

ATTACHMENT A

Motion 16540

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

**INDEPENDENT
MONITORING TEAM REPORT**

**IMPLEMENTATION OF ORDINANCE
18637
RESTRICTIVE HOUSING**

**REPORTING PERIOD:
April 1, 2022 – June 30, 2023**

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**King County Department of Adult and Juvenile Detention
Independent Monitoring Team Report
Implementation of Ordinance 18637 – Restrictive Housing
Reporting Period: April 1, 2022 – June 30, 2023**

Executive Summary

This is the fifth independent monitoring team report on implementation of King County Council Ordinance 18637 by the King County Department of Adult and Juvenile Detention (DAJD). Ordinance 18637 places limitations on the use of restrictive housing for juveniles detained in DAJD facilities.

DAJD continues to refine its restrictive housing practices and procedures under Ordinance 18637, while also conforming with requirements under RCW 13.22, regarding the use of confinement and isolation of youth in detention facilities and institutions in the State of Washington. This has required changes in DAJD's restrictive housing policies and practices, and impacted how restrictive housing incidents are counted for documentation and reporting purposes.

Both the Juvenile and Adult Divisions have been experiencing staff shortages with impacts on educational and other programming at times, though DAJD is working to manage the shortages in a number of ways, including hiring and retention incentives, and offering voluntary overtime premiums. Staff shortages are complicated by a rise in the Average Daily Population (ADP) for youth in the Juvenile Division, along with data indicating longer Length of Stays (LOS) on average for detained youth.

Beginning April 2022, the Juvenile Division began documenting and tracking restrictive housing through the electronic Jail Management System (JMS), which had been implemented for other operational purposes earlier in both the Juvenile and Adult Divisions. As with all new technology, staff have undergone a learning curve as they have adapted to use of JMS, made all the more difficult given staffing challenges and the rising ADP.

Recommendations are made for potential quality improvements for documenting restrictive housing in JMS and for tracking youth activities electronically, along with a recommendation related to living hall assignment for youth detained at the Patricia H. Clark Children and Family Justice Center.

KING COUNTY
DEPARTMENT OF ADULT AND JUVENILE DETENTION
IMPLEMENTATION OF ORDINANCE 18637 –
RESTRICTIVE HOUSING
INDEPENDENT MONITORING TEAM REPORT
April 1, 2022 – June 30, 2023

I. INTRODUCTION

This is the fifth 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 limitations on the use of restrictive housing for juveniles detained in DAJD facilities. This report addresses DAJD’s implementation efforts for the period April 1, 2022 – June 30, 2023, makes recommendations where processes can be improved, and notes any changes in response to recommendations made in earlier reports.

Previous restrictive housing monitoring reports acknowledged the many systemic challenges encountered at the Children and Family Justice Center (current) and resulting impacts on the use of restrictive housing for detained youth, from facility-wide emergencies to Juvenile Detention Officer (JDO) staff shortages.² Staffing of JDOs in the Juvenile Division and Correctional Officers (COs) in the Adult Divisions presents an on-going challenge for DAJD. As of August 1, 2023 (which is outside of the reporting period but is used to illustrate the continuing trend), there were 19 JDO vacancies, as compared to 14 vacancies in April 2022, and 103 CO vacancies currently, as compared to 84 vacancies in April 2022. These vacancy rates do not account for JDOs and COs who are on restricted or special duty assignment, or are on leave, with the actual number of unfilled positions on any given day even higher. Both the Juvenile and Adult Divisions instituted mandatory overtime prior to the last restrictive housing monitoring report and continue to rely on mandatory overtime to maintain minimum staffing levels, though as discussed below, voluntary overtime incentives have been instituted. The continual onboarding of new officers requires time and resources from the remaining staff in both the Juvenile and Adult Divisions, many of whom have already assumed extra job responsibilities. Staff shortages began impacting education and programming opportunities for juveniles at CCFJC during the last reporting period. Though programming and room/cell confinement

¹ The independent monitoring team members are Kathryn Olson, Change Integration Consulting, LLC, and Bob Scales, Police Strategies, LLC.

² These challenges included two significant floods in the CCFJC facility, COVID restrictions and illnesses that impacted programming and staffing levels, demonstrations following the murder of George Floyd that resulted in a fire outside of the facility and damage to personal vehicles and DAJD property, and a continuing scarcity of external programming resources.

continue to be impacted by staffing shortages, DAJD is working to manage vacancies in a number of ways. The Department has implemented retention and overtime incentives to dissuade JDOs and COs from leaving DAJD employment and to encourage them to volunteer for overtime work when needed. In addition to a signing bonus (\$7,500 for entry level personnel and \$15,000 for a lateral hire), the Department provides a retention bonus of \$4,000 for staff who commit to staying with the DAJD for a three-year period through 2023. A \$5000 referral bonus is provided to any staff who refer a candidate that results in a hire. DAJD offers a voluntary overtime premium that is 2.25 times the base rate of pay to COs who volunteer for overtime work on posts in jail operations relating to the custody and control of inmates or for performing escorting functions, with the overtime work premium extended in February 2023 to COs and Sergeants performing "critical training."³ For JDOs and Juvenile Division Supervisors, as of January 2023, DAJD provides a voluntary overtime incentive of 2 times the base rate for certain classifications that meet the eligibility conditions.⁴

The staffing shortage is further complicated by the rising Average Daily Population (ADP) in the Juvenile Division, the Juvenile Division's ADP ranged from 27.2 youth in secure detention (including both the Juvenile Court and Adult Superior Court jurisdictions) in January 2022 to a high of 41.7 youth in August 2022, and an average for the year of 34.2 youth on secure hold. The lowest secure detention ADP so far in 2023 for the Juvenile Division was 36.3 youth in April. The ADP rose to 50.3 in June 2023, with an average of 41.6 youth in secure detention through July 2023. There was an ADP of 6.0 youth in Adult Court jurisdiction at the start of 2023, while the number has risen to 10.2 for June and July. While the overall ADP for the Adult Divisions has been relatively stable, the ADP for the King County Correctional Facility (KCCF) went from 836.7 to over 1,200 detainees for several months of 2022. Also, the Adult Age-Out population in the Adult Divisions increased from 4 or 5 in 2020, to 9 AAOs during a visit in 2022, to eleven (11) in August 2023, which is outside the April 2022 - June 2023 reporting period, but noted here as indicative of a continuing rise in the AAO population. Further review of impacts related to staffing shortages and the rising ADP is provided below in the report.

³ Memorandum of Agreement By and Between King County and King County Corrections Guild Department of Adult and Juvenile Detention, Subject: Voluntary Overtime Premium for Critical Training (which references MOA 295U1122, an earlier agreement addressing overtime pay for functions not involving critical training). https://kingcounty.gov/~media/depts/executive/labor-relations/documents/agreements/295U0423_signed.ashx

⁴ Memorandum of Agreement By and Between King County and King County Juvenile Detention Guild Juvenile Detention Officers Units (296 & 297) and Washington State Council of County and City Employees, Council 2, Local 2084-S; Department of Adult & Juvenile Detention (Juvenile Division Supervisors) (276). <https://kingcounty.gov/~media/depts/executive/labor-relations/documents/agreements/276296297U0123.ashx>

Along with the rising ADP, data indicating youth are in detention longer pending case resolution and instances of multiple youth being arrested and booked into CCFJC at the same time further complicate staffing challenges. The average Length of Stay (LOS) for youth in secure detention whose case is being heard by the Juvenile Court rose significantly from 15.64 days in 2020 to 22.22 days in 2021, and has continued to rise, though more gradually, since then with the LOS averaging 23.2 days in 2022 and 25.3 days through July 2023. For youth in secure detention whose case is being heard by the Adult Superior Court, there has been a little more variance, though the average LOS remains high with these youth averaging 262.17 days in 2020, 234.64 days in 2021, 282.6 days in 2022, and 214.4 days through July 2023. Along with these lengthy stays, the Juvenile Division has experienced repeated instances of multiple youth being arrested at the same time and booked into CCFJC. This is illustrated by the incident involving seven (7) youth who escaped Echo Glen Children's Center, a medium/maximum security facility, shortly after midnight on May 28, 2023. Three of the youth were apprehended that afternoon and the other four were arrested less than 48 hours later, with all seven of the youth detained at CCFJC. Four of the seven were charged as adults and face felony charges related to the incident, and account for the rise in the ADP to 10.2 for June and July 2023, previously noted for youth in Adult Court jurisdiction.

DAJD implemented the Jail Management System (JMS) for collecting, tracking, and analyzing comprehensive data related to the day-to-day management of detainees in DAJD facilities over a period of time, with the move to electronic documentation of restrictive housing events one of the last steps taken in the JMS implementation process. The Juvenile Division switched from hard copy to electronic tracking of behavior incentives and behavior response actions beginning 2nd Quarter 2022. Thus, this is the first reporting period during which the monitoring team reviewed restrictive housing related data compiled through JMS. The monitoring team received input from staff throughout CCFJC about their experience using JMS for documenting, tracking, analyzing, and reporting on restrictive housing related events. This input, along with JMS and other data related to behavior management, is discussed further below.

II. METHODOLOGY

To evaluate DAJD's policy implementation and use of restrictive housing during the period April 1, 2022 – June 30, 2023, the monitoring team relied on material compiled over time during its work with DAJD and collected and reviewed additional documents; conducted data analysis; attended Juvenile Division Multi-Discipline Team (MDT) meetings and other activities at the CCFJC; interviewed youth detained at CCFJC, Adult Age-Outs at the KCCF, JDOs, Corrections Supervisors, and professional staff in both the Juvenile and

Adult Divisions; and met with the King County Juvenile Detention Guild Executive Board. Members of the medical and mental health teams working in the Health Clinic at CCFJC were interviewed for the current report. Video conferencing and telephone calls were used for some interviews and meetings, though most were conducted in-person.

While by no means a complete list, examples of documents reviewed during the restrictive housing monitoring process since July 2019 include: King County Council Ordinance 18637; Washington State legislation enacted in 2020, Juvenile Solitary Confinement, Chapter 13.22 RCW (HB2277); *Model Policy for Reducing Confinement and Isolation in Juvenile Facilities*, developed by the Washington State Department of Children, Youth & Families; DAJD policies, including those on behavior management, restrictive housing, and Adult Age-Out Inmates, along with relevant revisions; 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 (completed as of 4th Quarter 2021); 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; CCFJC detainee intake and screening documents; Youth Accountability Checklists; health clinic youth monitoring forms; CCFJC Restrictive Housing Assessment forms; Behavior Response forms; sample *Carey Guides* worksheets; King County and other jurisdictions' write-ups about Zero Youth Detention and COVID impact statements and data; and relevant DAJD reports and supporting material provided to King County Council or submitted to the Washington Department of Children, Youth, & Families.

