's ability to use cross-agency data for evaluating diversion and alternative programs for inequities.

Appropriate race data will depend on how King County defines its goal to eliminate racial disparities in the criminal legal system. As a result, different analyses will likely require race data from different criminal legal agency sources. For example, using perceived race data might help identify racial bias in officers in arrest outcomes. Race data from DCHS, which is self-reported, may provide a better assessment of outcomes reflective of King County residents.

Recommendation 15

As a part of the criminal legal data integration work in Recommendation 14, agencies should identify, define, and document how race data will be collected and used to analyze racial disparities in the criminal legal system.

Conclusion

King County has made commitments to the community to reform the criminal legal system, to maintain low jail populations, and to eliminate racial disparities. Alternative and diversion programs are one way to help achieve these goals. However, right now, it is difficult to know whether these programs, individually and collectively, achieve intended results. A lack of a countywide strategy means there is little direction for criminal legal agencies and programs to achieve systemwide goals. Additionally, limited data coordination makes it difficult to know how participants have fared throughout the system, from law enforcement to court conviction. This results in a lack of transparency about whether alternative and diversion programs are on the path to achieve the County's goals of criminal legal reform and risks community trust if goals are not achieved.



Incarceration Alternative and Diversion Program Summaries

This appendix provides summaries of each of the 12 adult alternative and diversion programs included in this report.

Programs included:

- Community Center for Alternative Programs (CCAP)
- Community Courts
- Community Diversion Program (CDP)
- Drug Diversion Court (DDC)
- Electronic Monitoring
- Law Enforcement Assisted Diversion (LEAD)
- Legal Intervention of Network of Care (LINC)
- Pretrial Assessment and Linkage Services (PALS)
- Regional Mental Health Court (RMHC)
- Regional Veterans Court (RVC)
- Therapeutic Assisted Diversion (TAD)
- Vital (Familiar Faces Intensive Care Management Team)

Community Center for Alternative Programs (CCAP)

Program goal: The goal of CCAP is to assist offenders in changing those behaviors that have contributed to their being charged with a crime.⁶

What the program does: Coordinating with case workers for service referrals, structured services based on needs assessment, and mental health services; assistance with public benefits, connection to GED (general education development) and life skills classes, monitor daily phone check-ins, and conduct random drug tests as required by the court.

Program start date: 2003

2021–22 budget: \$2,256,714

Funds source: Mental Illness and Drug Dependency (MIDD)⁷ and King County General Fund

Capacity: Prior to the pandemic, capacity was 125 and 100 for CCAP Enhanced and Basic, respectively. Since the pandemic, capacity is 60 and 100 for CCAP Enhanced and Basic, respectively.

Average length of participation in program: Approximately 100 days

Eligibility: Sentenced and pretrial individuals through court referral. Excludes violent and sex offenses. Other ineligibility based on criminal history.

Who makes participation decisions: Superior or District Court judge

Participating organizations: Asian Counseling and Referral Services, Center for Multicultural Health, Department of Adult and Juvenile Detention, Department of Community and Health Services, Department of Public Defense, Prosecuting Attorney’s Office, New Beginnings, Neighborhood House, South Seattle College, Superior and District Courts, Tzu Chi, Union Gospel Mission, Valley Cities, and Washington State Department of Social and Human Services.

EVALUATION & MONITORING

Does CCAP have a plan for ongoing monitoring and evaluation? No.

Does CCAP have monitoring or evaluation requirements? Partially. A service component of CCAP includes behavioral health services which is funded through MIDD. This service component has MIDD reporting requirements.

Has CCAP received an outcomes evaluation? No.

Has CCAP received other evaluations? No.

Is CCAP regularly collecting data to use for monitoring and evaluation of program outcomes? Partially — jail bookings are monitored as a part of MIDD reporting for the behavioral health services component of program.

Is equity incorporated into monitoring and evaluation? No.

⁶ CCAP includes two distinct tracks — CCAP Basic and CCAP Enhanced. Judges determine the level of need for participants in this program and can refer a participant with less service needs into CCAP Basic, while referring individuals with greater needs into CCAP Enhanced.

⁷ The King County MIDD is a countywide 0.1 percent sales tax. It is managed and operated by the King County Department of Community and Human Services’ Behavioral Health and Recovery Division.

Community Courts⁸

Program goal⁹: To identify and address the underlying challenges of court participants that may contribute to further criminal activity and to build stronger and safer neighborhoods and reduce recidivism.

What the program does: Conduct assessment to determine participants' needs, connection to services based on identified needs, community service, connections to mental health, substance use, human services, housing, employment, and education.

Program start date: Redmond – 2018; Shoreline – 2020; Auburn – 2021.

2021–22 budget: \$460,000

Funds source: Mental Illness and Drug Dependency (MIDD)

Capacity: No specified capacity limit; 192 participated in 2020.

Average length of participation in program: Approximately 3 to 6 months

Eligibility: Misdemeanor charges; specific crimes heard vary by city; participants must be assessed as low risk to reoffend with significant needs. Driving-related cases are ineligible.

Who makes participation decisions: Judges serving at associated community court jurisdictions.

Participating organizations: Community-based service providers, District Court, and local cities.

EVALUATION & MONITORING

Do community courts have a plan for ongoing monitoring and evaluation? No.

Do community courts have monitoring or evaluation requirements? Yes, as a part of MIDD requirements.

Have community courts received an outcomes evaluation? No.

Have community courts conducted other evaluations? No.

Are community courts regularly collecting data to use for monitoring and evaluation of program outcomes? Yes, as a part of MIDD requirements and investment monitoring by the Office of Performance, Strategy and Budget.

Is equity incorporated into monitoring and evaluation? As a part of MIDD monitoring requirements, performance measures will be disaggregated by race and ethnicity.

⁸ There are currently three active community courts in Auburn, Redmond, and Shoreline. The Community Court in Burien was suspended due to COVID-related budget cuts.

