## STAFF REPORT

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| **Agenda Item:** | 8 | **Name:** | Leah Krekel-Zoppi |
| **Proposed No**.: | 2022-0239 | **Date:** | August 30, 2022 |

**SUBJECT**

A Motion acknowledging receipt of the second of two independent monitor reports on confinement of juveniles in county detention facilities and implementation of the prohibition of solitary confinement of juveniles per the requirements of Ordinance 18637 and King County Code (K.C.C.) Chapter 2.65.

**SUMMARY**

The Council included a proviso in the 2021-2022 Biennial Budget requiring the Executive to continue to engage an independent monitor to review the use of solitary confinement for youth in detention. This proposed motion would acknowledge the second of two required monitoring reports during the biennium. These reports are a continuation of the independent monitoring related to the County’s implementation of Ordinance 18637 which placed significant new restrictions on the use of solitary confinement of youth. The transmitted report covers the period between July 2021 and March 2022, and while it notes progress towards documenting incidents and improving policies and procedures for restrictive housing[[1]](#footnote-1) for youth in detention, the report also shows a significant increase in use of restrictive housing in the youth detention facility during the reporting period. The report also details previously unreported incidents involving Adult Age Outs (AAOs) in Adult Detention Facilities between 2019 and early 2021 (prior reporting periods) that could have constituted Restrictive Housing. The report appears to meet the requirements of the proviso.

**BACKGROUND**

**Juvenile Detention Programs**

King County adopted the Juvenile Justice Operational Master Plan,[[2]](#footnote-2) in 2000, adopting a policy to emphasize prevention, intervention, and alternatives to the use of secure detention for juvenile offenders. As a result, even as King County’s overall population has grown, the number of youths arrested, charges referred, charges filed, and the use of secure detention for juveniles has declined significantly over the past 15 years.[[3]](#footnote-3)

As part of its juvenile detention reform efforts, King County participates in the Juvenile Detention Alternatives Initiative (JDAI), which is a national juvenile justice improvement initiative geared towards changing how detention should be used for youth. JDAI has been implemented in 300 jurisdictions in 30 states and the District of Columbia.[[4]](#footnote-4) The County became a formal JDAI site in 2004 and uses JDAI standards for its programs and detention.

The King County Department of Adult and Juvenile Detention’s (DAJD) Juvenile Division has operated the County’s juvenile detention system since 2002. Under state law, King County is required to operate a detention facility for juvenile offenders. While detained, youth receive a medical assessment to determine if the youth is in crisis or needs immediate medical or mental health intervention, and to determine the youth's appropriate placement in detention and any special issues that may need to be addressed.

Juveniles detained in King County are housed in the Judge Patricia Clarke Children and Family Justice Center (CFJC). The County’s average daily population (ADP) of youth was 23 in the first half of 2021.[[5]](#footnote-5) Juvenile detention staff has utilized a Behavior Management system that allows youth to earn Tier Levels based on positive behavior which increases their programming time outside of school and gym. However, this 30-year-old system is being replaced with a new system with significant changes in how discipline is used. The Seattle School District provides regular and special education, and the school is operated as part of the detention facility. Detainees also receive at least one hour of physical exercise in the facility’s gym daily.

In addition, prior to 2018, some youth who were charged as adults were housed at the department’s adult facilities rather than the County’s juvenile detention facility.[[6]](#footnote-6) An average of five to fifteen youth were held at the Maleng Regional Justice Center, an adult detention facility. In an Executive Order signed on November 2, 2017, the Executive directed that all youth under age 18 who have been charged as adults will be housed at the juvenile detention facility.[[7]](#footnote-7) All youth in adult facilities were transferred to the juvenile detention facility by December 2017.

In 2017 King County launched a Zero Youth Detention initiative and is currently developing a CFJC Strategic Plan 2025[[8]](#footnote-8) with the goal of closing King County’s juvenile detention facility by 2025 in an effort to promote racial equity[[9]](#footnote-9) and community-based alternatives to detention.

**Use of “Solitary Confinement” for Adults and Youth**

Solitary confinement is a form of imprisonment in which an inmate is isolated from any human contact, often with the exception of members of staff. Solitary confinement can also be called *room confinement*, *segregated housing*, *protective custody*, *restrictive housing*, *restricted housing*, *time out*, *restricted engagement*, *close confinement*, *special management unit*, *administrative detention*, *non-punitive isolation*, or *temporary isolation*.

