

**KING COUNTY
DEPARTMENT OF ADULT AND
JUVENILE DETENTION**

**INDEPENDENT
MONITORING TEAM REPORT**

**IMPLEMENTATION OF ORDINANCE 18637
RESTRICTIVE HOUSING**

**REPORTING PERIOD:
JANUARY – JUNE 2020**

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***Kathryn Olson
Change Integration Consulting, LLC
www.change-integration.com
kathryn.olson@change-integration.com
206.890.5932***

***Bob Scales
Police Strategies, LLC
www.policestrategies.com
bob@policestrategies.com
206.915.8683***

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**King County Department of Adult and Juvenile Detention
Independent Monitoring Team Report
Implementation of Ordinance 18637 – Restrictive Housing
Reporting Period: January – June 2020**

Executive Summary

This report, covering the period January – June 2020, assesses progress by the King County Department of Adult and Juvenile Detention (DAJD) in implementing King County Council Ordinance 18637, which limits the use of restrictive housing (also called “solitary confinement”) for juvenile detainees.

Ordinance 18637 prohibits restrictive housing for disciplinary purposes. Restrictive housing only can be used when necessary to prevent imminent and significant physical harm to the juvenile or others and less restrictive alternatives were unsuccessful. The Ordinance applies to youth detained in DAJD’s juvenile detention facility, youth who turn 18 while in juvenile detention and are transferred to an adult facility (Adult Age Outs), and those over the age of 18 who are in a DAJD adult facility on a juvenile probation/parole matter.

DAJD’s policies, procedures, and programs related to prevention of restrictive housing and the required documentation when it occurred were assessed. Along with documentation review, and though there initially was limited access due to COVID-19 precautions, the assessment also included data analysis, site visits to DAJD facilities, interviews, meetings, and observations.

DAJD has developed processes to track and evaluate whether policy requirements for placement, review, and assessment of each instance of restrictive housing were met. Under a settlement with Columbia Legal Services, this information is shared quarterly. Records for the first two quarterly reports in 2020 were reviewed to confirm that they appeared to accurately report restrictive housing events.

This monitoring report notes DAJD’s response to earlier recommendations and makes a number of new recommendations, including: that there be a reset of the Juvenile Division’s restorative practices program and that individual case management plans involving JDOs be used; that documentation provide specific and thorough details of behavior resulting in restrictive housing and an explicit reintegration plan; and, that the Adult Divisions provide more specific information about programs available to AAOs, that support services now provided on an informal basis be formalized, and that educational opportunities for AAOs, limited by the response to COVID-19, be reinstated, if at all possible.

**KING COUNTY
DEPARTMENT OF ADULT AND JUVENILE DETENTION
INDEPENDENT MONITORING TEAM REPORT
IMPLEMENTATION OF ORDINANCE 18637 – RESTRICTIVE HOUSING
JANUARY 1, 2020 – JUNE 30, 2020**

I. INTRODUCTION

This is the second report from the independent monitoring team¹ engaged to assess progress being made by the King County Department of Adult and Juvenile Detention (DAJD) to implement King County Council Ordinance 18637, which places restrictions on the use of restrictive housing for juveniles detained in DAJD facilities, as defined below. This monitoring report addresses DAJD’s implementation efforts January – June 2020.

DAJD encountered a number of unexpected challenges during the January – June 2020 reporting period, some shared by others and some unique to the Department. First, early in this period, DAJD and the rest of King County formulated and began implementing plans to help prevent the spread of the coronavirus. By early March, nonessential employees began working remotely from their homes, public access to detention and jail facilities was greatly reduced, and efforts were made to release a significant number of detainees, allowing for more social distancing within the facilities. Also, shortly after the Juvenile Division made the move its new facility, the Children and Family Justice Center (CFJC), there was a water main rupture that caused a flood on most of the first floor of the facility, with repairs continuing late into the summer. After weeks of protests following the police officer-involved death of George Floyd in Minneapolis, on July 25 Seattle demonstrators broke through a fence in the construction area next to the new juvenile facility, started a fire, and broke facility windows and damaged numerous vehicles in the employee parking lot. At another point, demonstrators attempted to enter the King County Correctional Facility (KCCF) and caused property damage to the building.

¹ Independent monitoring team members are Kathryn Olson and Bob Scales. They have deep and broad background and expertise in law; the criminal justice system; law enforcement operations, policy, training, labor relations, and community relations; records auditing; advising on data tracking and reporting systems; juvenile justice; reducing racial/ethnic disparities in the criminal justice system; knowledge of PREA and JDAI, trauma informed care, and impacts on policies and practices; restorative justice techniques; and federal, state and local government and criminal justice organizations. They have worked in a wide range of jurisdictions with multiple stakeholders and strive to foster accountability and transparency in the monitoring and reporting process. Note that the third original member of the team had a conflict and has only been involved informally.

Despite these many challenges over the past six months, DAJD continued making strides to limit the use of restrictive housing, while keeping detainees and employees safe and secure. This report provides an update on DAJD’s response to earlier recommendations related to restrictive housing and suggests other approaches that the Department may consider as it develops alternatives to restrictive housing. The report also suggests areas where the Ordinance, as written, creates unintended obstacles in the effort to limit the use of restrictive housing.

A. Ordinance 18637

Ordinance 18637 (the Ordinance) prohibits the restrictive housing² of certain youth/juveniles in King County’s detention facilities, except when based on the youth’s behavior, restrictive housing is necessary to prevent imminent and significant physical harm to the youth or others and less restrictive alternatives were unsuccessful.³

The Ordinance defines “juvenile” to include a person currently confined in a King County detention facility for a charge that was filed in juvenile court or based on conduct that occurred before the person’s 18th birthday where confinement begins before the person’s 18th birthday. Thus, the Ordinance applies to: (a) all juveniles held in detention at the Children and Family Justice Center (CFJC);⁴ (b) youth who turn 18 (Age Out) and are transferred to an adult facility; and, (c) youth who are older than 18 and are booked on a juvenile probation/parole matter. DAJD uses the term “Adult Age Outs” (AAOs) for juveniles covered by the Ordinance though

² The Ordinance uses the term “solitary confinement,” though DAJD adopted the term “restrictive housing,” which previously had been used by the Adult Division. The Ordinance makes clear that its mandates apply regardless of the terminology used (e.g., room confinement, segregated housing, restrictive housing, etc.). See the discussion and recommendations made under Section II regarding use of the term “restrictive housing.”

³ The King County Signature Report, December 12, 2017, Ordinance 18637, provides a list of explanations for enacting Ordinance 18637, including reference to studies “on the psychological effects of solitary confinement on juveniles suggest that isolation may interfere with essential developmental processes, lead to irreparable damage and increase the risk of suicide ideation and suicide.” King County’s Zero Youth Detention Road Map also has an objective of ensuring that detained youth receive trauma-informed care and services. In support of this approach with juvenile detainees, the County participates in the Juvenile Detention Alternatives Initiative (JDAI) and uses JDAI standards for its programs and detention.

⁴ The former juvenile detention facility, called the Youth Services Center, was closed in early 2020 and juvenile detainees were moved to the CFJC, the Juvenile Division’s new detention facility. Thus, the Ordinance and early reports use the term “YSC” in reference to the juvenile detention facility, while this report uses “CFJC.”

detained at the King County Correctional Facility (KCCF) or Maleng Regional Justice Center (MRJC).⁵

The Ordinance defines restrictive housing as, “the placement of an incarcerated person in a locked room or cell alone with minimal or no contact with persons other than guards, correctional facility staff, and attorneys.” Use of restrictive housing of youth for disciplinary or punishment purposes is prohibited, though “short-term placement of youth in individual cells for purposes of facility or living unit security issues” or for other short-term safety and maintenance issues is permitted.

Juveniles detained in any King County detention facility also must be given reasonable access to the defense bar, juvenile probation counselors, social service providers, and educators in a timely manner. Finally, the King County Council directed the King County Executive to engage an independent monitor to assess and report on DAJD’s implementation of the Ordinance.

B. Restrictive Housing Monitoring July – December 2018

A prior monitor issued two reports in August 2018 and January 2019 covering the period July – December 2018. The first report focused on restrictive housing issues assessed in July 2018. The Juvenile Division was transitioning to a new trauma-informed Behavior Management System, which the monitor noted appeared to align with best practices. The monitor identified issues with restrictive housing documentation and inconsistencies in how restrictive housing was applied in determining how long youth were in restrictive housing. The report noted that juvenile detainees had access to health and mental health professionals, probation officers, attorneys, and visitors. The prior monitor found widespread use of restrictive housing of the Adult Divisions, misalignment between the Juvenile and Adult Divisions’ classification system, and recommended a number of changes, including regular tracking of restrictive housing data and distribution of a list of detainees in the adult facilities who are covered by Ordinance 18637.

In her second report, the prior monitor concluded that DAJD had made “substantial policy changes which reflect the requirements of the Ordinance and the concerns brought forth” by the monitor. She indicated that leaders from all DAJD facilities appeared to be invested in improvements and engaged in discussions with staff about changing procedures and addressing operational challenges. However, she

⁵ The DAJD Adult Division and prior monitoring reports initially referred to AAOs as “Juvenile Ordinance Inmates (JOIs).”

noted that data collection and analysis continued to be challenging, particularly with regards to instances of restrictive housing reported for the Adult Divisions, and was critical of access to programming and education for AAOs who transferred from the juvenile facility to an adult facility.

C. Restrictive Housing Monitoring July 2019 - June 2020

The current monitors were engaged to evaluate DAJD’s ongoing efforts related to implementation of Ordinance 18637. The team’s first report covered the period July to December 2019, while the current report considers developments in the period January to June 2020.⁶

The monitors’ July – December 2019 report focused on an evaluation of restrictive housing related policies and procedures, the Juvenile Division’s Behavior Management System and approaches to avoiding restrictive housing, data tracking, programming and access to education and services, and the AAO transfer process.

⁶ Specifically, the monitors were asked to assess whether DAJD’s Adult and Juvenile Divisions met the criteria required by King County law and policy regarding restrictive housing, including: (1) DAJD’s reporting on the number of times, and for how long, restrictive housing, as defined in County policy, was used during the evaluation; (2) DAJD’s reporting on each incident that warranted restrictive housing; (3) DAJD’s documented use of restrictive housing as defined under the policy, and whether such use complied with applicable policy, including: (a) Whether the initial placement, and any subsequent decision to continue placement, was clearly documented and necessary to prevent imminent and significant physical harm to the juvenile or adult age out, or other and less restrictive alternatives were unsuccessful; (b) An evaluation of whether required supervisory reviews provided sufficient information and met the policy criteria; (c) An evaluation of whether required medical and mental health reviews occurred; (4) Evaluation of the level of programming provided to youth in juvenile and adult facilities, including interviews with program providers; (5) Evaluation whether youth had full access to education as required by law, including interviews with educational providers; (6) Evaluation whether youth had reasonable access to the defense bar, probation counselors and social service providers in a timely manner, consistent with appropriate security measures and maintaining public safety as required by and defined in county policy, including interviews with providers; (7) Consult with representatives of the King County Juvenile Detention Guild (Department of Adult and Juvenile Detention – Juvenile Detention) representing employees in the Department of Adult and Juvenile Detention Juvenile Division on any issues with implementation; (8) An assessment of the progress by DAJD’s Juvenile Division on implementing the prior monitor recommendations selected to be implemented in the Monitoring reports issued in September 2018 and January 2019.