⁹ Specific goal language can vary slightly by the city in which each community court operates.

Community Diversion Program (CDP)

Program goal: CDP intends to provide individuals with no prior felony convictions with a one-time opportunity to have a low-level felony property or drug offense diverted from traditional criminal prosecution while providing victims with loss recovery.

What the program does: Prosecuting Attorney’s Office (PAO) will refer individuals to Public Health – Seattle & King County (PHSKC). Care coordinators at PHSKC will assess the individuals and refer them to community services that address factors in a person’s life that can reduce the likelihood of further criminal legal involvement. If the individual completes an assessment and connects with services, the PAO will decline to file the charges. The PAO’s Loss Recovery Specialists will provide outreach to victims and assist in having eligible losses paid from CDP Loss Recovery Fund.

Participating organizations: PAO and PHSKC

Program start date: 2022 (Not yet serving individuals; in process of identifying service providers as of July 2022.)

2021–22 budget: \$4.5 million

Funds source: General Fund

Capacity: CDP is not yet serving individuals. PAO intends to refer up to 1,000 individuals per year.

Eligibility: Adults who would have otherwise been charged with their first-time, low-level felony property or drug related offense. Person is not in immediate distress and consents to be in the program. Excludes certain crimes, including violent and sex offenses. Other ineligibility criteria such as repeated felony history or concerning fact patterns.

Who makes participation decisions: PAO

EVALUATION & MONITORING

Does CDP have a plan for ongoing monitoring and evaluation? CDP has a plan for an external evaluation and has partnered with Stanford University to conduct the evaluation.

Does CDP have monitoring or evaluation requirements? No.

Is equity incorporated into monitoring and evaluation? Equity is included in CDP’s evaluation plan.

Drug Diversion Court (DDC)

Program goal: Seeks to ensure community safety and empower participants to rebuild their lives by combining the resources of the criminal justice system, substance use treatment, and other community service providers.

What the program does: Provide a daily structure that supports recovery. Participants earn rewards to encourage positive life skills and are held accountable to program requirements through monitoring. Participants receive comprehensive support and resources including inpatient and outpatient treatment, medications for opioid use disorder, housing, transportation, peer support, vocational and educational support, and family counseling if needed.

Program start date: 1994

2021–22 budget: \$3.55 million and \$302,000 in housing vouchers.

Funds source: MIDD; DDC also receives \$1.1 million from the state Criminal Justice Treatment Account (CJTA).

Capacity: 350 active participants at any given time.

Average length of participation in program: 16 months

Eligibility: Eligible felony property, drug and other crimes related to an underlying substance use disorder charged in King County Superior Court. Ineligibility based on specific criminal history.

Who makes participation decisions: The Prosecuting Attorney’s Office (PAO) makes referrals and the court determines whether the DDC eligibility criteria was appropriately applied and makes final decision on participation.

Participating organizations: County Council, County Executive, Department of Adult and Juvenile Detention, Department of Community and Human Services, Department of Judicial Administration (DJA), Department of Public Defense, King County Sheriff’s Office, Superior Court, Prosecuting Attorney’s Office (PAO), Seattle Police Department, and housing and peer support providers.

EVALUATION & MONITORING

Does DDC have a plan for ongoing monitoring and evaluation? Yes.

Does DDC have monitoring or evaluation requirements? Yes, as a part of MIDD and CJTA funding.

Has DDC received an outcomes evaluation? Yes, external evaluations are conducted annually by the Washington State Department of Social and Human Services (DSHS) and MIDD.

Which outcomes has it been evaluated for? Recidivism defined as a new conviction after 18 and 36-months of starting substance use disorder treatment, reported substance use over time, number of jail bookings, employment and earnings, DDC graduation, housing status at DDC exit, and enrollment in Medicaid.

Has DDC received other evaluations? Yes, a 2013 DSHS evaluation of drug courts included a cost-benefit analysis. This information was not specific to King County; however, King County participants comprised the largest group. A 2003 Washington State Institute for Public Policy study also included a study of recidivism of DDC. In 2006, Christopher Murray & Associates conducted a process evaluation specific to DDC.

Is DDC regularly collecting data to use for monitoring and evaluation of program outcomes? Yes, DJA runs monthly and/or quarterly reports on Drug Court referrals, enrollments, and completions, MIDD outcomes and demographics.

Is equity incorporated into monitoring and evaluation? DJA disaggregates data by race. DJA received technical assistance from the National Association of Drug Court Professionals in 2021 regarding equity and inclusion, including an examination of access and outcomes by race and gender and suggestions to address disparate outcomes.

Electronic Monitoring

Program goal: This program allows defendants to serve all or some portion of their pretrial or sentenced time at home.

What the program does: Monthly in-person location verifications, verifying participant work or treatment schedules, monitoring compliance to court-imposed conditions such as complying with curfew conditions.

Program start date: 1988

2021–22 budget: \$4,109,652

Funds source: General Fund

Capacity: Capacity increased to 350 during COVID-19; prior to that capacity was 65.

Average length of participation in program: 152 days

Eligibility: Program eligibility is governed by RCW 9.94A.734 and judicial discretion. Excludes violent and sex offenses. Other ineligibility based on criminal history.

Who makes participation decisions: Superior or District Court judge

Participating organizations: Department of Adult and Juvenile Detention (DAJD), Department of Public Defense, District Court, Electronic Monitoring vendor, Prosecuting Attorney’s Office, and Superior Court.

EVALUATION & MONITORING

Does Electronic Monitoring have a plan for ongoing monitoring and evaluation? No.

Does Electronic Monitoring have monitoring or evaluation requirements? No.

Has Electronic Monitoring received an outcomes evaluation? No.

Has Electronic Monitoring received other evaluations? In 2021, DAJD responded to a County Council proviso request to provide a report on program outcomes from January 2020 through June 2021. However, DAJD was not able to provide complete outcomes, such as case resolution, due to data limitations and could only provide descriptive information.

