

Legislation Text

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AN ORDINANCE related to juvenile detention; establishing policy guidance for the implementation of county policies and goals to reduce the use of secure confinement for children and youth in King County.

STATEMENT OF FACTS:

1. King County leaders are committed to preventing youth involvement in the juvenile justice system, advancing the goal of zero youth detention and reducing the negative impacts of involvement in the juvenile justice system.
2. Ordinance 13916, approving Phase II of the Juvenile Justice Operation Master Plan, was adopted in 2000 as the policy of King County to emphasize prevention, intervention, and alternatives to the use of secure detention for juvenile offenders.
3. In 2014, Ordinance 17738 called for the development of a Youth Action Plan to set King County's priorities for serving its young people, from infants through young adults. In 2015, Motion 14378 adopted a youth action plan for King County, which had nine areas of recommendations, including Recommendation Area 3: Stop the School to Prison Pipeline. Recommendation Area 3 called on King County and its partners to support preventative practices and programs that reduce the likelihood of contact with the juvenile justice system and the reduction in the use of, and move toward eliminating, detention for nonviolent crimes of youth under age eighteen.
4. King County is at the national forefront in reducing the use of secure confinement of juveniles through innovative and collaborative juvenile justice reform delivered in partnership

with employees, superior court, the prosecutor's office and local law enforcement, resulting in the reduction of juvenile offender filings by seventy-seven percent between 2000 and 2016, and a twenty percent reduction in admissions to secure detention between 2015 and 2016. King County makes substantial financial investments in services aimed at preventing children and youth involvement in the juvenile justice system, as well as investments with the goal of reducing disproportionality within this system.

5. Since 1998, the King County superior court, prosecuting attorney and office of public defense have collaborated with the executive and the council on developing and implementing policies that have a demonstrable impact on reducing use of secure detention for children.

6. The Juvenile Detention Alternatives Initiative is a national juvenile justice improvement initiative geared towards changing how detention should be used for youth. The initiative has been implemented in three hundred jurisdictions in thirty states and the District of Columbia. The initiative's goals included reducing unnecessary incarceration and improving conditions of confinement for incarcerated youth. The King County juvenile court began implementing initiative strategies in 1998 with the implementation of the Juvenile Justice Operational Master Plan. The county became a formal initiative site in 2004.

7. In August 2012, King County voters approved a nine-year property tax levy lid lift with revenue to be used for juvenile justice and family law services capital projects, including replacing the existing youth services courthouse and detention facility.

8. In November 2015, King County voters approved the Best Starts for Kids property tax levy lid lift, which will raise approximately \$400 million in revenues over the six-year levy period to support the healthy development of children and youth, families and communities across the county. The Best Starts for Kids Implementation Plan was approved by Ordinance 18373 and includes strategies and programs geared toward early intervention and prevention for children,

youth, families and communities in King County, as well as a strategy area on stopping the school-to-prison pipeline.

9. In July 2015, King County formed the juvenile justice equity steering committee and charged it with recommending solutions to a growing racial disparity in the regional juvenile justice system.

10. Research shows that secure confinement has negative consequences for youth and that a high percentage of youth who enter the juvenile justice system have experienced trauma.

11. King County's road map to zero detention necessitates that the county continue to consider and implement less restrictive alternatives to detention and incarceration whenever possible.

12. King County has made significant investments aimed at mitigating the impacts of trauma on children, youth, young adults and families, as well as on preventing, intervening early and supporting individuals who might be diagnosed with a behavioral health condition.

13. King County is dedicated to developing and implementing a holistic, trauma informed juvenile justice system that reduces recidivism, improves health outcomes and facilitates community transitions, which might be achieved through delivering juvenile detention services through public health approach where the behavioral and emotional needs of youth who are detained or at-risk of justice system involvement are met in a developmentally appropriate fashion.

14. Recommendations to help King County achieve a holistic, trauma-informed juvenile justice system come from a variety of juvenile justice system and behavioral and physical health, subject matter experts and community members with lived experience, and the opportunity exists to incorporate recommendations from a number of sources, including but not limited to the juvenile justice equity steering committee and juvenile justice system and behavioral and physical health consultants engaged by the county.

15. The Working to Reduce the Use of Secure Confinement: A Review of King County's Children and Family Justice Center report, published August 17, 2017, includes a recognition of timeline challenges, contractual commitments, the importance of collaboration between stakeholders, including communities most impacted by secure detention of youth, and the complexity of moving toward a goal of zero youth detention without compromising shared societal values.

16. The opportunity now exists to incorporate recommendations from the report as King County continues to work toward replacing the existing youth services courthouse and detention facility and recommendations from other juvenile justice subject matter experts.

17. It is imperative to align the facility's goals, structure and planned programming with the most up-to-date research findings and best practices.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. The Working to Reduce the Use of Secure Confinement: A Review of King County's Children and Family Justice Center report, Attachment A to this ordinance, is hereby adopted as policy guidance for the implementation of adopted policies and county goals as related to juvenile justice reform.

B. In the implementation of this policy guidance:

1. The executive shall implement those guiding, architectural and program recommendations in the report that are consistent with state law and are reasonably within the county's ability, authority and available resources to enact;

2. To the extent that actions by the superior court, public defender or prosecuting attorney of King County are necessary for the implementation of the recommendations in the report, the court, public defender and prosecuting attorney are requested to work with the executive to implement action as appropriate; and

3. The executive, court, public defender and prosecuting attorney are encouraged to consult additional reports, such as the August 2017 Juvenile Justice Equity Steering Committee final report, which can contribute

to the achievement of the reduction of the use of secure confinement for children and youth in King County.

C. The executive, court, public defender and prosecuting attorney may also identify and implement additional or alternative measures in lieu of any of the recommendations of this policy guidance to achieve similar results.

D. 1. The executive shall convene an interbranch work group to collaborate on and coordinate the implementation of this policy guidance;

2. The work group shall, at a minimum, include representatives of the following:

- a. the executive;
- b. the department of public health;
- c. the department of community and human services;
- d. the department of adult and juvenile detention;
- e. the facilities management division;
- f. the department of public defense;
- g. the superior court;
- h. the prosecuting attorney's office;
- i. the office of performance, strategy and budget; and
- j. the council.

E. This policy guidance is a general statement of county policy that cannot form the basis for a private right of action. Nothing in this ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this ordinance on the part of King County by its officers, employees or agents.

SECTION 2. A. Beginning no later than June 30, 2018, the executive shall report on the implementation of the policy guidance.

B. The report shall include:

1. Actions taken to implement the policy guidance, including a summary of how each action advances policies and goals;
2. An accounting of the implementation to date of the recommendations of the Working to Reduce the Use of Secure Confinement: A Review of King County's Children and Family Justice Center report and the rationale for alternative measures taken in lieu or in addition to the report's recommendations; and
3. Recommendations by the interbranch work group created in Section 1 of this ordinance, for changes to county operations, functions, structures including an assessment of the feasibility of establishing a county business unit with a focus on children and youth services, or policies that could advance this policy guidance. Recommendations should also include any legislation necessary to implement the recommendations.

C. The executive shall report progress to the council annually until June 30, 2022.

D. The reports required by this ordinance shall be in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director, and the lead staff for the law and justice committee, or its successor.