

August 22, 2024
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[L. Krekel-Zoppi]

Sponsor: Balducci

Proposed No.: 2024-0168

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2024-0168, VERSION**

2 **1**

3 On page 1, beginning on line 8, strike everything through page 14, line 283, and insert:

4 " STATEMENT OF FACTS:

5 1. In Washington state, the juvenile courts, a division of the superior court
6 system, have jurisdiction over youth under the age of eighteen who are
7 charged with committing a crime.

8 2. Under the Washington Youth Violence Reduction Act, juvenile court
9 jurisdiction over youth ages sixteen and seventeen who are charged with
10 certain offenses, is automatically declined. For those youth, the adult
11 superior court has jurisdiction.

12 3. Washington state Basic Juvenile Court Act also allows prosecutors to
13 petition to transfer a youth to adult court at the discretion of juvenile court;
14 this is known as a discretionary decline of jurisdiction.

15 4. The King County department of adult and juvenile detention operates
16 the Norm Maleng Regional Justice Center in Kent, Washington, through
17 its Kent division and the King County Correctional Facility in Seattle,
18 Washington, through its Seattle division.

19 5. The King County department of adult and juvenile detention's juvenile
20 division operates the juvenile detention facility housed in the Judge
21 Patricia H. Clark Children and Family Justice Center ("the CCFJC") in
22 Seattle, Washington.

23 6. Juveniles detained in King County are incarcerated at the CCFJC.
24 Incarcerated juveniles charged as adults are generally transferred to the
25 King County Correctional Facility after they turn eighteen.

26 7. The Best Starts for Kids Implementation Plan, first approved by
27 Ordinance 18373, notes that adolescence is a critical period when patterns
28 of health-promoting or potentially health-damaging behaviors are
29 established and discusses the potentially life-altering impacts of adverse
30 childhood experiences, trauma, and toxic stress. The implementation plan
31 further recognizes that many youth involved in the criminal justice system
32 have routinely been exposed to multiple risk factors and very few
33 protective factors as compared to other youth's experiences. The plan
34 includes Ordinance 18637 reentry-related programmatic approaches for
35 system-involved youth.

36 8. The county's road map to zero detention report recommends that King
37 County consider and implement less restrictive alternatives to detention
38 and incarceration whenever possible.

39 9. The United States Supreme Court has acknowledged the differences in
40 youth brain development.

41 10. The adverse effects of isolation are well-documented. While those
42 may depend on the length of isolation and the individual, effects can
43 include depression, anxiety, anger, cognitive disturbances, perceptual
44 distortions, psychosis, paranoia, and obsessive thoughts. For individuals
45 with serious mental illness, such as schizophrenia, bipolar disorder, or
46 major depression, isolation can make symptoms worse. For mentally ill
47 individuals who decompensate in isolation, it has been found that mental
48 health professionals are often unable to mitigate the harm.

49 11. The American Academy of Child and Adolescent Psychiatry advises
50 that even short periods of isolation often have serious long-term mental
51 health impact on juveniles including trauma, psychosis, depression,
52 anxiety, and increased risk of suicide and self-harm.

53 12. A 2002 investigation by the U.S. Department of Justice showed that
54 juveniles experience symptoms of paranoia, anxiety, and depression even
55 after short periods of isolation. Experts note that those effects are more
56 damaging on youth who have mental health disorders. Other studies on
57 the psychological effects of solitary confinement on juveniles suggest that
58 isolation may interfere with essential developmental processes, lead to
59 irreparable damage, and increase the risk of suicide ideation and suicide.

60 13. Research has shown that solitary confinement does not reduce
61 behavioral incidents and may increase aggressive or violent behavior by
62 youth, making the practice, when used as a safety tool, counterproductive.

63 14. The federal prison system is banned from using solitary confinement
64 on youth. The Office of Juvenile Justice and Delinquency Prevention,
65 which is part of the U.S. Department of Justice, has made eliminating the
66 use of solitary confinement on youth at the state and local level a priority.

67 15. Human rights experts, including the Human Rights Committee, the
68 Committee Against Torture, and the United Nations Special Rapporteur on
69 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
70 have concluded that solitary confinement may amount to cruel, inhuman,
71 or degrading treatment in violation of the International Covenant on Civil
72 and Political Rights and of the Convention against Torture and other
73 Cruel, Inhuman or Degrading Treatment or Punishment.

