

DUI Offender Program

Report No. 96-08 -- Executive Summary

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INTRODUCTION

The management audit of the King County DUI (Driving while Under the Influence of alcohol or drugs) program for first-time offenders was requested by the King County Council and included in the 1996 Auditor's Work Program.

First-time DUI offenders have served mandatory 1- or 2-day jail sentences at the North Rehabilitation Facility (NRF) since it opened in 1981. NRF is administered as a minimum security special detention facility for the Department of Adult Detention by the Alcohol and Substance Abuse Division of the Seattle-King County Health Department. 18 of 291 inmate beds at NRF are dedicated to DUI offenders, and an average of 2,055 DUI days annually have been served since 1984. In 1995, 1,855 DUI days were reported, and 1,528 individuals were booked into DUI beds at NRF. NRF's remaining beds were programmed for long-term resident (LTR) offenders transported from the downtown jail.

OBJECTIVE

The audit objective was to evaluate the efficiency and effectiveness of the county's DUI program for first-time offenders.

GENERAL CONCLUSION

The primary audit conclusions were that NRF had reduced programming for DUI offenders in recent years and that other counties provided more intensive and potentially cost-effective DUI programs; that significant disparities in program availability and content existed for female DUI offenders; that the scheduling system did not efficiently use the DUI beds available at NRF, resulting in 70% of 18 dedicated beds (4,599 days) being vacant in 1994 and 1995, and that King County had not exercised available authority to charge fees to DUI offenders.

MAJOR FINDINGS AND RECOMMENDATIONS

Finding III-1 - NRF reduced the duration and content of the one-day program for first-time DUI offenders in recent years. In addition, no DUI programming was provided to nearly half of female offenders, and DUI programming was limited for offenders with high BAC levels sentenced to a two-day confinement.

The DUI program outlined in the 1981 contract with the Department of Adult Detention was expected to provide first-time DUI offenders with 8.5 hours of programming which included facility work, group discussions, and meetings. Review of the current DUI program indicated that:

- one-day DUI offenders in 1996 would receive approximately 4 hours of educational programming (lecture, video, offender panel) and observe a 1-hour AA or NA meeting for LTR offenders;
- the 1996 DUI program contained nearly 2 hours less programming than scheduled in 1991 due to the deletion of chemical dependency assessments, orientation to community treatment resources, and program wrap-up/evaluation;
- NRF provided no DUI programming for the 40% of female DUIs who served sentences on Mondays and Fridays. Moreover, female DUIs scheduled for Tuesday through Thursday participated in a partial program, as they were excluded from the 1.25-hour LTR offender panel presentation on the consequences of DUI convictions;
- offenders sentenced to a second mandatory minimum day in jail (48 hours) because their BAC level at arrest was 0.15 or greater (indicating a greater likelihood of serious chemical dependency) made up 33% of persons booked at NRF in 1996. However, NRF provided no programming targeted for 48-hour DUIs who either sat through the same program on both days, or attended educational lectures which were frequently not directly relevant to their offense; and
- because NRF did not screen or limit offenders referred to the DUI program to persons who committed drinking driving offenses, the percentage of non-DUI offenders referred to the program reached 23% in 1996. Consequently, offenders incarcerated for theft, possession of drugs, or assault, etc., were likely to disengage from or challenge the presentations.

The audit recommended that NRF re-evaluate the objectives and curriculum for the DUI program to provide an intensive, interactive program which more fully utilizes the time available during incarceration. Specific steps should include developing adequate and appropriate programming for female offenders, for 48-hour offenders, and drug-related driving offenses.

The audit also recommended that NRF consider determining which offenses are relevant to DUI programming, limiting participants or grouping offender sessions by type of offense, such as DUI, non-DUI, and intensive two-day programs for high BAC offenders.

Finding III-2 - Other county DUI programs surveyed provided more intensive and potentially cost-effective programming for DUI offenders than provided at NRF.

A review of first-time DUI offender programs operated by other Washington counties revealed a variety of organizational, staffing, and curriculum options, as alternatives to one or two-days of straight jail time. Notably, other county programs dedicated more counselor or staff time, and

provided added features during a longer program day which averaged over 8 hours (including 10+ hours in Whatcom County which incorporated an evening Victim's Panel). Two counties reported cost-savings from contracting with separate public or private agencies to operate their DUI programs, and two counties required 1.5 to 3 hours of facility maintenance work by offenders.

In contrast, the NRF program relied heavily on video presentations, and did not generally plan for or solicit active participation by DUI offenders. NRF did not provide community treatment information, require facility work, and did not assess the substance abuse status of offenders, or request program feedback from offenders.

The audit recommended that NRF develop a revised DUI program curriculum which maximizes the opportunity for self-assessment and motivation for change provided by the one- or two-day confinement at NRF. Elements which NRF should consider incorporating into the program include: self-assessment, focused discussion groups and other techniques to prompt involvement, review of DOL driving records, information on community treatment resources, and facility or community work.

To provide input during program development, *the audit also recommended* NRF consider creating an advisory committee from affected agencies such as the courts, prosecuting attorney, and the Shoreline/Fircrest community, or use existing law, safety and justice forums.

Finding III-3 - The effectiveness of the DUI Program could be improved by re-establishing the contract with Adult Detention, adopting updated administrative procedures, and initiating program reports including measures of DUI recidivism.

In 1981, DASAS opened the North Rehabilitation Facility pursuant to the terms of a contract with the Department of Adult Detention which established the scope of services to be provided in incarcerating and treating minimum (community) security offenders. The interagency contract was not renewed, although DASAS has continued to operate NRF as a minimum security special detention correctional facility. In order to improve program accountability and fiscal control for NRF, *the audit recommended* that DAD and DASAS re-institute a contract to specify mutual program, operational and budgetary obligations.