Is Electronic Monitoring regularly collecting data to use for monitoring and evaluation of program outcomes? No.

Law Enforcement Assisted Diversion (LEAD)

Program goal: Reducing entry into the criminal legal system through harm reduction and access to services.

What the program does: Trauma-informed intensive case management of acute and other needs, such as chemical dependency treatment, mental health care, legal system support, financial counseling, and referrals into shelter, permanent housing, and other services leading toward self-sufficiency. LEAD also ensures coordination with Prosecuting Attorney’s Office (PAO).

Program start date: 2011

2021–22 budget: \$4.3 million¹⁰

Funds source: Mental Illness Drug Dependency (MIDD). Department of Community and Human Services (DCHS) also administers \$379,236 to LEAD from Trueblood funding.

Capacity: 900 participants, serving approximately 450 per month.

Average length of participation in program: 3.3 years

Eligibility: Persons at high risk of committing law violations related to behavioral health challenges and/or income instability including low-level drug crimes, prostitution, or other collateral crime due to drug involvement or quality of life from criminal legal system. There are several criteria that make someone ineligible such as other elements of the crime, other serious offenses, or a disqualifying criminal history.

Who makes participation decisions: Law enforcement

Participating organizations: DCHS, Evergreen Treatment Services REACH, King County Sheriff’s Office, PAO, Public Defender Association, Seattle Police Department, and Seattle Prosecutor’s Office.

EVALUATION & MONITORING

Does LEAD have a plan for ongoing monitoring and evaluation? LEAD has a monitoring plan. DCHS Performance Measurement and Evaluation completed data collection for an internal evaluation of the Burien LEAD implementation in late-2019/early 2020, but the evaluation was put on hold due to the COVID-19 pandemic.

Does LEAD have monitoring or evaluation requirements? LEAD has monitoring requirements. MIDD and Trueblood funding have monitoring requirements at monthly, quarterly, or annual intervals. DCHS receives program-level data from Public Defender Association on a monthly basis and client level data from REACH. DCHS also pulls data from the Department of Adult and Juvenile Detention and emergency service providers.

Has LEAD received an outcomes evaluation? Yes, external evaluators completed an outcomes evaluation in 2015 of program data from October 2011 through July 2014.

Which outcomes has it been evaluated for? Effect of LEAD on the number of arrests and charges.

Has LEAD received other evaluations? Yes, the same external evaluators also completed a cost-

¹⁰ LEAD includes more programming and funding from its partners not included here.

effectiveness evaluation in 2019.

Is LEAD regularly collecting data to use for monitoring and evaluation of program outcomes? Yes. DCHS receives program-level data from Public Defender Association on a monthly basis and client level data from REACH. DCHS also pulls data from DAJD, Washington state, and emergency service providers.

Is equity incorporated into monitoring and evaluation? DCHS uses race and gender data to monitor programs for potential disparities.

Legal Intervention and Network of Care (LINC)

Program goal: Reduce orders for competency services in King County jurisdictions, reduce individuals' involvement in criminal legal and forensic mental health systems, and increase individuals' connections to basic needs resources and ongoing behavioral health treatment.

What the program does: Individual case management for assistance with resources, advocacy, and connection to treatment, Legal coordination to meet existing court obligations and avoid new charges, respite beds in staffed mental health residential facilities, psychiatric assessment and medication management, behavioral health treatment, and peer support services.

Program start date: 2017

2021–22 budget: \$103,000

Funds source: General Fund; Department of Community and Human Services (DCHS) also administers \$2 million in funds from Washington Office of Forensic Mental Health Services and Washington Health Care Authority.

Capacity: 95–100

Average length of participation in program: 1 year

Eligibility: Person must have a law enforcement referral for a charge of a misdemeanor, low-level, nonviolent felony, or some violent felony charges, have behavioral health conditions, be referred or approved by the prosecutor for potential dismissal or decline to file of the charge, and for whom a question of competency was raised or could be raised based on their behavioral health history. Excludes violent or sex offenses.

Who makes participation decisions: Community House Mental Health Agency, Seattle City Attorney's Office, Prosecuting Attorney's Office (PAO)

Participating organizations: Community House Mental Health Agency, DCHS, Department of Public Defense, PAO, and Seattle City Attorney's Office.

EVALUATION & MONITORING

Does LINC have a plan for ongoing monitoring and evaluation? LINC has a monitoring plan; DCHS is in the process of developing an evaluation plan.

Does LINC have monitoring or evaluation requirements? Yes, as part of its state funding.

Has LINC received an outcomes evaluation? No. DCHS is planning to conduct one in the future.

Has LINC received other evaluations? Yes, the Washington State Department of Social and Health Services included LINC in an evaluation of three funded programs. The report provides descriptive information about participants and program services, as well as an outcomes analysis aggregated across sites.

Is LINC regularly collecting data to use for monitoring and evaluation of program outcomes? Yes, DCHS collects daily, monthly, and quarterly data from the Department of Adult and Juvenile Detention, Community House Mental Health Agency, PAO, and Washington state. DCHS holds monthly meetings with program staff to coordinate operations and occasionally review monitoring data.

Is equity incorporated into monitoring and evaluation? DCHS uses race, gender, and other data to monitor LINC for potential disparities.

Pretrial Assessment and Linkage Services (PALS)

Program goal: PALS pilot program goal was to improve opportunities to foster reentry success through the acceptance of court-referred individuals into a welcoming, therapeutic environment that is culturally responsive and adequately staffed and resourced to meet client needs; link clients to off-site services; and refer clients to ongoing behavioral health and other services, as appropriate, upon discharge from the pretrial services pilot program. Due to the COVID-19 pandemic, the program was significantly reduced and relied on just the behavioral health provider and a project manager.

What the program does: Originally, the program was built to conduct comprehensive needs assessments, provide linkage to community-based services, assist with applying for Medicaid and other publicly funded benefits, substance use disorder treatment, opiate disorder treatment, counseling services, mental health and behavioral health services, cognitive-behavioral intervention, acupuncture services, and GED (general education development) preparation and testing services. Due to the pandemic, the program's services are limited to those provided by Asian Counseling and Referral Services (ACRS).