JDAI detention facility standards prohibit the use of room confinement for reasons other than as a temporary response to behavior that threatens immediate harm to a youth or others. The standards reflect the advice of dozens of practitioners and nationally recognized experts that room confinement should not be used for discipline, punishment, administrative convenience, or other reasons.[[10]](#footnote-10) Further, the Council of Juvenile Correctional Administrators reports that isolating or confining a youth in their room should be used only to protect the youth from harming themself or others and if used, should be for a short period and supervised.[[11]](#footnote-11)

**Restricting the Use of Solitary Confinement in King County**

In December 2017, the King County Council adopted Ordinance 18673 which banned solitary confinement for youth except in specific limited circumstances.[[12]](#footnote-12) This legislation had three elements.

The first element created King County Code Chapter 2.65, banning the use of solitary confinement for youth detained by King County “except as necessary to prevent significant physical harm to the juvenile detained or to others when less restrictive alternatives would be ineffective,” regardless of the facility that the youth is held. The ordinance defines "solitary confinement" 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. The ordinance further notes that using different terminology for this practice does not exempt a practice from being considered solitary confinement.

Secondly, this ordinance also placed the requirement on the department’s Juvenile

Division to ensure that all juveniles detained in any King County detention facility are given reasonable access to the defense bar, juvenile probation counselors, social service providers, and educators in a timely manner.

Finally, the ordinance requested that the Executive appoint an independent monitor or monitors who have expertise in juvenile detention operations and corrections, officer safety and security and on trauma-informed behavioral modification practices to monitor and report on the implementation of this ordinance.

K.C.C. 2.65.010 defines the term “juvenile” to include any 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, and where confinement begins before their 18th birthday. Therefore, the Ordinance applies to:

* All juveniles held in juvenile facilities;
* Youths who turn 18 (age out) and are transferred to an adult facility; and,
* Youth who are older than age 18 and are booked on a juvenile probation/parole matter.[[13]](#footnote-13)

**State Prohibition of Solitary Confinement for Detained Youth**

In 2020, Washington State enacted legislation prohibiting solitary confinement of detained youth as punishment,[[14]](#footnote-14) which became effective as state law on December 1, 2021. The law defines different confinement scenarios including “solitary confinement,” “room confinement,” and “isolation,” and establishes restrictions on the use of such practices including the circumstances, conditions, and duration they can be used, and requiring check-ins every 15 minutes during the confinement. The law required the state Department of Children, Youth, and Families (DCYF) to develop a model policy which detention facilities within the state, including King County DAJD, are required to adopt or else notify DCYF of how and why the facility's policies and procedures differed from the model policy.

The new state law includes restrictions beyond those contained in county code, prompting the Juvenile Division to change policies, effective December 1, 2021, to eliminate use of “time outs” and “cool downs” of up to two hours, which were in compliance with county code but would be in violation of state law. DAJD’s restrictive housing policy was also revised to require staff to establish a reintegration plan for any youth placed who remains in restrictive housing for more than four hours within a 24-hour period.

Additionally, the state law requires DAJD to collect and report data related to restrictive housing in order for DCYF to compile and publish statewide data, prompting changes to DAJD’s data collection and data sharing.

**Prior Monitor Reports**

The Executive engaged the first independent monitor in accordance with the county ordinance prohibiting solitary confinement of youth, and independent monitoring services began on July 1, 2018.[[15]](#footnote-15) The Council accepted the monitor’s first report in December 2018.[[16]](#footnote-16) Recommendations in the report included: policy revisions to implement mandates under the Ordinance, monthly tracking of restrictive housing data, reconsideration of the inmate classification scheme, and distribution to appropriate staff of a list of adult facility detainees who fall under the Ordinance. A second report was issued in January 2019.[[17]](#footnote-17)

In 2019, a new independent monitoring team of Kathryn Olson[[18]](#footnote-18) and Bob Scales[[19]](#footnote-19),[[20]](#footnote-20) was contracted to provide reports in compliance with a proviso added to the 2019-2020 Biennial Budget Ordinance.[[21]](#footnote-21) The team's first report covered July – December of 2019.[[22]](#footnote-22) Recommendations in that report included consideration of whether the King County Council should amend Ordinance 18637 to exclude youth in their room voluntarily or engaged in one-on-one programming from the definition of restrictive housing, enhancing youth activity and restrictive housing tracking forms, creating an exit plan for any youth placed in restrictive housing, and integrating restrictive housing policing and procedures with the Behavior Management System. A second report covered January – June of 2020.[[23]](#footnote-23) Recommendations in that report included: resetting the Juvenile Division's restorative practices program and developing individual case management plans, documenting specific and thorough details of behavior resulting in restrictive housing, providing more specific information about programs available to AAOs (Adult Age Outs), formalizing informal support services being provided to AAOs, and reinstating education opportunities for AAOs that were interrupted by COVID-19 impacts. The report also reiterated the recommendation to create an exit plan for any youth placed in restrictive housing.