The current report covers January – June 2020 and addresses some of these same issues, though with more in-depth discussion regarding the use of restorative practices at CFJC, the impacts of COVID-19 restrictions on programming and educational opportunities in both juvenile and adult facilities, and an initiative in the Adult Divisions aimed at reducing restrictive housing for all adult inmates. The report also highlights some of the changes at the new juvenile facility and the impacts of challenges faced by both Juvenile and Adult Divisions during this reporting period.

D. Methodology

As in the first reporting period, the evaluation of DAJD’s policy implementation and use of restrictive housing during the period January – June 2020, was conducted through site visits to DAJD detention facilities, documentation reviews, data analyses, observation of detention center practices, interviews, and meetings.

While by no means a complete list, examples of documents reviewed during the monitoring team’s assessment for the two reporting periods include: King County Council Ordinance 18637 and other related legislation; DAJD policies on restrictive housing and Adult Age-Out Inmates; DAJD organizational charts; prior monitor’s reports on Ordinance 18637; informational handbooks for detainees in DAJD Juvenile and Adult Divisions; quarterly self-monitoring reports on restrictive housing for Columbia Legal Services; juvenile and adult facilities behavior management forms and reference documents; King County Executive Orders and reports on Auto Declines, juvenile justice services, and related matters; CFJC detainee intake and screening documents; Youth Accountability Checklists completed during the period July 2019 – June 2020; health clinic youth monitoring forms; CFJC Restrictive Housing Assessment forms completed during the period July 2019 – June 2020; Juvenile Detention Alternatives Initiative standards, reports, and related documents; publications concerning room confinement issues generally and with regards to other detention facilities; research articles on use of restorative practices with youth; King County and other jurisdictions’ write-ups about Zero Youth Detention and COVID impact statements and data; and, DAJD reports and supporting material provided to King County Council.

Meetings, interviews, and observations since July 2019 have included: DAJD management, facility commanders, supervisors, Juvenile Detention Officers (JDOs), and administrative staff; representatives of, the defense bar, social service providers, school teachers working with detained youth, program providers,

representatives of the King County Juvenile Detention Guild, and youth and AAO detainees. The monitors also observed detainees on-site engaging in a variety of educational, programming, and other activities at the CFJC, KCCF, and MRJC.

II. DAJD RESTRICTIVE HOUSING POLICIES, JUVENILE DIVISION BEHAVIOR MANAGEMENT SYSTEM, AND APPROACHES TO AVOID USE OF RESTRICTIVE HOUSING

A. DAJD Restrictive Housing Policies

DAJD adopted new policies addressing restrictive housing in the Adult Divisions in April 2019 and in the Juvenile Division in early May of 2019.⁷ As required by Ordinance 18637, the policies provide that the placement of youth or AAOs into restrictive housing is prohibited unless, based on the youth or AAO's behavior, it is necessary to prevent imminent and significant physical harm to them or others, and there are no less restrictive alternatives. Both policies state that restrictive housing is not to be used for disciplinary purposes.⁸

Restrictive housing related policies for both the Juvenile and Adult Divisions were discussed in detail in the July – December 2019 report.⁹ It was noted in the report that, with a few exceptions, the policies reflect the provisions of the Ordinance, as had been observed by the prior monitor. However, a few key observations related to the Ordinance and restrictive housing policies are discussed below.

Under the Juvenile and Adult Divisions policies, a youth/AAO is deemed to pose a risk justifying restrictive housing if their behavior creates a risk of imminent and significant physical harm to the youth/AAO or others. Both policies identify behaviors that may lead to a determination that the youth/AAO creates a risk of physical harm, including threats to staff or others, physically aggressive behavior, or a major destruction of property or facility disturbance, if such behavior creates a

⁷ While the prior monitor favorably reviewed draft changes to Adult Divisions Policy 6.03.011 - Inmate Classification and Discipline, the final policies on restrictive housing for both the Adult and Juvenile Divisions were not adopted until after the monitor's January 2019 report. Policy changes largely reflect policy related recommendations that had been made by the prior monitor.

⁸ Note a slight difference in how restrictive housing is defined under the two policies: the Adult Divisions define it as "The placement of an AAO in a locked room or cell, alone, with minimal or no contact with others – other than corrections, program or medical staff, and attorney of record," while the Juvenile Division uses the definition, "The placement of a youth in a locked room or cell, alone, with minimal or no contact with people other than detention staff or attorneys."

⁹ King County Department of Adult and Juvenile Detention: Independent Monitoring Team Report, Implementation of Ordinance 18637 – Restrictive Housing, Reporting Period July – December 2019 (July – December 2019 report), beginning p. 8.

risk of imminent and significant physical harm to the youth/AAO or others. Because it is impermissible under the Ordinance and DAJD policy to use restrictive housing for disciplinary purposes, it is particularly important for officers and supervisors to identify the specific behavior leading to restrictive housing and how it creates a risk of imminent and significant physical harm, to avoid even a perception that the restrictive housing is punitive. Many of the Juvenile Division JDOs, supervisors, and other staff have greatly improved over the past 6 months in providing more detail about restrictive housing events, and a new Restrictive Housing Assessment Checklist form implemented in July 2020 provides more guidance to encourage documentation of the specifics involved. It is very helpful for the original decision-making process and for anyone reviewing the restrictive housing event to have the pertinent details clearly stated to establish there was a *risk of imminent and significant physical harm*. Whether assessing the situation for the continuing need for restrictive housing or to determine if the event was within policy, a detailed description of the youth’s behavior and the risks involved is vital. Providing such detail will also help reduce the inordinate amount of time spent by staff after the fact ascertaining information about the event for reporting and other purposes.

Policies for both the Juvenile and Adult Divisions provide an exception to restrictive housing for the processing of a youth/AAO through the booking, intake, and assessment process during which they may be placed in a single cell or room. The prior monitor was critical about time spent in isolation during the intake stage. However, the issue of regulating the amount of time a youth is in a cell or room alone at the intake stage is complicated. Youth are booked at all hours of the day and night, and resources for moving a youth through the process can be limited at times. The youth must be assessed for PREA and other risk factors before being classified and placed with other youth. In some cases, a youth arrives under the influence and needs to sleep or be medically evaluated before a reliable assessment can be conducted. In other cases, youth need time to talk with a mental health professional in a position to then provide input into the intake assessment and advise about a housing assignment. Added to these issues discussed in the July – December 2019 report is the concern about COVID-19 transmission and the need to quarantine youth at intake as medical assessments are made. Implementation of the health-based EPIC system will facilitate continuity of care and may help address some of delay that can occur at the booking and assessment stage, though precautions surrounding COVID-19 will continue indefinitely.

Neither the Juvenile nor Adult Divisions’ policies sets a limit of using restrictive housing for 4 hours within 24 hours, as provided in the Ordinance. The new Washington State legislation on youth solitary confinement provides that a juvenile

may only be placed in isolation or room confinement (as defined under the statute) if the total time is limited to 4 hours within a 24 hour period, unless a longer period is necessary due to subsequent or multiple incidents, and if the reason is documented, there is an individualized plan for reintegration, and the facility superintendent authorizes each 4 hour extension.¹⁰ The requirement that there be an individualized plan for reintegration is in line with a recommendation made in the July – December 2019 report. Even where restrictive housing documentation is more thorough regarding the on-going risks of harm, rarely if ever is there specific mention of a reintegration plan. That information might be noted on medical or mental health documentation, but then is not necessarily easily accessible to others involved in the assessment process.

The monitoring team’s first report discussed alternative terminology used, noting that the Ordinance uses the term “solitary confinement,” while DAJD uses “restrictive housing” in referring to the prohibition of placing a detainee in a locked room or cell alone with minimal contact with persons other than guards, correctional facility staff, and attorneys. In part because the Adult Divisions’ broader use of “restrictive housing” may cause confusion, as discussed in detail in the previous report, it was recommended that DAJD consider substituting “room confinement,” which is the term used by the Juvenile Detention Alternatives Initiative (JDAI).

Since making that recommendation, Washington State’s new legislation on solitary confinement was enacted, also prohibiting solitary confinement of youth for disciplinary purposes. Under the new law, “isolation” is permitted if necessary to prevent imminent harm based on a juvenile’s behavior, and less restrictive alternatives were unsuccessful (and for other purposes) and provides that “room confinement” can be used when necessary to prevent behavior that causes disruption of the detention facility or institution, but the behavior does not rise to the level of imminent harm.¹¹ Without discussing all aspects of the new legislation, suffice it to say that the variety of terms used regarding restrictive housing will continue to be challenging. In response to the monitors’ earlier recommendation, DAJD indicated it appreciates the complexities involved and is considering whether language changes should be made.

¹⁰ Amending RCW 13.04.116.

¹¹ *Id.*

Recommendations regarding DAJD restrictive housing policies and related materials include:

- In completing all documentation related to a restrictive housing event, continue to encourage specific and thorough details that support a decision that a youth’s behavior created a risk of imminent and significant physical harm.
- Continue to develop an approach of using an explicit reintegration plan when a youth is in restrictive housing. To the extent such a plan exists in medical or mental health assessment notes, determine whether other staff members are aware of the plan and the benefits of including it in the restrictive housing documentation.

B. Behavior Management System and Approaches to Avoid Use of Restrictive Housing

The DAJD Juvenile Division’s Behavior Management System (BMS) was reviewed extensively in the prior report.¹² The BMS uses a system of responding to youth behavior with an approach that is trauma informed, and emphasizes incentives and rewards for desired behavior. Since relocating to the new juvenile facility, along with other incentives, reward time can be earned for the Merit Center, which is based on a teen recreation center, and the concept of a Youth Council is in development, giving detainees more voice in operations and fostering leadership and other skills. In addition, an accountability grid and restorative programming provide alternatives to the use of restrictive housing when youth engage in behavior presenting a security risk for themselves or others.

A Behavior Management Group comprised of volunteer JDOs, supervisors, and civilian staff helped to implement the BMS, developed and assisted with training, and provided trouble shooting as the system rolled out in phases. The group also made changes over time to the new system as feedback was received after implementation. Unfortunately, with the move to CFJC, and the impact of the flood, responding to COVID-19, and other challenges, the Behavior Management Group did not meet for much of Q1 and Q2 2020. The monitoring team was told that the group met in July and August and will continue to meet monthly to further its work with the BMS.

While the Juvenile Division’s approach to managing behavior of detainees leads with an incentive based approach, it also provides for a response progression to help

¹² July – December 2019 report, beginning p. 13.

youth regulate behavior and hold them accountable for conduct that presents a security issue. The scale provides for initial attempts to interrupt problematic behavior through a verbal intervention, Time Out (up to 30 minutes), and Cool Down (up to 2 hours). If the youth's behavior is still not regulated, they might lose certain privileges or be required to engage in a range of restorative activities, either in their own living unit or through time at Restoration Hall (or ultimately require placement in restrictive housing).

Examples of restorative activities that might be used with youth include an apology plan, journaling about triggers that contributed to an unacceptable behavioral response, participating in a facilitated problem solving session, or circle/group participation. There is a goal to facilitate relationship building between staff and individual youth, while recognizing that some JDOs are still building their own understanding and skills working with restorative interventions on.

As discussed in the July – December 2019 report, the DAJD CFJC Juvenile Detention Guild expressed concerns about Restoration Hall and restorative practices, including its effectiveness in behavior change management. At the time, some issues raised by Guild members could be explained by the relative newness of the procedures for staff and as skill building exercises for youth were still evolving.

