



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 4, 2018

Motion 15256

Proposed No. 2018-0411.1

Sponsors Gossett

1 A MOTION acknowledging receipt of a report describing
2 practices related to confinement of juveniles in compliance
3 with Ordinance 18409, Section 55, as amended by
4 Ordinance 18766, Section 23, Proviso P12.

5 WHEREAS, a 2017-2018 supplemental budget ordinance, Ordinance 18766,
6 Section 23, Proviso P12, which amended the 2017-2018 Biennial Budget Ordinance,
7 Ordinance 18409, Section 55, requires the executive to transmit a report describing
8 practices related to confinement of juveniles, and a motion acknowledging receipt of the
9 report, and

10 WHEREAS, Ordinance 18766, Section 23, Proviso P12, provides that \$100,000
11 shall not be expended or encumbered until the first report required by the proviso is
12 acknowledged, and the motion acknowledging receipt of this report is passed;

13 NOW, THEREFORE, BE IT MOVED by the Council of King County:

14 The receipt of the report describing practices related to the confinement of
15 juveniles, which is Attachment A to this motion, is hereby acknowledged in accordance

16 with Ordinance 18409, Section 55, as amended by Ordinance 18766, Section 23, Proviso

17 P12.

18

Motion 15256 was introduced on 9/10/2018 and passed by the Metropolitan King County Council on 12/3/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci

No: 0

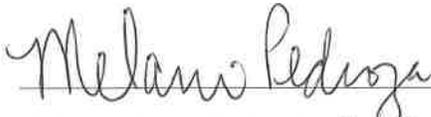
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



Attachments: A. DAJD Report on Practices Related to the Confinement of Juveniles

Attachment A

DAJD-Report on Practices Related to the Confinement of Juveniles in
Compliance with Ordinance 18409, Section 55, as Amended by
Ordinance 18766, Section 23, Proviso P12

**Monitoring King County Facilities under
KC Ordinance 18637:**

A Report to the King County Executive

AUGUST 2018

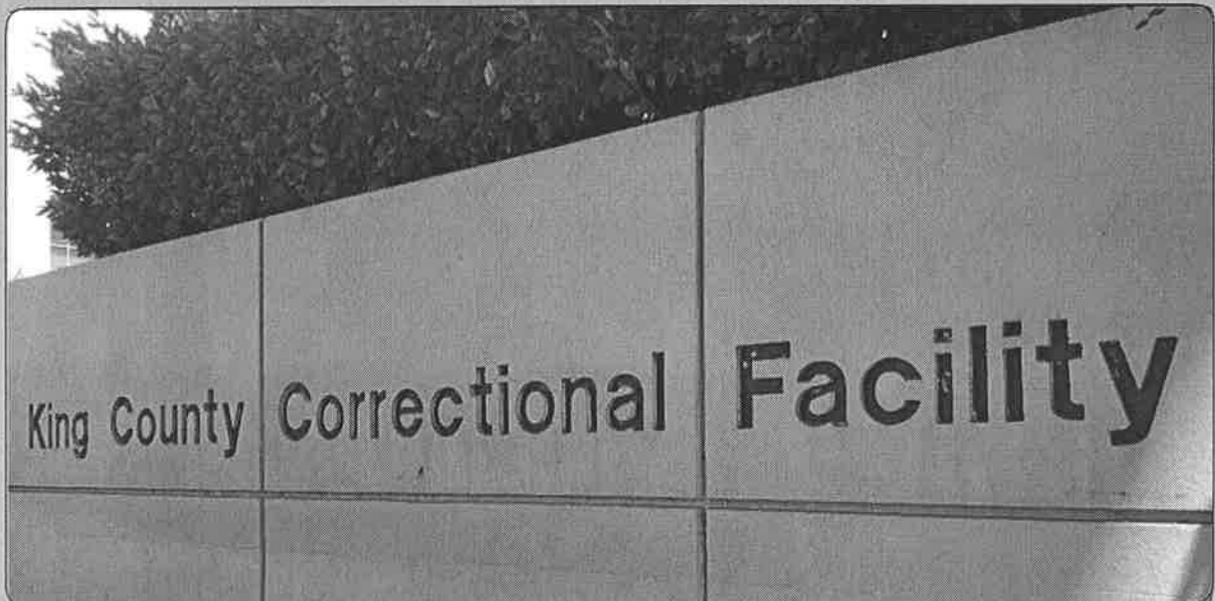


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I. METHODOLOGY AND ACKNOWLEDGEMENTS

Similar to other detention center and program assessments, this Report contains quantitative and qualitative information gathered and recorded through a series of: direct observations; interviews with incarcerated youth, juvenile justice stakeholders, and facility staff; facility and program tours; and review of facility policies, records, and data.

Monitoring activities were conducted during site visits on July 9-12 and July 30-August 2, during various shifts at the following King County detention facilities: Maleng Regional Justice Center (“RJC”), King County Correctional Facility (“KCCF”), and the Youth Services Center (“YSC”).

I would like to acknowledge those who assisted during site visits and ensured my access to youth, staff, and records; they include Juvenile Division Director Pam Jones, Major Edwin Bautista, Major Todd Clark, Assistant Juvenile Division Director Angela Toussaint, Business Analyst Catherine Pickard, and many others who worked behind the scenes to prepare for the site visits and respond to requests.

This is the first of two reports to the King County Executive under Ordinance 18637; Sections 2 through 5. The first written report will be available by September 1, 2018, and the second report by January 30, 2019. The observations and findings in this Report are based on evaluations conducted between July 1 and August 2, 2018, and are the professional observations and opinions of the Independent Monitor.

Stakeholder Outreach and Interviews

Information for this Report was gathered through Stakeholder outreach and interviews with the following: 20 incarcerated youth; Pam Jones, Juvenile Division Director; Angela Toussaint, Assistant Juvenile Division Director; Catherine Pickard, Business Analyst; Lisa Hymes-Davis, Acting Chief of Security Operations; Ashley Mareld, Acting Program Manager; Tiffany Kalfur, Policy and Procedure Officer; Jason Smith, Corrections Officer Guild Representative; Major Todd Clark, KCCF; Classification Staff for Restrictive Housing; Major Edwin Bautista, RJC; Runette Mitchell, Programs and Classification Director for Adult Facilities; Mary Ann Morbley, Community Programs Manager, RJC; John Gerberding, Supervising Attorney County Services; Michael Gedeon, Chief Administrative Officer for Office of Public Health; staff attorneys at Columbia Legal Services; and Christina Logsdon, Chief of Staff for Council Member Rod Dembowski. Outreach to these and additional stakeholders will be on-going during the monitoring period of July 1, 2018 –January 30, 2019.

II. BACKGROUND AND CONTEXT OF REPORT

The emphasis of the Independent Monitor on the use of solitary confinement for juveniles in King County detention facilities is encompassed in new Sections 2, 3, and 4, and language in Section 5 of Ordinance 18637, which amends Ordinance 12432, Section 2 and K.C. C. 2.16.120. The Ordinance brings new definitions to the word “juvenile”, defines “solitary confinement”, and outlines related policies and practices. The new Sections and language are described as follows:

Ordinance 18637

Section 2 (New Section):

Provides important definitions describing the target population and practices to be monitored, and includes the following:

“Juvenile” is defined as “a person who is currently confined in a King County detention facility for a charge that was filed in juvenile court or based on conduct that occurred before the person’s 18th birthday where their confinement begins before the person’s 18th birthday.”

Upon further clarification of the intent of this definition, John Gerberding, Supervising Attorney for King County Services confirmed that the definition includes youth over 18 who were detained as juveniles, then released on probation or paroled to JRA, and have violated the terms of those release conditions on a warrant or violation. If they have a new charge as an adult, the youth would not qualify as a “juvenile” under the Ordinance unless the adult charge is released and the matter is addressed as a probation violation.

