



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	5	Name:	Clifton Curry
Proposed No.:	2016-0352	Date:	July 12, 2016

SUBJECT

A MOTION accepting a report on the family intervention restorative services, phase 1, as required by Ordinance 18110, Section 5, Proviso P4, which amended the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 18, as amended.

SUMMARY

In 2014, the Prosecuting Attorney’s Office in its Juvenile Division, along with the Juvenile Court, identified a disturbing trend related to the number of juvenile domestic violence (DV) case referrals from police agencies. Unlike the traditional DV cases seen adult court, juvenile DV rarely involves intimate partner violence. The City of Seattle found that this problem is particularly concerning in the City of Seattle where 38 percent of all juvenile arrests for “crimes against persons” were for domestic violence related offenses. As a consequence, the PAO, working with the Juvenile Court, Judicial Administration, and Juvenile Detention developed a diversion project for youth arrested for DV. The first phase of the diversion project—known as the Family Intervention Restorative Services (FIRS) program—was funded as part of Ordinance 18110, which required that the Executive transmit a report on the implementation of the project. This Proposed Motion would accept the report. Staff from the Juvenile Court and the PAO are here today to discuss the project’s implementation, the recent initiation of Phase 2, and the future plans for the program.

BACKGROUND

The Prosecuting Attorney’s Office (PAO) is responsible for the prosecution of all felony and juvenile cases in King County and all misdemeanor cases generated in unincorporated areas of King County. The PAO also serves as legal counsel to the Metropolitan King County Council, the King County Executive, all executive agencies, the Superior and District Courts, the King County Sheriff’s Office, the King County Assessor, the various independent boards and commissions, and some school districts. Each year, the PAO receives and reviews over 10,000 criminal investigations and referrals from the county's 39 different law enforcement agencies.

The King County Superior Court, supported by the Department of Judicial Administration, is responsible for the adjudication of all juvenile crimes (felony and misdemeanor) in the county (with certain exceptions related to traffic and other non-criminal citations). The court adjudicates the criminal cases and has Juvenile Probation Counselors that oversee services for adjudicated youth and families. Since 1998, the county has worked to provide significant resources for adjudicated youth to address the underlying issues that lead to criminal behavior. The county has a significant number of diversion and intervention programs in the community that have contributed to significant declines in juvenile crime and incarceration in the county. For example, the DJA provides services for youth adjudicated for DV offenses and their families through its “Step Up” program.

Juvenile Domestic Violence Trends. In 2014, the PAO in its Juvenile Division, along with the juvenile court, identified a disturbing trend related to the number of juvenile domestic violence (DV) case referrals from police agencies. Unlike the traditional DV cases seen adult court, juvenile DV rarely involves intimate partner violence. The Prosecutor observed that the vast majority of the cases (at least 90 percent) involved youth acting out in ways against their parents or siblings that meet the legal definition of a crime of violence against a “family or household member.” The PAO noted that family violence easily makes up the largest category of violent offenses seen in King County Juvenile Court, but that most situations involved misdemeanor offenses, such as Assault 4, Harassment, or Malicious Mischief 3.

The City of Seattle, in an audit review of the Seattle Youth Violence Prevention Initiative, found that this problem is particularly concerning in the City of Seattle where 38 percent of all juvenile arrests for “crimes against persons” were for domestic violence related offenses. They also noted that is also the only category of juvenile offense in Seattle that has actually seen an *increase* in arrests between 2008 and 2012.

Furthermore, juvenile DV had accounted for 17 percent of all admissions to juvenile detention and 32 percent of all new bookings (329 total) in 2014. The PAO and the Court has also noted that juvenile DV matters also follow the disturbing trend of racial disproportionality in the juvenile justice system where 55 percent of admissions to secure detention for domestic violence were for youth of youth of color (31 percent African American).