The monitoring team strives to stay current on research and best practices in this area, including regular review of Juvenile Detention Alternatives Initiative (JDAI) standards, reports, and related documents; publications concerning room confinement issues generally and with regards to approaches used in other detention facilities; and research on the use of restrictive housing, restorative practices, and evidence-based alternative behavior response approaches.

III. KING COUNTY ORDINANCE 18637 AND WASHINGTON STATE LAW RCW 13.22 ON RESTRICTIVE HOUSING

Ordinance 18637 (the Ordinance) prohibits the restrictive housing⁵ of certain youth/juveniles in King County’s detention facilities, except when based on the youth’s behavior and restrictive housing is necessary to prevent imminent and significant physical harm to the youth or others and less restrictive alternatives were unsuccessful.⁶

The Ordinance applies to: (a) all juveniles held in detention at the Children and Family Justice Center (CCFJC);⁷ (b) youth who turn 18 (Age Out) while at the CCFJC and are transferred to an adult facility; and (c) youth who are older than 18 and are booked on a juvenile probation/parole matter or on any charge stemming from criminal conduct that occurred prior to their 18th birthday. DAJD uses the term “Adult Age Outs” (AAOs) for juveniles covered by the Ordinance though detained at the King County Correctional Facility (KCCF) or Maleng Regional Justice Center (MRJC).⁸

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, 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 a 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

⁵ 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.). RCW 13.22.010 introduces another taxonomy of terms related to solitary confinement, as discussed further in this section of the report.

⁶ The King County Signature Report, December 12, 2017, Ordinance 18637, provides a list of explanations underlying enactment of Ordinance 18637, including 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. To support this approach, the County participates in the Juvenile Detention Alternatives Initiative (JDAI) and relies on JDAI standards.

⁷ The former juvenile detention facility, the Youth Services Center (YSC), closed in early 2020 and juvenile detainees were moved to the CCFJC. Thus, though the Ordinance and early reports use the term “YSC” in reference to the juvenile detention facility, this report uses “CCFJC.”

⁸ The DAJD Adult Division and prior monitoring reports initially referred to AAOs as “Juvenile Ordinance Inmates (JOIs).”

to engage an independent monitor to assess and report on DAJD's implementation of the Ordinance.⁹

In addition to the King County Ordinance on restrictive housing, Washington State enacted legislation that became effective December 1, 2021, providing additional regulation of the use of confinement and isolation of youth in detention facilities and institutions. The previous monitoring report, covering the period July 1, 2021 - March 31, 2022, provided a detailed overview of RCW 13.22 and discussed various ways the requirements under Washington law are similar to and differ from restrictive housing mandates under Ordinance 18637. The following is an abbreviated summary of the information provided in the monitoring team's previous report.

"Solitary confinement" under Washington law "means a youth is involuntarily separated from the youth population and placed in a room or cell other than the room assigned to the youth for sleeping for longer than 15 minutes for punitive purposes."¹⁰ King County's Ordinance defines "solitary confinement" to mean "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." DAJD uses the term "restrictive housing" instead of "solitary confinement" and the Ordinance makes clear it does not matter what terminology is employed, Solitary confinement/restrictive housing under Ordinance 18637 can only be used when "based on the juvenile's behavior...is necessary to prevent imminent and significant physical harm to the juvenile detained or to others and less restrictive alternatives were unsuccessful." In line with RCW 13.22, the Ordinance prohibits the use of solitary confinement for punitive purposes. While the Ordinance defines the conditions

⁹ The independent monitoring team was engaged to evaluate whether DAJD's Adult and Juvenile Divisions meet 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; and (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; and (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.

¹⁰ RCW 13.22.010

under which youth can be assigned to solitary confinement/restrictive housing, Washington law sets out the conditions using the terms "room confinement" and "isolation."

Room confinement is defined as:

- A juvenile is separated from the youth population and placed in a room or cell that the juvenile is assigned to for sleeping, other than during normal sleeping hours or interim rest hours. [It] does not include time a youth requests to spend in his or her room or rest periods in between facility programming. Juveniles are in room confinement from the moment they are separated from others until they are permitted to rejoin the population.¹¹

Room confinement can be used when a youth's behavior causes disruption to the facility, or there is a safety or security concern that does not rise to the level of imminent harm, and less restrictive measures are not effective.

Isolation is defined as:

- Confinement that occurs (a) when a youth is separated from the youth population and placed in a room for longer than 15 minutes for the purpose of discipline, behavior modification, or due to an imminent threat to the safety of the youth or others; and (b) in a room other than the room assigned to the youth for sleeping. Juveniles are in isolation from the moment they are separated from others until they have rejoined the population. Juveniles who are pregnant shall not be put into isolation. Maintaining appropriate gender separation does not constitute isolation.¹²

Isolation can be used as a last resort if less restrictive alternatives were unsuccessful to prevent imminent harm to the youth or others; when waiting for transfer to another facility; overnight if the youth's behavior is too disruptive to other youth; or, in response to an escape attempt.

Important considerations for room confinement and isolation under RCW 13.22 include:

- Room confinement or isolation is limited to four (4) hours in any 24-hour period of time and is only permissible if:
 - Youth are checked on at least every 15 minutes.
 - Staff attend to the youth's needs, evaluating and encouraging the youth to meet goals set allowing for release from confinement.
 - Staff provide access to clothing, mattress and bedding, medication, toilet and sink at least hourly, mental health services, and reading, writing, and treatment material.

¹¹ Ibid.

¹² Ibid.

- Youth are released from confinement or isolation as soon as the purpose of the confinement or isolation is met, the desired behavior is evident, or the youth is determined no longer to be an imminent risk.
- Staff document each incident.
- An extension beyond four hours is allowed if subsequent or multiple incidents occur, and:
 - All requirements above are met.
 - The reason for the extension is documented.
 - Medical professionals assess and address physical needs and mental health professionals evaluate mental health needs and develop a plan to prevent self-harm.
 - An individualized plan is established for reintegration of the youth.
 - The agency head provides documented authorization if exceeding 24 hours.

As the Washington law mandates on use of confinement and isolation with detained youth became effective, the Juvenile Division carried out a major project to bring its restrictive housing policies and practices into compliance, since the Washington statute provides limits on the use of room confinement that extend beyond the mandates of King County Ordinance 18637. For example, under the Juvenile Division's original approach to regulating restrictive housing practices under the Ordinance, confining a youth to their room for a short "Time Out" or a "Cool Down" period lasting up to two (2) hours was not classified as restrictive housing and, thus, did not necessarily trigger the protocols required for restrictive housing, such as medical and mental health assessments. Now, however, under the state statute, the term "confinement" includes both room confinement and isolation as defined above and means when a youth is separated from the population and placed in a locked room for longer than 15 minutes. The Juvenile Division's revised policy on restrictive housing does not allow for the "Time Out" or "Cool Down" options previously available as not constituting restrictive housing. The revised policy also does not provide for the initial 15-minute buffer included under state law. Under the Juvenile Division's current policy, the restrictive housing time clock begins as soon as a youth is involuntarily confined to their room.

The Juvenile Division also continued to refine its behavioral response approach, working to identify evidence-based, therapeutic alternatives to use to avoid assigning youth to restrictive housing and protocols for reintegrating youth as they transition from restrictive housing back into routine activities in their living hall. As discussed in the prior monitoring report for the period July 1, 2021 - March 31, 2022, the DAJD's Juvenile Division conducted an in-depth review of restrictive housing protocols and staff roles, responsibilities, and communication expectations, to ensure practices are in line with RCW 13.22.

This included no longer making use of assignment to Restoration Hall¹³ as a behavior response alternative because DAJD determined that a youth assigned to Restoration Hall would be in "isolation," as the term is defined under RCW 13.22, since they would be separated from other youth and in a room other than the one assigned to them for sleeping. Under state law, room confinement is preferred over isolation to address behavior, if one of the two interventions are deemed appropriate.

However, the Juvenile Division continues to make use of one-on-one programming as a means of engaging youth outside of their room, either in conjunction with restrictive housing as a step-down process before a youth is fully regulated and ready to integrate with other youth and/or when two youth in the same hall cannot be out of their rooms at the same time due to behavioral issues or other reasons for separation, such as gang affiliation.

Also, although the Juvenile Division was documenting youth activities every fifteen (15) minutes and compiling information related to restrictive housing before the Washington law on room confinement and isolation became effective, RCW 13.22 requires that the Juvenile Division compile and publish data on the use of confinement or isolation in excess of one hour, including the number of times confinement or isolation were used, circumstances leading to room confinement or isolation, the duration of each use, if supervisory reviews occurred and were documented, the age and race of youth involved, medical and mental health assessments, and access to medication, meals and reading materials.¹⁴ In order to comply with both state law and the Ordinance, the Juvenile Division now reports all events that are 60 minutes or longer in duration. Previously, policy allowed for up to a 2-hour "cool down" period and the Juvenile Division only reported events occurring after the 2-hour "cool down." This results in a higher number of event reported in all data included in the current report, when compared to historical data.¹⁵

A youth who voluntarily requests to spend time in their assigned room is not included in the state law's definition of room confinement. While DAJD policy does not include a

¹³ Assignment to Restoration Hall was a behavior response approach that had been used since May 2019, before the Juvenile Division moved into the CCFJC facility in early 2020. Rather than confining a youth presenting a risk of imminent and significant physical harm to their room, the youth could be reassigned to Restoration Hall where they would work with JDOs and other staff trained on restorative principles to understand and address the issues that led to the behavior resulting in the need for confinement. Ideally, they were with other youth and, if not, could engage in one-on-one programming with staff until they were self-regulated and could return to their living hall.

¹⁴ The DAJD Juvenile Division developed a data sharing agreement with the DCYF to support transfer of restrictive housing data to DCYF and reviewed Juvenile Division data to align it with the variables detailed in the statute. DCYF is required to gather the data from the state and county juvenile facilities into reports to be provided to the Legislature, which also will include periodic reviews of policies, procedures, and use of confinement and isolation in all applicable facilities.