Unfortunately, due to the series of challenges encountered over the past six months following the move to CFJC, along with the difficulty in training a large group of new hires in a broad range of skills, development of the restorative practices approach has been sidetracked. JDOs, supervisors, and other staff expressed frustration about the repetitive assignments given to youth who are to be engaged with the restorative process, the lack of training for JDOs, and the shallow pool of intervention options available. It may be that some assignments are intended to be repeated, as repetition is needed for the brain development required to build new coping skills. However, if that is the case, some JDOs and supervisors do not understand the principle. At the same time, some have taken it upon themselves to identify informal tools that may help youth to better understand their behavior and develop alternative coping skills. A relevant "Ted Talk" was mentioned as an example by several interviewees who suggested that talking with the youth after watching a segment of the show was more productive than having them try to write about their experience. Everyone agreed that it would be good to have a variety of mediums to use depending on the youth's age and other factors.

As a supplement to the restorative approach of a focus on repairing harm, it appears that other models were originally contemplated or are now under review, including

Cognitive Behavior Therapy and Dialectic Behavior Therapy, with small group processing. There also might be tension between care providers and staff working with restorative practices, as disagreement about how best to work therapeutically with an individual youth. Finally, without dedicated staff in Restoration Hall, it is difficult to do the training required to ensure a cadre of JDOs can help lead in the continuous development of restorative practices.¹³

As the Average Daily Population (ADP) for youth in the juvenile facility has fallen, many of those who remain in detention have had particularly traumatic pasts and may require unique interventions. Regardless, the smaller population provides an opportunity to develop an individual case management model to working with youth in the juvenile facility. While individual youth and their particular needs are discussed in daily briefings, and the behavioral health team engages around individual youth, it does not appear that behavioral management plans are developed with JDOs, such that the full team understands and is in agreement about how to work with a particular youth. Once the Jail Management System and health-based EPIC system are in place, providing individualized and continuous care for youth will be easier for all concerned.

The following recommendations are made regarding the Juvenile Division’s Behavior Management System:

- While it appears that the Juvenile Division remains committed to building a culture dedicated to restorative principles, a reset of sorts would be useful at this time, to clarify the place of restoration practices in the larger set of interventions available and appropriate to use with individual youth in the juvenile facility. While the Juvenile Division continues to face a variety of challenges, providing direction to staff and demonstrating commitment about how restorative practice goals fit with other priorities would be beneficial.
- Given the low numbers of youth in the juvenile facility at this point, the Juvenile Division should consider using a more individualized case management model, involving all staff in the process so there is a consistent theme of working with each youth. A case management approach will be facilitated by the Jail Management System and EPIC system, which will support individualized and continuing care.

¹³ The monitors were informed that in September, a group of Juvenile Detention staff, including swing shift JDOs who most often work in Restoration Hall, participated in a training on facilitating therapeutic poetry writing for youth. Pongo Poetry, the nonprofit organization that provided the training, will start leading weekly virtual poetry writing sessions with youth assigned to Restoration Hall, with support from Restoration Hall JDOs.

III. RESTRICTIVE HOUSING DATA TRACKING

While DAJD expects to have its electronic Jail Management System (JMS) in place in 2021, both the Juvenile and Adult Divisions continue to rely on handwritten entries on various forms to record and track restrictive housing. While the two Divisions use different forms and somewhat different processes, staff persons in both Divisions follow up to confirm entries related to restrictive housing, consult other sources when information is unclear or missing, and analyze the data from a number of perspectives. Furthermore, supervisors are striving to more expeditiously review daily checklists completed by JDOs in the Juvenile Division, along with any restrictive housing related paperwork, in order to correct missing or misinformation and to provide more immediate corrective feedback to JDOs, as needed. As previously noted, the current tracking system is very time consuming to complete and review, and the Department will greatly benefit from the JMS's electronic framework to record, measure, and track key performance indicators related to restrictive housing. Meanwhile, all levels of the organization are involved in managing the paperwork, at the expense of other contributions that could be made to support youth in detention.

The sections below summarize the process used in tracking and reviewing restrictive housing data in the Juvenile and Adult Divisions and provide information on trends observed in some of the data.

A. Juvenile Division: Tracking Restrictive Housing

In the Juvenile Division, youth are assigned to a living hall based on an assessment of numerous factors when they enter detention. Hall assignment might later change, based on CFJC's fluctuating daily population, the need to separate particular youth, or other factors. A single hall in CFJC can have anywhere from one to sixteen youth, with each assigned to an individual room. Each hall has a common area and a classroom where youth gather for school, programming, meals, or to play cards or board games. There are also smaller rooms in each hall for private meetings, such as with a mental health professional, and for phone calls or video conferencing with family or counsel.¹⁴

¹⁴ Activities such as those that take place in the facility gym and library are scheduled with the youth outside of their assigned hall, along with visits to the Health Clinic or for court hearings.

In the new juvenile detention facility, two Juvenile Detention Officers (JDOs) are assigned to each hall, with other officers serving as “rovers,” to relieve JDOs as needed, to escort a youth to the Health Clinic or for court appearances, or for other purposes outside the hall. JDOs check on each youth approximately every 15 minutes during daytime hours and every 20 minutes during regular sleeping periods, noting on the Youth Accountability Checklist (YA Checklist) form each youth’s activity at the time of the check. The YA Checklist form uses a system of 21 codes to record the range of activities and programs in which a youth might be involved, and includes behavioral response codes for a time out, cool down, or restrictive housing, all of which require a written explanation. If a youth is in the Health Clinic, a separate monitoring checklist is used, which ultimately is attached to the daily YA Checklist for each hall. Checklists for each of three shifts for each of the halls are collated on a daily basis, with supervisors and the Chief of Operations reviewing the forms regularly.

Youth Accountability Checklist Codes		
1. Rest Period	8. Health Clinic	15. Intake
2. Unit	9. Transport	16. Restoration Hall
3. Gym	10. Pass	17. 1 on 1 Programming
4. School	11. Chaplain Visit	*TO – Time Out
5. Library	12. Courtyard	*CD – Cool Down
6. Visitation	13. A-Hall Visit	*V – Voluntarily in Dorm
7. Court	14. Rec. Dept.	*RH – Restrictive Housing

JDOs also maintain daily log sheets that are bound into Log Books organized by month and hall, in which a variety of entries are made, such as the number of youth assigned to a unit, significant incidents that occurred during a shift, or information about incentives earned or behavioral issues for individual youth. Other forms also document which JDOs worked each shift and other assignment details.

In addition to the YA Checklist, if a youth is placed in a cool down that lasts an hour or more, the Restrictive Housing Assessment Checklist form (RH Checklist) is initiated by the JDO and the supervisor is to be notified.¹⁵ A cool down can last up to two (2) hours. If the youth poses a risk of imminent and significant physical harm to

¹⁵ After one hour, the JDO notifies the supervisor that a youth is in a cool down, so that the supervisor can confer with the JDO and document the need for restrictive housing before the two- hour limit for a cool down is reached. During the first monitoring review period and the January – June 2020 period, there were many instances where staff began filling out the RH Checklist during a youth’s cool down, but the remainder of the form was not completed because the youth rejoined their peers without the need for restrictive housing, as confirmed through spot checks of YA Checklists.

self or others at the end of this two-hour period, as determined by the JDO and supervisor, the youth can be placed into restrictive housing. The youth's observed behavior leading to the need for restrictive housing, along with other details such as the date and time restrictive housing started and ended, are noted on the form. The RH Checklist also lists the various kinds and timing of required assessments depending on the length of time a youth is in restrictive housing, including review by the Chief of Operations, a mental health professional, and a medical professional.

A Program Manager reviews all YA and RH Checklists on a weekly basis and, if information is missing or the events surrounding an instance of restrictive housing are not clearly described, will check Log Books or other sources for clarification. Juvenile Division and DAJD management also regularly review the documentation.

Data related to each instance of restrictive housing is collated and summarized for quarterly reports to Columbia Legal Services, per settlement of a lawsuit involving related issues. The reports provide details about restrictive housing events initiated to prevent imminent and significant physical harm, instances when a youth and JDO engaged in one-on-one programming, and situations when a youth was in restrictive housing for reasons unrelated to behavior, such as for COVID-19 quarantine.

Because youth activities and behavior responses are tracked through handwritten entries on the YA Checklist, RH Checklist, and other forms, evaluating the reasoning, timing, and required assessments for each instance of restrictive housing is very labor intensive, involving many hundreds of pages of information each month.¹⁶

The documentation described above was reviewed to confirm the data DAJD reported to Columbia Legal Services and the King County Council for Q1 and Q2 2020. DAJD reports appear to accurately summarize instances of restrictive housing as originally documented or as later clarified during the internal review process.¹⁷

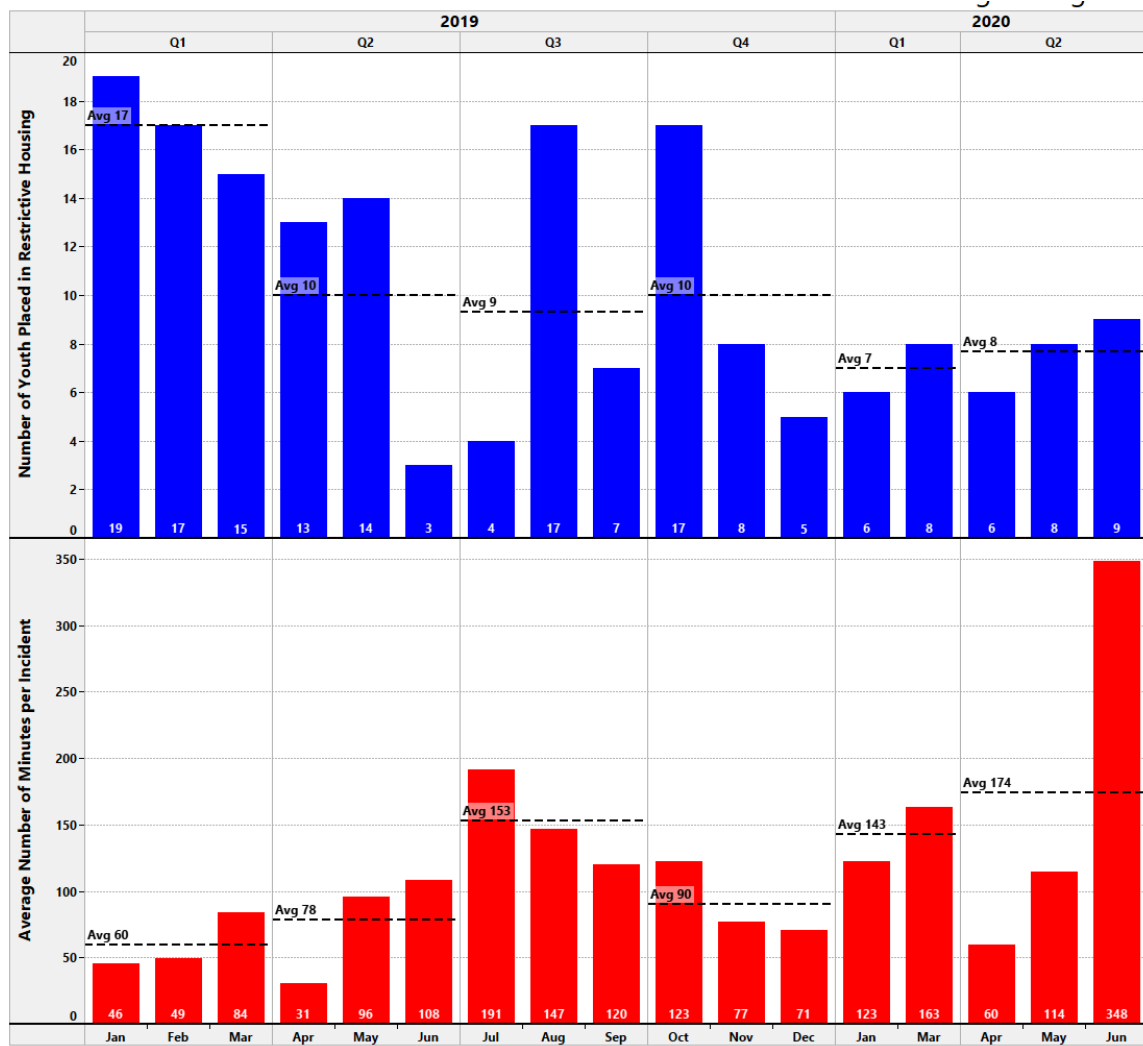
The Juvenile Division organizes restrictive housing information into three categories: (1) instances when a youth presented a significant and imminent risk of harm to self or others (barring allowed exceptions); (2) instances when youth engaged in one-on-one programming with JDOs, outside their room, including time

¹⁶ As noted in the report covering the period July – December 2019, efforts to scan the forms and use optical character recognition software during the monitoring process were unsuccessful.