Independent monitoring was again required by proviso in the 2021-2022 Budget (see the next section), and a report covering July 2020 through June 2021 noted the progress that had been achieved by the Juvenile Division and held off making new recommendations because of several major projects the division was undertaking, including transitioning to a new electronic record-keeping system and revising policies to comply with the new restrictive housing state law.

**2021-2022 Budget Proviso Requirements**

As part of budget deliberations for the 2021-2022 Biennial Budget,[[24]](#footnote-24) the King County Council added a proviso that required that the Executive to continue the use of an independent monitor to review the impact of the changes to solitary confinement on youth and DAJD operations.[[25]](#footnote-25) The proviso requires that:

*Of this appropriation, $200,000 shall not be expended or encumbered until the executive transmits two reports on the implementation of Ordinance 18637, Sections 2 through 5, as they relate to confinement of juveniles in county detention facilities, each accompanied by a motion that should acknowledge receipt of the applicable report. Each motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion. Upon passage of each motion, $100,000 is released for encumbrance or expenditure.*

*The two reports required by this proviso should build on all of the prior reports submitted on practices related to the confinement of juveniles required by Ordinance18637, Section 6. The two reports required by this proviso shall be prepared by an appointed, independent monitor or monitors who, either alone or together, have extensive knowledge of the processes and procedures by which the reports required by Ordinance18637 were generated and, in accordance with Ordinance 18637, Section 6, the monitor or monitors shall have expertise in adolescent development, juvenile detention operations and corrections, officer safety and security and trauma-informed behavioral modification practices. The monitor or monitors shall include in the report analysis of the implementation of Ordinance 18637, Sections 2 through 5, by the department of adult and juvenile detention juvenile division, and the report shall also include, but not be limited to:*

*A. A review of the* *number of times solitary confinement was used during the evaluation period;*

*B.* *An evaluation of the documentation of the circumstances for the use of*

*solitary confinement;*

*C. A determination whether, for each instance solitary confinement was used, it did not exceed four hours;*

*D.* *An evaluation of the documentation of supervisory review before the use of solitary confinement;*

*E. An evaluation of the documentation that youth in solitary confinement have been assessed or reviewed by medical professionals;*

*F. An evaluation of the documentation of how youth subject to solitary*

*confinement had full access to education, programming and ordinary necessities, such as medication, meals and reading material, when in solitary confinement; and*

*G. An assessment of the progress by the department of adult and juvenile*

*detention juvenile division on implementing the recommendations outlined in the four previous monitor reports.*

*In preparing and completing the reports required by this proviso, the monitor or*

*monitors shall consult with stakeholders, including representatives of the King County Juvenile Detention Guild (Department of Adult and Juvenile Detention – Juvenile representing employees in the department of adult and juvenile detention juvenile division.*

*The first report should cover July 1, 2020, through June 30, 2021. The second report should cover July 1, 2021, through March 31, 2022. The executive should electronically file the first report and a motion required by this proviso no later than September 15, 2021, and the second report and a motion required by this proviso no later than June 15, 2022, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.*

**ANALYSIS**

Proposed Motion 2022-0239 would acknowledge receipt of the second of two independent monitor reports on confinement of juveniles, as required by Ordinance 19210, Proviso P1, Section 50. The Independent Monitoring Team Report, which is Attachment A of the proposed motion, covers the period from July 2021 through March 2022 and was prepared by the monitoring team of Kathryn Olson[[26]](#footnote-26) and Bob Scales.[[27]](#footnote-27),[[28]](#footnote-28) The report builds on the previous independent monitoring reports the team provided in response to a provisos in the 2019-2020 and 2021-2022 Biennial Budgets.