¹⁵ The data could be reviewed for all events 120+ minutes in duration to compare it to historical reporting, if of interest.

youth choosing to voluntarily rest in their room under its definition of restrictive housing, King County Ordinance 18637 does not make a distinction between involuntary and voluntary time-in-room. The monitoring team has repeatedly recommended that King County Council amend Ordinance 18637 to distinguish between voluntary youth requests for time in their room and involuntary confinement due to behavioral issues. Such a distinction is important for building legitimacy in the overall Ordinance among those who must follow its mandates, including JDOs and other DAJD Juvenile Division staff. Over the past year, some Council Members have expressed interest in addressing the voluntary/involuntary issue, though the Ordinance has not been changed as of the time of the writing of this report.

RCW 13.22 provides that a juvenile may only be placed in room confinement or isolation 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.¹⁶ The Juvenile Division's revised policy on restrictive housing now details the assessments that are to take place at different intervals when a youth is placed in restrictive housing and provides that if a youth remains in restrictive housing for more than four hours within a twenty-four-hour (24) period, staff must establish a reintegration plan and share it with the youth.¹⁷ Some practical aspects of how these policies are applied are discussed below.

IV. JUVENILE DIVISION BEHAVIOR MANAGEMENT SYSTEM AND TOOLS TO AVOID USE OF RESTRICTIVE HOUSING

The Juvenile Division's behavior management approach uses both incentives for behavior to be encouraged and behavior response actions for unacceptable behavior. Originally, hard copy forms were used to document and track youth behavior throughout the day. However, as of April 1, 2022, information concerning behavioral incentives and response actions are now inputted through the JMS electronic system, though some of this information continues to be documented on the hard copy Youth Accountability Checklist (YA Checklist). The JMS system provides a series of drop-down menus to use in entering notes as to whether behavior expectations for a youth were met or not. If a youth behaved as expected, they earn stars and other incentives over time that helps them move through

¹⁶ RCW 13.22.020(2)(a)(i).

¹⁷ This is in line with the monitoring team's recommendations, also. DCYF developed a model policy prohibiting the use of solitary confinement and limiting the use and duration of room confinement and isolation. Detention facilities are required to adopt the model policy or notify DCYF of the reasons for not doing so and how the facility's policies and procedures differ from the model policy. *Model Policy for Reducing Confinement and Isolation in Juvenile Facilities*: <https://www.dcyf.wa.gov/sites/default/files/pdf/reports/ModelPolicy-ReducingConfinementIsolation-JuvenileFacilities2021.pdf>

different levels and can eventually result in reaching the Honor Level. Honor Level status requires an application from the youth and supervisory approval, and provides such benefits as eligibility to earn a later bedtime and biweekly meals delivered from a restaurant outside the CCFJC facility.

Inappropriate behavior is also tracked through JMS. First, behavior that is deemed inappropriate is classified as either a Minor or Major behavioral event requiring a corresponding level of response. Once the JDO selects either the Minor or Major response classification, corresponding behaviors will auto-populate on the screen and the JDO adds a description of the inappropriate behavior and indicates whether the behavior response includes a level demotion for the youth. The JDO also will indicate in JMS the specific restorative work assigned to the youth as a behavior response action, such as writing an apology letter or problem solving with another youth.¹⁸ If another youth engaged in unacceptable behavior along with the first youth, behavior response details are also entered for the second youth. When inappropriate behavior requires a Major response, an Individual Development Plan (IDP) is created to specify all restorative assignments required of the youth and behavior expectations, e.g., follow staff directives without argument or use respectful language. A copy of the IDP is provided to the youth and saved in the youth's Restorative Practice Folder.

It is important to keep in mind that a youth engaging in behavior that results in a behavior response entered into JMS does not equate to a youth spending any time in room confinement. Many alternative responses such as those noted above are employed. However, if the behavior presents an imminent safety risk, it may result in restrictive housing, which will be reported, no matter how short the duration.

If a youth's inappropriate behavior results in restrictive housing, another screen in the JMS system is completed and requires notations regarding the reason for restrictive housing and the security issue involved, the start and ending times, and other details. As JDOs continue to use the hard copy YA Checklist to record activities for every youth in the living hall every 15 minutes, they are expected to record on the YA Checklist the periods of time a youth is in restrictive housing and, on the back of the form, describe the imminent risk involved and the goals and objectives of what the youth needs to do to return to regular programming. Under Juvenile Division policy, the behavior goals and objectives also must

¹⁸ As described in detail in the restrictive housing monitor's last report for the period July 1, 2021 - March 31, 2022, the Juvenile Division now has a resource to assist with behavior responses called *The Carey Guides*, a set of handbooks and work pages for JDOs to use as they work with detained youth to address skill deficits and develop more successful coping strategies. The *Guides* rely on evidence-based practices such as cognitive behavioral interventions, social learning theory, and risk reduction strategies to address topics such as antisocial thinking, antisocial associates, problem solving, motivation, impulse control, and substance abuse. <https://careygrouppublishing.com/FAQ-About-the-Carey-Guides-and-BITS.pdf> (citations omitted).

be communicated to the youth every time the JDO completes the 15-minute activity check.¹⁹

The JDO's supervisor (a Corrections Supervisor) is notified within 60 minutes of when a youth is placed in restrictive housing. The Corrections Supervisor consults with the JDO and must approve a youth remaining on restrictive housing. If the Corrections Supervisor does not approve continued room confinement, the youth must return to group programming with their peers. is Further, if continued room confinement is approved, the Corrections Supervisor is expected to interact with the youth two times each shift, determine the timing for medical and mental health assessments and ensure they are completed, document the timing of medical and mental health assessments, and input any updated information about the youth's observed and reported behavior.

A Reintegration Plan is to be developed for any youth in restrictive housing for a total of four (4) hours or longer in a 24-hour period. As required by RCW 13.22, the plan is intended to be individualized and includes the goals and objectives to be met to transition the youth into the general population. The Reintegration Plan is communicated to the youth, usually by a JDO supervisor or the Restorative Justice Coordinator. As the youth moves back to being around other youth, the Reintegration Plan should note any specific risk factors to look for that relate to the inappropriate behavior originally leading to restrictive housing, such as posturing, pacing, or acting destructively. The JMS system is set to alert the JDO supervisor when a youth has been in restrictive housing for 4 hours or longer and a Reintegration Plan is required.

As discussed in more detail in the previous report, a Multidisciplinary Team (MDT) assists in the process of evaluating problematic youth behavior and considering alternative behavior responses. The MDT is comprised of subject matter experts including JDOs, Correction Supervisors, mental health and medical professionals,²⁰ and other staff who meet daily to assess the status of any youth on restrictive housing, youth who are working on restorative assignments, and any other emerging issues among the detained youth observed since the MDT met the previous day. If a youth is in restrictive housing or assigned restorative work, the team discusses the youth's level of engagement with the material and readiness to return to regular programming.

¹⁹ This is a requirement under RCW 13.22.

²⁰ The mental health and medical professionals include DAJD medical staff, University of Washington (UW) medical staff, UW Psychiatry staff, and social workers from Ryther, an organization providing outpatient mental health programs to young people struggling with mental illness, trauma, substance use, and autism spectrum disorders.

V. RESTRICTIVE HOUSING DATA TRACKING AND THE JAIL MANAGEMENT SYSTEM (JMS)

When the monitoring team first began reviewing restrictive housing issues in 2019, the DAJD Juvenile and Adult Divisions relied on various hard copy forms to record and track which youth were in room or cell confinement, with supervisors and administrative personnel reviewing and confirming the documentation, and counseling staff when information was documented incorrectly or was missing. JDOs, COs, Correction Supervisors, and staff from throughout the Adult and Juvenile Divisions are involved in entering and reviewing information, managing the process, and analyzing the data to inform and improve restrictive housing record-keeping, behavioral response options, and overall operations.

Much of the original tracking system relied on handwritten entries that often could be difficult to read. DAJD implemented an electronic Jail Management System (JMS) that addresses the challenges involved in using a hard copy documentation approach for restrictive housing, and to digitize other processes used in the juvenile and adult detention systems.

Ultimately, the DAJD should benefit from the JMS's electronic framework to record, measure, and track key performance indicators related to managing youth behavior, including restrictive housing processes. The monitoring team appreciates having access to digitized data that can be analyzed in multiple ways, both to more thoroughly understand and report on DAJD's implementation of Ordinance 18637 and RCW 13.22, but to also consider ways the electronic data can be used to support individualized behavior response plans.

Despite all of the potential associated with having electronic data available for analysis, the monitoring team received feedback from all corners of CCFJC about ways JMS frustrates other goals in the Juvenile Division. The system is not currently set up to necessarily be "user friendly." For example, Corrections Supervisors reported that they spend much more time on administrative tasks associated with restrictive housing since the Juvenile Division switched to JMS. With the rise in CCFJC's ADP, there are periods of time when more youth are on restrictive housing, even if for short periods. Previously, Corrections Supervisors did not have to be involved until close to reaching the end of the 2-hour "cool down" period that preceded reportable restrictive housing (though they might be involved earlier, particularly for a more significant event), whereas they now must be involved within 60 minutes of a youth's assignment to restrictive housing, with no "cool down" period and with the clock starting as soon as the youth is confined to their room. This change means that Corrections Supervisors are involved in more events than

previously, even if of short duration. One Supervisor noted an experience of overseeing approximately ten (10) youth on restrictive housing status at one point, though the experience likely related to a specific incident or priority concern, rather than being a normal occurrence. When youth are on restrictive housing, the Corrections Supervisor needs to interact with each youth twice per shift and is required to ensure that all medical and mental health assessments occur and to document the timing of the assessments. These Supervisors also input any updated information about the youth's observed and reported behavior, and collaborate with the Multi-Disciplinary Team and others regarding behavior response actions and Individual Development and Reintegration Plans. Most of the documentation associated with each of the steps in the restrictive housing process is the Corrections Supervisor's responsibility and each step for each youth in restrictive housing requires entries on multiple computer screens. All of the time that the Corrections Supervisor spends at the computer is time that they are not engaging with youth and staff, not watching for youth behavioral changes, and not coaching and mentoring JDOs under their supervision.