¹⁷ Because the minutes in restrictive housing as reported take into account periods of time excepted from the definition, such as short term facility maintenance or shift changes, the precise amount of time a youth was confined to their room was not always easily verified, though any differences would have been relatively minor.

in Restoration Hall when other youth are not present; and, (3) instances when the reasons youth were in restrictive housing are not related to behavior and were not preceded by a cool down period. The following sections describe trends observed with some of the Juvenile Division restrictive housing data in each of the three categories. However, as noted during the last reporting period, given the large proportion of relatively new officers and other changes and challenges in the Juvenile Division, it is difficult to determine what caused or influenced specific changes in the data reported. Also, while the Average Daily Population (ADP) dropped significantly between 2019 and the first two quarters of 2020, those youth remaining in detention may present particularly challenging behavior management.

1.1 Restrictive Housing in DAJD Juvenile Division – 2019 and Q1 & Q2 2020 Number of Instances and Average Number of Minutes Involving Risk of Imminent and Significant Physical Harm



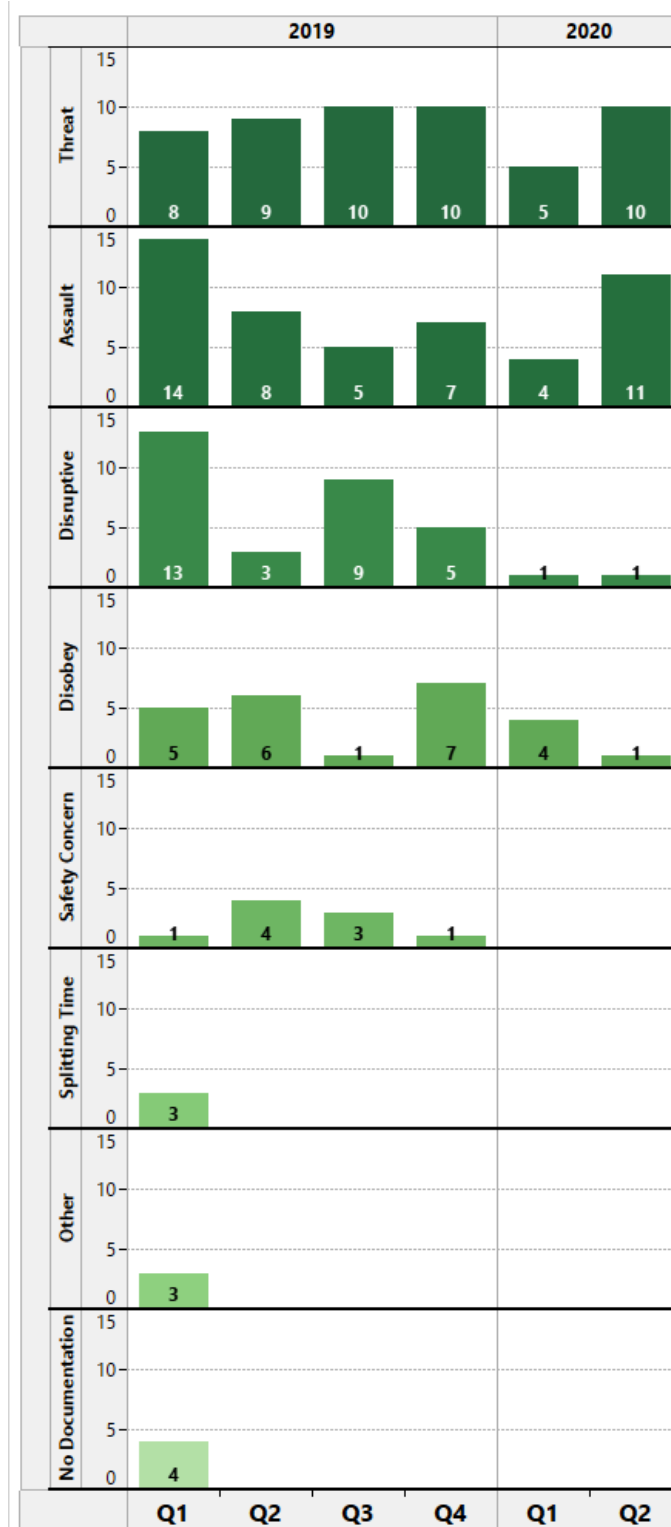
As seen in graph 1.1 above, there has been an overall decline in the total and average number of Juvenile Division restrictive housing events related to the imminent and significant risk of physical harm between the first reporting period (July – December 2019) and the first two quarters of 2020 (January – June 2020).¹⁸ The average amount of time youth spent in restrictive housing increased in January and March 2020 and then increased significantly in June 2020. Looking to the

¹⁸ As noted in the previous monitoring report, there was no ready explanation for the large upticks in restrictive housing events for August and October 2019.

underlying documentation, in Q1, there was one instance where a youth was in restrictive housing for 885 minutes after he damaged his room wall with a metal screw and then refused to move to Restoration Hall and refused to participate in other restorative activities. If this outlying event is removed from the calculation, the average time in restrictive housing for March 2020 is reduced to 60 minutes. Similarly, in June 2020, over several days, one youth repeatedly threatened to assault other youth and staff, and then assaulted a youth. During the same time period, two other youth physically assaulted another youth, and refused to work on regulating their behavior or follow staff directions. Setting aside those restrictive housing events, the average time in restrictive housing for other instances is approximately 117 minutes.

1.2 Restrictive Housing in DAJD Juvenile Division – 2019 and Q1 & Q2 2020

Reasons Documented for Instances Involving Risk of Imminent and Significant Physical Harm



As illustrated in graph 1.2, the top two reasons documented for the need to place youth in restrictive housing in 2019 and the first half of 2020 involved a significant and imminent risk of harm tied to threats or assaults against other youth or staff. However, in 2019, the third leading cause involved youth engaging in disruptive behavior, while in Q1 & Q2 2020, youth disobeying staff was the third most common reason cited for restrictive housing. As these categories were created by the monitoring team as a means of analyzing instances of restrictive housing, any distinction between disruptive and disobedient youth behavior might not be so clearly delineated by Juvenile Division staff completing restrictive housing assessments.

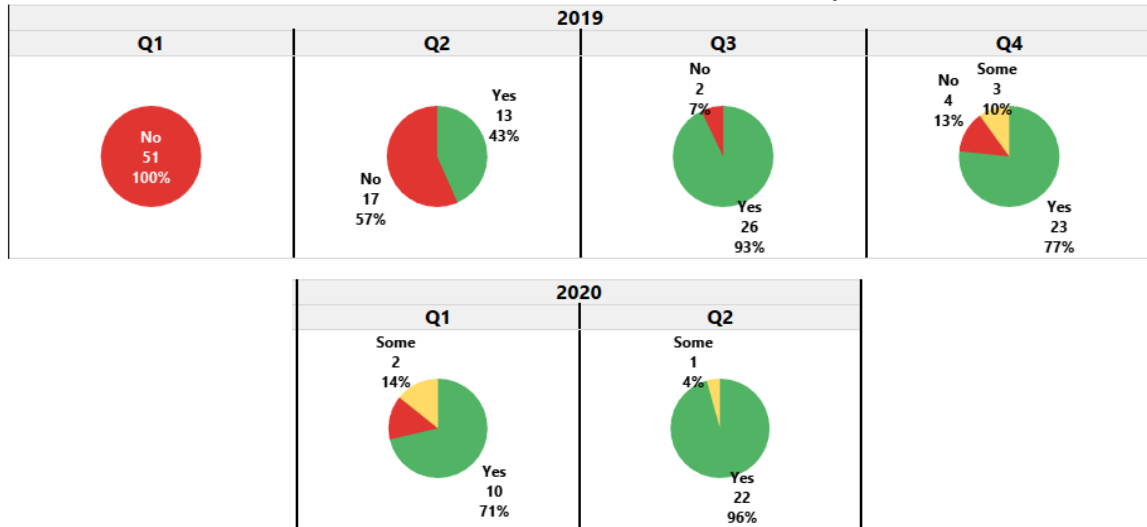
1.3 Restrictive Housing in DAJD Juvenile Division – 2019 and Q1 & Q2 2020
Reasons Documented for Instances Involving
Risk of Imminent and Significant Physical Harm
Assaults and Threats

	Assaults		Threats		
	Peer	Staff	Peer	Staff	Self
2019 Q1 – Q4	27	7	15	21	1
Q1 & Q2 2020	14	1	11	4	0

In considering the data reported above in 1.3, it is important to keep in mind that the ADP for youth in detention in 2019 was nearly twice as high as the ADP by July 2020.¹⁹ Also, 1.3 provides data for the full 2019 year, whereas only data for the first two quarters of 2020 is included. Thus, the information in this table is most useful when considered within year, verses comparing the 2019 and 2020 data. Thus, peer-to-peer assaults leading to restrictive housing were more common than assaults on staff in both 2019 and the first half of 2020. Threats to Juvenile Division staff were cited more often in 2019, while peer-to-peer threats were cited more frequently in Q1 and Q2 2020.

¹⁹ In DAJD’s presentation to the King County Council Law and Justice Committee on September 2, 2020, the Department reported that the Juvenile Division’s ADP was 43 in 2019, went down to 27 in response to COVID-19 and admission changes, and was 22 by July 2020.