“Solitary confinement” is defined as “the placement of an incarcerated person in a locked room or cell alone with minimal or no contact with persons other than guards, correctional facility staff, and attorneys. Using different terminology for this practice, such as room confinement, segregated housing, protective custody, restrictive housing, restricted housing, restricted engagement, close confinement, special management unit, administrative detention, non-punitive isolation, temporary isolation, or reflection cottage, among others, does not exempt a practice from being “solitary confinement.” The use of single person sleeping rooms, during ordinary sleeping or rest

periods, does not constitute “solitary confinement.” The short-term placement of youth in individual cells for the purposes of facility or living unit security issues or for other short-term facility physical plant safety and maintenance issues does not constitute “solitary confinement.”

Section 3 (New Section)—Places restrictions on the use of solitary confinement:

1. Bans the use of solitary confinement except when it is necessary to prevent imminent and significant physical harm to themselves or others and less restrictive alternatives were unsuccessful;
2. Prohibits solitary confinement for the purposes of discipline;
3. Requires that the appropriate policies consistent with national standards and best practices established by the Juvenile Detention Alternative Initiative (JDAI) be adopted that establish preventative measures;
4. Requires that the period of solitary confinement be ended as soon as the juvenile demonstrates physical and emotional control;
5. Limits the duration of any solitary confinement to no more than four hours in any twenty-four hour period;
6. Subjects any use of solitary confinement to a review by a supervisor;
7. Requires that medical professionals assess any youth housed in solitary confinement as soon as possible after the youth is placed there;

8. Requires that qualified mental health professionals evaluate and develop a care plan that may include hospitalization to prevent self-harm; and
9. Requires procedures to ensure the youth has continued access to education, programming, and ordinary necessities; such as medication, meals, and reading materials when in solitary confinement.

Section 4 (New Section)–Outlines the limited acceptable instances for the use of solitary confinement:

1. The solitary confinement of juveniles shall occur only rarely and in limited circumstances as authorized under the ordinance;
2. Policies and practices required by the ordinance are intended to prevent solitary confinement; and,
3. In the limited instances of its use, policies, and practices ameliorate and mitigate the harms that result from its use.

Section 5.C (New language)–Requires the equal administration of the Ordinance to all juveniles in any King County facility:

1. The juvenile division shall work with the Seattle and Kent divisions to ensure that all divisions effectuate consistent with appropriate security measures and maintain public safety, the equal administration to all juveniles detained in detention facilities in King County.
2. It shall be the responsibility of the juvenile division to ensure that all juveniles detained in any King County detention facility are given reasonable access to the defense bar, juvenile probation counselors, social service providers, and educators in a timely manner consistent with appropriate security measures and maintaining public safety.
3. All juveniles detained in any King County detention facility shall have access to education programs and to educational hours of service as required by state law.

4. Prohibits solitary confinement of juveniles except when necessary for safety, security, or other reasons precluding use of a less restrictive measure.
5. The ordinance requires equal treatment and services to be provided without regard to which County detention facility houses the juvenile; and requests the executive to appoint an Independent Monitor to report on the treatment of and services to juveniles at each of the County's detention facilities using specific data indicators.

Data indicators to be monitored during the evaluation period as outlined in the ordinance:

1. Number of times solitary confinement was used during the evaluation period;
2. Evaluation of the documentation of the circumstances for the use of solitary confinement;
3. Determination whether, for each instance solitary confinement was used, it did not exceed 4 hours;
4. An evaluation of the documentation of supervisory review before the use of solitary confinement;
5. An evaluation of the documentation that youth in solitary confinement have been assessed or reviewed by medical professionals; and,
6. An evaluation of the documentation of how youth subject to solitary confinement had full access to education, programming, and ordinary necessities; such as medication, meals, and reading material, when in solitary confinement.

Historical and On-going Juvenile Justice System Improvements

The new requirements found in Ordinance 18637 are rooted in the historical and on-going efforts made in King County by the Department of Juvenile and Adult Detention (DAJD) to improve the juvenile justice system.

Initiatives to improve system outcomes and align local juvenile justice practices with standards of care formally began in 1998, evidenced by the advent of an operational partnership between the County Council, King County Superior Court, prosecuting attorneys, and the office of public defense.

Since that time, large-scale improvement efforts have safely and significantly reduced the number of youth in detention. Reforms have targeted prevention, diversion expansion, strategies to reduce racial/ethnic disparities, new detention admissions criteria, the use of a Detention Risk Assessment Instrument (DRAI), the use of detention alternatives, and the assessment and improvement of conditions of confinement in the detention facility. The average daily population of juvenile detention has declined almost 70 percent since the 1990s, and King County consistently maintains one of the lowest youth detention rates of any urban county in the United States. These reforms have been supported by the formal adoption of the Juvenile Justice Operation Master Plan in 2000, the Juvenile Detention Alternatives Initiative in 2005; and more recently, the Best Start for Kids Implementation Plan approved by Ordinance 18373, which includes strategies for prevention and early intervention to stop the school-to-prison pipeline.

Strategies to reduce racial/ethnic disparities and to improve outcomes for youth of color have been the focus of the Juvenile Justice Equity Steering Committee. Recommendations made by Dr. Erin Trupin with the University of WA Department of Psychiatry and Behavioral Sciences dated August 17, 2017 are incorporated into Ordinance 18636 to reduce the use of secure confinement and create trauma-informed approaches. An executive order to establish an interdepartmental team to develop a plan and timeline to restructure juvenile

detention under the oversight and direction of public health has also been recently implemented. The replacement of the existing youth services courthouse and detention center with a state-of-the-art facility is well underway, with the new center scheduled to open between July and October in 2019.

In the midst of these system improvements, Columbia Legal Services filed a class action lawsuit in 2017 in US District Court alleging King County's practices violate equal-protection clauses and constitutional guarantees because of the widespread policy and practice of holding children under 18, who have not been convicted of any crime, in long term solitary confinement ("isolation"-spending days or months in isolation 23 hours per day) at King County's RJC and KCCF, and being withheld from an adequate education at RJC. The complaint applied to juveniles in King County charged with crimes as adults in adult court, meaning they bypassed the juvenile-court process due to the violent or extreme nature of their crimes; these youth are commonly referred to as "auto-declines" (automatically declined from prosecution in the juvenile court and transferred to the jurisdiction of the adult court) or discretionary declines (transferred to adult court under the discretionary power of the prosecutor). The 38-page complaint was settled out of court and led to new countywide policies and changes in practice.

A Staff Report by the Metropolitan King County Council Law & Justice Committee, dated November 2017¹, cites several national research studies to illustrate the potential short and long-term negative outcomes produced by solitary confinement, ranging from serious long-term mental health impacts, trauma, depression, anxiety, psychosis, and increased risk of suicide and/or self-harm, as well as evidence that solitary confinement does not reduce behavioral incidents and may actually increase aggressive, violent behavior by youth. The report identifies the JDAI national standards and practices promulgated by Council of Juvenile Correctional Administrators², the Annie E. Casey Foundation,

and the Children’s Center for Law and Policy, as the acceptable and widely-used standards of care.

These actions fueled policy changes related to the use of solitary confinement for youth. Under the first Executive Order that followed on November 2, 2017³, new DAJD Policy 5.02.011 was identified directing all youth under age 18, including those who have been charged in adult court, are to be housed at the Youth Services Center, not adult jails. This change was subject to discharge of full bargaining obligations with unions and was approved. The policy has been fully implemented by DAJD as of July 1, 2018. All three facility directors confirmed to the Independent Monitor that youth under the age of 18 were transferred to the Youth Services Center, specifically from RJC’s Nora West, the unit where these youth had previously been housed. Nora West now stands empty, as observed by Ms. Vetter in July and August of 2018.

Those policy changes were quickly followed by King County Ordinance 18637, the emphasis of this Report. The new Ordinance limits the use of solitary confinement, and requires the hiring of

an independent monitor or monitors who, either alone or together, have expertise in adolescent development, juvenile detention operations and corrections, officer safety and security, and trauma-informed behavioral modification practices, to monitor and report twice on the implementation of sections 2 through 5 of this ordinance, by September 1, 2018, and by January 30, 2019.