**Independent Monitoring Team Report July 2021 – March 2022**

According to the report, the assessment for the reporting period was conducted through document reviews, interviews, meetings, observations, and data analysis. The independent monitors note that, similar to the prior reporting period, DAJD faced a number of challenges, including continued quarantine requirements and disruptions to programming due to COVID-19 and high staff turnover with 14 Juvenile Detention Offices (DJOs) vacancies at the end of the reporting period (April 2022). The report notes that the Department has made progress regarding restrictive housing for juveniles, but that restrictive housing incidents for youth in the Juvenile Division have increased and that previously unidentified incidents that could constitute restrictive housing with AAOs in the Adult Division have been discovered.

***Proviso Requirement A: Number of times solitary confinement was used***

Juvenile Division

The report notes that, as in past reports, DAJD continued to rely on handwritten data entry and tracking of restricting housing during this reporting period, with the department planning to switch over to electronic tracking at the end of the reporting period due to the availability of the new Jail Management System.

Table 1 shows the number and type of incidents where youth were placed in restrictive housing at the CFJC during the reporting period. The ordinance provides for use of restrictive housing in incidents of imminent safety risk, and it excludes short-term placement of youth in individual cells for operational reasons from the definition of restrictive housing.

**Table 1: Number of Incidents of Restrictive Housing in the CFJC**

|  |  |  |  |
| --- | --- | --- | --- |
| **Reason Category** | **2021 Q3** | **2021 Q4** | **2022 Q1** |
| **Safety Risk** | 9 | 39 | 41 |
| **One-on-One Programming** | 6 | 11 | 43 |
| **Operational Needs/ COVID-19 intake quarantine** | 6 | 11 | 203 |
| **Total** | **21** | **61** | **287** |
| **Ordinance Definition Total (Excl. Operational)** | **15** | **50** | **84** |

**Table 2: Trend of Restrictive Housing Incidents Compared to Average Daily Population**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 2019 | 2020 | 2021 | 2022 |
| Restrictive housing incidents (annual average) | 78 | 51 | 37 | 84 |
| Average daily population | 41.7 | 27.3 | 22.4 | 27.1 |
| Ratio | **1.9** | **1.9** | **1.7** | **3.1** |

As the report notes, and as shown in the trend analysis in Table 2, the number or restrictive housing incidents during the reporting period represents a significant increase in incidents since the beginning of monitoring of restrictive housing at the juvenile detention facility in 2019. The independent monitors note that factors that may be contributing to the increase include safety incidents that involve multiple youths, an increase in the average daily population (ADP), a higher percentage of youth detained who are facing serious charges, and staff shortages and turnover. The independent monitors note that higher ADP combined with fewer and less experienced staff results in less individualized attention for youth and decreased effectiveness in helping youth problem solve and de-escalate potentially problematic situations.

A particularly noteworthy pattern that emerged in the data tracking for this reporting period is the increased number of restrictive housing incidents due to assaults and threats. For example, the report showed 52 restrictive housing incidents due to assaults during this reporting period, compared to only 7 restrictive housing incidents due to assaults during the prior three quarters. In the fourth quarter of 2021 alone, there were 28 restrictive housing incidents due to assaults, which is twice as high as any other quarter since restrictive housing data tracking began in the first quarter of 2019. In the first quarter of 2022, there were 19 restrictive housing incidents related to assaults, the second highest quarter since 2019. Incidents related to threats have also increased significantly compared to the comparatively low number across the previous reporting period.

However, the report also provides data showing that not all recorded threats and assaults are resolved through use of restrictive housing. Although use of restrictive housing to prevent imminent physical harm is allowed under both state law and county code, only 31 out of 86 assaults and threats resulted in use of restrictive housing in the first quarter of 2022, a rate of 36 percent.

While incidents of isolating youth due to operational issues do not constitute “solitary confinement” under county code or state law, and therefore is permitted, the report nonetheless notes the significant rise in restrictive housing incidents related to staff shortages, rising from 10 incidents in the fourth quarter of 2021 to 101 incidents in the first quarter of 2022. COVID-related isolation incidents also increased sharply in the first quarter of 2022. Since the beginning of the COVID pandemic, all incoming youth have been subject to an initial 72-hour quarantine period. According to Juvenile Division staff, the number of restrictive housing incidents related to COVID quarantine were included in the report when they exceeded the 72-hour quarantine period for any length of time, which occurred much more frequently in 2022 due to staffing shortages. Juvenile Division staff noted that in addition to staff vacancies, the Juvenile Division experienced staffing shortages in 2022 due to an increase in staff out on leave with COVID and the impacts of an assault affecting three Juvenile Detention Officers (JDOs).