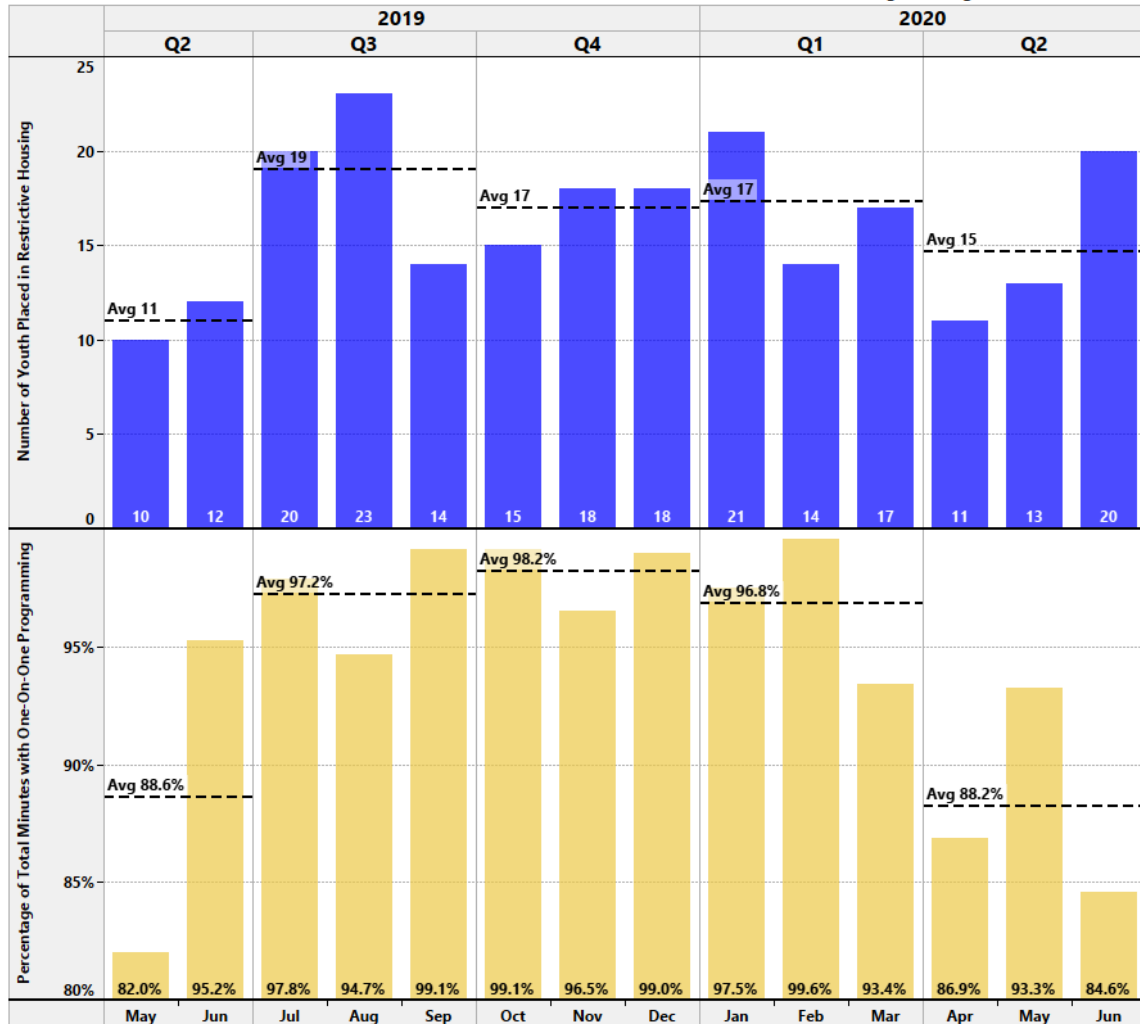
1.4 Restrictive Housing in DAJD Juvenile Division – 2019 and Q1 & Q2 2020 Whether Assessments Completed for Instances Involving Risk of Imminent and Significant Physical Harm



While the proportion of restrictive housing incidents with all required paperwork completed remained at 77% in Q1 2020, the same as in Q4 2019, by the end of Q2 2020, 96% of restrictive housing events involving security issues had the corresponding assessment documentation completed. In its Q2 2020 report to Columbia Legal Services, DAJD noted the staff's on-going review of restrictive housing documentation and process, "in an effort to streamline data collection, improve efficiencies, and provide feedback and training." Staff indicated that supervisors are reviewing restrictive housing documentation closer in time to the event and are counseling JDOs if mistakes are made, with the Chief of Operations also involved in reviewing the entire process and making more immediate corrections, where necessary. In reviewing and confirming the circumstances surrounding restrictive housing events related to both a risk of physical harm and one-on-one programming, a number of examples were noted where the level of detail had increased appreciatively throughout the assessment process.

To continue this forward progress, an updated Restrictive Housing Assessment Checklist was implemented in July 2020, following input from Juvenile Division staff involved in assessments and using and reviewing the form. The independent monitor also provided feedback and suggestions, with the goal of helping to make the form more intuitive to use and to encourage more detailed documentation.

2.1 Restrictive Housing in DAJD Juvenile Division – 2019 and Q1 & Q2 2020 Number of Instances and Minutes Involved One-On-One Programming²⁰



The Juvenile Division engages with youth in one-on-one programming for a variety of reasons. If a youth is assigned to Restoration Hall to complete restorative work in an effort to help them learn about behavioral triggers and build skills to more successfully handle difficult emotions or resolve conflict, the youth might program one-on-one with staff if no other youth are assigned there. Sometimes, one-on-one programming is the only alternative available when the court orders that certain youth are kept separate, such as when gang affiliation could be an on-going concern

²⁰ The graphs presented throughout rely on data reported by DAJD for 2019 and Q1 & Q2 2020. Because some data was not captured initially, as DAJD developed its restrictive housing policy, procedures, and tracking forms, information from the 1st quarter and April 2019 regarding one-on-one programming is not presented in the graph.

in detention. Other times, the behavior of two or more youth requires that they be separated while working on self-regulation, before they can effectively problem solve. As the ADP of the Juvenile Division has dropped to 22 by July 2020 and only two living halls are in use, reassignment options are limited when youth need to be separated for any reason.

Similarly, while there usually are few if any female detainees in the Juvenile Division at any given time, when females are detained they are housed separately from males and a single detained female may experience more frequent times of being alone in their room or engaged in one-on-one programming, as a result. As with other operational or individual needs for one-on-one programming which are not excluded under the restrictive housing reporting requirements, it is difficult for some officers and staff to understand the lack of an exception for lone female detainees and adds to the frustration of having to complete the documentation involved.

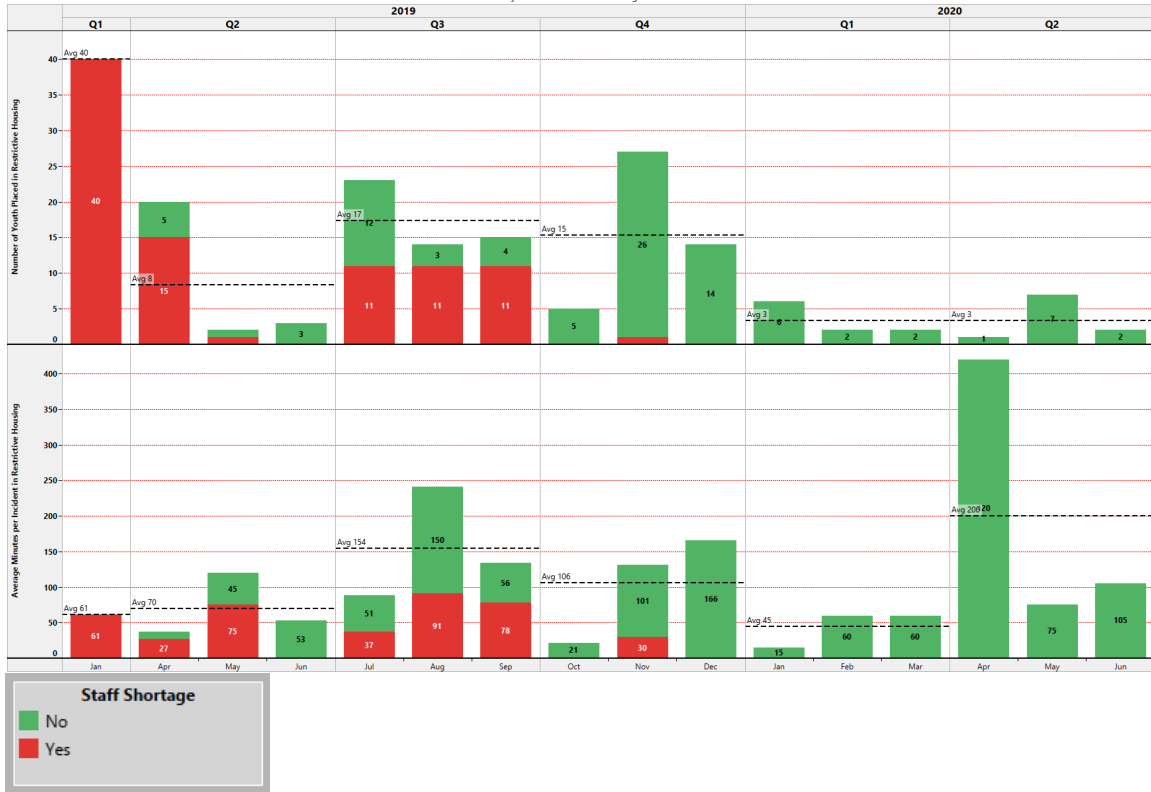
DAJD recognizes that detained youth benefit from establishing relationships with Juvenile Division staff that are trauma-informed and help build trust and relationship building is core to the Behavior Management System.²¹ However, even if one-on-one programming helps develop trusting relationships, would be therapeutic, or facilitate learning for the youth, it meets the definition of restrictive housing under the Ordinance and must be documented and assessed through the same process as events involving risk of physical harm. Temporary one-on-one programming might be recommended when a youth might gain insight working with a JDO before problem solving with another youth, or when a youth might benefit from a temporary reduction in stimuli found in a group setting, or if the youth is emotionally distraught, making it difficult to be around other youth without angry outbursts. While appreciating that one-on-one programming should be used as a step towards reintegrating youth into the peer group environment, many JDOs and others expressed confusion as to why it was necessary to complete restrictive housing paperwork in such circumstances.

The average number of one-on-one programming events, between 15 and 17 per quarter, has been relatively stable over the last three quarters, as seen in graph 2.1 above. However, given that the ADP dropped from 43 at the end of 2019 to an

²¹ E.g., see DAJD’s response to Recommendation #11 from the July – December 2019 report, incorporated below at p. 41. Also, see, “Transformational Relationships for Youth Success,” Center for the Study of Social Policy: <https://www.aecf.org/resources/transformational-relationships-for-youth-success/>

average of 22 youth by the end of June 2020, there were significantly more one-on-one programming events relative to the total youth population. However, the average number of minutes in on-on-one programming dropped in Q1 and Q2 2020. Graph 2.1 also indicates that when youth were in one-on-one programming during Q2 2020, they were engaged with staff only an average of 88.2% of the time, as compared to Q3 and Q4 2019, when staff and youth engaged in programming 97.2 – 98.2 % of the time, instead of youth spending time alone in their room. It is likely that this is a result of split programming, which is used when the ADP is relatively low and hall assignment group programming options are limited, requiring that JDOs alternate between programming with one youth while the other is in their room and then switching to program with the second youth while the first moves to their room for a period of time. Given the challenges of programming with a low ADP and youth who cannot be together for any of the variety of reasons discussed above, it is likely that split programming and one-on-one programming will continue at rates seen in Q2 2020.

3.1 Restrictive Housing in DAJD Juvenile Division – 2019 and Q1 & Q2 2020 Number of Instances and Minutes Involved Reasons Other than Risk of Physical Harm or One-on-One Programming



3.2 Restrictive Housing in DAJD Juvenile Division – Q1 and Q2 2020 Reasons Other than Security or One-on-One Programming Explanations Where Possible to Determine

Reason for Restrictive Housing Number of Incidents	
No Documentation	15
72-Hour COVID Quarantine	3
Flooding	1
COVID Cleaning	1

Hiring 29 new JDOs over the past year has contributed to a significant decrease in staff shortages since the first monitoring period began in July 2019 and through June of 2020, as illustrated in graph 3.1 above. In April, a water main ruptured and flooded the majority of the first floor of the juvenile facility, resulting in all 29 youth in detention at the time spending a day in their rooms while officers helped mitigate damage from the flood. COVID quarantines and cleaning accounted for a number of other instances when operational needs resulted in restrictive housing. There were a number of instances where youth voluntarily chose to be in their room when the hall was given free time, though the in-room time was not documented with restrictive housing paperwork.