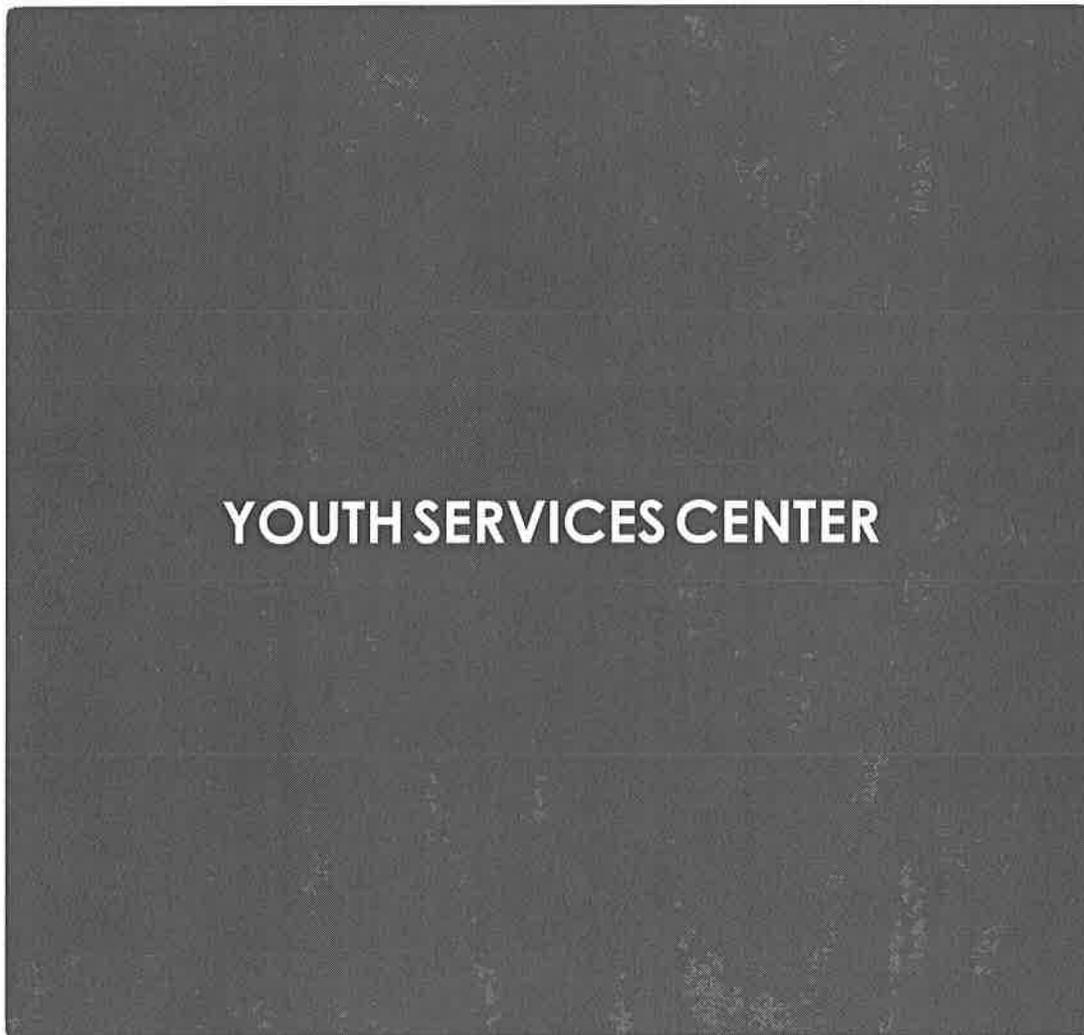
Under this Ordinance, Independent Monitoring services began on July 1, 2018 and are being conducted by Ms. Stephanie Vetter, a private contractor and juvenile justice expert in the areas of JDAI, PREA, adolescent development, juvenile detention operations and corrections, officer safety and security, and trauma-informed behavioral modification practices. Ms. Vetter has conducted similar monitoring in adult and juvenile detention centers and has provided training and coaching to many juvenile probation and custody officials over the past 20 years in multiple states. This report is the first of two reports that will be submitted by Ms. Vetter to the County Executive.

¹ Staff Report by the Metropolitan King County Council Law & Justice Committee, November 28, 2017
<https://mkcclegisearch.kingcounty.gov/View.ashx?M=F&ID=5624987&GUID=0008BF1C-9490-48CC-8D18-863E43B4D544>

² Annie E. Casey Foundation, Juvenile Detention Alternatives Initiative, <http://www.aecf.org/work/juvenile-justice/jdai/>

³ King County Executive Order “Youth Charged as adults to be housed at the Youth Services Center,” November 2, 2017

**III. OBSERVATIONS, FINDINGS, AND RECOMMENDATIONS OF
INDEPENDENT MONITOR BY FACILITY**



YSC Data Review

As of the date of this report, there is no centralized or automated way to collect and report on the data indicators outlined in the Ordinance. However, YSC provided hand-written documents completed by staff that reflects the use of Program Modifications and solitary confinement at the request of the Monitor for July 1 - 31. The YSC team who facilitated site visits, including Ms. Jones, Ms. Toussaint, and Ms. Pickard participated in parts of the data review. Improvements to the forms and development of a comprehensive reporting structure were discussed with the YSC team as part of the site visit.

Table 1 shows the average daily population of YSC by race and ethnicity for youth held on both juvenile and adult court matters.

Table 1

King County YSC Average Daily Population, July 2018		
Race/Ethnicity	Secure Detention ADP*	Percent of ADP
African American	22.0	47.4%
Asian/Pacific Islander	3.3	7.1%
Caucasian	5.9	12.7%
Hispanic	13.2	28.4%
Native American	2.0	4.3%
Total	46.4	100%

* Includes a secure ADP of 11.8 for youth held on adult matters. Data provided by YSC

Table 2 provides data used by the federal OJJDP and shows the King County demographic profiles of youth ages 10-17.

Table 2

OJJDP Demographic Population Profiles Youth Age 10-17 Residing in King County in 2017	
Race/Ethnicity	% Youth age 10-17 residing in King County
African American	11.2%
Asian/Pacific Islander	20.9%
Caucasian	66.3%
Hispanic	15.1%
Native American	1.6%

National Center for Health Statistics (2018). Vintage 2017 post-censal estimates of the resident population of the United States (April 1, 2010, July 1, 2010-July 1, 2017), by year, county, single-year of age (0, 1, 2, ..., 85 years and over), bridged race, Hispanic origin, and sex. Prepared under a collaborative arrangement with the U.S. Census Bureau. Available online at https://www.cdc.gov/nchs/nvss/bridged_race.htm as of June 27, 2018, following release by the U.S. Census Bureau of the unbridged Vintage 2017 postcensal estimates by five-year age groups. [Retrieved 6/29/2018]

Table 3 shows types of infractions and the associated number of Program Modifications/Shifts given to youth by race/ethnicity for the period of July 2018.

Table 3

Program Modifications (Shifts) in July of 2018 by Race/Ethnicity and Type of Infraction						
Race/Ethnicity	Aggression Towards Peer	Disrespectful to Staff	Gang Related	Other	Refused School	Total
African American	6	10	3	8	1	28
Asian/Pacific Islander	1	2	0	0	0	3
Caucasian	2	0	1	1	0	4
Hispanic	2	4	2	1	1	10
Total	11	16	6	10	2	45

Data table provided by YSC shows types of infractions and number of Program Modifications given to youth by race/ethnicity for the period of July 2018.

When reviewed together, the data analyzed during the evaluation period highlights a few key realities about the use of detention and Program Modifications for youth of color. First, youth of color are disproportionately represented in detention, as compared to their representation in the general population. King County is addressing this phenomenon through the work of multiple committees, community-based partnerships, and targeted strategies. Second, although, Black/African American youth comprised 47.4% of youth in detention, they comprised 62% of the total number of PMs in July. The data indicates that youth of color are not only detained at higher rates than white youth, but also subjected to more disciplinary room time. It is not possible to determine trends from this data, however it can serve as a baseline comparison as the YSC implements the Ordinance and used for on-going purposes of quality assurance and management.