74 16. Under international human rights law, prisoners are to be protected
75 from mistreatment, and vulnerable inmates, especially children and
76 persons with mental disabilities, are to be accorded with heightened
77 measures of protection. That body of law, as well as international
78 standards developed to guide its implementation, establishes that people
79 under the age of eighteen have a right to be treated in a manner
80 appropriate to their age and development.

81 17. King County prohibited the use of solitary confinement for juveniles
82 except when necessary for safety, through enactment of Ordinance 18637
83 in 2017.

84 18. Washington state prohibited the use of solitary confinement for
85 juveniles for punitive purposes in 2020 in Chapter 333, Laws of
86 Washington 2020.

87 19. Ordinance 18637 also called for King County to engage an
88 independent monitor to analyze and report on King County's use of
89 solitary confinement for juveniles. Independent monitors have produced
90 reports annually or semiannually since 2018.

91 20. The independent monitoring team report July 1, 2021 - March 31,
92 2022 states, "Because the Ordinance, as written, defines restrictive
93 housing to situations when one-on-one programming may be required by
94 court-ordered separation of detainees, is necessary if a single female is in
95 the juvenile facility, and may be a preferred therapeutic intervention in
96 helping a youth do restorative problem solving or a step towards
97 reintegrating a youth to the unit, the independent monitors respectfully
98 propose that the Ordinance be amended to address such unintended
99 consequences." In the same report, the independent monitoring team also
100 recommended making clarifications to K.C.C. chapter 2.65 to allow youth
101 to voluntarily spend time in their rooms.

102 21. In 2022, members of the King County council's law, justice, health
103 and human services committee toured the CCFJC and heard from juvenile
104 detention staff about some of the challenges of implementing the solitary
105 confinement ban, including unintended consequence of not being able to

106 use restoration hall, a space that allowed staff to assist youth in working
107 through a restorative process in a specialized unit.

108 22. The Washington state department of children, youth & families,
109 Juvenile Room Confinement and Isolation in Washington State: Initial
110 Report to the legislature, January 2023, states, "To the extent the intent of
111 the law is to reduce the harm engendered by the lack of access to social
112 connection and rehabilitative activities, we recommend that the definition
113 of isolation should not include instances where youth are engaging in one-
114 on-one programming with staff."

115 23. The juvenile detention division engaged a consultant to engage a
116 juvenile detention safety and security analysis, with a report published in
117 October 2023. The report recommended the reinstatement of restoration
118 hall, with supervisory safeguards to prevent misuse.

119 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

120 SECTION 1. Ordinance 18637, Section 2, and K.C.C. 2.65.010 are each
121 amended to read as follows:

122 The definitions in this section apply throughout this chapter unless the context
123 clearly requires otherwise.

124 A. "Cell" means a locked room to which a juvenile is assigned for sleeping, as
125 evidenced by the presence of bedding, a toilet, or other features necessary for daily living
126 and where a juvenile is confined alone, separated from other juveniles, with limited
127 contact with others.

128 B. "Juvenile" means a person who is currently confined in a King County
129 detention facility for a charge that was filed in juvenile court or based on conduct that
130 occurred before the person's eighteenth birthday where ~~((their))~~ the person's confinement
131 begins before the person's eighteenth birthday.

132 ~~((B-))~~ C. "One-on-one programming" is programming where juvenile detention
133 staff engage individually with a juvenile outside of a cell for behavior management, de-
134 escalation, educational programming, skill-building or recreational activities.

135 D. "Solitary confinement" means the involuntary placement of ~~((an incarcerated~~
136 ~~person in a locked room or cell alone))~~ a juvenile in a cell or alone in a locked room with
137 minimal or no contact with persons other than ~~((guards,))~~ correctional facility staff~~((s))~~
138 and attorneys. Using different terminology for this practice, such as room confinement,
139 segregated housing, protective custody, restrictive housing, restricted housing, restricted
140 engagement, close confinement, special management unit, administrative detention,
141 nonpunitive isolation, temporary isolation, or reflection cottage, among others, does not
142 exempt a practice from being "solitary confinement." The following placements are not
143 "solitary confinement":

144 1. The use of single person sleeping rooms, during ordinary sleeping or rest
145 periods; ~~((, does not constitute "solitary confinement."))~~