B. Adult Divisions - KCCF and MRJC: Tracking Restrictive Housing

The DAJD Adult Divisions use a different process for tracking restrictive housing for Adult Age Outs (AAOs). First, KCCF and MRJC use a system of publishing daily lists of AAOs, including those who initially were detained in the Juvenile Division and transferred to an adult facility after turning 18 and those who are 18 through 24 years old and returning to detention for a probation or parole violation related to a juvenile offense. The daily lists also provide booking information, jail location, and other brief details about the detainee and the lists are distributed to supervisors and managers at the adult facilities. While the number of AAOs during the first reporting period, July – December 2019, averaged about 10 – 12 for the combined adult

facilities, by the end of Q2 2020, there were only 4 AAOs; 1 at MRJC, two at KCCF, and one on electronic home monitoring.

In comparison to the Juvenile Division, adult facilities have relatively few instances of restrictive housing for AAOs, with 4 events in Q1 2020 and no restrictive housing events for Q2 2020.²² As noted above, AAOs comprise a very small percentage of the overall adult facility detainee populations and only a subsection of AAOs ever experience restrictive housing.

The previous monitoring report noted a potential difficulty in tracking all AAOs who are booked on parole or probation violations at KCCF or MRJC. Usually, these individuals are arrested for other charges in addition to violation of parole/probation. If they are charged with new crimes committed after turning 18 years of age, they do not fall under the Ordinance. However, if they end up only being charged with a parole/probation violation involving an earlier juvenile offense, they meet the Ordinance and policy definition of AAO. This uncertain and changing status can make it difficult to determine whether there are unidentified AAOs in the adult facilities who could be placed in restrictive housing without the protections afforded other youth and AAOs. Adult Division staff informed the monitoring team that systems have been put into place to identify all potential AAOs during the intake and assessment process, perhaps made easier by the reduction in the Adult Divisions population by nearly 600 detainees.

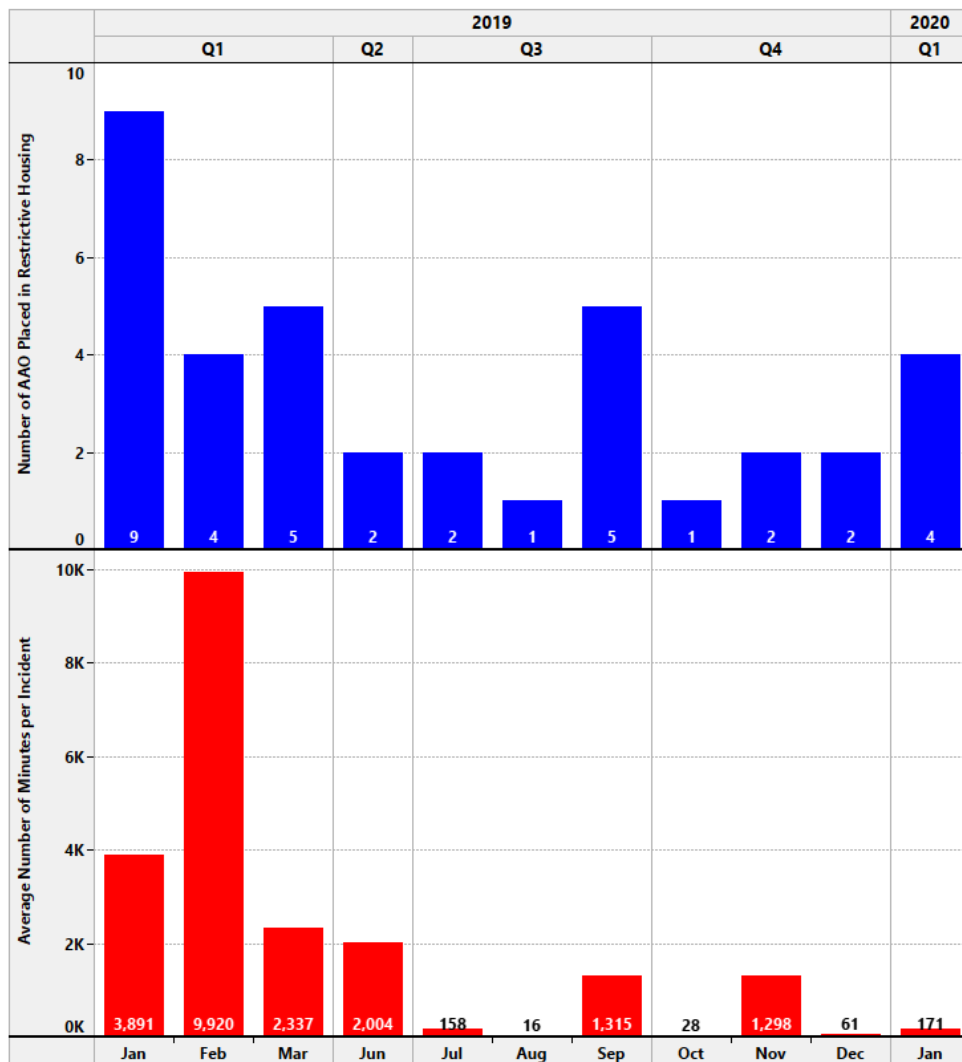
Also, during the earlier reporting period, a number of sources indicated that an unintended consequence of the Ordinance and DAJD Adult Divisions policy on restrictive housing is that some AAOs are used by regular adult detainees to engage in activities outside the rules, such as fighting on behalf of the adult detainee, because the AAO will not be subject to the same sort of discipline, including disciplinary restrictive housing, as the adult detainee. All three of the AAOs in detention at MRJC or KCCF denied that they had ever encountered this situation or witnessed it occurring with another AAO. One of the three said he had heard that it might happen, but he was not aware of any specific instance where an adult detainee took advantage of an AAO's status to avoid potential discipline.

The Adult Divisions has convened a Multi-disciplinary Team (MDT) comprised of a Sergeant, a Corrections Program Specialist (Classification), and a Psychiatric Evaluation Specialist, to conduct on going reviews of inmates in long-term

²² For a description of restrictive housing documentation and review process used in the Adult Divisions, see: Independent Monitoring Team Report: Implementation of Ordinance 18637, Restrictive Housing, Reporting Period: July – December 2019, beginning p. 28.

restrictive housing and maximum security. The group develops individual behavioral management plans, provides learning tools, and generally assists the inmates in restrictive housing to progressively integrate into the least restrictive housing appropriate in the general jail population. The ultimate goal of the MDT is to reduce the Adult Divisions’ reliance on restrictive housing, while maintaining safety and security of staff, inmates, and communities. Starting in 2021, the Adult Divisions will offer broader evidence-based programming, services, and treatment to inmates in restrictive housing, relying on a phased implementation plan. Implementation success will require, among other factors, training of qualified and interested Adult Divisions staff.

4.1 Restrictive Housing in DAJD Adult Divisions - 2019 and Q1 & Q2 2020 Number of Instances and Average Number of Minutes Involving Adult Age Outs (AAOs)



Recommendations concerning the tracking of restrictive housing data include:

- Because the Ordinance, as written, defines restrictive housing to situations when one-on-one programming may be required by court-ordered separation of detainees, is necessary if a single female is in the juvenile facility, and may be a preferred therapeutic intervention in helping a youth do restorative problem solving or a step towards reintegrating a youth to the unit, the independent monitors respectfully propose that the Ordinance be amended to address such unintended consequences. (Similarly, in the July – December 2019 report, the suggestion was made that youth voluntarily spending time alone in their rooms for limited periods should not fall under the restrictive housing definition, in line with JDAI standards.)

IV. PROGRAMMING AND ACCESS TO EDUCATION, DEFENSE BAR, PROBATION COUNSELORS, AND SOCIAL SERVICE PROVIDERS

The independent monitor reports for July – December 2018 and July – December 2019 concluded that Juvenile Division programming and educational services generally met or exceeded standards. Interviews of youth at CFJC and AAOs in the Adult Divisions, along with information supplied by staff during the January – June 2020 monitoring period echoed earlier findings, indicating they had access to the defense bar, probation officers when assigned, and visitors, by phone or video conferencing. However, as discussed below, DAJD determined that providing a similar level of programming and educational opportunities for AAOs in the adult jail facilities was cost prohibitive. And the Adults Divisions were not able to quickly change their approach to programming and educational services in response to COVID-19, as seen in the Juvenile Division.

Juvenile Division detainees and AAOs indicated they had regular, usually daily, access to a phone and/or remote video capability once the Department was able to respond to the COVID-19 impacts limiting in-person visits. Most of the youth and AAOs interviewed indicated that they always had to leave messages for their counsel, but that when they received a callback, they would be able to talk to the attorney regardless of other activities taking place at the time.²³ Juveniles and AAOs who had an assigned probation counselor indicated that they had regular contact with the person.

²³ Some of the youth and AAOs indicated that waiting for callbacks from defense counsel caused frustration and anxiety, though counsel eventually made contact.

A. Programming, Education, and Social Services in the Juvenile Division

The July – December 2019 report summarized interviews with programming, education, and social service providers, all of whom spoke highly of their work with youth in the Juvenile Division. When COVID-19 restrictions began in March 2020, it was difficult for volunteers, teachers, and others to lose direct access to the youth. From the perspective of Juvenile Division staff, it was challenging to lose those resources and have significantly more responsibility in meeting programmatic and educational goals without outside support, at least initially.

Through a partnership with the Chaplaincy Program, CFJC acquired and installed webcams and microphones, allowing for remote education since in-person teaching no longer was an option with COVID-19 concerns. Initially, remote capability was set up in the CFJC multipurpose room, with units rotating through for one class a day. By mid-April, the classroom in each unit was equipped for remote academic instruction and programming, with half-day classes available for all youth.²⁴ Even in the virtual context, education and programming schedules had to account for the need to continue keeping certain detained youth separate from each other, such as when there were court ordered separations or when females were present in the detainee population. Systems were devised to meet those requirements. Also, to facilitate the education process, the Juvenile Programs Manager developed a method of picking up lesson plans and work packets the teachers provide, deliver them to the unit classrooms, collect completed assignments for grading and comments by the teachers, and then redistribute them to the youth.

While many programs have been put on hold due to COVID-19, others pivoted over time to work with youth remotely. Programs with an asterisk in the following list have continued through virtual video conferencing. Generally, one or two programs are offered Monday – Wednesday and every other Thursday, and fewer options Friday, Saturday and Sundays, apparently due to a combination of volunteer coordination challenges and Zoom fatigue on behalf of the youth.

²⁴ The Seattle Public School District is implementing a remote learning schedule community-wide that includes 4 classes per day: 2 with live virtual instruction via video conferencing and 2 classes of independent learning sessions. Educational classes at CFJC will mirror this schedule with minor adjustments, including additional social and emotional learning in place of weekly teacher/parent/student conferences planned outside the detention setting.