One result is that Corrections Supervisors de-prioritize entering some data regarding restrictive housing. They frankly acknowledged that with staffing shortages, new staff still being trained, higher ADPs, youth coming in with more serious charges and more serious mental health issues and other problems, supervisors regularly have to decide that dealing with an immediate or evolving problem on a living unit takes priority over completing restrictive housing documentation. They recognize all of the important reasons that documentation must be completed, but ask that CCFJC return to a system that is simple and intuitive, e.g., one person suggested having a single screen that has process steps listed and a means to check off each as it is completed. Where there is significant information to share with others, the Corrections Supervisor always has the means to add more details when helpful.

While there is a great deal of documentation required by the JMS system, the detail ultimately will provide the data needed for DAJD to better understand youth behavior management, including the use of restrictive housing, at CCFJC. While learning to use any new IT system is challenging, entering accurate and thorough documentation is imperative. However, after more than a year of working with JMS to document restrictive housing and other events, it would be useful to create a means to step back and further analyze the experience different constituents have had. Much of the frustration might be explained by the staffing issues, high ADP, and other factors contributing to this having been a challenging time to introduce a new IT system of any sort. On the other hand, it would be helpful for staff to further discuss these issues, accentuate what works well, and consider alternative approaches where there are significant stress points with data entry.

Another issue that was noted related to the rollout of JMS for behavior management purposes relates to the need to identify the specific behavior(s) leading to restrictive housing and explain how the behavior creates a risk of imminent and significant physical harm. Detailing the specifics about the youth's behavior and how it creates a risk of imminent and significant physical harm is crucial to determining if placement in restrictive housing meets the requirements of the Ordinance and DAJD policy, along with assuring that DAJD can provide the details required in reports to DCYF under the state law on juvenile confinement.²¹ The last monitoring report observed that staff assessing youth behavior continued to improve in providing more detail about events resulting in restrictive housing. However, after the Juvenile Division switched to using JMS to document and track behavior management, while continuing to use the hardcopy YA Checklist to monitor youth activities every 15 minutes, more instances of incomplete or inaccurate information were noted when reviewing documentation. Examples include restrictive housing or one-on-one programming events being documented in JMS, but not on the YA checklist; an event involving one youth assaulting another, but both are assigned to restrictive housing without explanation as to why the victim should be penalized (a complaint also raised during interviews by the monitor with youth at CCFJC); a youth misidentified as a female in the JMS restrictive housing documentation, while another female youth apparently was involved and it's not clear whether there was follow-up with her; a lack of detail on the YA Checklists regarding the specific behavior constituting a risk of imminent and significant physical harm (though detail might have been provided on JMS); inconsistency between the YA Checklist, which indicated an "attempted assault" on a teacher, and the JMS data, which indicated an "assault;" lack of clarity with many events in JMS data as to whether youth did one-on-one programming or regular but split programming; the YA Checklist only coding some of the restrictive housing or one-on-one programming minutes, though they apparently were included with JMS data regarding the same event, and then later coded on the YA Checklist, but not in JMS.

Given the many thousands of points of data involved in this work, the learning curve associated with bringing on any new technological system, a regular rotation in of new staff, staff shortages, and the rising ADP, clerical mistakes are absolutely to be expected. Also, the monitoring team did observe that perhaps fewer incorrect entries were made over time, though missing information remains a problem. Resolving inconsistencies and tracking down missing information is often handled by CCFJC staff outside of the JDO chain of command and who were not involved with the particular youth and event resulting in restrictive housing. Further, the work to reconcile restrictive housing information generally occurs months after the event and can be very time consuming, but the effort nonetheless is made to do all possible to ensure the integrity of the data.

²¹ Providing such detail will also help reduce the inordinate amount of time spent by staff after the fact ascertaining information about the event from other sources for reporting and other purposes.

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 first enter detention and throughout their stay. Hall assignment considerations include CCFJC's fluctuating daily population, gender identification, the need to separate youth who have outside affiliations or who engage in conflict inside the CCFJC, the requirement under the Prison Rape Elimination Act (PREA) to identify and protect youth at risk of victimization, the need to enforce court-ordered separation of co-defendants, and other factors.

A single hall in CCFJC can accommodate one to sixteen youth, with each detained youth assigned to an individual room. Each hall has its own common area where youth gather for meals, watch TV, play cards or board games, or engage in other social activities, and a small outdoor courtyard for playing ball or other games. There is also a classroom for school and other programming located in each hall, along with smaller rooms for private meetings, such as with a CCFJC mental health professional, and for phone calls or video conferencing with family or counsel. There are regularly scheduled activities outside of a youth's assigned hall in CCFJC's gym and library, along with visits as needed to the Health Clinic, all of which are located on the same floor as the living halls. Youth also can easily access the Juvenile Court located in the same building.

Two Juvenile Detention Officers (JDOs) are assigned to each hall and, when staffing levels permit, other officers serve as "rovers" to relieve JDOs as needed, such as for work breaks, to escort a youth to the Health Clinic, or for court appearances.. The JDO supervisors' office is located on the same floor as the living halls, with supervisors routinely visiting each hall and available to quickly respond to any urgent issue that arises.

JDOs check on each youth every 15 minutes, recording each youth's activity at the time of the check using the YA Checklist.²² The YA Checklist uses a system of 17 codes to record the range of activities and programs in which a youth might be involved, including a code for assignment to restrictive housing which requires a written explanation. If a youth is in the Health Clinic, a separate monitoring checklist is used, which later is attached to the corresponding daily YA Checklist for each hall. Checklists for each of three shifts for each of the halls are collated daily, with supervisors and the Chief of Operations reviewing the forms for accuracy and to provide feedback as needed.

²² Previously, checks were conducted every 20 minutes during regular sleeping periods, though this was changed to 15-minute intervals for all shifts as of April 2021, to align with JDAI best practice recommendations. See e.g., <https://www.cclp.org/wp-content/uploads/2016/06/JDAI-Detention-Facility-Assessment-Standards.pdf>

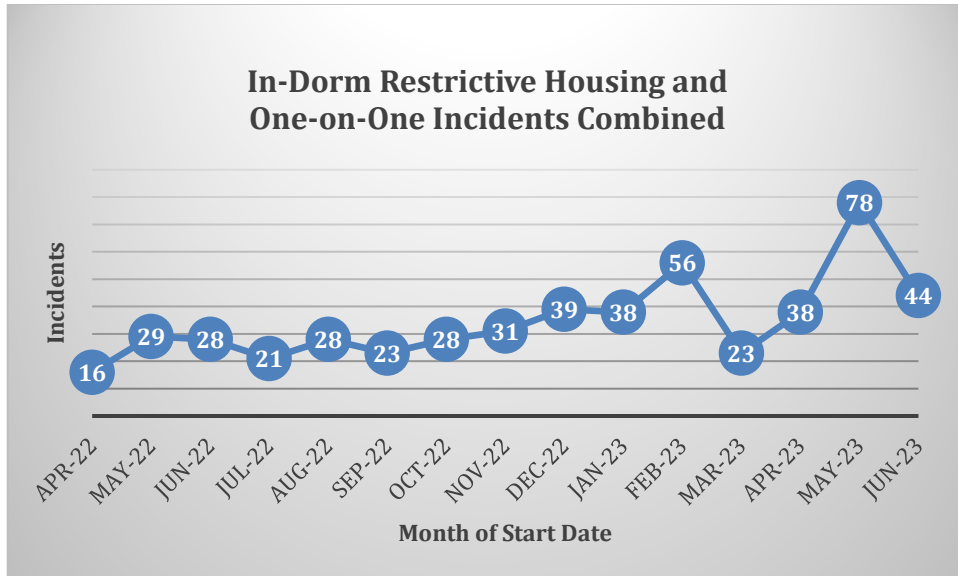
YA Checklists completed during the current reporting period, April 1, 2022 - June 30, 2023, were sampled to confirm that they continue to be used in the same manner, despite other processes moving to JMS, and to get a sense of how information on the Checklists might compare to restrictive housing data compiled through JMS process.²³ As discussed above, inconsistent and missing data was a concern.

Previously, the Juvenile Division organized 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 when other youth are not present; and, (3) instances when the reasons youth were in restrictive housing were not behavior related, such as when there are staffing shortages or a facility-wide security incident. Since Restoration Hall no longer exists and one-on-one programming takes place in a youth's living unit, and for other operational reasons, youth often move back and forth between restrictive housing (room confinement) and one-on-one programming, and perhaps spend time in small group programming, before they fully integrate with the general population after an incident of inappropriate behavior. Under RCW 13.22, if a youth is not confined to their room, but is receiving one-on-one programming or is in split programming with a small group, that time must nonetheless be counted as restrictive housing. Also, it is challenging to document a youth's movement from time in dorm to small group programming to one-on-one programming, as a youth may transition between these types of restrictive housing as the team strives to achieve the least restrictive approach to support the youth as they advance towards a return to programming with the general population and a larger group of peers. While the data below does separate restrictive housing from one-on-one programming where records clearly indicate a distinction was made, there is uncertainty with some data. It is one more learning issue after working with the JMS system for over a year and something the monitoring team can explore with the Juvenile Division to determine how to get the most reliable data possible.

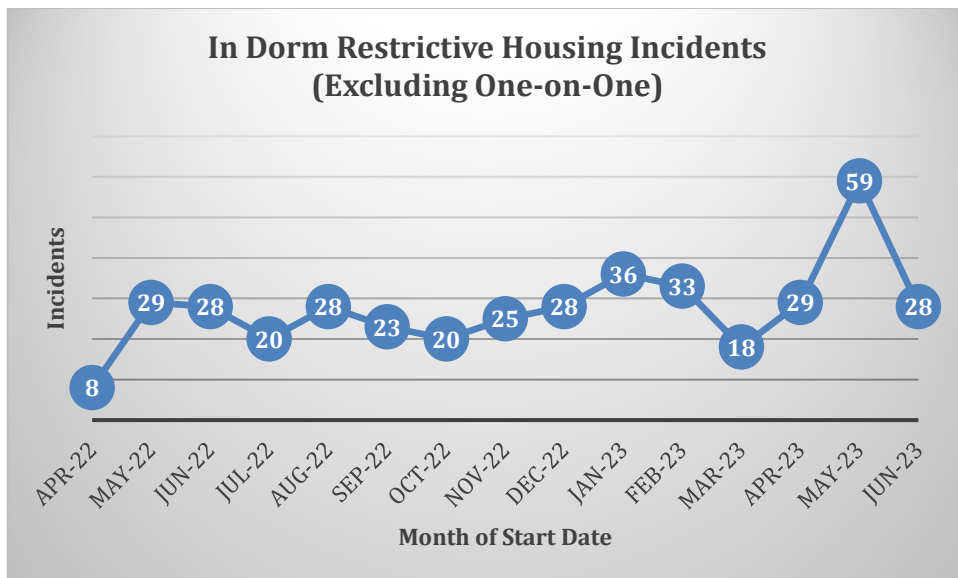
With the caveat that some of the data reviewed might be incomplete or partly inaccurate, the following sections describe trends observed with the Juvenile Division restrictive housing and one-on-one data.