Participating organizations: ACRS, Department of Adult and Juvenile Detention (DAJD), Department of Community and Human Services, Department of Public Defense, District Court, Federal Way Municipal Court, Prosecutor's Attorney's Office, and Superior Court

Program start date: Pilot launched September 2020

2021–22 budget: \$223,000

Funds source: Mental Illness and Drug Dependency (MIDD) and General Fund

Capacity: Original pilot anticipated approximately 100 participants; however current capacity is 40 participants.

Average length of participation in program: Approximately 33 days

Eligibility: Originally intended for pretrial individuals charged with nonviolent felonies referred by Superior Court. Eligibility expanded to include some violent felonies referred by courts and misdemeanors referred by District Court and Federal Way Municipal Court. Participants must also have an address or community ties to South King County.

Who makes participation decisions: District Court, Federal Way Municipal Court, or Superior Court judge.

EVALUATION & MONITORING

Does PALS have a plan for ongoing monitoring and evaluation? No. The current program is a pilot that ends in 2022.

Does PALS have monitoring or evaluation requirements? Yes, as a part of MIDD funding requirements.

Has PALS received an outcomes evaluation? No.

Has PALS received other evaluations? Yes, Seattle University evaluated the PALS pilot programs. DAJD intended to include rigorous analysis of outcomes. However, as a result of the pandemic the evaluation scope was reduced and only included descriptive information. The descriptive evaluation had some analysis of recidivism; however, it did not demonstrate effectiveness of the program. Instead, it assessed relative recidivism among program participant based on factors such as criminal charges and origin of court referral.

Is PALS regularly collecting data to use for monitoring and evaluation of program outcomes? No.

Is equity incorporated into monitoring and evaluation? No.

Regional Mental Health Court (RMHC)

Program goal: To engage, support and facilitate the sustained stability of individuals with mental health disorders within the criminal legal system, while reducing recidivism and increasing community safety.

What the program does: Use wraparound approach to assess and address participant needs, provide positive feedback, connection to mental health and substance use treatment, random drug tests, and require accountability for non-compliance with treatment and probation conditions.

Program start date: 1999

2021–22 budget: \$3.9 million from Mental Illness and Drug Dependency (MIDD) and \$290,000 from Veterans, Seniors, and Human Services (VSHS) levy. This funding is all bundled with Regional Veterans Court.

Funds source: MIDD and VSHSL

Capacity: 250 combined capacity with Regional Veterans Court. About 210 of those 250 participate in RMHC.

Average length of participation in program: 1–2 years

Eligibility: Based on mental health diagnosis, amenability, available resources and connection between crime with mental health symptoms. Eligibility can include felony, municipal court, and state misdemeanor cases.

Who makes participation decisions: RMHC clinician conducts a screening to determine eligibility; Judge makes final decision on program participation.

Participating organizations: Department of Community and Human Services, Department of Public Defense, District Court, local law enforcement, Municipal Court, Pioneer Human Services, Prosecuting Attorney’s Office, Sound Mental Health, and Washington State Department of Social and Human Services (DSHS).

EVALUATION & MONITORING

Does RMHC have a plan for ongoing monitoring and evaluation? Yes, as a part of MIDD requirements.

Does RMHC have monitoring or evaluation requirements? Yes, as a part of MIDD requirements.

Has RMHC received an outcomes evaluation? Yes, in 2013 Washington State DSHS conducted an outcomes evaluation of RMHC with a control group.

Which outcomes has it been evaluated for? The 2013 DSHS evaluation evaluated for rearrest, new criminal charges, incarceration days, psychiatric hospitalizations, emergency department visits, crisis services; behavioral health treatment and employment were measured over a one-year follow-up period. Additionally, as a part of MIDD monitoring: Jail bookings and housing status at program exit.

Has RMHC received other evaluations? No.

Is RMHC regularly collecting data to use for monitoring and evaluation of program outcomes? Yes, as a part of MIDD requirements.

Is equity incorporated into monitoring and evaluation? The 2013 DSHS evaluation disaggregated outcome data by race. As a part of MIDD funding monitoring requirements, performance measures will be disaggregated by race and ethnicity.

Regional Veterans Court (RVC)

Program goal: To address the underlying issues that have resulted in the veteran being involved with the criminal legal system; provide a courtroom environment that is supportive and respectful of the veteran and the victim (if any); and strive to increase public safety through a collaborative, team-based approach that includes the veteran and incorporates individualized treatment plans, close monitoring, and creative approaches to resolve difficult issues.

What the program does: Use wraparound approach to assess and address participant needs, provide positive feedback, connection to mental health and substance use treatment, veteran mentoring, random drug tests, and require accountability for non-compliance with treatment and probation conditions.

Program start date: 2012

2021–22 budget: \$3.9 million from Mental Illness and Drug Dependency (MIDD) and \$290,000 from Veterans, Seniors, and Human Services (VSHS) levy. This funding is all bundled with Regional Veterans Court.

Funds source: Veterans, Seniors, and Human Services (VSHS) levy and Mental Illness and Drug Dependency (MIDD).

Capacity: During COVID-19 pandemic, 250 combined capacity with Regional Mental Health Court. About 40 of those 250 participate in RVC.

Average length of participation in program: 1–2 years

Eligibility: Veteran with behavioral health needs charged in King County. Eligibility can include felony or misdemeanor charges.

Who makes participation decisions: District Court judge

Participating organizations: Department of Community and Health Services, District Court, Prosecuting Attorney’s Office, Sound Mental Health, and Veterans Affairs Services.

EVALUATION & MONITORING

Does RVC have a plan for ongoing monitoring and evaluation? Yes, as a part of VSHS and MIDD requirements.

Does RVC have monitoring or evaluation requirements? Yes, as a part of VSHS and MIDD requirements.