In a recent internal data review, the YSC Improvement Team, a committee focused on staff safety reviewed 2017 trend data on Use of Force incidents and determined that use of force incidents are not disproportionately related to the transfers and admissions of the youth charged with the most serious crimes (youth who are auto-declined and had been housed at an adult facility then transferred back to YSC under the new policy). When those youth comprised 25% of the detention population, they also represented only 25% of the use of force incidents⁴. Based on the committee’s analysis it does not appear that youth charged with the most serious crimes are creating security incidents at higher rates than youth who are charged with less serious crimes, which is important to note for purposes of housing and classification, and speaks to the high quality detention programming, education, and staffing made available to detained youth at YSC.

⁴ Interview with Angela Toussaint 7/30/18

YSC Document Review

The last JDAI Assessment Report, dated 2010, notes that YSC meets the national standards in a majority of areas, with a more in-depth assessment of educational services recommended. The 2017 PREA Report was also reviewed by the Monitor and contained no serious findings.

Currently, Program Modifications (PMs) are the main mechanism used at YSC to respond to youth infractions and misbehaviors and used in addition to verbal warnings and cool-down periods. PMs are a sanction (for disciplinary purposes) that result in a loss of normal programming time and free time for youth. Program Modifications and "Shifts" are used interchangeably and refer to a youth's normal programming being altered.

It is during the PMs that periods of solitary confinement can occur while youth are in their cell. To determine whether or not solitary confinement had been used during the evaluation period and how it manifests at YSC, all PMs for July 2018 were reviewed.

After reviewing additional associated documents (Use of Force Incident Reports, Youth Accountability Checklists, Program Modification Sheets, and case specific data) the following observations were made:

- A total of 45 PMs were given, and some youth received more than one PM in July.
- Inconsistencies in the application of PMs were visible.
- The Youth Accountability Checklists did not appear to be correctly coded in every instance. It is important to be able to distinguish solitary confinement as discipline, from free time in room, time-outs, and cool-downs. The Youth Accountability Checklist appears to be the main tracking tool to be able to determine the use of solitary confinement, including the number of times it is used and its length. Some of this inconsistency in data collection and coding may be attributable to additional codes being added to the form in July.
- Even in its newly revised format with additional codes, there does not appear to be enough codes to describe all the reasons that a youth was in his/her cell. For instance, the use of 2-hour cool downs (as less restrictive alternatives to PM) and free time spent in room did not appear to be distinguished from longer periods of disciplinary room confinement.
- In a review of the reasons for PM and the number assigned to each youth (documented on the Program Modification Sheets) it appeared that the number of PMs/Shifts assigned to some youth was not consistent for the same types of behavior of other youth. In a comparison of the number of Shifts assigned by type of infraction, it appeared that a higher number of Shifts had been assigned to girls and to youth of color. This was discussed with the team at YSC and further data was requested.
- It was difficult to determine consistency in the application of PMs between different staff. It appears from the Youth Accountability Checklists, that some staff allow youth out of their cells during their PM for different reasons and lengths of time as compared to other staff who document youth being in their room for over four hours at a time.
- From the review of documents mentioned here, it is clear that some youth remained in their rooms in excess of four hours in a 24-hour period in July. However, staff reported that youth are expected to participate in school and gym with their unit, eat meals in the day room, and shower while on PM status, yet some youth choose to stay in their rooms (which is difficult to determine from the documentation).

YSC Policy and Practice Review

In practice, there are very few instances of PMs that have resulted in solitary confinement for more than four hours in any 24-hour period. Interviews with staff reveal that those instances typically only occur in two circumstances 1) during the period of time that is commonly referred to as “intake”, when a youth is first brought to the facility and 2) during Program Modifications, a form of discipline for infractions.

Booking, Intake, and Classification

There may be occasions when youth are held in a cell in the booking area for four or more hours waiting to be processed and housed. The time a youth spends alone in a cell during intake can be impacted by the time of day, staffing levels, shift changes, and the number of other youth waiting to be processed.

According to the DAJD Detention and Alternatives Report in May 2018, the average daily population of YSC has remained relatively stable for the past two years, admissions are down slightly, and average length of stay has increased. During July 2018, the ADP was 45 youth. YSC works with Superior Court to apply a validated detention risk assessment instrument (DRAI) so that only those youth who pose a risk to public safety are admitted to detention. Alternatively, those youth found eligible are allowed to return home and can be placed on pre-trial supervision offered by the Court. One option is electronic home detention, a program that serves between 20 - 30 youth daily. Group care is also offered as an alternative to those youth who cannot return home.

YSC classification policy and practice does not require or promote the separation of gang members, since it is not a best practice, and instead uses strategies proven effective in other custody settings, like mediation, conflict resolution, and intelligence gathering.

The Behavior Management System

Currently, YSC is transitioning from a “Level System” that is about 30 years old to the new Behavior Management System (BMS). The current Level System allows youth to earn Tier Levels based on positive behavior, which increases their programming time outside of school and gym. Base Level youth are typically out of their dorms approximately 8.75 hours a day, Tier 2 for 9.5 hours, Tier 3 for 9.75 hours, and Honor Levels for 10.75 hours.

With the full implementation of the new Behavior Management System (BMS), the practice of using PMs will be eliminated. Based on the timeline shared with the Monitor, the projected date of implementation is September 30, 2018. Phase 1 (Incentive System) was implemented on 7/8/18; Phase 2 (Incentive levels and Privileges) is scheduled for implementation 8/28/18; and Phase 3 (Accountability Grid) is scheduled for implementation on 9/30/18.

The Restoration Center and other programming will be developed as part of the new BMS, located in one of the living halls and will provide youth with individualized opportunities to be held accountable, engage in skill-building activities, and receive more intensive and evidence-based programming. The programming for the Restoration Hall is still under development and has the potential to become an important tool in the BMS.

The Monitor reviewed the proposed BMS on paper and it appears to align with best practices, positive youth justice, and adolescent development principles in so far as it is easily understood, clearly articulated, and offers incentives, the ability to achieve privileges, and restorative practices for infractions that do not include the use of solitary confinement. YSC leadership and staff report an inclusive development process related to the new BMS, one that includes staff at all levels, solicits feedback, seeks buy-in through the Behavior Management System Development Team, and articulates the implementation of BMS and associated activities like communication and staff training.

The policy for the BMS and use of the Accountability Grid is reportedly under development and will be released in August. The policy will be reviewed by the Monitor at that time.

Access to Education, Health, Mental Health, Visitations and Attorneys

DAJD Juvenile Division contracts with Seattle Public Schools for the provision of education services. Seattle Public Schools are responsible for drafting content, providing teachers, and meeting appropriate education guidelines in the State of Washington, including for special education. Educational instruction includes one-on-one and small group opportunities in the classrooms from certified teachers. The learning environment appears to be age/developmentally-appropriate with posters and student drawings and assignments hung throughout the hallways and classrooms. The library resembles a public library and offers age-appropriate, culturally relevant materials that youth are interested in reading.

School is offered to youth at YSC year-round, with a modified class schedule during the summer. In 2018, summer school began on June 27 and will end on August 17. The regular school year will start the first week of September. During summer school, youth engage in three school periods per day (from 8:30am to 11:30am). During the regular school year, youth engage in six class periods per day (from 8:30am to 2:45pm).

YSC offers Unit School, Transitional School, and Regular School, with youth assigned to a particular school based upon behavior as per the stipulation and consent decree dated 1993

During the week, in addition to programming time, youth attend school for 6 hours per day. The Seattle School District provides regular and special education. Youth also receive at least 1 hour of physical exercise in the facility's gym, daily. A few youth reported that while on PM they are not able to attend classes in the classrooms with others, but rather they are provided with reading materials, school-work, and tutoring. Youth who were interviewed indicated that they liked school and could name one or two teachers who impacted them in a positive way.

Youth reported that they could access health and mental health professionals, probation officers, attorneys, and visitors during times of PM. The Accountability Tracking Sheets for those youth reflect medical visits.

File reviews, classroom observations, and teacher interviews will be conducted in future monitoring visits.