Juvenile DV Services Before FIRS. The PAO determined as part of their review, that although DV cases make up a significant portion of the work within the juvenile justice system, the county does not provide a proportionate amount of services or resources for youth and parents caught in this cycle. According to planning documents, families call police when they are in crisis, seeking help for their children and for themselves. However, current state DV law directs police who respond to such calls to make a mandatory arrest of the aggressor if the perpetrator is over 16 (it is discretionary when the juvenile is 15 or younger, but the arrest can still occur). Families turn to the juvenile justice system for help, but almost none want their children to end up with a criminal record. In fact, the Prosecutor notes that most parents/guardians/siblings decline to assist or participate with formal court proceedings. As a result, in 2014 42 percent of all juvenile DV referrals resulted in declines (i.e. no charges filed). Of the cases that were

filed, most ended up in dismissals for this same reason. As a consequence, most of these juveniles, and their families, are unable to participate in the county's extensive array of intervention programs because they are no longer in the juvenile justice system. For example, the PAO noted that in 2013, only 18 of the over 500 juvenile domestic violence referrals received evidence-based programs or interventions (Aggression Replacement Training, Functional Family Therapy, Multi-Systemic Therapy, and Family Integrated Transition).

Therefore, while the immediate family crisis may have been resolved by the arrest and removal of the juvenile from the home, the vast majority of these families receive no services to improve family dynamics or the home situation and they have been given no tools or resources to make positive changes. Nevertheless, the record of an arrest for DV will remain a part of the juvenile's record throughout their life.

Addressing the Issue—Juvenile DV Diversion. The Superior Court, the Department of Adult and Juvenile Detention (DAJD), the Department of Judicial Administration (DJA), the PAO, and the Department of Public Defense (DPD) are working to implement a new approach to dealing with these cases.

The PAO identified that there are other jurisdictions that have recognized the unique dynamics present in juvenile DV and have employed alternatives to formal processing. One model was found in Pima County (in the State of Arizona) at their Domestic Violence Alternative Center (DVAC). At its DVAC, Pima County reports that it has seen their juvenile DV booking numbers reduced from over 1,000 youth annually, to just 82 in 2012.

Based on the results achieved in Pima County, the PAO began developing a plan for a county DVAC which would be an alternative to detention for youth who are arrested for misdemeanor domestic violence offenses. The initial proposal for the program would have had youth diverted from detention after arrest, avoiding booking and detention. These youth, instead of being admitted to secure detention, law enforcement would have presented youth to a 24 hour-a-day/7 day-a-week center located adjacent to the juvenile detention facility. In the center, a social worker would address the juvenile's immediate needs (rest, food, shelter), and then assess the juvenile. The center staff would then work to reunite juveniles with their families. In addition, respite care would also be available for a cooling-off period and to allow time to assess next steps. King County Superior Court Juvenile Probation Counselors (co-located at FIRS center) would provide youth with an opportunity to sign a domestic violence evaluation contract. The goal was to be able to release the juvenile to their families with a plan on how to connect to necessary services to change home dynamics and prevent future DV calls. The plan would be monitored by Juvenile Probation, and if the youth successfully engages in services, the PAO will not file charges in Juvenile Court.

FIRS Pilot Project Phase 1 of the Family Intervention Restorative Services (FIRS) process was funded in the first 2015 omnibus (Ordinance 18110) to provide an alternative to current practices for youth referred to the PAO on domestic violence offenses. The budget provided one year of MIDD-supported funding for two specialized Step-Up social

workers and two specialized Juvenile Probation Counselors (JPCs) beginning January 2016. The respite center (FIRS Phase 2) was not funded by the county due to budget and implementation concerns related to staffing a 24 hour-a-day/7 day-a-week center.

With the pilot, youth who have been booked into detention, the FIRS program JPCs and Step-Up social workers begin working with the youth and family prior to the First Appearance Hearing and identify specifically tailored services and appropriate responses to match each youth's individual needs. All FIRS-referred youth who are in detention, regardless of whether the youth ultimately signs an agreement, receive immediate crisis intervention and safety planning services for themselves and their families. JPCs complete an intake interview and work with the Step-Up social worker and the family to develop a FIRS agreement. The FIRS agreement specifies which programming or therapy the youth agrees to complete. Youth are released from detention as quickly as possible and upcoming hearings stricken if possible.

For out-of-custody referrals (commonly youth under 16, who are not eligible for admission to detention on most misdemeanor offenses), JPCs and Step-Up social workers contact youth and families as soon as they receive a referral from the PAO and a similar process is followed with the goal of developing a signed FIRS agreement.

After a FIRS Agreement is signed, a regularly assigned JPC in one of Juvenile Court's field offices provides guidance and supervision until the agreement has been completed, generally six months or less. The PAO will not file on the FIRS offense even if the agreement is not adhered to.