²³ Because the minutes in restrictive housing as reported excludes periods of time outside the definition of restrictive housing, 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 should have been relatively minor.

1.1 DAJD Juvenile Division
 April 1, 2022 - June 30, 2023
 Total Number of In-Dorm Restrictive Housing and One-on-One Incidents

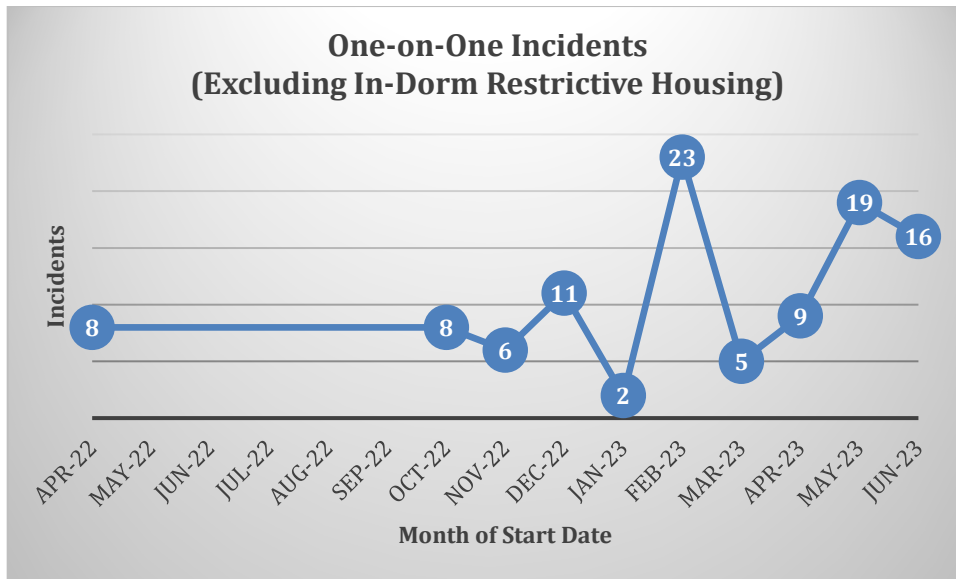


1.2 DAJD Juvenile Division
 April 1, 2022 - June 30, 2023
 Total Number of In-Dorm Restrictive Housing Incidents

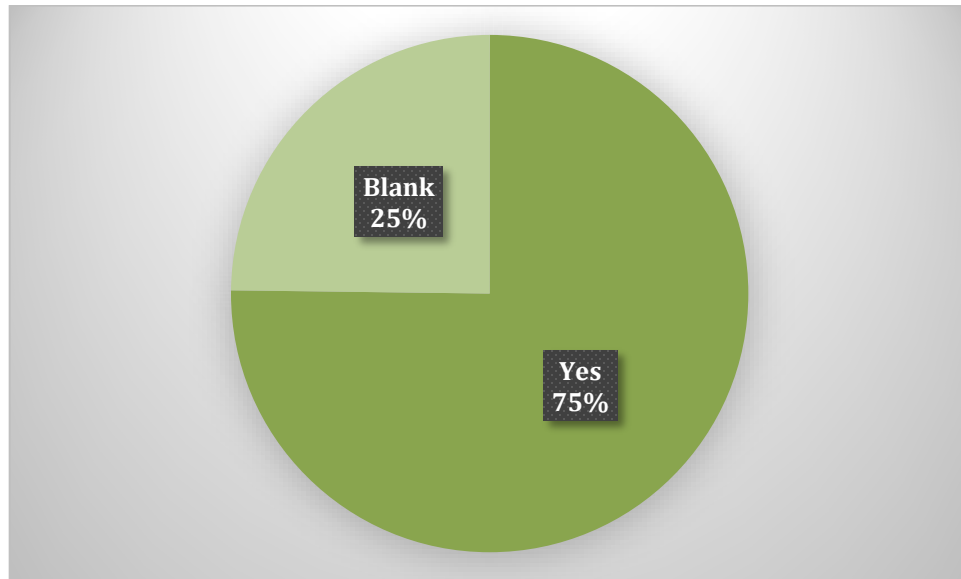


In 2020 and the first three quarters of 2021, there were an average of 14 - 16 restrictive housing incidents per quarter, though the number jumped to 39 in 4th Quarter 2021 and 41 incidents for 1st Quarter 2022. That upward trend continued throughout the current reporting period, with 65 restrictive housing incidents in 2nd Quarter 2022 and 116 incidents reported during 2nd Quarter 2023. Many, if not most, events resulting in restrictive housing involve more than one youth, whether they have a physical confrontation with each other, attack another youth, or assault a staff member. The actions of each youth are counted as a separate incident, so it's possible that the soaring incident rate is partially a function of more events involving multiple youth, at a time when the average ADP has been increasing, sometimes significantly. Analyzing behavior events from this perspective could be informative.

1.3 DAJD Juvenile Division
 April 1, 2022 - June 30, 2023
 Total Number of One-on-One Incidents



1.4 DAJD Juvenile Division
April 1, 2022 - June 30, 2023
In-Dorm Restrictive Housing Incidents (Excluding One-on-One)
Youth Had Access to Reading Material
(*n* = 412 Incidents)

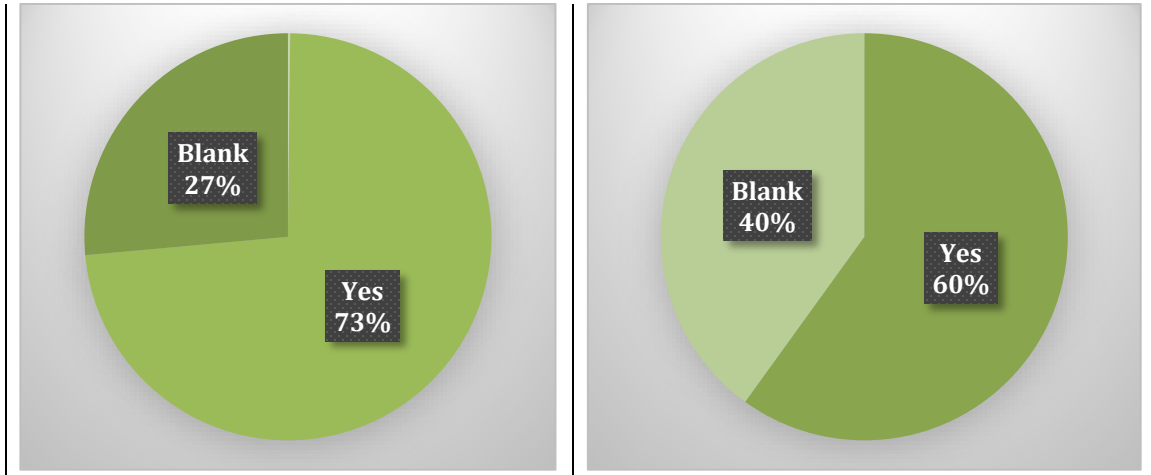


Though 25% of incidents did not have documentation regarding access to reading materials, youth and staff indicated that each living hall has books available, virtually all youth keep books in their rooms, regular trips are made to the library on the living halls floor, and that someone on restrictive housing would have easy access to reading materials. As discussed below regarding documentation of assessments, access to reading materials is not a problem, though JDO supervisors are not consistent about documenting access. Because ensuring that reading materials are available to youth in restrictive housing is contemplated by the Ordinance and RCW 13.22, it is important that DAJD work with staff to determine ways to support and encourage documentation, including simplifying the JMS process for inputting information on point.

1.5 DAJD Juvenile Division
April 1, 2022 - June 30, 2023
In- Dorm Restrictive Housing Incidents
(Excluding One-on-One)
(n = 412 Incidents)

1.6 Medical Assessment Completed

1.7 Mental Health Assessment
Completed

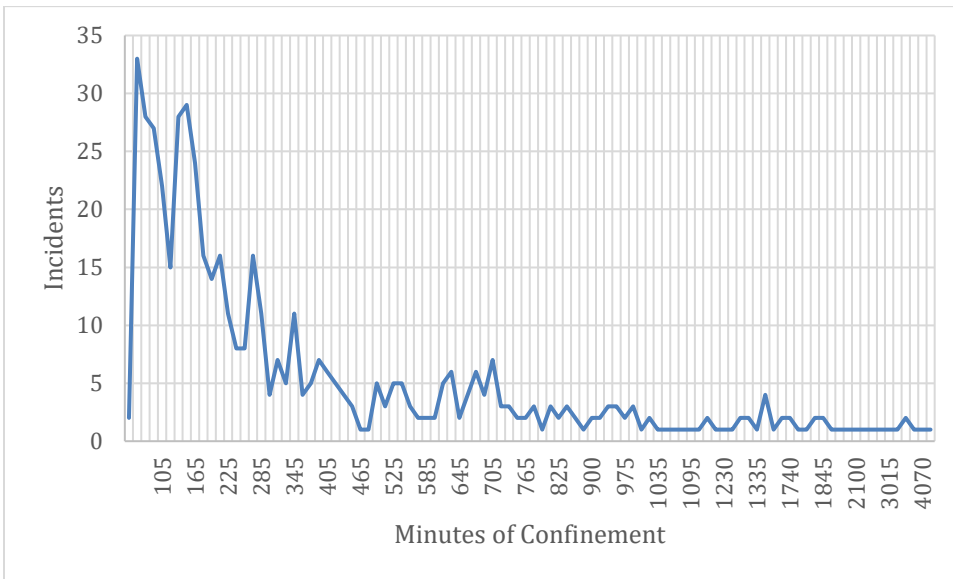


In earlier reports, the data available to demonstrate documentation of the assessment process grouped together the different types of assessments required for restrictive housing incidents. It makes it difficult to compare the current JMS data that treats medical and mental health assessments separately with data compiled from the hard copy system used in earlier years. However, both in earlier years and during the current reporting period, restrictive housing events may be brief and too short in duration to trigger the provisions under state law and the Ordinance requiring medical and mental health assessments. The youth might be returned to regular programming with their peers before assessments would be expected. However, when the MDT meet each day, they typically discuss all youth who demonstrated unsafe behavior, including their behavioral health needs that require attention, even if they are not actively on restrictive housing at the time.

