



# Auditor Response

---

Implementing the 25 recommendations in our report will help the Department of Adult and Juvenile Detention (DAJD) increase safety of both county staff and people in custody. Based on the Executive response, it is unclear whether DAJD is planning to make meaningful changes to existing practices. The COVID-19 pandemic has brought new challenges to DAJD, and it is possible that the agency lacked capacity to engage fully in the audit process. At DAJD's request, the Auditor built more time into the report review process, such as providing seven weeks for technical review as opposed to our standard two-week period. We are committed to working with DAJD to improve safety at county adult jails and will provide DAJD with any documentation it requests to help the agency understand our methods, findings, and recommendations. Below, we hope to clarify potential misunderstandings and offer information to ensure that all 25 recommendations are implemented fully.

We have two overarching concerns based on DAJD's written response: (1) for some recommendations, DAJD concurs without indicating that it plans to change current practices, increasing the likelihood that these recommendations may not be implemented; and (2) DAJD makes comments on some recommendations suggesting that the agency does not understand what steps are necessary for implementation.

## **(1) Lack of Plans for Meaningful Implementation**


**DAJD concurs with multiple recommendations while at the same time noting that it does not plan to change existing practice, increasing the likelihood that deficiencies will continue.**

There is a risk that DAJD will not take sufficient action to proactively identify and mitigate risks related to violent incidents. For example, DAJD concurs or partially concurs with [Recommendations 1, 2, and 3](#) but goes on to state that its current practices are already sufficient.<sup>1</sup> Based on clear gaps identified in the audit, it is inconsistent that DAJD indicates that no further improvement is necessary with regard to its risk management system, its policies to prevent throwing of urine and feces, or its data analytics.

There is a risk that DAJD will not take sufficient action to address the racial disparities we identified in our report. DAJD partially concurs with [Recommendations 11 and 12](#) but states that using its existing classification tool is critical for risk management and that an expert in correctional risk management is necessary to validate its tool. We agree that risk management is an important consideration, but it is not the only consideration when developing a classification system. Given King County's commitment to a "Pro-Equity Policy Agenda," preventing racial disparities is also an important value. There is no evidence that the industry standards that DAJD relies on have taken racial equity into account when evaluating these tools. DAJD's comment characterizes risk management and increase in equity as values that are in conflict, such that an increase in one must necessarily mean a decrease in another. In

---

<sup>1</sup> For full text of recommendations, please see "List of Recommendations" on page 56 of the report.



fact, systemic racism is one of the highest-ranking risks the County faces according to the Office of Risk Management Services. We are recommending that DAJD add racial equity as a vital consideration when evaluating whether existing classification tools work as well as they should. King County is a leader when it comes to incorporating equity into its operations, such that existing national standards may not be sufficient to meet King County's ambitious goals.

While DAJD concurs with [Recommendation 17](#) to review infractions and sanctions data by race, it asserts that its own analysis of infraction data does not find significant differences in sanction length when controlled by the severity of the underlying infraction. DAJD did not share with us its own analysis; however, the agency's assertion is inconsistent with our findings of clear racial disparities in sanctions for serious infractions. Re-running an analysis that does not detect racial disparities will not meet the standard for implementing this recommendation.


DAJD partially concurs with [Recommendation 21](#) but does not indicate that it plans to implement it, meaning that violent incidents and medical emergencies could not be identified in time to prevent harm. DAJD cites incomplete camera coverage and union constraints as barriers to implementation. However, DAJD can work with the union to negotiate the need for video oversight and can conduct checks in limited areas as a pilot as it brings more cameras online.

Finally, DAJD concurs with [Recommendation 23](#) but indicates it will not implement it, which means that DAJD may miss opportunities to identify problematic uses of force that do not meet the basic threshold for review. DAJD notes that it reviews force regularly through its Use of Force Review Board. The review board does not have time to review the hundreds of uses of force that happen each year in its monthly meetings. The group is only required to review uses of force involving "serious or unexplained injuries," "hard impact head strikes," or force involving "apparent violations" of policy. By using data improvements from the Jail Management System as we recommend, DAJD can strategically identify cases for review by its board.

## **(2) Misinterpreted Recommendations**

**There are multiple recommendations where DAJD states that additional resources or facilities are necessary for implementation. This is not necessarily the case.**

[DAJD can implement Recommendation 7](#) to avoid double-bunking in the jails without building a new jail or hiring more staff. DAJD does not concur with Recommendation 7 to manage the population of county jails with the goal of no double-bunking because, it asserts, this would require a new jail and more staffing. The benefit of Recommendation 7 can be realized independent of building a new facility or hiring more staff. Even after closing a floor at the King County Correctional Facility, if the County keeps the average daily jail population around 1,300, DAJD can avoid double-bunking of cells and continue to use dorms around half capacity. To clarify, Recommendation 7 does not necessitate the elimination of dorm-style housing. The County prioritized the safety of people in its custody when it reduced the average daily population in its adult jails; this finding and recommendation identify another safety risk—violence in the jails—that policy-makers can take into account when making decisions about jail population post-pandemic.



DAJD can implement Recommendation 12 without issuing a request for proposals (RFP). DAJD partially concurs with Recommendations 11 and 12 to revise its classification tool. DAJD says it would require an RFP to engage with an expert to evaluate its existing tool. Although subject matter expertise is important, an RFP is not the only way to implement these recommendations. For example, Recommendation 12 asks that quantifiable measures be used to determine management risk scores. The National Institute of Corrections made this same recommendation to DAJD in 2011. DAJD has the expertise to develop clear guidance on how many infractions should constitute occasional versus consistent rule violations and need only to establish and train staff on those guidelines.

DAJD can implement Recommendation 16 without revising restrictive housing policies. DAJD does not concur with Recommendation 16 to revise disciplinary sanctions to remove day ranges or clarify when to use numbers in the range. The risk remains that without guiding criteria for determining whether a sanction should be the lesser or harsher punishment, two people written up for the same rule violation can be sanctioned with 3, 4, or 5 days depending on staff discretion. DAJD does not need to revise its sanctions so much as give staff guidance on how to apply them to ensure consistency.

In sum, implementing the 25 recommendations in our report will help DAJD increase the safety of both county staff and people in custody. Our goal is that DAJD makes meaningful and appropriate changes to policy and practice. We are available for clarification and discussion of the issues as DAJD works toward those changes. As always, we will follow up on all recommendations in this report and will issue a public report on the status of implementation for each recommendation.