Programming and Staffing Ratios

The Monitor observed YSC staffing ratios of 1:8 during the day and 1:16 at night; this aligns with the JDAI standards, and supports the opportunity for intensive programming. Programming at YSC appears to be robust, diverse, and age-appropriate based on a review of the Program Descriptions. However, it is not clear which programs are currently offered to youth, and how some of those programming options will be incorporated into the new Behavior Management system.

Currently, YSC offers limited space to provide programming; however, a 10,200 square foot area of the Children and Family Justice Center is planned and will be operated by programs that help steer youth away from future court-involvement through counseling and other resources. The County is just beginning to assess programs that could operate in the space, and will ask the public for programming proposals and recommendations through a formal Request for Information and Request for Proposal process. <https://www.kingcounty.gov/depts/facilities-management/major-projects-capital-planning/current-projects/children-family-justice-center/juvenile-justice.aspx>

Programming and staff-to-youth ratios can support intensive behavior management, promote positive youth development, and have the potential to reduce the use of solitary confinement for disciplinary purposes. Youth who come to the justice system with a wide range of complicated needs are still, at their core, adolescents who must navigate developmental tasks just like any other youth. Facility programs, such as recreational activities and rehabilitative programs targeting specific needs identified through the assessment process, are ways to ensure that youth leave

the facility better prepared to transition to adulthood. As the Search Institute notes in their research, achieving adolescent developmental tasks is important to future success⁵. Adolescent programming whether staffed by volunteers, contractors, or facility staff, provides opportunities for youth to develop relationships and learn from pro-social adults while navigating a range of developmental tasks (see Figure #1). Adapted from Witt & Caldwell, 2010⁶, programming should help youth negotiate these tasks throughout their stay at a facility. The Positive Youth Justice framework offers a way to determine whether the array of programs is likely to promote youth development (Butts, Bazemore & Meroe, 2010)⁷.

Youth Interviews

The Monitor interviewed 10 youth at YSC. Interviews took place in one of the empty living units. All youth interviewed had received at least one Program Modification since January 1 and three were currently on a PM. Every youth reported a full and structured schedule; they could all explain the Behavior Level System, and knew how to move up to receive more privileges during programming times. Every youth reported they had access to their attorney, school, medical, mental health, and visitors during PM. Most youth spoke positively about their treatment in detention.

⁵Search Institute (2014). A Research Update from the Search Institute: Developmental Relationships. https://www.search-institute.org/wp-content/uploads/2017/11/DevRel_Framework-1-Page-04-26-2017.pdf

⁶Witt, P., and Caldwell, L. (2010). The Rationale for Recreation Services for Youth: An Evidence-Based Approach. Ashburn, VA: National Recreation and Parks Association.

⁷Barton, W., and Butts, J. (2008). Building on Strength: Positive Youth Development in Juvenile Justice Programs. Chicago: Chapin Hall at the University of Chicago.

Figure 1

Search Institute

Establishing an identity: During adolescence, youth explore how they want to see themselves and how they want others to see them. Ideally, youth in custody should be supported to maintain positive self-views, as competent, capable, and caring individuals.

Establishing autonomy: Youth learn to be self-directed and independent. Even within the structured environment of a facility, ways for youth to learn how to make decisions, how to take responsibility for their actions, and how to solve problems could include choices about how to spend their time and the freedom to exercise those choices.

Achieving: In order to become fully functioning adults, adolescents must see themselves as competent, figure out what they are good at—whether that is academics, sports, arts, music, cooking, or puzzles. Youth need exposure to a wide range of experiences and opportunities to practice new skills.

Developing a personal value system: Youth in the justice system typically are aware that they have broken the law and inflicted harm. However, for empathy to develop as a character trait, youth need to see their actions through the lens of social norms and develop an overarching sense of right and wrong that they can apply to problem solving and decision-making. Mentoring relationships designed well can enhance moral reasoning skills.

Developing a sense of belonging: Adolescents want to feel as though they belong. Peer relationships help youth learn how to communicate, to trust others, and to be compassionate friends. Structured activities teach youth how to negotiate with peers, resolve conflicts, and work together.

Effective programming incorporates adolescent development activities and features restorative approaches, restitution, victim-offender mediation, skill building, cognitive behavioral therapies, family, group and individual counseling, mentoring and multiple coordinated approaches including case management, care coordination, and service brokering.⁸

⁸The findings from Lipsey's work align with research analyzing the costs and benefits associated with various types of youth programs. The Washington State Institute for Public Policy (WSIPP) examines these factors, finding that the use of programs like Functional Family Therapy, Aggression Replacement Training, and Multi-Systemic Therapy is associated with significant cost savings. For more information, see WSIPP's website at <http://www.wsipp.wa.gov>.

YSC Summary and Recommendations

A high quality and consistent Behavior Management System is integral to the elimination of PMs (and any associated solitary confinement as discipline). This includes clear information about facility rules and expectations, accounting for any disabilities and language needs. This information can be contained in orientation materials, such as resident handbooks and videos, and posted in visible areas of the facility. Equally important is that youth have the opportunity to share their side of the story prior to receiving any disciplinary sanctions as part of the BMS. The staff person determining an accountability sanction should be unbiased and not involved in the underlying incident. Disciplinary decisions should be thoroughly explained and youth should have the ability to appeal. When implemented well, the process involves staff and youth working jointly to identify the root of behaviors, address needs, and build skills that assist in future problem solving and decision making.

The YSC is in the midst of a major shift in philosophy and approach towards its juvenile residents, which will be supported by programming and facility design in the new Children and Family Justice Center. With the implementation of Phase 1 of a new Behavior Management System, the traditional corrections approach will be replaced with trauma-informed, therapeutic practices that are based in research, are more individualized, and promote restorative justice. The new BMS will not use room confinement as a disciplinary sanction and will limit its use by policy to align with the Ordinance.

Recommendations include:

1. Implement the ordinance requirements via an inter-facility agency-wide implementation work group comprised of representatives from all three facilities to ensure that equal treatment and services are provided without regard to which County detention facility houses the juvenile, to ensure policies, practices, and training are consistent between facilities.
2. Create language in Policy to implement the consistent application of the new BMS, requiring consistent supervisory reviews. Include specific language to reflect the Ordinance, prohibiting solitary confinement for disciplinary purposes; allowing its use only when it is necessary to prevent imminent and significant physical harm to the juvenile or to others and less restrictive alternatives were unsuccessful.
3. Update data collection forms to reflect the implementation of the new BMS, track PMs by infraction, race/ethnicity, and gender; and automate data collection forms as much as possible.
4. Eliminate the category "Other" as a choice for infractions, and increase number of categories to better describe the youth's behavior.
5. Track the use of less restrictive alternatives, including 30-minute time-outs, 2-hour cool downs, verbal warnings, separations, and any other "less restrictive alternative".
6. Collect and review data on Program Modifications and the use of any solitary confinement on a monthly basis as part of routine facility management and engage supervisors in quality assurance to support consistency in the use of PMs, other sanctions/incentives, and the new Accountability Grid.
7. Train all staff and supervisors on any new data collection forms to increase data accuracy and train all staff (including teachers, medical, and mental health staff) on the new BMS.
8. Ensure programming aligns with research on positive youth justice and adolescent development and survey youth to inform programming and the new BMS.
9. Explore the Performance-based Standards (PbS) for juvenile detention facilities. PbS provides approximately 60 outcome measures for detention facilities which show facility services and performance meet the PbS standards in safety, order, security, programming (education), health/mental health services, and justice. The outcome measures are available as easy-to-read bar graph reports available twice a year, showing change and improvement every 6 months, as well as performance compared to similar facilities. <https://pbstandards.org/programs/juvenile-detention>
10. Incorporate the Council of Juvenile Correctional Administrators, Toolkit: Reducing the Use of Isolation, Council of Juvenile Correctional Administrators, March 2015, the JDAI Tools and Resources, Conditions of Confinement Standards and the Center for Children's Law and Policy Brief on Use of Room Solitary Confinement into policy, procedures and staff training.