Has RVC conducted an outcomes evaluation? No.

Has RVC conducted other evaluations? No.

Is RVC regularly collecting data to use for monitoring and evaluation of program outcomes? Yes, as a part of VSHS and MIDD requirements.

Is equity incorporated into monitoring and evaluation? As a part of VSHS and MIDD requirements, performance measures are disaggregated by race.

Therapeutic Alternative Diversion (TAD)

Program goal: To mitigate collateral consequences of prolonged involvement in the mainstream legal system

What the program does: TAD provides a connection to community-based services in lieu of continued involvement in the mainstream legal system. Prosecuting Attorney’s Office (PAO) refers individuals to Public Health – Seattle & King County (PHSKC). PHSKC conducts intake and obtains consent for participation in the program. PHSKC connects to community services. Upon confirmation, PAO either dismisses or does not file charges.

Program start date: 2020

2021–22 budget: \$250,000

Funds source: General Fund

Capacity: 200–300 people per year

Average length of participation in program: 30–90 days

Eligibility: Individuals charged with property offenses that have up to \$2,000 restitution owed from the offense. Must be an expedited felony case. Must not have disqualifying criminal history, open felony case with Superior Court, or two prior referrals to TAD within 18 months of the current offense. PAO reserves the right to refer individuals who may not fully meet the criteria.

Who makes participation decisions: PAO

Participating organizations: PAO and PHSKC

EVALUATION & MONITORING

Does TAD have a plan for ongoing monitoring and evaluation? Partially — for monitoring. PAO states that data collection has been designed for a future evaluation. No specific plans for a future evaluation currently exist.

Does TAD have monitoring or evaluation requirements? No.

Has TAD received an outcomes evaluation? No.

Has TAD received other evaluations? No.

Is TAD regularly collecting data to use for monitoring and evaluation of program outcomes? PAO, PHSKC, and PSB provide internal monitoring of TAD.

Is equity incorporated into monitoring and evaluation? Some equity analysis is incorporated into monitoring.

Vital (Familiar Faces Intensive Care Management Team)

Program goal: The Vital program will improve participants' health and reduce crisis care, improve housing stability, and reduce future criminal justice system involvement.

What the program does: Intensive, flexible, community-based care management with behavioral health treatment integrated with primary health care, housing support, and legal coordination.

Program start date: 2016

County funds used: \$1.06 million in 2021

Funds source: Veterans, Seniors, and Human Services (VSHS) levy

Capacity: About 60

Average length of participation in program: 3.3 years¹¹

Eligibility: Adults booked into King County Jail four or more times within a 12-month period twice in a three-year time frame.

Who makes participation decisions: Department of Community and Human Services (DCHS)

Participating organizations: DCHS, Evergreen Treatment Services' REACH program, Plymouth Housing, Harborview Medical Center, Prosecuting Attorney's Office (PAO), and Seattle City Attorney's Office.

EVALUATION & MONITORING

Does Vital have a plan for ongoing monitoring and evaluation? Yes.

Does Vital have monitoring or evaluation requirements? Yes, as part of VSHS levy funding.

Has Vital received an outcomes evaluation? Yes, but the report is still being drafted as of August 2022.

Which outcomes has it been evaluated for? The upcoming evaluation will include jail bookings, housing status, and emergency room visits. It is also including output results in its evaluation.

Has Vital received other evaluations? No.

Is Vital regularly collecting data to use for monitoring and evaluation of program outcomes?

Yes, DCHS collects data from Harborview and PAO quarterly and data from REACH and Department of Adult and Juvenile Detention daily. Some data from REACH and Plymouth is also collected monthly.

Is equity incorporated into monitoring and evaluation?

DCHS used race and gender data to evaluate outcomes for potential disparities.

¹¹ DCHS noted that the average length of stay for Vital is nuanced, particularly as participants sometimes stop participation and re-enroll later. The figure provided captures the average amount of time an individual participated in Vital, even if they left for a period of time and then re-enrolled. DCHS also noted that the average length of time of participation has increased over time.



County Auditor Response

The responses to our audit from the County Executive, Prosecuting Attorney’s Office, Superior Court, and Department of Judicial Administration, and lack of a response from District Court, do not include plans for meaningful resolution of the findings in our report. Implementing our recommendations will help King County better understand and communicate the effectiveness of its adult incarceration alternative and diversion programs in alignment with countywide goals.

King County has made significant criminal legal reform commitments without a clear strategy and process for measuring progress. As a result, the County cannot know nor communicate whether goals are being met, reducing opportunities to improve programs and risking community trust if goals are not achieved. Criminal legal reform is a large undertaking that will require complex coordination across branches of government, and the County has made commitments to the community to make changes. The County must be able to demonstrate and measure how it will translate reform commitments into action. There are two gaps:

1. **Lack of plans for meaningful implementation:** For some recommendations, agencies concurred without indicating plans to change current practices, decreasing the likelihood that these recommendations will be implemented.
2. **Lack of ownership of action:** All responses indicate that implementation is contingent upon the actions of other agencies, reducing ownership of action and increasing the likelihood that change will not occur.

1. Lack of plans for meaningful implementation

The County Executive concurred with two recommendations but did not define specific actions to address the audit findings. There are two recommendations for the County Executive to develop, document, and implement a strategy for achieving criminal legal reform goals—either in coordination or alignment with other criminal legal partners—and to ensure its strategy includes incarceration alternative and diversion programs. These recommendations are intended to address the lack of a documented strategy and system for accountability, which makes it difficult to identify whether alternative and diversion programs are achieving their intended system-level outcomes. The Executive’s response only indicates this work is underway and that the Executive will try to work with partners. However, our audit work and interviews with subject matter experts across county agencies did not indicate that the work of creating a documented framework for achieving criminal legal goals is underway. Similarly, Superior and District Courts, key players in reform, did not indicate concurrence with the recommendations or provide information about intended actions. There is a risk that if additional steps are not taken, there will not be sufficient action to address the lack of a framework to guide monitoring and evaluation activities for alternative and diversion programs, thus reducing transparency and accountability for intended outcomes.