146 2. When a juvenile voluntarily chooses to isolate from the general population,
147 including choosing to remain in the juvenile's cell outside of ordinary sleep and rest
148 periods;

149 3. The short-term placement of ~~((youth))~~ a juvenile in ~~((individual cells))~~ a cell
150 or alone in a locked room for purposes of facility or living unit security issues or for other

151 short-term facility physical plant safety and maintenance issues; (~~does not constitute~~
152 "solitary confinement"))

153 4. The placement of a juvenile in a locked room, that is not a cell, for one-on-
154 one programming with correctional facility staff, including service contractors and
155 volunteers; and

156 5. The assignment of a single juvenile to a residence hall when there are no
157 other safe alternatives for complying with a court order or maintaining appropriate gender
158 separation, as long as any juveniles so assigned have similar programming schedules as
159 juveniles in other residential halls in the facility.

160 SECTION 2. Ordinance 18637, Section 4, and K.C.C.2.65.030 are each amended
161 to read as follows:

162 It is the policy of King County that the solitary confinement of juveniles shall
163 occur only rarely and in limited circumstances as authorized in (~~Ordinance 18637~~) this
164 chapter. The policies and practices required by (~~Ordinance 18637~~) this chapter are
165 intended to prevent the use of solitary confinement, and in the limited instances of its use,
166 ameliorate and mitigate the harms that result from solitary confinement of juveniles.

167 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 2.65 a
168 new section to read as follows:

169 A. The executive shall electronically file with the clerk of the council annual
170 reports to the council on confinement of juveniles in county detention facilities. Each
171 annual report shall be prepared by an appointed, independent monitor or monitors who,
172 either alone or together, shall have expertise in adolescent development, juvenile
173 detention operations and corrections, officer safety and security, and trauma-informed

174 behavioral modification practices. The monitor or monitors shall include in the report an
175 analysis of compliance with this chapter and chapter 13.22 RCW by the department of
176 adult and juvenile detention juvenile division for the proceeding twelve-month period,
177 except as provided in subsection C. of this section. The reports should also include, but
178 not be limited to:

179 1. A discussion of challenges, progress and setbacks, and any significant
180 management, policy, or operating environment changes that have occurred since the prior
181 report related to behavioral interventions and confinement of juveniles at county
182 detention facilities;

183 2. A review of the number of times solitary confinement was used during the
184 evaluation period;

185 3. An evaluation of the circumstances for the use of solitary confinement;

186 4. A review of the average duration of solitary confinement incidents, including
187 an evaluation of any incidents exceeding four hours;

188 5. A review of the documentation of supervisory review of the use of solitary
189 confinement, including an evaluation of any incidents when supervisory review was not
190 documented as occurring in accordance with policy requirements;

191 6. A review of the documentation of medical and mental health assessments of
192 youth in solitary confinement, including an evaluation of any incidents when the
193 assessments were not documented as occurring in accordance with policy requirements;

194 7. A review of the documentation of how youth subject to solitary confinement
195 had continued access to education, programming and ordinary necessities, such as

196 medication, meals, and reading material, when in solitary confinement, and an evaluation
197 of any incidents when such access was not documented;

198 8. The age and race of juveniles involved in each solitary confinement incident;

199 9. An assessment of the progress by the department of adult and juvenile
200 detention juvenile division on implementing the recommendations outlined in previous
201 monitor reports;

202 10. Any new recommendations for reducing the use and duration of solitary
203 confinement for juveniles in detention, and recommendations for improving data
204 collection and reporting of incidents of solitary confinement of juveniles in detention; and

205 11. Discussion of any concerning patterns of juvenile placements, exempt from
206 the definition of solitary confinement in K.C.C. 2.65.010.D.2. through 5., that may be
207 contributing to potential harm for juveniles in detention, including documentation of the
208 number and duration of such incidents and recommendations for reducing the use and
209 duration of such placements.

210 B. In preparing and completing the reports required by this section, the monitor
211 or monitors shall consult with stakeholders, including representatives of the King County
212 Juvenile Detention Guild (Department of Adult and Juvenile Detention – Juvenile)
213 representing employees in the department of adult and juvenile detention juvenile
214 division.

215 C. The annual reports required by this section should be transmitted to the clerk
216 of the council on or before June 30 of each year, starting in 2025, and reporting on a
217 period covering the prior twelve months from April 1 to March 31. The clerk shall retain
218 an electronic copy and provide an electronic copy to all councilmembers, the council

219 chief of staff, the chief policy officer, and the lead staff for the law and justice committee
220 or its successor."