In response to safety and staffing concerns, the Juvenile Division indicate that they are currently undertaking a request for proposals process to contract with an outside expert for a safety and security analysis to be completed by early next year. They are also continuing efforts to incentivize hiring additional JDOs and improve training resources. Juvenile Division staff also noted the impact of judicial system delays on youth, leading to longer stays at the detention center and increased frustration and uncertainty for the youth, and expressed support for addressing judicial backlogs.

Adult Division

For AAOs, there had previously been very few reported incidents of restrictive housing, but in the fourth quarter of 2021, the Adult Division discovered 60 previous instances of cell confinement that could be classified as restrictive housing, which were not previously reported. These occurred between the first quarter 2019 and the fourth quarter of 2021. At least seventeen of the incidents lasted for less than two hours, which may have fallen within the Adult Division’s policy definition of a “cool down period” rather than constituting restrictive housing.

Thirty out of the sixty previously unreported incidents involved AAOs being assigned to “Group Max” housing, which was designed by the Adult Division as a step-down for adult inmates who would otherwise be housed in Restrictive Housing. Group Max allows inmates to be out of their cell for more than two hours per day.[[29]](#footnote-29) Adult Division staff did not document the amount of time AAOs spent in or out of their cells during their assignments to Group Max housing.

Adult Division staff state that they are now using the Restrictive Housing checklist for all AAOs placed in Restrictive Housing, and that they are no longer placing AAOs in Group Max housing.[[30]](#footnote-30)

***Proviso Requirement B: Documentation of the circumstances for the use of solitary confinement***

Youth Division

The report notes that, during the reporting period, the Juvenile Division implemented changes in the behavior response system to comply with the new state law on juvenile confinement. These changes included use of a new behavior response form to classify problematic behavior and the range of responses available, which the monitors note are a tool for JDOs, supervisors, and other staff to document details about behavior and events resulting in restrictive housing so that its use can be assessed for compliance with county code and state law.

The report shows that for restrictive housing incidents based on risk of “imminent and significant physical harm,” assessments were completed in 73 percent of cases during the reporting period. According to the monitor, in the remaining cases, the assessments were not fully carried out according to all steps in the division’s Restrictive Housing policy.

Adult Division

Regarding the previously discovered incidents of AAO restrictive housing between 2019 and 2021, the report notes that very little documentation was provided to determine the circumstances for the confinement and whether it met the ordinance requirements. The documentation that was provided seemed to indicate some of the incidents were for punitive reasons for infractions that did not constitute imminent physical harm.

***Proviso Requirement C: Whether any incidents of solitary confinement exceeded four hours (240 minutes)***

Juvenile Division

The report notes that DAJD’s policies do not set a time limit on using restrictive housing for no more than 4 hours within a 24-hour period, as provided in county code. State law also limits room confinement and isolation to 4 hours within a 24-hour period, but unlike county code, provides for extensions in certain circumstances.

The report provides the information shown in Table 3 about the average number of minutes youth in the CFJC spent in restrictive housing per incident of restrictive housing due to imminent harm. The report notes that during the fourth quarter of 2021, the longest incident of restrictive housing was for 7 hours and 45 minutes after a youth physically assaulted three staff members and refused to follow staff directives. The report also noted an incident in the fourth quarter of 2021 where four youths each spent five hours in restrictive housing after conspiring to assault another youth. Data from the first quarter of 2022 indicates there were many incidents of restrictive housing exceeding four hours, as the average amount of time spent in restrictive housing per safety incident was approximately six hours (363 minutes). The report notes that the same factors that contributed to the rise in restrictive housing incidents likely contributed to the rise in the amount of time per incident spent in restrictive housing.

**Table 3: Average Time Youth Spent in Restrictive Housing**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2021 Q3** | **2021 Q4** | **2022 Q1** |
| **Average # of Minutes per Safety Risk Incident** | 118 | 157 | 363 |

Adult Division

Between 2019 and 2021, AAOs were assigned to Group Max housing 30 times for lengths of time ranging from just over four hours to over thirty-six days. While the amount of time AAOs in Group Max housing were confined to their cells was not documented, it is possible some incidences exceeded four hours.

Of the remaining 30 previously unreported incidents involving AAOs, which occurred as on-site sanctions, one was documented as lasting for six hours, five incidents were for an undocumented period of time, and the remaining were for four hours or less, including seventeen incidents less than two hours which may have constituted a “cool down” period, which was allowed for within the Adult Division’s Restrictive Housing policy at the time the incidents occurred.