Regardless, previously and as seen with the current reporting period, there has been a continuing need to improve documentation of the various steps involved in assessing the physical and mental health of youth in restrictive housing. Earlier in this report, there was discussion about the difficulties Corrections Supervisors encounter in using JMS to monitor and document assessments and it appears that they often de-prioritize the process in the face of conflicting demands on their time. Nobody questions the value in conducting medical and mental health assessments of youth in restrictive housing and JDOs, their supervisors, and medical and mental health staff all are confident that assessments are

being completed. However, it will be important going forward to develop a means to simplify the documentation process or make other changes to facilitate accurate record keeping and for compliance and reporting purposes.

1.8 DAJD Juvenile Division
 April 1, 2022 - June 30, 2023
 Restrictive Housing and One-on-One Incidents Combined
 Minutes in In-Dorm Confinement or Engaged in One-on-One Programming
 (n = 520 Incidents)



In addition to tallying the number of times youth are assigned to restrictive housing and one-on-one programming, DAJD tracks the amount of time involved before the youth fully reintegrates with the general population. Just as the number of incidents has been increasing, time spent in restrictive housing or doing one-on-one programming has also increased. For example, the longest a youth was assigned to restrictive housing in 4th Quarter 2021 was 465 minutes, while one youth during the current reporting period was documented as being in restrictive housing for 2,975 minutes. However, almost all extended restrictive housing events do not involve a youth continuously in their dorm. The youth will exit to make phone calls, shower, play a game with DAJD staff members, and the like. They may be separated from their peers until safe to program with others, but youth will not be in continuous confinement for an entire day.

There are several factors potentially contributing to the increase in restrictive housing events based on the risk of imminent and significant physical harm and the increase in the average amount of time spent in restrictive housing and one-on-one programming observed beginning in 2021 and continuing into this reporting period. As previously noted, when

multiple youth are involved, each youth's inappropriate behavior that results in restrictive housing counts as one incident. Often all involved youth are in the same living hall, with limited or no alternative living hall assignments available. With two or three or more youth all in restrictive housing in the same living hall, the JDOs rotate them out of their rooms for one-on-one programming or some small group interaction. The more youth involved in the underlying incident, the longer each must wait to be able to rotate out throughout the day. Additionally, the more youth involved in an incident, the more complex it is to support each of them as they process the event and to mediate the issues involved.

Another factor that likely contributes to the increase in the average number of restrictive housing events and/or the average length of time a youth spent in restrictive housing relates to the increase in the number of youth detained in the CCFJC. As discussed in the introduction, the Average Daily Population (ADP) rose to 41.6 youth in secure detention during the months January - July 2023. The number of youth at CCFJC who are facing charges in Adult Court has nearly doubled since January 2023, from 6 to 10. Simultaneously, DAJD continues to experience high staff turnover and periods of significant staff shortages. An increase in the ADP combined with reduced staff, with many of the available staff being new and less experienced, impacts the skill level of JDOs to problem-solve and reduces the amount of time and resources available for individualized attention with youth, including the de-escalation of threatening or assaultive behavior before it becomes more difficult to control.

An example from 2nd Quarter 2022 helps to illustrate these points. JDO #1 was attempting to move youth into their rooms after dinner for a rest period, when they noticed a youth appearing to escalate a matter with another JDO, JDO #2. JDO#1 attempted to intervene and calm the youth down, though he became increasingly angry, a code 2 was called, and several JDOs were necessary to get him into his room and settled. Less than an hour later, when youth were out of their rooms, one began verbally assaulting JDO#2. When JDO #1 intervened, the youth struck JDO #1 in the face with his closed fists. As JDOs #1 and #2 tried to gain physical control over the youth, he told another youth to help him. As the youth jumped into the altercation, JDO #1 was punched in the face again repeatedly. A third youth also got involved and as the officers got him inside his room, he kicked another JDO who had arrived after a code was called.

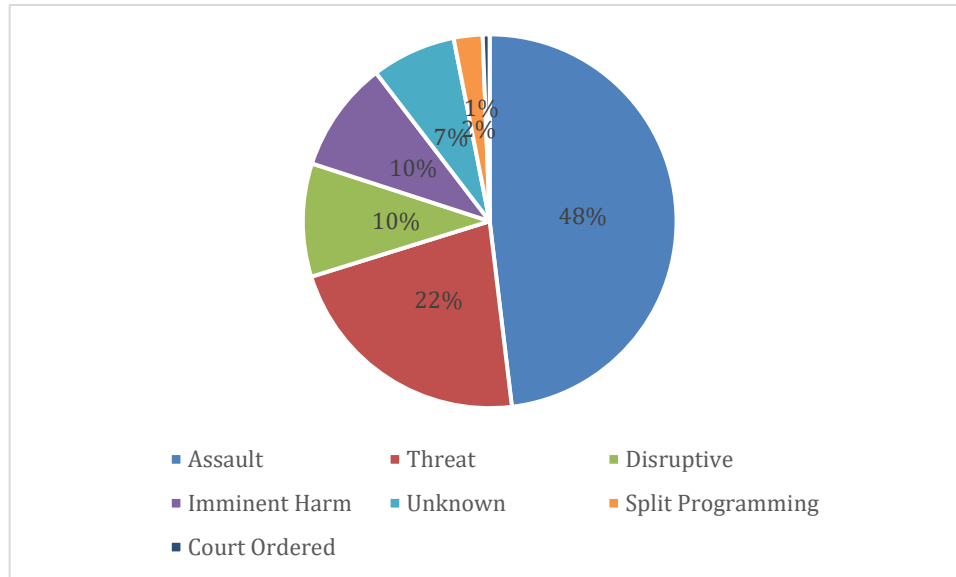
The three youth involved in the incident above were all assigned to the same living hall and, though their time in restrictive housing was not continuous, it started on April 1 and did not end until April 8, for an average total of 3,712 minutes. 3,712 total minutes over 8 days would mean an average of 462 minutes/day, or 7.7 hours/day in restrictive housing or one-on-one-programming. Initially, the JDOs followed a schedule of having one youth at a time out of their room to do one-on-one programming. The other two youth usually were

coded as being in restrictive housing during this time. However, when all three youth chose to sleep in for 30 minutes, this was coded as being in their room voluntarily, though presumably only one of them would have been permitted to engage in one-on-one programming during those 30 minutes while the other two would have been coded as in restrictive housing. By April 5, two of the three youth were allowed to engage in regular programming at the same time, with the YA Checklist coding indicating at different points in time that they were in the gym, courtyard, dayroom, etc., while the third youth was confined to their room. However, on April 8, because of staff shortages, all youth in the entire facility experienced modified programming and were confined to their rooms at different points throughout the day, with the three youth who began restrictive housing on April 1 confined almost continuously from 7:00am to 2:45pm, either for restrictive housing or modified programming.

Helping each youth through work assignments while in restrictive housing can be time consuming, made all the more difficult if staff need to split program, so the involved youth can rotate in and out of their room. "Split programming" refers to a situation when multiple youth were involved in an incident and cannot engage in one-on-one or small group programming at the same time, because they have not resolved issues with each other or for other reasons, such as conflicting affiliations outside the facility. Programming is "split" between the youth on a daily basis, with youth alternating time for programming and JDOs striving to maximize each youth's time out of their dorm. Because three individuals were involved in the incident above and at least initially they could not program together, more time was needed to move through the rotation process. Also, when multiple youth are involved in a behavioral event creating actual or imminent and significant physical harm to youth or others, there might not be the staff resources to provide one-on-one programming, more immediate individualized problem solving, or alternative interventions to avoid placement of the youth in restrictive housing.

The incident also helps explain why staff are increasingly worried about their own safety. There have been numerous assaults causing injury serious enough that some JDOs must take leave or be on transitional duty while healing. Information about the reasons youth are placed on restrictive housing and the increasing number of assaults is presented below.

1.9 DAJD Juvenile Division
 April 1, 2022 - June 30, 2023
 Restrictive Housing and One-on-One Incidents Combined
 Reasons Documented for Restrictive Housing Assignment
 (n = 520 Incidents)

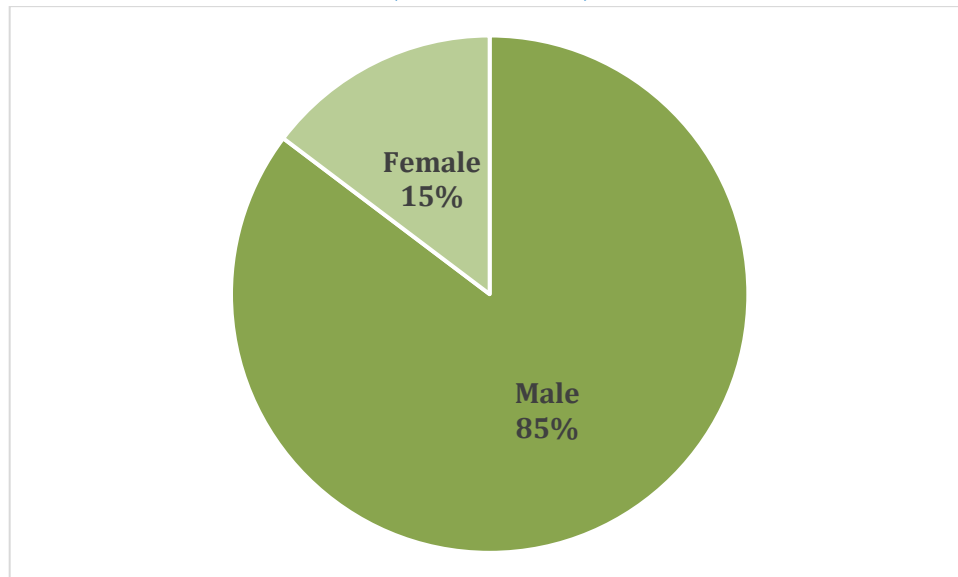


Youth classified to restrictive housing or one-on-one programming have usually engaged in inappropriate behavior that puts other youth and/or staff at risk for their physical safety. However, other youth may experience involuntary time in their room and one-on-one programming without having engaged in inappropriate behavior, including youth who must be separated by court order, because they are co-defendants, have outside affiliations, or there are other concerns with allowing the youth to socialize with each other. However, as the chart above illustrates, the most common reason a youth experiences restrictive housing and one-on-one programming is due to assaulting another youth and/or staff member.