The Phase 1 pilot program is intended to reduce the time between incident and referral to services for youth on domestic violence charges and the number of juvenile domestic violence filings.

City of Seattle Funding In January 2016, King County received funding from the City of Seattle to expand the pilot program to include Phase 2. The Budget and Fiscal Management Committee is currently considering legislation (2016-) that provides appropriation authority for these funds. Under Phase 2, a respite center will operate at the Youth Services Center staffed by a Pioneer Human Services, a community organization with substantial experience providing services for high-risk, high-needs youth. The Seattle-funded respite center (FIRS Phase 2) opened July 1, 2016 with seven beds for youth referred to the PAO on domestic violence offenses. The University of Washington will evaluate the recidivism outcomes of FIRS and expects to report on program outcomes in March, 2017.

ANALYSIS

When the Council approved Ordinance 18110 in September 2015, which provided funding for the first phase of the FIRS program, it added a proviso requiring a report on the first six months of program implementation. This proviso required:

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a report on the implementation of a pilot diversion program for youth detained for domestic violence offenses and a motion that accepts the report and the motion is passed by the council. The motion shall reference the subject matter, the ordinance number, the ordinance section number and the proviso number in both the title and body of the motion.

This proviso requires that the office of performance, strategy and budget provide a report providing data evaluating the effectiveness of the pilot diversion program for youth detained for domestic violence offenses. The report shall include data on the number of juvenile offenders booked into secure detention by offense, referrals for prosecution by offense and charges by offense filed in 2014, 2015 and 2016. The report shall also include data on the offenders referred to the pilot diversion program for youth detained for domestic violence offenses to include: the number of youth that were offered diversion and the amount of time that the youth remained in detention; the number of youth offered, but who refused, diversion, and the amount of time spent in detention; the number of youth who participated in the diversion program; the number of youth completing or failing diversion; the options for using existing alternatives to secure detention placements for program participants; and recommendations for any other offense types that could be eligible for a similar diversion program. The report should also contain recommendations on potential options to extend this program as a pre-booking diversion alternative. The office of performance, strategy and budget shall consult with the prosecuting attorney's office, superior court, the department of judicial administration, the department of public defense and the department of adult and juvenile detention, other county agencies, and community organizations in developing the report. The executive must transmit the report and motion required by this proviso by June 30, 2016.

The executive transmitted the required report as required.

The report addresses the requirements of the proviso and shows that the Phase 1 FIRS program appears to be achieving program goals. According to the report, early results from the first four months of the new process suggest FIRS phase 1 is successful in:

- providing intervention and safety planning for families immediately or soon after a domestic violence incident;
- reducing criminal filings and youth involvement in the court system; and,
- providing a more meaningful diversion process for youth.

In the implementation report, data shows that there were 167 DV referrals during the study period and that 148 youth were referred to FIRS, 88.6 percent of the total. According to the report, 48 percent of the youth were in detention and the remainder were

out-of-custody. The report indicates that FIRS-referred youth had significantly lower stays in detention, even if they did not sign an agreement.

The report shows that 64 percent of the youth and their families signed FIRS agreement (59 youth). The report notes that for those who choose not to participate or for those who were deemed not eligible (nine instances) families still received immediate family safety planning services. All of the youth with signed agreements were referred for services, including 23 who were assessed as being able to benefit from the Step-Up program. According to the report, 57 youth and their families remained enrolled in services and only two youth have been removed from the program because they failed to comply with their agreements. The report notes that there has not been sufficient time for any of the enrolled youth to complete the program.

In reviewing demographic data, of the 148 cases referred to FIRS, White youth made up the majority of referrals at 70 (47.3 percent) with Black youth second at 54 (36.5 percent). Of the youth and families that signed contracts; there were 27 White youth (45.8 percent) and 24 Black youth (40.6 percent). The two youth that have been removed from the program are White.

The Proposed Motion would accept the report required by proviso.

INVITED:

- Hon. Regina Cahan, Judge Juvenile Court, King County Superior Court
- Lea Ennis, Director of Juvenile Court Services, King County Superior Court
- Jimmy Hung, Juvenile Division, King County Prosecuting Attorney's Office
- Stephanie Trollen, Juvenile Division, King County Prosecuting Attorney's Office

ATTACHMENTS:

1. Proposed Motion 2016-0352, with attachment
2. Transmittal Letter