***Proviso Requirement D & E: Documentation of review by supervisors and medical professionals***

Juvenile Division

Also in response to the new law, the Juvenile Division created a Multidisciplinary Team at the CFJC, made up of subject matter experts who meet daily to discuss emerging issues and behavior responses. The subject matter experts on the Multidisciplinary Team include Juvenile Division staff, JDOs and supervisors, and mental health and medical professionals. This team discusses youth in restrictive housing.

The report notes that supervisors are reviewing restrictive housing documentation in a more timely manner than in the past, and that the level of detail in the documentation continues to improve.

Adult Division

As noted above, the report notes a lack of adequate documentation of previously unreported incidents involving AAOs. However, the report also notes that since 2020, the Adult Division has had a risk assessment process in place for AAOs that involves Jail Health Services, Operations, and Classifications staff.

***Proviso Requirement F: Evaluation of the documentation of youth access to programing and necessities***

According to the report, youth were engaged in one-on-one programming during 93.4 percent of their time spent in restrictive housing, although the time in one-on-one programming dropped from 100 percent in the third quarter of 2021 to 86.4 percent in the first quarter of 2022. COVID-19 disruptions have limited the programming that was typically available to youth at CFJC and AAOs, with more educational and other programming being offered remotely and without as much opportunity for interpersonal interaction. The report states that staffing shortages impacted programming and educational opportunities for youth particularly during the first quarter of 2022, including youth missing in-person instruction when there are not enough JDOs available to facilitate.

The report indicates that youth and AAOs have access to their attorneys as well as visitors.

***Proviso Requirement G: Assessment of DAJD progress implementing recommendations***

The independent monitor’s report commended DAJD and Juvenile Division Director Allen Nance[[31]](#footnote-31) for progress towards the following three objectives that Mr. Nance identified as priorities for the Division at the beginning of the reporting period in alignment with previous monitoring team recommendations:

* Development of a case management model that includes formal assessments of each detained youth and individual treatment plans;
* Rethinking resource allocation to allow for more clinical support, particularly for African American males; and
* Expansion of evidence-based intervention practices.

Regarding AAOs, the monitoring team also noted progress in improving opportunities to pursue educational programs since the prior reporting period.

The report made note of challenges experienced in the Juvenile Division during the reporting period, including increased incidents of assaults and staffing shortages that were resulting in reduced access to educational programming, increased safety risks for the youth and staff, and more in-room time. According to DAJD staff, they are aware of these challenges and are working towards identifying improvements, including seeking outside consultant expertise for a safety and security analysis, offering employee recruitment incentives, and securing grant funding for employee training enhancements.

Pages 42-44 of the report include a list of all previous independent monitor recommendations and their status. Overall, the independent monitors have made 21 recommendations. Following is the status of those recommendations:

* 11 completed
* 6 in progress
* 2 incomplete
* 2 withdrawn

The two recommendations that are incomplete are directed to the County Council, rather than DAJD, and involve considering clarifications to the code language to avoid unintended consequences, such as not allowing for youth to voluntarily spend time in their rooms or for staff to engage in therapeutic one-on-one interventions.

***Responsiveness to Proviso Requirements***

The report appears to be responsive to the proviso requirements.

**INVITED**

* Allen Nance, Director, Department of Adult and Juvenile Detention
* Steve Larsen, Chief of Administration, Department of Adult and Juvenile Detention
* Kathryn Olson, Independent Monitor