It is important to bear in mind that the number of assaultive or threatening behavior incidents is much higher than represented in the chart above, because it only includes assaultive/threatening behavior associated with restrictive housing. Depending on the nature of the assaultive behavior and other factors, behavior response actions might range from relatively mild, such as not earning an extended bedtime, through more involved restorative problem solving, to major responses encompassing a loss of time accumulated at a previously earned level of the tiered behavior incentive system or demotion to a lower level. Restrictive housing could be necessary along with such responses when the youth's behavior creates a continuing risk of imminent and significant physical harm.

JDOs and others have expressed concern about the increase in assaults on staff, though even a single assault is unacceptable. The total number of such incidents is concerning and requires further consideration. The Juvenile Division hired an external contractor to conduct a safety/security analysis, with the final report expected in Q3 2023.

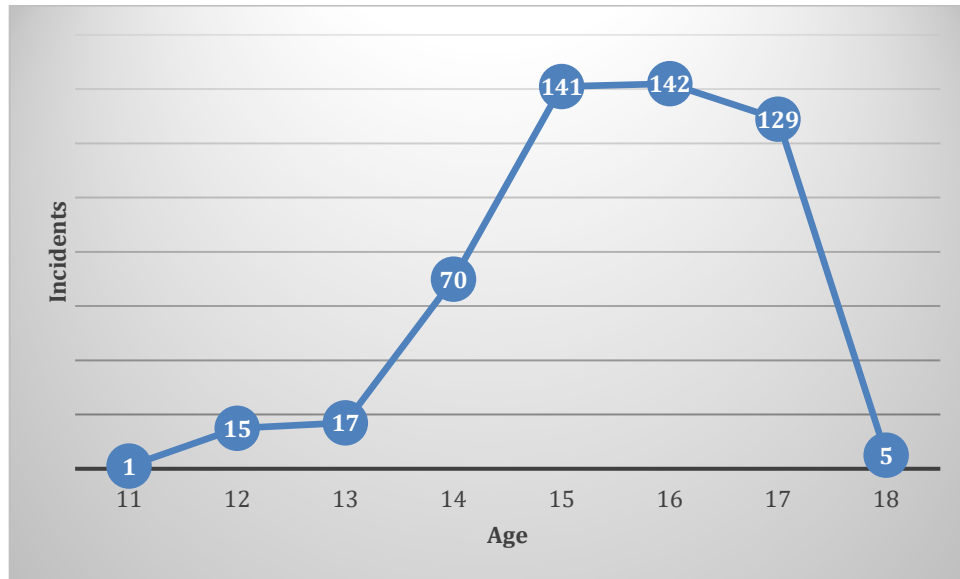
1.9 DAJD Juvenile Division
April 1, 2022 - June 30, 2023
Restrictive Housing and One-on-One Incidents Combined
Youth Gender
(n = 136 Youth)



In calendar year 2021, females comprised 9.6% of the ADP in the overall secure juvenile detention population, while males comprised 90.4% of the ADP.²⁴ If these percentages of youth identifying as male and female are representative of the current juvenile detention ADP, female youth are slightly overrepresented in youth who experienced restrictive housing or one-on-one programming during this reporting period. Because the number of youth identifying as female is relatively low, there are times when a female youth is assigned to more than the usual amount of one-on-one programming because there are no other detained females to program with or a female youth is unable to program with other specific females because of conflict between the youth or court-ordered separation.

²⁴ This demographic data on gender was taken from a DAJD 2021 presentation that highlighted changes over the course of a decade, from 2010 - 2020, and was part of a packet of information provided to the King County Council Principal Legislative Analyst on August 19, 2022.

1.10 DAJD Juvenile Division
April 1, 2022 - June 30, 2023
In- Dorm Restrictive Housing and One-on-One Incidents Combined
Number of Incidents and Youth Age
(n = 520 Incidents)



As illustrated above, the number of behavioral incidents resulting in restrictive housing or one-on-one programming rises sharply among detained youth beginning around age 14, plateaus for youth aged 15 and 16, begins to drop among youth nearing 17 years old, and then drops precipitously for youth through age 18. Because the CCFJC increasingly is housing younger children, many of whom are faced with serious charges that might keep them at the facility for a longer than usual time, consideration should be given to attempting to assign similar aged youth to the same living hall. A suggestion was made during the monitor's interviews of staff that younger youth should be separated from older youth for a variety of reasons and the graph above provides evidence that more exposure to older youth means more exposure to inappropriate and unacceptable behavior.

1.12 DAJD Juvenile Division
 Modified Programming Due to Staff Shortages
 and Impact on Youth - Additional Time in Room
 January - July 2023

Month	Total Number of Minutes Per Month of Modified Programming
January	1470
February	1815
March	4875
April	3645
May	3945
June	4140

In previous restrictive housing monitoring reports, data was shared on extra time youth are confined to their rooms for reasons related to facility or living unit security issues or for other short-term safety and maintenance purposes, which are not classified as restrictive housing under the Ordinance. Examples of operational concerns that have been associated with room confinement over the past several reporting periods have included staff shortages, COVID quarantines, and response to a fire alarm.

For the current reporting period, and in particular the first six (6) months of 2023, the Juvenile Division recorded 301 instances of modified programming for staff breaks, when there was insufficient staff to cover for those JDOs taking a break. The data also notes modified programming due to one instance of teachers canceling a class period (additional 60 minutes in room confinement), six instances involving emergency medical transport (additional time in room unclear, though does not appear to involve more than 60 minutes/instance of medical transport), one instance of radios not working (additional 225 minutes in room confinement), four instances of building safety/major code called (it appears that three resulted in up to 60 minutes of room confinement and one required youth to be in their rooms for up to an extra two hours). All but five of these non-staff break instances were paired with youth time in room for staff breaks as well.

The data available for program modifications related to staff shortages for the first six (6) months of 2023 is incomplete, as it was initially gathered for a different purpose and only includes staff shortages during the day shift for January and February, though includes all shifts for next four months. The data is maintained by the supervisors on duty each shift. If there are not sufficient numbers of staff members to safely program all living halls simultaneously, the supervisors create an alternate schedule with each living hall rotating

through a period of having youth confined to their rooms, while other halls experience regular programming. For example, when the JDOs assigned to a particular living hall take rest or meal breaks, there normally are other JDOs assigned as "rovers," who can step in. The rovers rotate among the various living halls, so that regular youth programming is not interrupted when JDOs are scheduled to take a break.

B. Adult Divisions - Adult Age-Outs and Tracking Restrictive Housing

The DAJD Adult Divisions tracking of restrictive housing for Adult Age Outs (AAOs) differs from that in the Juvenile Division. The adult jails use a system of publishing a daily list of AAOs in hard copy, with booking information, jail location, and other brief details about each detainee which are distributed to facility supervisors and managers. Just as the ADP at the CCFJC has increased during this reporting period, the Adult Divisions also saw an increase in the average number of AAOs detained in the adult jails. During a visit to the KCCF on August 2, 2023 (outside of the reporting period, but useful for comparison), there were eleven (11) AAOs being held at the facility, up from nine (9) when restrictive housing monitoring interviews were conducted in May 2022 and more than double the ADP of four (4) or five (5) AAOs during the reporting period July 2020 - June 2021.

Up until the time of the monitoring team's last report, covering the period July 1, 2021 - March 31, 2022, the Adult Divisions had reported relatively few instances of restrictive housing for AAOs during the initial three years the team had been monitoring the issue. However, during 4th Quarter 2021, the DAJD Adult Divisions discovered previously unreported instances of cell confinement that could be classified as restrictive housing involving AAOs between 2019 and 2021. The events fell into two categories: On-Site Sanctions and Group Max. The monitoring team's report for July 1, 2021 - March 31, 2022, provided an analysis of restrictive housing incidents related to On-Site Sanctions and Group Max, and an explanation from DAJD as to steps taken to ensure cell confinement that amounts to restrictive housing is appropriately documented and tracked. During the current reporting period, DAJD did not have any AAO restrictive housing events to report.

All of the AAOs interviewed mentioned that they spent long hours in their cells about a year ago when the Adult Divisions experienced a more severe staffing shortage. DAJD is using new and different recruitment and retention approaches in an effort to address staffing shortages, for both the Juvenile and Adult Divisions, such as additional hiring incentives and taking steps to speed up the hiring and onboarding process.

Correctional Officers are working a lot of overtime and vacancies are being managed in other ways to reduce impacts on programming and time out of cells. For example, one step taken by the Adult Divisions was to work to balance the inmate population between KCCF

and MRJC, with a goal to find the most efficient staffing configuration, while also providing space and the best housing conditions for inmates. Beginning in June 2023, DAJD also contracted to have some inmates housed at the South Correctional Entity (SCORE), a jail co-owned by the Cities of Auburn, Burien, Des Moines, Renton, SeaTac, and Tukwila.²⁵ Currently, all AAOs are being housed at the KCCF, though previously their housing was shared with the MRJC. A primary consideration for balancing out the population between KCCF and MRJC was security classification and since the AAOs are almost exclusively held in close and maximum security based on the severity of their charges, they are being housed at KCCF.

The following chart, with data taken from DAJD's Detention and Alternatives Report, illustrates how the Department has reduced the inmate population at the KCCF since January 2023 from 1,224.7 to 784.4, while increasing the population at MRJC from 258.0 to 605.6, and transferring some inmates to SCORE during June and July 2023. The DAJD total secure population during the first 7 months of 2023 has remained relatively stable, averaging an ADP of 1,451.7.

2.1 DAJD Adult Divisions
ADP in Secure Detention
January - July 2023

Average Daily Population (ADP) in Adult Secure Detention King County Department of Adult and Juvenile Detention January through July 2023							
	Jan	Feb	Mar	Apr	May	Jun	Jul
KCCF	1,224.7	1,202.6	1,186.5	1,141.3	1,068.6	813.6	784.4
MRJC	258.0	270.2	292.6	337.6	352.0	577.8	605.6
SCORE	-	-	-	-	-	16.4	31.6
Total Secure	1,482.7	1,472.9	1,479.0	1,478.9	1,420.6	1,407.8	1,421.6

Since 2020, the Adult Divisions has maintained a Multi-disciplinary Team (MDT). When the MDT was initially convened, there was a goal to offer broad evidence-based programming, services, and treatment to inmates in long-term restrictive housing and maximum security, including AAOs. Grant-based funding provided for security desks and chairs to be used in the initiative, and after a series of delays due to COVID-19, they were delivered in fall of 2021. After long delays, due to many complications, the retrofit to the area where the desks and chairs will be located is now complete. However, it was reported that the equipment is not being used to the extent it could be and other requested personnel

²⁵ <https://www.scorejail.org>

and materials to support MDT's programming, services, and treatment goals have not been funded.