CFJC Volunteer, Recreation, & Contractor Programs

KCLS Library Rotation *	U-Power
One-on-One Listening Sessions *	Seattle Public Schools *
Scripture Study Groups *	Spelling Bee program *
Yoga Behind Bars *	Late-Nite Basketball program
Pongo Poetry program *	The Mask You Live In Curriculum *
Project Canine	Creative Writing program with Stephanie
Sea/KC Public Health Girls Group program	Art Education with Elaine *
Harborview PTSD counseling	Girls Group program *
Unbound Sound Therapy	Merit Hall *
SU School of Law Legal	Author Visits *
Clinic Girls Group program	YWCA Babes Network
STD/AIDS Prevention Girls Group program	Powerful Voices Girls Group program
UW Psychology Girls Group program	Jet City Improv theatre program
Game-On program in Library *	Sweat, Pain and Gain Physical Ed program *
Rugby program	Alcoholics Anonymous meetings; boys/girls *
Soccer program	Boys2Men Discussion Group *
Worship Services *	IF Project program *
Page Internship Program	Monthly Birthday Party *
KUOW Radio Active Audio-Storytelling	Meals on a Budget culinary arts program
Arts & Crafts with Stephanie *	Seasonal Art Class with Claudia
Living Hall Seasonal Decorating Contests	Various Holiday Celebrations *
Art Exploration Classes w/ various artists *	3-D Printer Pens
Youth in Focus, Photography 101 *	Digital Movie Making—Stop Motion animation
Youth Resource Fair	MAP Mentoring program
Chess Club *	Motivational Speakers *
REST Youth Empowerment Retreats	

B. Programming, Education, and Social Services in the Adult Divisions

AAOs constitute a very small subsection of the adult population of detainees. Pre-COVID, on March 13, 2020, there were 1,899 adult inmates in KCCF and MRJC.²⁵ The Average Daily Population (ADP) of AAOs in the Adult Divisions varied, though was

²⁵ King County Correctional Facilities Dashboard and numbers reported as of 9/10/2020 (King County Dashboards): <https://kingcounty.gov/depts/jails/covid-updates.aspx>

listed as 10-12 AAOs for KCCF and 2 at MRJC, as of November 2019.²⁶ Post-COVID and efforts to decrease the number of people held in custody in King County, the combined adult jail population was down to 1341 inmates, including 3 AAOs in the adult facilities and a 4th on electronic home monitoring.²⁷

In the monitoring report for the period July – December 2018, there was a recommendation to improve the variety and volume of programming for AAOs in the adult jails to reflect adolescent development and JDAI standards. However, DAJD concluded in a December 2019 report to King County Council that providing similar programming and services to AAOs in adult facilities is not feasible, as it “would require substantial investments in new or expanded facilities and staff.”²⁸ Since submitting its December 2019 report, DAJD’s ability to expand educational and programming opportunities for AAOs has been further impacted by the COVID-19 pandemic, at the same time that the AAO population in the Adult Divisions has decreased significantly. And it is not clear whether the Executive’s announcement on July 21, 2020, that the KCCF will be closed in phases, after COVID-19 is under control, also limits prioritization of AAO program and education capabilities in that facility.²⁹

Despite the various reasons that DAJD might continue to deprioritize expansion of educational and programming opportunities for AAOs, during the January – June 2020 monitoring period, more specific information was collected concerning options for juveniles covered by the Ordinance while detained in an adult jail. AAOs, commanders, and staff at MRJC and KCCF were interviewed and policies and procedures were reviewed to better understand programs and educational opportunities, and recent challenges involved in responding to the COVID-19 crisis.

In the report section above on restrictive housing data tracking in the Adult Divisions, an overview is provided of the MDT and a new initiative to reduce the use of restrictive housing generally in the adult jail facilities. The Sergeant working on the initiative with a multi-disciplinary team is also making individual contact with AAOs outside of the restrictive housing context, particularly if they are experiencing any routine problems leading to Cool Downs. Though not part of a formal program, the Sergeant provides a sounding board and mentorship, apparently helpful to AAOs

²⁶ Report of Changes to Detention Policies, Procedures, and Practices Consistent with Ordinance 18637 – December 2019 (DAJD’s December 2019 report), p 43.

²⁷ King County Dashboards.

²⁸ DAJD’s December 2019 report, p. 10.

²⁹ <https://komonews.com/news/local/new-memo-outlines-constantines-plans-to-close-king-county-jail-in-phases>

who had more consistent counseling and support at the juvenile facility (a point that two out of the three AAOs interviewed noted).

Programming and service options for AAOs are listed in the Inmate Information Handbook provided to AAOs and others entering KCCF or MRJC. An overview of programming and continuing education options is provided at the time of transfer, one aspect of a detailed orientation.³⁰ There is variation in the programs available at any given time, but DAJD’s December 2019 report listed the following examples:³¹

KCCF Programs	MRJC Programs
<ul style="list-style-type: none"> • Adult Basic Education/GED and Independent Education • Alcoholics Anonymous/Narcotics Anonymous (AA/NA) • Art Therapy for Women with histories of sexual trauma • Creative Writing Skills for Women • Celebrate Recovery: 12 Step Recovery Program • English as a Second Language • Hepatitis C Education • High School Completion • High School 21+ • Incarcerated Veterans Reentry Services • Job Training • King County Superior Court Parents for Parents Program • Release Planning • Read to Me Program • Shanti – Empathic Emotional Support Program • Tutoring Program • Various Faith-based Groups • Yoga Behind Bars 	<ul style="list-style-type: none"> • Adult Basic Education/GED and Independent Study • Alcoholics Anonymous (AA) • Basic Life Skills Program • Creative Expressions and Recreation • Celebrate Recovery • Custodial Training Program • English as a Second Language • Job Training • High School Completion • Incarcerated Veterans Reentry Services • King County Superior Court Parents for Parents Program • Linking to Employment Activities Pre-Release • Tutoring Program

³⁰ Pre-COVID, Adult Division volunteer coordinators met one-on-one with AAOs after their transfer to walk them through the handbook, education services and program availability, and the sign-up process. AAOs had the opportunity to ask questions and sign-up for programs during this orientation.

³¹ DAJD’s December 2019 report, p. 43.

If an AAO is interested in a particular program, they fill out a “kite,” which is the term used for a form requesting a non-emergency service in the jails. There are different colored kites for different categories of services.³² AAOs are instructed to refer to the Inmate Handbook for programs/services, and to submit a white kite if they are interested in what is available. Programs and services are spread over several pages of the Handbook and it is not necessarily easy to find a particular program that might be of interest. Also, because programs change over time, AAOs and other detainees may be frustrated to discover that a program listed in the Handbook is no longer available, and it is not clear how AAOs learn about new program options not included in the Handbook.

When COVID-19 restrictions began, AAOs were informed through a kite communication that KCCF and MRCJ could no longer hold group program/services. As with educational programs discussed below, the adult jail facilities do not have the infrastructure necessary for offering group programs remotely. When asked about AA programming as an example, it was explained that an AAO wanting to attend a virtual AA meeting would require one-on-one supervision (because of security risks associated with Internet usage), a private space, and a computer with Internet access. The monitors were informed that there are insufficient resources to support this option for one AAO, much less multiple detainees. However, AA and NA pamphlets and recovery materials these groups use for treatment are available.

Other programs also continue on a limited basis. An example provided is Yoga Behind Bars; if an AAO expresses interest in the program, they are provided a handout explaining daily yoga stretches, with the option of one-on-one window visitation to confer about proper technique and the like. Another example is illustrated by the Creative Writing program - an inmate, including an AAO, can continue with the program through one-on-one visitations for feedback about writing that is submitted and to receive new assignments.

2. Educational Opportunities for AAOs

The Adult Divisions coordinate with the Kent School District (KSD) and Seattle Public Schools (SPS) to provide educational opportunities for AAOs at MRJC and KCCF. Education Coordinators from KSD and SPS use the AAO Education Enrollment form to clarify an AAO’s enrollment status (whether the detainee is enrolled, ineligible as previously received high school diploma or GED, declined or refused

³² The kite system was discussed during a meeting which the monitor attended held in January 2020 with a youth transitioning out of the Juvenile Division into the adult jail system. The AAO transition process is discussed in below in the report.

enrollment, or was released or transferred prior to enrollment). The form provides that an AAO can change their mind about interest in enrollment by submitting a request to Adult Divisions Programs.

Pre-COVID, if during the orientation to programs and educational services, an AAO expressed interest in continuing their education, an SPS or KSD teach conducted a second visit with the AAO, describing the education opportunities in detail. For those interested, SPS provided a GED program for AAOs at the downtown jail facility and KSD submitted instructional plans for AAOs at the MRJC. The Adult Divisions also contract with Seattle Central College (SCC) for independent study GED instruction and testing, available to any adult facility detainee. The monitors were provided with a copy of the process outline followed by the Adult Divisions Programs Office with new AAOs to orient them to program and education options.

As discussed in the July – December 2019 report, the monitors observed a transition meeting for a youth who would turn 18 in January 2020 and be moved from the juvenile facility to the Adult Divisions. The youth was asked about their educational history, interest in continuing towards a high school diploma or GED, and ultimate career focus. The youth was told that a teacher from the juvenile facility would coordinate with teaching staff at the adult facility, with the Adult Divisions Sergeant stressing, “Schooling is important.” Advice was given on how to maximize their educational opportunities after transfer. The same youth was interviewed at the KCCF in August 2020 and indicated that they had not continued with classes, though noted it might be because of COVID-19 limitations.³³

As DAJD limited public access to the jails beginning in March 2020 and KSD and SPS also restricted in-person teaching in the facilities due to concerns about COVID, the educational options for AAOs effectively ended. AAOs received a notice indicating that, due to COVID-19 impacts, there would be no group education classes, including one-on-one independent study with SPS, KSD, Seattle Central College Teachers, and Literacy Source Volunteer Tutors. While the Juvenile Division was able to use volunteer resources to set up CFJC for remote learning, KCCF and MRJC did not have the space, equipment, Internet access capability, or other requirements for distance learning. As remote classes for Fall 2020 are beginning for public schools and colleges, the adult jails are challenged by the logistics involved with enrollment, outreach, and distribution of materials, and detainees continue to have no access to

³³ It was noted that most juveniles are overwhelmed upon moving to an adult facility and often choose to delay their education start date, which is one reason the Adult Divisions have two meetings with AAOs and also incorporate language in forms used about the ability to change their mind on whether to continue with education.

teachers. Thus, no options are in place for AAOs wanting to continue their formal education.

Recommendations regarding programming and access to education and services include:

- In the Adult Divisions, the kite form used by AAOs to express interest in education opportunities or request a program or service would be easier for an AAO to use if it provided more specific information about what is available at any given time. While this would require the Programs office to update relevant kite communications, providing more information up front for AAOs would help facilitate and might encourage use of education and program opportunities in KCCF and MRCJ, without implicating the cost prohibitive changes in programming recommended by the prior monitor.
- DAJD’s Adult Divisions should explore the feasibility of formalizing AAO support services by utilizing the resources available through the MDT initiative on reduction of restrictive housing generally in the adult jail facilities. Given that the AAO average daily population has decreased significantly and education and programming opportunities are limited or not available at all during this time of COVID-19, there is an opportunity to bring individually focused, trauma-informed services to AAOs, some of whom would have recently benefitted from such an approach in the juvenile facility. As with the previous recommendation, and particularly given the small number of AAOs currently in the jail population, this recommendation could be explored without a commitment of significant resources.
- Given the uncertainty as to how long COVID-19 restrictions on in-person education will continue, the Adult Divisions should reconsider whether there are any steps that can be taken to support any AAO’s interest in continuing to work towards a high school diploma or GED.

V. TRANSFERRING AAOS TO ADULT FACILITIES

The July – December 2019 report reviewed provisions in the Ordinance and DAJD policies that apply to juveniles who turn 18 while in the Juvenile Division and transfer to an adult jail facility or otherwise fall under the Ordinance while in the Adult Divisions. Procedures that were being implemented to make for a smoother transition for juveniles were also discussed.³⁴

³⁴ The report summarized a transition meeting held in January 2020 with a youth in the juvenile detention facility who would be transferred to an Adult Divisions facility shortly after when he turned 18 years old. During the January transition meeting, the youth agreed to meet with a

The prior monitor had made a recommendation that privileges and rewards earned by a youth at the juvenile facility should transfer with them when they turn 18 and move to one of the adult jails. The recommendation was highlighted in the July – December 2019 report, with a related recommendation that DAJD explore how family members might be involved in the transition process, suggesting that representatives from the Juvenile and Adult Divisions should coordinate on the issues and set review and implementation target dates.