**ATTACHMENTS**

1. Proposed Motion 2022-0239 (and its attachments)
2. Transmittal Letter

1. The report uses the term "restrictive housing" consistent with terminology in state law RCW 13.22, in place of the term "solitary confinement" used in Ordinance 18637 and K.C.C. Chapter 2.65 [↑](#footnote-ref-1)
2. Motion 10478 and Ordinance 13916 [↑](#footnote-ref-2)
3. According to the 2021 King County DAJD Detention and Alternatives Report, the average daily population (ADP) of juveniles in King County has steadily declined from 95 in 2007 to 23 in 2021 <https://kingcounty.gov/~/media/courts/detention/documents/2021-07_-_KC_DAR.ashx?la=en> [↑](#footnote-ref-3)
4. Annie E. Casey Foundation, Juvenile Detention Alternatives Initiative, <http://www.aecf.org/work/juvenile-justice/jdai/> [↑](#footnote-ref-4)
5. Detention and Alternatives Report, Department of Adult and Juvenile Detention, July 2021. [↑](#footnote-ref-5)
6. Washington State law allows prosecutors to petition to transfer a youth to adult court, at the discretion of the juvenile court. This type of transfer is known as a *discretionary decline* of jurisdiction. In addition to discretionary transfer, the 1994 Washington State Legislature passed the Youth Violence Reduction Act establishing an *automatic decline* (which is also known as “auto-decline”) of jurisdiction to the adult court for certain youth. Youth ages 16 and 17 are automatically “declined” to the adult court when charged with violent felonies. Prior to 2017, some youth who were charged as adults (usually “auto-declines” aged 16 and 17) had been housed at the department’s adult facilities. However, federal law requires any inmate under the age of 18 must be kept separated from adult inmates—known as “sight and sound separation.” [↑](#footnote-ref-6)
7. King County Executive Order “Youth Charged as adults to be housed at the Youth Services Center,” November 2, 2017 [↑](#footnote-ref-7)
8. [CFJC Strategic Plan 2025 - PublicInput.com](https://publicinput.com/cfjcstrategicplan2025) [↑](#footnote-ref-8)
9. Black, Indigenous, and People of Color (BIPOC) youth make up a disproportionate share of the population of youth in King County’s juvenile justice facility, with BIPOC youth five times more likely to be detained than White youth, according to the [Zero Youth Detention Data Dashboard - King County](https://kingcounty.gov/depts/health/zero-youth-detention/dashboard.aspx) [↑](#footnote-ref-9)
10. JDAI Tools and Resources, Conditions of Confinement, Use of Room Solitary Confinement/Isolation,

    <http://www.jdaihelpdesk.org/SitePages/conditionsofconfinement.aspx> [↑](#footnote-ref-10)
11. The Council of Juvenile Correctional Administrators, Toolkit: Reducing the Use of Isolation, Council of Juvenile Correctional Administrators, March 2015

    <http://cjca.net/attachments/article/751/CJCA%20Toolkit%20Reducing%20the%20Use%20of%20Isolation.pdf> [↑](#footnote-ref-11)
12. Ordinance 18637, adopted December 21, 2017. [↑](#footnote-ref-12)
13. These latter two categories are identified in the adult facilities as “Adult Age Outs” (AAOs). [↑](#footnote-ref-13)
14. Second Substitute House Bill 2277, codified in RCW Chapter 13.22 [↑](#footnote-ref-14)
15. Stephanie Vetter, Senior Consultant and JDAI Advisor, Center for Children's Law and Policy, working as a private contractor and juvenile justice expert in the areas of JDAI, the federal Prison Rape Elimination Act, adolescent development, juvenile detention operations and corrections, officer safety and security, and trauma informed behavioral modification practices. [↑](#footnote-ref-15)
16. Motion 15256 [↑](#footnote-ref-16)
17. 2019-RPT0011 [↑](#footnote-ref-17)
18. Change Integration Consulting, LLC [↑](#footnote-ref-18)
19. Police Strategies, LLC [↑](#footnote-ref-19)
20. According to the report, the independent monitoring team, "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." [↑](#footnote-ref-20)
21. Ordinance 18835, Section 52, as amended by Ordinance 18930, Section 36, Proviso P8 [↑](#footnote-ref-21)
22. Motion 15680 [↑](#footnote-ref-22)
23. Motion 15788 [↑](#footnote-ref-23)
24. Ordinance 19210 [↑](#footnote-ref-24)
25. Proviso P1, Section 50 [↑](#footnote-ref-25)
26. Change Integration Consulting, LLC [↑](#footnote-ref-26)
27. Police Strategies, LLC [↑](#footnote-ref-27)
28. According to the report, the independent monitoring team, "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." [↑](#footnote-ref-28)
29. The Department of Justice defines Restrictive Housing as placing an inmate in a locked room or cell for 22 hours or more per day, therefore Group Max housing is designed to be less restrictive than the Department of Justice definition of Restrictive Housing. [↑](#footnote-ref-29)
30. Adult Division staff states that one AAO remains in Group Max housing because the individual refuses to be housed in the general population. [↑](#footnote-ref-30)
31. Mr. Nance has since been appointed Director of DAJD but was the Juvenile Division Director at the time the report was issued. [↑](#footnote-ref-31)