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

While recognizing disruptions due to staffing shortages and other factors, the monitoring team acknowledges that programming and educational services in the Juvenile Division are varied and generally available to all youths. As previously noted, DAJD considers it cost prohibitive to provide a similar level of programming and educational opportunities for AAOs in the adult jail facilities.²⁶ Youths, AAO's, and staff in the Juvenile and Adult Divisions generally indicate that those covered by the Ordinance have access to their attorneys, probation officers when assigned, and visitors, in-person or by phone or video conferencing.

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

During the current monitor reporting period, the monitoring team interviewed multiple current members of the medical and mental health teams at CCFJC, representing most roles on these teams. First, their enthusiasm for working with youth in the facility was evident in each of the interviews. The interviews provided a good opportunity to learn more about the range of medical and mental health services available through the CCFJC Health Clinic and about some of the unique issues often found in the youth detainee population. Staff indicated that JDOs and Corrections Supervisors reach out if they spot an issue with a youth and that there are good interactions among all of the different people involved in supporting and keeping safe all youth in detention. One person interviewed said something to the effect that, "JDOs really care about these youth."

Because one of the medical staff visit each living unit at least twice each day to distribute prescription medicines, they informally check on youth they encounter, but also ask if anyone is on restrictive housing and needs an assessment (whether the timing requires a medical assessment under policy or not). Even though medical staff do not have a professional mental health background, some youth open up to them and they pass the information to the mental health staff for follow-up.

All youth receive an assessment physical when first detained at CCFJC, including being offered STD testing. Many have had limited experience with regular checkups. The nurse also raises questions with the youth about reproductive health. When a new detainee comes

²⁶ See the Independent Monitoring Team Restrictive Housing Report covering the period January – June 2020 for a short summary of frustrations youth and AAOs experience in waiting for callbacks from defense counsel.

to the attention of medical staff, they will alert the child psychiatrist who contracts with DAJD, so he and others are aware of any mental health related concerns. He also is involved with the MDT that meets on a daily basis to collaboratively discuss issues individual youth are experiencing.

One interviewee noted that there was a disruption last year when members of the mental health team left and changes also were being made with the medical team. It was noted that restrictive housing assessments might have been impacted during this period of time, given the lack of resources. This might help explain the missing data on assessments discussed above in the report.

Youth at CCFJC have complained that due to reoccurring staff shortages, they frequently miss classes on a regularly scheduled school day. Typically, most or all youth meet throughout a school day in the classroom located in each hall. Youth in different halls study subjects on a rotating basis, as teachers move from hall to hall. However, with Seattle Public School staff shortages and the more frequent CCFJC staff shortages, there were not always enough JDOs available to facilitate the educational process and other programming activities, with youth spending much of the day confined to their rooms. When youth missed in-person instruction, teachers provided instructional packets for them to work on while in their rooms.

In previous monitoring reports, information was provided about both on-going and unique nonrecurring programs offered at the CCFJC. Programming has suffered because of the COVID pandemic when regular volunteers were unable to facilitate programming at the juvenile facility. Up until the current budget cycle, CCFJC did not have a separate programming budget and relied heavily on volunteers. However, once restrictions were lifted, CCFJC staff found that far fewer volunteer resources were available to support programming at the facility.

With funding now becoming available, the Juvenile Division is planning some unique programming for youth detained at CCFJC. Details will be shared in the next restrictive housing report. Meanwhile, the following is a section of the weekly programming schedule that indicates the variety of activities available to youth.

Juvenile Detention Weekly Program Schedule
Sample from Week of July 9 - 16, 2023²⁷

Juvenile Detention Weekly Program Schedule: Week of July 9-16								
		Sun Jul 9 & Sun Jul 16	Monday, Jul 10	Tuesday, Jul 11	Wednesday, Jul 12	Thursday, Jul 13	Friday, Jul 14	Saturday, Jul 15
DAYSHIFT	8:25am-9:25am	Major Unit Clean-Up	UPower: Adams	Gym: Adams	UPower: Adams	Gym: Adams	UPower: Adams	
	9:35am-10:35am	Major Unit Clean-Up	UPower: Puget ELA: Adams	Gym: Puget ELA: Adams	UPower: Puget ELA: Adams	Gym: Puget ELA: Adams	UPower: Puget ELA: Adams	
	10:45am-11:45am	Major Unit Clean-Up Gym: Puget GameOn: Adams	UPower: Seattle ELA: Rimrock	Gym: Baker ELA: Rimrock	UPower: Seattle ELA: Rimrock	Gym: Seattle ELA: Rimrock	UPower: Seattle ELA: Rimrock	Gym: Baker SU Law Clinic: Rimrock Chaplaincy: Adams Apoyo: Puget
	Lunch 11:45am-12:05pm			Apoyo: Seattle Apoyo: Rimrock	Apoyo: Adams Apoyo: Rimrock	Apoyo: Puget Apoyo: Seattle		Apoyo: Seattle Apoyo: Rimrock Chaplaincy: Baker
	12:35pm-1:35pm	Major Unit Clean-Up Gym: Rimrock GameOn: Puget Art Class: Baker	Gym: Rimrock	Gym: Seattle Apoyo: Baker Apoyo: Adams	GameOn: Rimrock Meditative Art: Adams Listening Session: Puget Apoyo: Seattle Apoyo: Baker	Gym: Baker Apoyo: Rimrock Apoyo: Baker	Gym: Rimrock Meditative Art: Adams Movie Club: Puget	Gym: Rimrock Meditative Art: Seattle Chaplaincy: Puget Apoyo: Baker
	1:45pm-2:45pm	Major Unit Clean-Up Gym: Seattle GameOn: Baker Art Class: Adams	Gym: Baker	Gym: Rimrock GameOn: Adams Apoyo: Baker Apoyo: Puget	GameOn: Baker Meditative Art: Rimrock Apoyo: Seattle Apoyo: Puget	Apoyo: Rimrock Apoyo: Adams	Gym: Baker Meditative Art: Puget Movie Club: Rimrock	Gym: Seattle Meditative Art: Rimrock Apoyo: Adams

²⁷ Minor formatting changes were made to the schedule to facilitate reproduction of the sample of activities for this report. Additional evening programming, during the hours of 3:30pm to 8:00pm, was offered during the week of July 9-16.

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

AAOs constitute a very small group in the overall adult population in King County jails, though the number of AAOs has increased. DAJD does not consider it feasible to provide AAOs with education, programming, and services at the level available to youth detained at CCFJC, given the substantial investments in new or expanded facilities and staff that would be required.

Previous restrictive housing monitoring reports have summarized the roles played by the Seattle Public Schools in providing a GED program for AAOs at the downtown jail facility, Kent School District in providing instructional plans for AAOs at the MRJC, and the Seattle Central College in offering GED instruction and testing. AAOs who were interviewed during the current reporting period all had received their high school diploma and most received it while in detention. Each expressed pride for their accomplishment.

Aside from working on high school credits, AAOs have limited access to programming activities, in comparison to what is available to youth detained at the CCFJC. As with pursuing educational opportunities, AAOs can indicate their interest in general categories of programs by filling out a "kite," with a response expected within three business days.

VI. AAOS TRANSITIONING FROM JUVENILE TO ADULT FACILITIES

Earlier reports describe the transfer process involved when a youth turns 18 years old ("ages out") and leaves the CCFJC to move to the adult jail, along with process improvement recommendations. AAOs who are initially detained at the CCFJC attend a transition meeting when they turn 18 and will be moved to an adult jail facility. Family members can be involved when available. However, the AAOs say that they learned what it means to be an AAO in the context of restrictive housing from another AAO at the jail, rather than during the transition meeting.²⁸

VII. CONCLUSION

This reporting period has been significant for DJAD as it has endeavored to provide detained youth with comprehensive services while keeping them, DJAD staff, and the larger community safe. The Juvenile Division has been learning to use the JMS system to document and track behavior management of detained youth in compliance with Ordinance 18637 and while incorporating state law that mandates new procedures when using

²⁸ As recommended by the monitoring team, DAJD revised its handbook in January 2021 to support an AAO's transition to an adult jail, including expectations regarding restrictive housing.

restrictive housing. This important work is being accomplished in the face of severe staffing shortages, a high ADP, and other factors contributing to a challenging environment. Both the Adult and Juvenile Divisions have made changes to reduce the impact of staffing shortages on youth education and programming and the Juvenile Division, in particular, worked to build out its medical and mental health staff with professionals who are adept at working with DAJD's youth population.

While DAJD continues to work on ways to attract, hire, and retain JDOs and COs, the following recommendations are made to help facilitate the continued use (and usefulness) of JMS to track restrictive housing and to encourage the Department to use an electronic door lock system to provide data that would complement information recorded through JMS, while helping to facilitate the JDOs' responsibilities.

Recommendations:

- The system to document restrictive housing in JMS should be made more user friendly, involving as few steps as possible to complete the task without compromising the information sharing function. Correctional Supervisors and other employees should have an opportunity to share ideas about ways to improve the data entry process.
- The Chief of Operations or someone of comparable authority should review JMS documentation of restrictive housing events each day to ensure all information expected has been entered and appears correct. This was happening when the entire process was done by paper and there is a continuing need for this level of oversight.
- DAJD should install the electronic door lock system that it purchased for CCFJC living units. The system would automatically record time in room and assist with the tracking of youth activities, reduce the need to use the hard copy YA Checklist, and (hopefully) produce electronic data that could more easily be associated with and analyzed alongside JMS data.
- The idea of setting up living halls based on the age and developmental stage of each detainee should be explored, with input from representatives from throughout the facility.

The observations and recommendations made in this report are offered with great respect and appreciation for the commitment to safety and support of detained youth demonstrated by staff throughout DAJD. The restrictive housing monitoring team is grateful for the opportunity to contribute to this vitally important work.