2. Lack of ownership of action

All of the agency responses to our recommendations indicate improving strategy and coordination across alternative and diversion programs is contingent upon the actions of agencies other than the one to which the recommendation was directed, diffusing responsibility and increasing the likelihood there will

not be changes. Our audit work found that all adult incarceration alternative and diversion programs require decision-making and action by multiple agencies and separately elected offices. Additionally, District Court, which is a key implementing agency for three of the programs we included in the audit, did not provide a response to the audit. Without specific, meaningful action to coordinate criminal legal reform strategy, county decision-makers risk a lack of ownership for outcomes, reducing opportunities to assess and improve these programs and reducing the likelihood criminal legal goals will be achieved.

County Executive Response

Recommendation 1

The County Executive should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Agency Response	
Concurrence	CONCUR
Implementation date	February 2024
Responsible agency	Varies
Comment	Will pertain to multiple executive branch agencies and programs; may need to bargain; will require time to develop, implement, and refine in with collaboration from employees and leadership

Recommendation 5

The County Executive should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Agency Response	
Concurrence	CONCUR
Implementation date	2024
Responsible agency	Varies
Comment	The Executive is not responsible for separately elected official participation in planning and implementing criminal legal reform. At the same time the Executive will endeavor to collaborate with legal system partners to initiate system reform where possible.

Recommendation 9

As a part of Recommendation 5, the County Executive should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Agency Response	
Concurrence	CONCUR

Implementation date	Already underway.
Responsible agency	DAJD
Comment	This work is already underway.

Recommendation 13

The County Executive, Prosecuting Attorney’s Office, Superior Court, and District Court should participate in county criminal legal coordination efforts.

Agency Response	
Concurrence	CONCUR
Implementation date	Shared among Separately Elected and Executive Agencies
Responsible agency	Shared
Comment	Notably, prior to the pandemic, legal system partners shared a regular forum via the Criminal Justice Council, led by Superior Court's Presiding Judge, where various data were reviewed and issues collaboratively addressed. Also prior to the pandemic, an Interbranch Team, called for by Ordinance 16948 met to facilitate accountability and coordination among all branches of King County government regarding its "fair and just" principles. The Executive recommends leveraging such existing groups for this work when these groups begin meeting again.

Recommendation 14

The County Executive should prioritize and adequately resource completion of the criminal legal data integration project.

Agency Response	
Concurrence	CONCUR
Implementation date	Underway
Responsible agency	KCIT

Comment	Phase 1 of the CJ Enterprise Data Hub project was funded in the 2021-2022 budget. This \$150,000 appropriation is expected to result in a project charter and agreements from all relevant branches and agencies to participate by the end of 2022. Phase 2 is proposed for \$150,000 of additional funding in the 2023-2024 budget. This will create master identifiers for all relevant data and will design "pipelines" to bring data from existing sources to the new hub. Phases 3 and 4 to build the hub and reporting tools are currently unfunded due to limitations on General Fund revenues. Phase 3 is expected to cost at least \$1.25 million. The Executive supports further work on the data hub depending on availability of General Fund resources.
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Recommendation 15

As a part of the criminal legal data integration work in Recommendation 10, agencies should identify, define, and document how race data will be collected and used to analyze racial disparities in the criminal legal system.

Agency Response	
Concurrence	CONCUR
Implementation date	2024
Responsible agency	Shared among Separately Elected and Executive Agencies

Comment

In alignment with the shared responsibilities for the criminal legal system, responsibility for fulfillment of this recommendation is shared among each of the relevant organizations. The Executive and the executive branch alone cannot be responsible for addressing this recommendation

Notably, prior to the pandemic, legal system partners shared a regular forum via the Criminal Justice Council, led by Superior Court's Presiding Judge, where various data were reviewed and issues collaboratively addressed. Also prior to the pandemic, an Interbranch Team, called for by Ordinance 16948 met to facilitate accountability and coordination among all branches of King County government regarding its "fair and just" principles.

The Executive recommends leveraging such existing groups for this work when these groups begin meeting again.

The County Council has restricted the ability of Executive agencies to collect certain race-related data. This recommendation may be affected by that policy.

Prosecuting Attorney's Office Response

Recommendation 2

The Prosecuting Attorney's Office should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Agency Response	
Concurrence	CONCUR
Implementation date	In progress
Responsible agency	KCPAO
Comment	The KCPAO agrees that performance monitoring and evaluation is critical to the long term success of these programs and has begun the process of revamping the data collection for each of its programs covered by this audit to allow for continuous performance monitoring. Some programs already have clear evaluation plans, while others will need to be developed.

Recommendation 6

The Prosecuting Attorney's Office should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Agency Response	
Concurrence	CONCUR
Implementation date	Ongoing
Responsible agency	
Comment	The KCPAO is interested in developing, documenting, and implementing a strategy for achieving criminal justice reform goals.

Recommendation 10

As a part of Recommendation 6, the Prosecuting Attorney's Office should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Agency Response	
Concurrence	CONCUR

Implementation date	Currently being done.
Responsible agency	
Comment	Incarceration alternative and diversion programs have been a mainstay of the KCPAO's criminal legal reform strategy for many years.

Recommendation 13

The County Executive, Prosecuting Attorney's Office, Superior Court, and District Court should participate in county criminal legal coordination efforts.

Agency Response	
Concurrence	CONCUR
Implementation date	Ongoing
Responsible agency	
Comment	Effective coordination is a key component to program success. The KCPAO participates in many criminal legal coordination efforts. Many existing programs rely on partnerships between various county agencies.

Recommendation 15

As a part of the criminal legal data integration work in Recommendation 10, agencies should identify, define, and document how race data will be collected and used to analyze racial disparities in the criminal legal system.