Policies and procedures for the DUI/short-term program were minimal or outdated. NRF was in the process of revising policies and procedures as a result of provisional DSHS certification as a drug and alcohol treatment facility. *The audit therefore recommended* that NRF should update Security Procedures to reflect current DUI/short-term program processes, and include a DUI program element in the Clinical Manual.

NRF had not evaluated the effectiveness of the DUI program in reducing recidivism. The NRF Monthly Statistical Report presented demographic and program data on long-term resident offenders; however, NRF had not tracked or reported similar demographic or other relevant program data for DUI/short-term offenders. Consequently, *the audit recommended* that NRF implement regular monthly reporting of DUI offender and program information including court referrals, offense, revenue collections, and FTA (failure-to-appear) rate, as well as a periodic assessment of DUI recidivism.

Finding IV-1 - King County has not exercised available authority to charge fees for housing and program costs to persons incarcerated for DUI offenses. As a result, the county has foregone revenue which could have been collected since 1983 from DUI offenders.

RCW 70.48 provides authority for special detention facilities such as NRF to establish a reasonable program fee schedule to cover the costs of facility housing and programs for DUI offenders. The audit survey indicated that other Washington counties which operated first-time DUI offender programs had exercised this authority and assessed charges in amounts which ranged from \$50 to \$150. Two counties, Clark and Pierce, charged DUI program fees in excess of \$100. King County has not initiated similar DUI fees for offenders.

King County has historically assessed inmate fees for other detention programs and services, e. g., work release, electronic home detention, commissary. If DUI program fees were instituted, revenue collected from offenders would be credited against total jail costs to reduce public expenses by the county and by local cities who contract for jail services through the Jail Services Interlocal Agreement. Fee revenues could also be used to defray the costs of enhancements to the DUI program.

The county has also foregone revenue which could have been collected from DUI offenders since the mid-1980's, had fees been instituted. Based on the number of DUI offender days reported through June 1996, revenue projected for 1997 could range from \$104,100, if a fee of \$50 per day were imposed, to \$364,350 at a fee of \$175 per day.

It should be noted, however, that several counties had not raised the DUI program fee above \$50, due to a statutory change enacted in 1995. Revisions to RCW 10.01.160 (General Provisions) Washington Criminal Code have been interpreted as limiting counties' ability to charge offenders for incarceration costs at rates above \$50 per day.

The audit recommended that DAD and DASAS develop a fee schedule (with sliding-scale) applicable to DUI offenders for submittal (with authorizing ordinance) for Council consideration. In addition, NRF should develop a revenue analysis and expenditure plan as a basis for assessing DUI fees.

The audit further recommended that the county seek clarification of the \$50-per-day ceiling for offender fees which recover the costs of incarceration established by RCW 10.01.160. The Council and Executive, in consultation with the Prosecuting Attorney, may also wish to include necessary amendatory language in the 1997 Washington State Legislative Program to assure fees can be set at levels which fully recover incarceration costs.

Finding IV-2 - The current system for dedicating and scheduling beds for DUI offenders did not efficiently use the community security beds available at NRF, and required female offenders to wait nearly 6 months after sentencing to serve their DUI sentence.

NRF dedicated 18 beds for DUI offenders, 2 female beds and 16 male beds, which were typically vacant on non-program days. DUI beds were scheduled for a limited number of days per week: 3 days for male DUIs and 5 days for female DUIs. This resulted in an unscheduled capacity of 54% of the dedicated beds per year or 3,554 NRF bed days. Due to a high rate of no-show offenders and inefficient scheduling practices, the actual utilization rate for DUI beds was 30% for 1994 and 1995. This meant that approximately 4,599 bed days (70%) dedicated to DUI offenders at NRF were vacant per year.

Auditor review of scheduling practices indicated that DUI slots which opened due to court-requested changes were typically not re-scheduled. Despite a relatively high number of offenders who failed to appear to serve their sentences, NRF did not over-schedule to compensate for potential no-shows. Moreover, NRF did not systematically track or report the overall number or percentage of no-show DUI offenders.

Finally, female DUI offenders experienced waits of 5 to 6 months in setting a date to serve their one or two-day sentence at NRF, because the number of female beds was inadequate to meet the number of referrals. (Males, in comparison, were able to schedule a date within 7 to 10 days of sentencing.)

The current method of scheduling DUI beds resulted in the inefficient allocation of program and security staff assigned to DUI program days with low offender turnouts, and a significant under-utilization of community security offender beds at NRF. Misdemeanant offenders have been the fastest growing segment of the inmate population in the KCCF. King County may benefit from relocating the DUI/short-term incarceration program to another facility or by contracting with an outside agency, thus freeing up 18 additional minimum security beds at NRF.

In order to effectively manage and increase the utilization of DUI beds and reduce the lengthy delays for female DUI offenders in scheduling sentences, *the audit recommended* that NRF

consider the following options:

- initiate over-scheduling to compensate for offenders who fail to appear;
- identify and re-fill slots which open due to court-requested re-scheduling;
- increase the number of female beds at NRF dedicated to DUIs; and
- monitor and periodically report on the lag time from court referral to schedule date, the overall rate of no-show DUI offenders, and DUI bed utilization compared to dedicated beds.

The audit further recommended that DASAS, in consultation with DAD, should consider implementing off-site incarceration options for the DUI program as a potential means of providing community security beds in response to inmate population growth at the KCCF. DUI program responsibility could be retained by DASAS with NRF continuing to administer an alternative site, or delegated to another agency through the county's contracting process.

Updated: 06/24/02