**KING COUNTY
CORRECTIONAL FACILITY**

KCCF Data Review

As of the date of this report, there is no centralized or automated way to collect and report on the data indicators outlined in the Ordinance.

Major Clark reports that efforts are underway to contract with a vendor to update the Jail Information Management System (JMS), which could take one or more years. These updates could generate a report with the names and key demographics of these youth. A special code "JOI" defined as Juvenile Ordinance Inmate, is under development that if implemented could be used to identify those youth as they are booked into the facility in the short term.

For the purposes of identifying these youth during the monitoring visit, the Monitor asked YSC staff to provide a list of youth who had been transferred from YSC to KCCF since January 1, 2018. There were seven youth on the list who were housed at KCCF. All seven youth were interviewed by the Monitor.

KCCF Document Review

Restrictive Housing is described in policy as a "management routine and housing assignment separate from other inmates. This placement and classification is a managerial (administrative) decision applied to an inmate(s) whose continued presence in general population presents a serious threat to staff, self, other inmates, or property. All restrictive housing placements and routines are administrative and a hearing is not required, except in the case of an infraction disciplinary hearing."

The department's Restrictive Housing Policy (DAJD Policy 6.03.001) was recently updated to reflect the Ordinance and creates a new definition for these youth: "Juvenile Ordinance Inmates (JOI): Inmates that are identified in ITR as qualifying for consideration under KC Ordinance 18637. Those individuals that are 18 through 24 years of age who have either transferred to the adult system due to turning 18 years of age or those inmates who are 18 through 24 years of age who are returning on Juvenile probation or parole cases. "

Restrictive Housing consists of six categories associated with varying levels of restriction. By policy, anyone assigned to restrictive housing will have a Behavior Management plan. Corrections Program Specialists (CPS) conduct a review of the need for continual restrictive housing and also classifies and assesses levels of security for inmates.

The Restrictive Housing policy language was recently updated to reflect the ordinance restricting the use and duration of solitary confinement. Future efforts will identify preventative measures and/or less restrictive alternatives. Some language in the Ordinance is not reflected in new policy that was provided to the Monitor; however, it may be included in the associated procedures that were not reviewed.

The policy does allow the youth to access the dayroom, fresh-air recreation (a minimum of three individual hours per week of fresh-air recreation access, unless otherwise specified but does not provide a daily standard), shower, and phone.

KCCF Policy and Practice Review

Booking, Intake, and Classification

There may be occasions when youth are held in a cell in the booking area for long periods waiting to be assigned a housing unit. The policy (DAJD Policy 5.02.011 Intake, Transfer and Release) allows up to 72 hours for processing to take place. The time a youth spends in a cell during intake is based on the time of day, staffing levels, shift changes, and number of other inmates waiting to be processed. This was reported by facility staff but not observed.

Because many of the youth who qualify as "juvenile" under this Ordinance are charged with serious crimes (Murder 1, Rob 1, Burg 1, Assault 1, etc.), it is by facility policy that they are classified as "close custody", which restricts their out-of-cell time. This may restrict the amount of time youth can be out of their cells in a 24-hour period.

Given that equal treatment of “juveniles” happens regardless of which facility they are housed, and that many of the “juveniles” in KCCF had been transferred between facilities multiple times for purposes of housing, attending court, classification, and security; the communication between facilities at the time of transfer becomes critical. It was not yet apparent at the time of this report, what information is shared between facilities at intake.

Five of the seven youth interviewed by the Monitor were on “Close Custody”, which reportedly separates them from programming with persons who score minimum and medium security.

Although close custody at times prohibits youth from engaging in programming with the general population or others on Minimum and Medium levels, this does not necessarily limit time out of cells. Time out of cell is documented in the logbook, and those documents will be reviewed as part of the next site visit.

Major Clark and other DAJD representatives were already working on multiple changes to the restrictive housing practices before this ordinance came along and will merge the two workflows into one. Restrictive Housing workgroup and Juvenile Ordinance implementation. Those groups will be updating the matrix and add alternative sanctions. The policy updates then must be communicated with the bargaining units. This will take time.

Access to Education, Health, Mental Health, Visitations, and Attorneys

Because school was not in session, no classroom or instructional time was observed for any of the youth, nor could teachers be interviewed or files be reviewed to determine if the educational services provided at KCCF align with the best practices and standards of JDAI or mirror those offered at YSC. Youth reported having a once/week meeting with a teacher during the school year, and also reported not being able work on educational packets when they were “in the hole”/in restrictive housing for discipline.

It was reported that educational instruction for youth 21 and under is provided by the Seattle Public Schools. Seattle Central College provides basic and transitional studies for those 21 and older. Classes are held in the multi-purpose room vs. a fixed classroom. The library was cut, which significantly reduces the types and number of reading materials available. The Educational programming will be reviewed further once the school year begins.

Based on youth reports and staff interviews, it appears that KCCF does not offer educational services and programming similar to YSC, nor are the behavior management classification systems similar between YSC and KCCF.

During interviews, youth reported having access to health, mental health, visitations and attorneys during their time in close custody. The policy on restrictive housing states that inmates receive health care in compliance with National Commission on Correctional Health Care (NCCHC) standards, but records were not reviewed to confirm this practice.

Programming and Staffing Ratios

Developmentally-appropriate programming is not readily available to youth under this ordinance at KCCF, in part because of how security classification is applied, which typically limits whom youth can be exposed to during programming hours. Being placed in Restrictive Housing significantly impacts access to programming. Some youth reported visiting with the chaplain as their only structured activity and one-on-one interaction led by someone other than custody staff. Runette Mitchell, the Programs and Classification Supervisor stated that the facility used to have a library and a baking program and will soon lose the Linking to Employment Activities Program (LEAP), citing lack of resources and physical plant limitation. The staff-to-youth ratios at KCCF are reportedly 1:135 and in no way similar to the direct supervision and individualized approach available at YSC.

Youth Interviews

The Monitor interviewed a total of seven youth. Two interviews were cut short because one youth was too tired to complete the interview and the other was in restrictive housing in a suicide vest and did not want to be handcuffed to come out of the cell. Interviews took place on the same floor where youth were housed, in a small interview room next to public visiting. Most youth interviewed were youth of color (Black/African American or Hispanic) and male. Only two females were interviewed. Most youth reported being on close-custody with between 1 - 3 hours of time out of their rooms daily. Their time in detention was described in a variety of ways, none of which was positive. Most stated that they did not have access to full programming or the option of being a “trustee” because of their classification status. One youth reported being a “unit worker”, which he reported he liked because he was allowed more time out of his cell. All youth reported that they had access to their attorneys and to visitors while in restrictive housing. Most youth could think of at least three things they would change about detention to make their time more productive. A female youth reported she had been talking through the vent of her cell to a male inmate who was later released and came back to visit her. Another youth reported he was relieved that his cell mate had been released, because his cell mate had smuggled heroin into the jail and they had been snorting it together for 2 weeks.

Both incidents were reported to Major Clark for further follow-up.

All youth who were interviewed had been transferred between YSC, RJC, and KCCF on multiple occasions over the past two years for the purposes of housing. They noted anxieties related to the experience of not knowing what to expect in the new environment and how they would be treated. Most noted a major difference in the treatment and opportunities for programming between the YSC and the KCCF.

Youth reported that when in restrictive housing in KCCF, they experience long periods of isolation and have little or nothing to do in their cells: no meaningful human interaction, little to no educational activities, no music or television, and limited access to reading or writing materials; and any ‘recreation’ takes place alone in an empty, concrete pen. A typical cell is small and contains a stainless steel toilet, a sink, a mattress, and an overhead fluorescent light. The cell floors and walls are concrete. The cells have no windows to the outside and natural light does not enter them. The cell door is solid with narrow Plexiglas windows. A “pass through” slot allows correctional officers to pass meals to the youth locked inside. The cells have no phones, radios, or televisions.