Agency Response	
Concurrence	CONCUR

Implementation date	In progress
Responsible agency	
Comment	The KCPAO has worked with epidemiologists at the the Urban Indian Health Institute (UIHI) to determine the best way to collect and analyze race data. The KCPAO is currently working on updating its workflows and trainings to properly collect race data according to those recommendations. However, the KCPAO legally cannot collect the information from many criminal defendants. So, in order to bring that gap the KCPAO has reached out to other criminal justice partners, such as DAJD, and brought them into conversations with UIHI about how to achieve standardized collection of these data across the criminal justice system.

Superior Court Response

Patrick H. Oishi

PRESIDING JUDGE OF THE
SUPERIOR COURT KING COUNTY
COURTHOUSE SEATTLE,
WASHINGTON 98104-2381

TRANSMITTED BY EMAIL FOR EXPEDIENCY

September 22, 2022

King County Auditor Kymber Waltmunson

RE: King County Superior Court Response to Incarceration Alternative and Diversion Programs Audit

Dear Auditor Waltmunson,

We are writing in response to the recent publication of the Auditor's report on "Incarceration Alternative and Diversion Programs".

As noted in the report, King County's Drug Diversion Court Program has been administered by the Department of Judicial Administration since its inception in 1994. While Superior Court judges preside in these matters, the program's development, expansion, and continuous improvement has been the purview of the Program Manager and staff, under the oversight of DJA Director Barbara Miner. Ms. Miner and the Drug Diversion Court Program staff are due a tremendous amount of credit for their outstanding management of this program for nearly 30 years.

As detailed in the Auditor's report, Drug Diversion Court has been reviewed through both process and outcome evaluations. These evaluations, together with ongoing program data and the numerous individual success stories detailed through each Drug Court graduation, serve as testament to the well-earned reputation of King County Drug Diversion Court as an outstanding model for therapeutic court programs nationwide.

King County Superior Court appreciates having a variety of pretrial programmatic options for defendants involved in court cases. Treatment court programs such as adult drug court are exemplary models of such programs. Defendants have a wide variety of different needs, and having more options allows judicial officers the ability to order the defendant to the program most likely to be appropriate for them, and also meet the needs of the community. We appreciate the notion of strategic planning and coordination of these programs.

Sincerely,



Patrick Oishi
Presiding Judge



Hon. Mary Roberts
Assistant Presiding Judge
Lead Drug Diversion Court Judge

cc: Council Chair Claudia Balducci
Councilmember Rod Dembowski
Councilmember Girmay Zahilay
Councilmember Sarah Perry
Councilmember Jeanne Kohl-Welles
Councilmember Dave Uptegrove
Councilmember Pete von Reichbauer
Councilmember Joe McDermott
Councilmember Reagan Dunn
Ben Thompson
Elise Garvey
Anu Sidhu
Barbara Miner
Linda Ridge

Department of Judicial Administration Response



King County

Department of Judicial Administration
Barbara Miner
Director and Superior Court Clerk
(206) 296-9300 (206) 296-0100 TTY/TDD

September 22, 2022

KyMBER Waltmunson
King County Auditor

RE: Response to Incarceration Alternative and Diversion Programs Report

Dear Ms. Waltmunson:

I would like to thank the Council Auditor for the audit report titled “Incarceration Alternative and Diversion Programs.” Enclosed are responses to the specific audit recommendations.

I appreciate that the Audit recognizes that the Department of Judicial Administration (DJA) Drug Diversion Court has received outcomes evaluations and has robust performance monitoring and evaluations already in place. The most recent DSHS evaluation found that 81% of Drug Diversion Court participants have no new felonies at 36-month follow-up. This is not just graduates – it includes all participants. Since the majority of Drug Diversion Court participants (71%) enter drug court with an average of 3.7 prior felony convictions, this low recidivism rate is especially notable.

DJA would be happy to participate with other partner agencies in the development and implementation of a strategy to achieve criminal legal reform goals. DJA also agrees that a strategy to meet criminal legal reform goals should include incarceration alternative and diversion programs (like the Drug Diversion Court). We also agree that as part of the criminal legal integration work, agencies, including DJA, should identify, define and document how race data is collected across the County. We do want to note that DJA is required to meet state court data standards for race-based data elements so data can be uniformly reported across the state.

Thank you again for your work and we look forward to participating in future efforts to develop

King County Courthouse
516 Third Avenue Room E609
Seattle, WA 98104-2386

Regional Justice Center
401 Fourth Avenue North Room 2C
Kent, WA 98032-4429

Children & Family Justice Center
1211 East Alder Room 3015
Seattle, WA 98122-5598

and implement strategies to help meet County goals. If you have any questions about this response to the audit, please contact Christina Mason, Drug Diversion Court Program Manager or me.

Sincerely,

A handwritten signature in black ink that reads "Barbara Miner". The signature is written in a cursive, flowing style.

Barbara Miner
Director and Superior Court Clerk

cc: Judge Patrick Oishi, Presiding Judge, Superior Court
Linda Ridge, Chief Administrative Officer, Superior Court
Dwight Dively, Director, Office of Performance, Strategy and Budget
Ben Thompson, Deputy Auditor, King County Auditor's Office

Recommendation 3

Superior Court and the Department of Judicial Administration should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Agency Response	
Concurrence	PARTIALLY CONCUR
Implementation date	
Responsible agency	
Comment	DJA's Adult Drug Court program has robust performance monitoring and evaluations already in place.

Recommendation 7

Superior Court and the Department of Judicial Administration should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Agency Response	
Concurrence	PARTIALLY CONCUR
Implementation date	
Responsible agency	
Comment	DJA would be happy to participate in the development and implementation of such a strategy, in coordination and alignment with CJ partners.

Recommendation 11

As a part of Recommendation 7, Superior Court and the Department of Judicial Administration should ensure that their strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Agency Response	
Concurrence	PARTIALLY CONCUR
Implementation date	
Responsible agency	
Comment	DJA will work to ensure that strategy work we participate in will include incarceration alternatives and diversion programs.