DAJD reports that the Adult and Juvenile Divisions have identified leads to work on these issues, taking into consideration different resources and procedures in the two Divisions. For example, because phone calls in the adult jails are not provided free of charge, incentive privileges that were earned at the juvenile facility might be used to pay for phone calls in the adult facility. Also, as noted in DAJD’s response to recommendations from the July – December report, provided in the next section below, implementation of the health-based EPIC system and Jail Management System would facilitate communication and continuity of care across DAJD Divisions.

With regards to family engagement in the transition process, individuals from both the Juvenile and Adult Divisions are collaboratively developing a framework and format to support the process. The involved youth will determine whether they would like a parent/guardian involved and whether they want that person to be present throughout the transition meeting or participate in a more limited role. DAJD’s response to all thirteen recommendations made in the July – December 2019 report is outlined in the next section, and responses to recommendations #9 and #10 provide more explanation concerning the transition process, some of which also was addressed in the report.

VI. DAJD’S RESPONSE TO RECOMMENDATIONS FROM JULY – DECEMBER 2019 REPORT

The following is a summary of the recommendations made by the independent monitors, discussed in more detail in the July – December 2019 report, and DAJD’s response:³⁵

1. Update the Adult Divisions Inmate Information Handbook to align its housing and classification scheme with current policy on restrictive housing and

monitoring team member a month or two after the transfer. However, due to COVID-19 access restrictions, the follow-up meeting did not take place until August 2020.

³⁵ DAJD’s response to the recommendations was provided in draft form to the monitors.

review the Handbook to ensure there are no other outdated references to the use of “restrictive housing” terminology. An alternative approach would be to provide AAOs with an addendum at the time they receive a copy of the Handbook, explaining the differences in the use of the phrase “restrictive housing” in adult facilities as compared to the Juvenile Division.

Response: In Progress - The Adult Division is in the process of creating an addendum to their Inmate Information Handbook that will be provided to young adults that are subject to Ordinance 18637. This addendum will include a thorough explanation of the differences in the use of the phrase "restrictive housing" in adult facilities as compared to the Juvenile Division. The addendum will expand upon the scope of this recommendation and provide additional information that should be helpful to youth who are learning the differences between the operations of the Juvenile and Adult Divisions.

2. Consider replacing the term “restrictive housing” with “room confinement,” which is the term used by the Juvenile Detention Alternatives Initiative (JDAI) in referring to the involuntary placement of a youth alone in a cell, room, or other area, that may only be used as a temporary response to behavior that threatens immediate harm to the youth or others.

Response: Not Started - DAJD is thoughtfully considering the most appropriate language to meet best practices and align with state and federal legislation. Different practices and laws are in place that applies to either the Adult or Juvenile Divisions, and terminology pertaining to room confinement often varies within these practices and laws. This variation in terminology can present challenges for tracking and reporting on data, as well as cause confusion while training staff on how to best serve clients while adhering to all requirements.

3. DAJD should consider whether the current list of 21 codes in the Youth Accountability Checklist is so detailed that it creates confusion for Juvenile Detention Officers.

Response: Out of Scope - As DAJD awaits the implementation of the new Jail Management System (JMS), the Juvenile Division is limited in its capacity to adopt changes to existing paperwork. The Juvenile Division is in agreement with this recommendation and solutions are in development to improve operational processes and documentation with the launch of JMS in 2021.

4. The Juvenile Division Restrictive Housing Assessment Checklist could be enhanced with a visual graphic of the different levels of review and timing for each and by adding space for medical and mental health professionals to provide written comment on their assessments. Also, it would be useful for the JDO, supervisor, and medical and/or mental health professionals to meet

at some point to discuss their individual assessments and the need for continued restrictive housing.

Response: In Progress – The Juvenile Division has updated their Restrictive Housing Assessment Checklist to include a more visual representation of information gathered. All documentation and process updates have been accomplished in collaboration between the Juvenile Detention Health Clinic team and DAJD staff. If a youth is experiencing restrictive housing, strategies and interventions to support the youth are discussed at the daily Mental Health Meetings. This is a multi-disciplinary meeting that includes team members from the Health Clinic, DAJD staff, educators, and Juvenile Probation.

5. Explanations on the Juvenile and Adult Divisions’ restrictive housing checklists concerning behaviors, statements, or conditions that support restrictive housing should clearly state how they pose an imminent and significant threat of physical harm to the youth, AAO, or others, and any unsuccessful less restrictive alternatives.

Response: Completed - The Adult and Juvenile Divisions have each implemented improvements and updates to the youth and AAO (Adult Age Outs) Restrictive Housing documentation process. The new documentation processes expand upon the information gathered during a Restrictive Housing event. On-going staff trainings are offered to continually improve documentation to adhere to all Ordinance 18637 requirements.

6. In order to meet the goal of reintegrating youth into the general population as early as appropriate after placement in restrictive housing, the Juvenile Division should require that a plan be developed providing explicit steps to be taken to help facilitate a youth’s exit from restrictive housing. The point in time after restrictive housing has been initiated and the staff person(s) responsible for developing a plan should be built into any procedural change.

Response: In Progress - The trauma-informed approach of the Juvenile Division is supported through a contract with the University of Washington Department of Psychiatry and Behavioral Sciences. An updated DAJD/UW mental health contract will expand the opportunities for mental health staff to engage and support youth in our care. All youth in secure detention have access to health care providers 24 hours a day and are seen by mental health professionals throughout the week. If a youth is experiencing restrictive housing, strategies and interventions to support the youth are discussed at the daily Mental Health Meeting. DAJD staff and MH staff work collaboratively to develop behavior support plans for youth who struggle within the behavior management system. The health clinic team is developing a process to identify individuals with whom each youth has developed a positive, trusting relationship. If a youth is struggling, while in

restrictive housing, or at any time while in secure detention, that adult may be called upon to support the youth or aid in the process of engagement in restorative practices.

7. As DAJD continues to develop data analytic capabilities with the JMS and behavior responses involving restorative practices, it would be useful to consider how Cool Down periods are used and fit into the larger Behavioral Management System in the Juvenile Division.

Response: In Progress - The Juvenile Division tracks information and data pertaining to the new Behavior Management System that has been operational since 2019. Data and trends are currently reported and as additional information is collected over time, research studies will be explored. JMS developers are working in partnership with the Juvenile Division to increase electronic data tracking that will help inform the continuous improvement of the Behavior Management System and practices that support youth in our care.

8. Ordinance 18637's prohibitions on restrictive housing apply when a juvenile is voluntarily or involuntarily in their room. Standards under the Juvenile Detention Alternative Initiative define restrictive housing based on the **involuntary** placement of youth in a cell or room alone in response to behavior that threatens immediate harm to the youth or others. It is recommended that DAJD explore the feasibility of advocating this perspective with the King County Council and stakeholders.

Response: Not Started - Since the adoptions of Ordinance 18637, there have been many learning opportunities for how to best support youth in our care while adhering to the Ordinance. DAJD is in agreement with this recommendation and acknowledges that some adjustments to the Ordinance will allow for efficiencies in reporting while also improving care provided to youth in secure detention.

9. As the DAJD considers the prior monitor's recommendation to determine how privileges and points earned at CFJC could be transferred to the jail, the Department should identify individuals from the Adult Division to work with those previously named in the Juvenile Division, and set target start and completion dates for the team working on this issue.

Response: In Progress - The Adult and Juvenile Divisions have identified project leads and are collaborating to determine the most effective approach to transfer privileges and points from the CFJC to an adult facility. The transfer of privileges and points between the Divisions is a process of communicating behavioral health needs that may have been identified while a youth is in the care of the Juvenile Division. The implementation of the new Jail Management System (JMS), paired with the health-base EPIC system at

the Juvenile Division, will ease the process of communicating between DAJD Divisions and increase the continuity of care while an individual is in the care of DAJD.

10. It is recommended that DAJD appoint individuals from the Adult and Juvenile Divisions to explore how family members might be accommodated in the transition process when a juvenile turns 18 and is transferred to an adult facility, and set target start and completion dates for the review.

Response: In Progress - The Adult and Juvenile Divisions are in the process of collaboratively developing a framework and format for family engagement as youth are transitioning between the juvenile and adult facilities. Both divisions have appointed individuals to lead these efforts, which will enhance the process already in place. The process will allow for youth to determine if they would like a parent/guardian to participate, as well as include the ability to bifurcate the meeting into sessions allowing the youth to ask questions without their guardian present, if desired. Currently, Juvenile Division staff contact Adult Division staff 2-3 weeks prior to a youth's 18th birthday. The Psychiatric Services Manager meets with each youth to discuss continuity of medical and behavioral health care. An Adult Division Sergeant also schedules a meeting with each youth 1-3 days prior to the youth's transfer to provide an orientation to the Adult Division.

11. DAJD should consider whether an explicit integration of restrictive housing policy with the Behavior Management System would more accurately reflect behavior response expectations and practices in the Juvenile Division.

Response: Not Started - The Juvenile Division's Behavior Management System is rooted in trauma-informed care and restorative principles. Restorative principles often focus on restoring relationships, repairing harm, and improving behavior. Some examples include an emphasis in building relationships between staff and youth, daily check-ins, apology letters, facilitated problem-solving sessions, and collaborative problem solving. The Juvenile Division is thoughtfully considering how to continue to build a culture that is dedicated to restorative principles while reducing the utilization of restrictive housing. The Juvenile Division is thoughtfully considering their messaging of restrictive housing and how it is a component of the Behavior Management System.

12. To the extent current resource are available and as DAJD continues to develop data analytic capabilities with the JMS, it is advised that the DAJD seek ways to do more data analysis of the use of alternative behavior responses, including restorative practices, under the new Behavior Management System.

Response: In Progress - The Juvenile Division's new Behavior Management System has been in operation since early 2019. Metrics are tracked and as additional data is collected over time, analytical opportunities to explore outcome measures continue to increase. Youth input is gathered to aid in the process of continually improving the Behavior Management System to best respond to the needs of the youth in our care.

13. DAJD should consider ways it could structure efforts to reduce restrictive housing and continue in its development of the new behavior management program around a central principle or approach that connects policies, practice, and culture.

Response: Not Started - DAJD, in partnership with system and community stakeholders, continues to examine all policies and procedures to more holistically support the educational and personal growth of youth in our care. DAJD will continue to partner with the Independent Monitor to consider concrete changes to policies and procedures that align with this recommendation.

VII. CONCLUSION

DAJD continues to develop and operationalize its philosophy of using restorative justice and rehabilitative techniques with youth held in detention. Leadership of the Juvenile Division is committed to working with staff to help them develop the skills and experience necessary for using a trauma-informed approach that is effective, while also keeping employees and detainees safe and secure. While responding to many challenges over the past six months has resulted in some stalling of the Behavior Management System, it appears that the Juvenile Division is again able to focus on moving forward. As incentive based behavior management continues to be refined and staff acquire and develop a variety of trauma-informed intervention skills, it is hoped that the need to use restrictive housing as a means to help youth self-regulate should continue to decrease. Similarly, important steps are being taken to help youth through the transition to an adult facility, with the Adult Divisions also moving towards alternatives to restrictive housing for all inmates.