Table 4

KCCF Interview Demographics						
# of Youth Interviewed	Race	Gender	Date Booked	Booking Charges	Restrictive Housing	Security Level
1	W	F	4-18-16	Murder 1	Unknown	Close
1	B	F	5-05-17	Robbery 1	Unknown	Close
1	A	M	8-10-17	Robbery 1	Unknown	Close
1	B	M	4-04-18	Burg 1/Assault 1	Unknown	Close
1	B	M	7-18-17	Rob 1/Juvenile Parole	Unknown	Medium
1	B	M	2-23-16	Murder 1	Unknown	Medium
1	W	M	?	?	Yes	Close
7 total						

KCCF Summary and Recommendations

Despite the Ordinance implementation date of July 1, 2018, there is still a widespread use of solitary confinement of youth at KCCF based on the risk assessment classification these youth receive upon booking, as well as during the assignment of Restrictive Housing. The classification of “Close Custody” is based on the seriousness of the booking charge, among several other measures; however, it does not align well with the classification system at YSC, and is arguably not an accurate or fair measure of the potential for institutional violence or infractions on behalf of youth.

Recommendations include:

1. Implement the ordinance requirements via an inter-facility agency-wide implementation workgroup comprised of representatives from all three facilities to ensure that equal treatment and services are provided without regard to which County detention facility houses the juvenile to ensure policies, practices and training are consistent between facilities.
2. Track the data that has been identified in the Ordinance on a monthly basis for the purposes of data-driven decision-making and reporting.
3. Revise policies to better reflect the Ordinance, specifically the classification and restrictive housing policy and procedures, and require that solitary confinement be ended as soon as the juvenile demonstrates physical and emotional control.
4. Reconsider high security (Close) classification status for “juveniles”. Consider adopting a classification system that more closely mirrors YSC, or consider using a risk assessment instrument that has been proven (validated) to predict institutional violence. One example is the Oregon Youth Authority’s (OYA) risk assessment instrument, which has been validated by examining the statistical relationship between institutional violence during the first six months in custody and a range of offender characteristics. At OYA, the resulting instrument includes eight risk factors, including gender, offense characteristics, mental health diagnosis or status, and attitudes and beliefs about violence. Research has demonstrated that the instrument predicted violence accurately in 71% of the individual cases. The value of these tools is the ability to accurately classify youth, and reinforce that a youth’s behavioral needs must be addressed through service delivery (e.g., housing assignments, behavior contracts, one-to-one supervision).
5. Examine staffing ratios, programming, and supervision structures for youth and incorporate best practices as appropriate.
6. Continue to update policies and procedures and train staff on the Ordinance.
7. Work with the Monitor during site visits to provide access to youth and to facility-based records.
8. Provide the Monitor with a complete list of youth who qualify under the Ordinance for future site visits and distribute to appropriate facility staff.
9. Incorporate the Council of Juvenile Correctional Administrators, Toolkit: Reducing the Use of Isolation, Council of Juvenile Correctional Administrators, March 2015, the JDAI Tools and Resources, Conditions of Confinement Standards and the Center for Children’s Law and Policy Brief on Use of Room Solitary Confinement into policy, procedures and staff training.

MALENG REGIONAL JUSTICE CENTER

RJC Data Review

There is no tracking method, quality assurance structure, or way to query accurate and comprehensive data required by the Ordinance, which makes it impossible at this time to report the exact number of youth qualifying as “juvenile” under the Ordinance (a person who is currently confined in a King County detention facility for a charge that was filed in juvenile court or based on conduct that occurred before the person’s eighteenth birthday where their confinement begins before the person’s 18th birthday).

For the purposes of identifying these youth during the monitoring visit, the Monitor asked YSC staff to provide a list of names of youth who had been transferred from YSC to RJC since January 1, 2018. There were three youth on list who were housed at RJC. All three youth were interviewed by the Monitor.

RJC Document Review

Restrictive Housing is described in policy as a “management routine and housing assignment separate from other inmates. This placement and classification is a managerial (administrative) decision applied to an inmate(s) whose continued presence in general population presents a serious threat to staff, self, other inmates, or property. All restrictive housing placements and routines are administrative and a hearing is not required, except in the case of an infraction disciplinary hearing.”

The Restrictive Housing Policy was recently updated to reflect the Ordinance and creates a new definition for these youth: “Juvenile Ordinance Inmates (JOI): Inmates that are identified in ITR as qualifying for consideration under KC Ordinance 18637. Those individuals that are 18 through 24 years of age who have either transferred to the adult system due to turning 18 years of age or those inmates who are 18 through 24 years of age who are returning on Juvenile probation or parole cases.”

Restrictive Housing consists of six categories associated with varying levels of restriction but the policy does not reflect the intent of the Ordinance related to youth having access to education, medical, mental health, or attorney visits. It does allow the youth to access the dayroom, fresh-air recreation (is authorized for a minimum of three individual hours per week of fresh-air recreation access, unless otherwise specified but does not provide a daily standard), shower, and phone.

The Restrictive Housing policy language was recently updated to reflect the ordinance restricting the use and duration of solitary confinement. Future efforts will identify preventative measures and/or less restrictive alternatives. Some language in the Ordinance is not reflected in new policy that was provided to the Monitor; however, may be included in the associated procedures that were not reviewed.

The policy does allow the youth to access the dayroom, fresh-air recreation (a minimum of three individual hours per week of fresh-air recreation access, unless otherwise specified but does not provide a daily standard), shower, and phone.

RJC Policy and Practice Review

Booking, Intake, and Classification

Although the policy (DAJD Policy 5.02.011 Intake, Transfer and Release) allows up to 72 hours for processing to take place, it is reported that new bookings are moved to the receiving unit within three hours or less of arrival. Most inmates held in receiving are released within 72 hours. Those that remained at classified and moved to general population. The time a youth spends in a cell during intake is based on the time of day, staffing levels, shift changes, and number of other inmates waiting to be processed.

Because many of the youth who qualify as “juvenile” under this Ordinance are charged with serious crimes (Murder 1, Rob 1, Burg 1, Assault 1, etc.), it is by facility policy that they are classified as “close custody” which restricts their out-of-cell time (during times when other inmates are not in their cells, these youth must remain in solitary confinement in their cell for more than four hours in a 24-hour period).

Given that equal treatment of “juveniles” happens regardless of which facility they are housed, and that many of the “juveniles” in KCCF had been transferred between facilities multiple times for purposes of housing, attending court, classification, and security; the communication between facilities at the time of transfer becomes critical. It was not yet apparent at the time of this report, what information is shared between facilities at intake for youth who are transferred between facilities.

Documentation related to the security classification “Close Custody” will be reviewed and incorporated in future reporting. Although close custody at times prohibits youth from engaging in programming with the general population or others on Minimum and Medium levels, this does not necessarily limit time out of cells. Time out of cell is documented in the logbook, and those documents will be reviewed as part of the next site visit. Of the three youth interviewed by the Monitor, one was classified as “Maximum”, one as “Medium”, and one as “Close.”

Access to Education, Health, Mental Health, Visitations and Attorneys

Because school was not in session, no classroom or instructional time was observed for any of the youth, nor could teachers be interviewed or files be reviewed to determine if the educational services provided at RJC align with the best practices and standards of JDAI or mirror those offered at YSC. Youth reported having a once/week meeting with a teacher during the school year, no library, and being prohibited from working on educational packets when they were “in the hole”/in restrictive housing for discipline. This part of programming will be monitored further once the school year begins. Mary Anne Morbley, the Community Programs Manager reported that there can be a waiting list for GED classes, which can cause delays for youth who want to continue their educations, but indicated that re-prioritization of the list is a possibility. Four people were able to get a high school diploma last year.

From the two visits, youth reports, and staff interviews, it does not appear that RJC offers similar educational services or programming to that offered by YSC, nor are the behavior management systems or classification similar to YSC. Education is provided by the Kent School District (for high school completion) and Seattle College.

During interviews, youth reported having access to health, mental health, visitations and attorneys during their time in close custody. The policy on restrictive housing states that inmates receive health care in compliance with National Commission on Correctional Health Care (NCCHC) standards, but records were not reviewed to confirm this practice.