221 **EFFECT prepared by L. Krekel-Zoppi: Would strike the body of Proposed**
222 **Ordinance 2024-0168 and replace it with language making the following as**
223 **exemptions from the definition of "solitary confinement":**

- 224 • **When a juvenile voluntarily choose to isolate from the general population**
- 225 • **For one-on-one programming**
- 226 • **For the assignment of a single juvenile to a residence hall there are no other**
227 **safe alternatives for complying with a court order or maintaining**
228 **appropriate gender separation**

229 **Other changes would:**

- 230 • **Add definitions of "cell" and "one-on-one programming"**
- 231 • **Add a code requirement making independent monitoring of juvenile**
232 **confinement permanent and specifying annual reporting requirements**
- 233 • **Make technical corrections**

August 26, 2024
Safegaurds v2

[L. Krekel-Zoppi]

Sponsor: Barón and Dembowski

Proposed No.: 2024-0168

1 **AMENDMENT TO STRIKING AMENDMENT 1 TO PROPOSED ORDINANCE**
2 **2024-0168, VERSION 1**

3 On page 8 line 160, after "SECTION 2." Insert "Ordinance 18637, Section 3, and
4 K.C.C.2.65.020 are each amended to read as follows:

5 The solitary confinement of juveniles is banned in all King County detention
6 facilities, except when based on the juvenile's behavior, solitary confinement is necessary
7 to prevent imminent and significant physical harm to the juvenile detained or to others
8 and less restrictive alternatives were unsuccessful. Solitary confinement may not be used
9 for disciplinary or punishment purposes. The department of adult and juvenile detention
10 must develop policies and procedures for the use of solitary confinement with the goal of
11 limiting such events and their duration. In determining the policies and procedures, the
12 department of adult and juvenile detention shall ensure consistency with nationally
13 accepted best practices, which are those established by the Juvenile Detention
14 Alternatives Initiative, and should include:

15 A. Preventative measures to protect the safety and security of incarcerated
16 juveniles (~~and their peers~~), the staff of the department of adult and juvenile detention,
17 other persons who work in the facilities, and visitors;

18 B. A requirement that solitary confinement be ended as soon as the juvenile
19 demonstrates physical and emotional control, and a limit on the duration of any solitary
20 confinement to no more than four hours in any twenty-four-hour period.

21 C. A requirement that any use of solitary confinement be subject to review by
22 supervisors;

23 D. A requirement that medical professionals assess or evaluate any ((youth))
24 juvenile housed in solitary confinement as soon as possible after the ((youth's being
25 placed)) juvenile's placement in solitary confinement, and that qualified mental health
26 professionals evaluate and develop a care plan, that may include hospitalization, for
27 ((youth)) juveniles who are placed in solitary confinement to prevent self-harm; and

28 E. Procedures to ensure ((youth's)) juvenile's continued access to education,
29 programming, and ordinary necessities, such as medication, meals, and reading material,
30 when in solitary confinement.

31 F. Policies and procedures for placements exempt from the definition of solitary
32 confinement as referred to in K.C.C. 2.65.010.D.2. and 5., such that:

33 1. Supervisor reviews and medical and mental health evaluations occur at regular
34 intervals when a juvenile voluntarily chooses to remain in the juvenile's cell outside of
35 ordinary sleep and rest periods; and

36 2. When a single juvenile is residing alone in a residence hall, detention staff
37 make reasonable efforts to arrange for visitation by the juvenile's family, defense bar,
38 care providers, or community volunteers on a daily basis for the duration of the juvenile's
39 isolation within a residence hall."

40

41 Renumber sections

42 **EFFECT prepared by Leah Krekel-Zoppi: Would require DAJD to develop policies**

43 ***and procedures for check-ins when a youth voluntarily remains in their cell and when***

44 ***a single youth is assigned to a residence hall.***

T1

August 26, 2024

T1

[L. Krekel-Zoppi]

Sponsor: Balducci

Proposed No.: 2024-0168

- 1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2024-0168, VERSION 1**
- 2 On page 1 line 5, strike lines "Section 3, and K.C.C.2.65.020,"
- 3 **EFFECT prepared by *L. Krekel-Zoppi: Conforms the title to Striking Amendment S1***