Recommendation 15

As a part of the criminal legal data integration work in Recommendation 10, agencies should identify, define, and document how race data will be collected and used to analyze racial disparities in the criminal legal system.

Agency Response	
Concurrence	PARTIALLY CONCUR
Implementation date	
Responsible agency	
Comment	DJA agrees to work with CJ partner agencies to identify, define and document how race data is collected across the county. However, DJA's data systems that are used to track race currently use state court data standards for race-based data elements, so that court based data can be uniformly reported across the state. If changes are needed to this data for local purposes, it could impact our ability to meet our state requirements.



Statement of Compliance, Scope, Objective & Methodology

Statement of Compliance with Government Auditing Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Scope of Work on Internal Controls

We assessed internal controls relevant to the audit objectives. We assessed the extent to which county agencies have controls in place to ensure incarceration alternative and diversion programs receive monitoring and evaluation, including data quality control. We also assessed the extent to which the County has controls in place to ensure these programs have frameworks and data needed to implement monitoring and evaluation and use the results for improvements in the program.

Scope

This audit examined incarceration alternative and diversion programs for adults in which King County agencies participate and that are being planned or are active as of 2021.

Objectives

What are King County's jail diversion programs and to what extent can those programs be monitored and evaluated for improvements?

Methodology

For this audit, we gathered and reviewed information for 12 adult incarceration alternative and diversion programs in which county agencies participate: Community Center for Alternative Programs (CCAP), Community Courts, Community Diversion Program (CDP), Drug Diversion Court (DDC), Electronic Monitoring, Law Enforcement Assisted Diversion (LEAD), Legal Intervention of Network of Care (LINC), Pretrial Assessment and Linkage Services (PALS), Regional Mental Health Court (RMHC), Regional Veterans Court (RVC), Therapeutic Assisted Diversion (TAD), , and Vital (Familiar Faces Intensive Care Management Team). We gathered and reviewed relevant program documents including budget documentation, program reports, measurement plans, evaluation reports, annual reports, and descriptive information such as brochures and FAQs. We also interviewed knowledgeable staff at the Office of Performance, Strategy and Budget, Department of Community and Human Services, Department of Adult and Juvenile Detention, Prosecuting Attorney's Office, Public Health – Seattle & King County, and King County Information Technology. We also checked for program data controls by interviewing staff at county agencies and reviewing relevant documentation such as data quality control procedures and database dictionaries. We then compared the information provided against criteria on program evaluation and monitoring. Based on our assessment, we built profiles of descriptive information on each of the programs and reviewed the profiles with agency staff.

Superior Court and District Court did not grant us full access to persons, property, and records that we

are granted by King County Code. To assess the extent to which Community Courts, DDC, RMHC, and RVC are prepared for and receive monitoring and evaluation, we made administrative records requests for program documentation, including information about program goals and activities, monitoring and evaluation plans and reports, and data controls. We also interviewed staff and requested documentation from the Department of Judicial Administration. Based on the information available, we built profiles of descriptive information on each of the court programs. District Court reviewed and provided feedback on its programs. We also interviewed staff responsible for gathering monitoring and reporting information on the court programs funded by the Mental Illness and Drug Dependency sales tax.



List of Recommendations

Recommendation 1

The County Executive should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 2

The Prosecuting Attorney's Office should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 3

Superior Court and the Department of Judicial Administration should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 4

District Court should ensure adult incarceration diversion and alternative programs develop, document, and implement performance monitoring and evaluation plans.

Recommendation 5

The County Executive should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 6

The Prosecuting Attorney's Office should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 7

Superior Court and the Department of Judicial Administration should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 8

District Court should develop, document, and implement a strategy for achieving criminal legal reform goals, either in coordination or in alignment with other criminal legal partners.

Recommendation 9

As a part of Recommendation 5, the County Executive should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 10

As a part of Recommendation 6, the Prosecuting Attorney's Office should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 11

As a part of Recommendation 7, Superior Court and the Department of Judicial Administration should ensure that their strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 12

As a part of Recommendation 8, District Court should ensure that its strategy to meet criminal legal reform goals includes incarceration alternative and diversion programs.

Recommendation 13

The County Executive, Prosecuting Attorney's Office, Superior Court, and District Court should participate in county criminal legal coordination efforts.

Recommendation 14

The County Executive should prioritize and adequately resource completion of the criminal legal data integration project.

Recommendation 15

As a part of the criminal legal data integration work in Recommendation 14, agencies should identify, define, and document how race data will be collected and used to analyze racial disparities in the criminal legal system.



Advancing Performance & Accountability

KING COUNTY AUDITOR'S OFFICE

KYMBER WALTMUNSON, KING COUNTY AUDITOR

MISSION Promote improved performance, accountability, and transparency in King County government through objective and independent audits and studies.

VALUES INDEPENDENCE • CREDIBILITY • IMPACT

The King County Auditor's Office is committed to equity, social justice, and ensuring that King County is an accountable, inclusive, and anti-racist government. While planning our work, we develop research questions that aim to improve the efficiency and effectiveness of King County government and to identify and help dismantle systemic racism. In analysis, we strive to ensure that communities referenced are seen, not erased. We promote aligning King County data collection, storage, and categorization with just practices. We endeavor to use terms that are respectful, representative, and people- and community-centered, recognizing that inclusive language continues to evolve. For more information, see the King County [Equity and Social Justice Strategic Plan](#), King County's [statement on racial justice](#), and the King County [Auditor's Office Strategic Plan](#).

ABOUT US The King County Auditor's Office was created by charter in 1969 as an independent agency within the legislative branch of county government. The office conducts oversight of county government through independent audits, capital projects oversight, and other studies. The results of this work are presented to the Metropolitan King County Council and are communicated to the King County Executive and the public. The King County Auditor's Office performs its work in accordance with Government Auditing Standards.



This audit product conforms to the GAGAS for independence, objectivity, and quality.