Programming and Staffing Ratios

Developmentally-appropriate programming is not readily available to youth under this Ordinance, in part because of their security classification within the facility. Being placed in Restrictive Housing impacts access to programming. Some youth report visiting with the chaplain as their only structured activity, led by someone other than custody staff. Both Major Bautista and Ms. Morbley reported that the physical plant design significantly limits options for programming. Staff-to-youth ratios at RJC are reportedly 1:64 and in no way similar to the direct supervision and individualized approach available at YSC.



Stephanie Vetter with Major Bautista

Youth Interviews

The Monitor interviewed three youth at RJC. All youth who were interviewed had been transferred between YSC, RJC, and KCCF on multiple occasions over the past two years for the purposes of housing. They reported anxieties related to the experience of not knowing what to expect in the new environment and how they would be treated. Most noted a significant difference in the treatment and opportunities for programming between the YSC and the RJC.

The youth were interviewed in a small secure interview room, located next to other interview rooms and public visiting near central control, and all three youth were youth of color (1 Black/African American and 2 Hispanic males). No females were interviewed. Youth reported being on close custody status with between 1 - 3 hours of time out of their rooms daily. Two youth reported being in the “hole”/restrictive housing at some point during their stay and one youth reported multiple episodes and was currently in the “hole”. Most youth could think of at least three things they would change about detention to make their time more productive. All youth reported that they had access

to their attorneys and to visitors while in restrictive housing. Two youth reported being targeted and harassed by the same CO. Both youth had filed grievances against the CO, but had not received a response to their grievance. This information was discussed with Major Bautista and he indicated that he would be investigating this further.

Youth reported Restrictive Housing experiences with long periods of isolation and little to nothing to do in their cells: no meaningful human interaction, little to no educational activities, no music or television, and limited access to reading or writing materials. Typically, any ‘recreation’ takes place alone in an empty, concrete pen. A typical cell is small and contains a stainless steel toilet, a sink, a mattress, and an overhead fluorescent light. The cell floors and walls are concrete. The cells have no windows to the outside and natural light does not enter them. The cell door is solid with narrow Plexiglas windows. A “pass through” slot allows correctional officers to pass meals to the youth locked inside. The cells have no phones, radios, or televisions.



RJC Summary and Recommendations

Despite the Ordinance there is still widespread use of solitary confinement of youth at RJC based on the classification these youth receive upon booking, as well as during the assignment of Restrictive Housing.

The classification of “Close Custody” is based on the seriousness of the booking charge, among several other measures; however, it does not align well with the classification system at YSC, and is arguably not an accurate or fair measure of the potential for institutional violence or infractions on behalf of youth.

Recommendations:

1. Implement the ordinance requirements via an inter-facility agency-wide implementation work group comprised of representatives from the three facilities to ensure that equal treatment and services are provided without regard to which County detention facility houses the juvenile; to ensure policies, practices, and training are consistent between facilities.
2. Track the data that has been identified in the Ordinance on a monthly basis for the purposes of data-driven decision-making and reporting.
3. Update policies, specifically the classification and restrictive housing policy and procedures, to reflect the intent of the Ordinance and require that solitary confinement be ended as soon as the juvenile demonstrates physical and emotional control.
4. Reconsider high security (Close) classification status for “juveniles”. Consider adopting a classification system that more closely mirrors YSC, or consider using a risk assessment instrument that has been proven (validated) to predict institutional violence. One example is the Oregon Youth Authority’s (OYA) risk assessment instrument which has been validated by examining the statistical relationship between institutional violence during the first six months in custody and a range of offender characteristics. At OYA, the resulting instrument includes eight risk factors, including gender, offense characteristics, mental health diagnosis or status, and attitudes and beliefs about violence. Research has demonstrated that the instrument predicted violence accurately in 71% of the individual cases. The value of these tools is the ability to accurately classify youth, and reinforce that a youth’s behavioral needs must be addressed through service delivery (e.g., housing assignments, behavior contracts, one- to-one supervision).
5. Examine staffing ratios, programming, and supervision structures for youth and incorporate best practices as appropriate.
6. Continue to update policies and procedures and train staff on the Ordinance.
7. Work with the Monitor during site visits to provide access to youth and to facility-based records.
8. Provide the Monitor with a complete list of youth who qualify under the Ordinance for future site visits and distribute to appropriate facility staff.
9. Incorporate the Council of Juvenile Correctional Administrators, Toolkit: Reducing the Use of Isolation, Council of Juvenile Correctional Administrators, March 2015, the JDAI Tools and Resources, Conditions of Confinement Standards and the Center for Children’s Law and Policy Brief on Use of Room Solitary Confinement into policy, procedures and staff training.

IV. NEXT STEPS

As one of King County's significant investments to mitigate the impacts of trauma on children, young adults, and families; Ordinance 18637 is aimed at preventing the use of solitary confinement for disciplinary purposes and promoting the equal treatment of "juveniles" across facilities.

Full implementation will take time. DAJD inter-facility and agency-wide collaboration will be necessary to plan, implement, and evaluate all areas implicated including classification, transfer, educational services, behavior management and security policies, data collection, evaluation and training. The recommendations of this Report are intended as a place to begin.

Monitoring of the Ordinance will continue throughout the evaluation period until December 31, 2018. The next Independent Monitoring Report is scheduled to be released at the beginning of January 2019.

Site visits to the three facilities and schools are scheduled to occur in September, October, and November of 2018. Future monitoring will continue to examine areas of policy and practice related to the use of solitary confinement, report available data, and any enhancements planned or implemented that change policy, practice, and/or organizational culture to better align with the Ordinance.

APPENDIX

Attachment 1:
King County Youth Survey

Attachment 2:
List of Documents Reviewed
by Monitor

ATTACHMENT 1

King County Youth Survey

Solitary Confinement/Room Restriction/Restrictive Housing

1. How long have you been at this facility? What other facilities have you been in over the past 2 years?
2. Could you describe your typical day here in detention?
3. Thinking back to the day you were admitted to this facility, can you describe to me what the admissions process was like? What did the staff do or say? How did the admissions process prepare you for your time here?
4. How has your time in Detention impacted you?
5. During your stay here, have you ever been placed in restrictive housing or been confined to your room for more than 4 hours at a time and can you describe what it was like? What was the reason you were placed in restrictive housing or confined to your room?
6. If, you have spent more than 4 hours in a row confined to your room, were you able to access: Your attorney/visitors/educational services/medical and mental health services?
7. I understand that youth attend school here; can you tell me about a teacher that impacted you? Positively or negatively.
8. In the KCCF or RJC, describe the educational services you receive and were you able to access them while you were in restricted placement?
9. Can you tell me about any of the programs you've participated in while in detention?
10. Can you tell me about the level /sanctions/rewards system in detention or the classification system? What level or classification are you on currently?

ATTACHMENT 2:

List of Documents Reviewed by the Monitor

- ☐ DAJD Organization Chart 2018 Director Official_docx
- ☐ DAJD Organization Chart 2018 Div D_Calise
- ☐ J-YMoaF-13.005-2018 YAT template - Orientation and Assessment Intake Form
- ☐ Incident Report 12514--Juvenile Detention Officer Report
- ☐ Pink Sheet Template 11--On Duty Supervisor Report
- ☐ Report of Injury to Child or Staff Form
- ☐ Daily Shift Schedule 7-1-2018
- ☐ Day, Swing, Graveyard schedule for July 1, 2018
- ☐ Detainee Handbook - English 3-9-15
- ☐ Current Detainee Handbook - Spanish
- ☐ 2017 DAJD Pre Annual Report
- ☐ JIMS Reports:
 - Detention Daily Population Summary
 - Detention Listing with Crime In Secure Location
- ☐ 2018 Training List
- ☐ 2018 UW Mental Health Contract - Attached (pending signature)
- ☐ KC Ordinance 18636
- ☐ KC Ordinance 18637
- ☐ The Public Health Approach to Juvenile Justice
- ☐ 12.6 Education Services in Secure Detention 12-13-11
- ☐ 2017-0473_SR_Juvenile_Solitary_Confinement Final Memo
- ☐ YSC Program Modifications, Youth Accountability Checklists and Use of Force Incidents for July 2018