



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Law and Justice Committee

Councilmembers:
Jorge Barón, Chair;
Claudia Balducci, Vice-Chair;
Rod Dembowski, Reagan Dunn

Lead Staff: *Wendy Soo Hoo (206-477-0890)*
Committee Clerk: *Gabbi Williams (206-477-7470)*

1:00 PM

Wednesday, August 28, 2024

Hybrid Meeting

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

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There are three ways to provide public comment:

1. **In person:** You may attend the meeting and provide comment in the Council Chambers.
2. **By email:** You may comment in writing on current agenda items by submitting your email comments to kcccomitt@kingcounty.gov. If your email is received before 11:00 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. **Remote attendance at the meeting by phone or computer:** You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/join> and entering the Webinar ID number below.

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To help us manage the meeting, please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

- 1. **Call to Order**
- 2. **Roll Call**
- 3. **Approval of Minutes p. 5**
July 24, 2024 meeting minutes
- 4. **Public Comment**

To show a PDF of the written materials for an agenda item, click on the agenda item below.

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Discussion and Possible Action

5. [Proposed Motion No. 2024-0164](#) p. 8

A MOTION acknowledging receipt of a report on county diversion programs, in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P3.

Sponsors: Barón

Melissa Bailey, Council staff

Lisa Daugaard, Co-Executive Director, Purpose, Dignity, Action

Leesha Shafford, Project/Program Manager, Seattle-King County Public Health, Jail Health

Sarah Lappas, Faculty, South Seattle College, Justice-Involved Solutions

6. [Proposed Motion No. 2024-0205](#) p. 66

A MOTION acknowledging receipt of the second of two independent monitoring reports on the confinement of juveniles in county detention facilities as required by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 54, Proviso P1.

Sponsors: Barón

Leah Krekel-Zoppi, Council staff

7. [Proposed Ordinance No. 2024-0168](#) p. 151

AN ORDINANCE related to requirements for the treatment of and services to juveniles in the custody of the department of adult and juvenile detention; amending Ordinance 18637, Section 2, and K.C.C.2.65.010, Ordinance 18637, Section 3, and K.C.C.2.65.020, and Ordinance 18637, Section 4, and K.C.C.2.65.030 and adding a new section to K.C.C. chapter 2.65.

Sponsors: Balducci

Leah Krekel-Zoppi, Council staff



Briefing

8. [Briefing No. 2024-B0075](#) p. 176

Briefing on Office of Law Enforcement Oversight Community Guidance Framework for Policy Reviews

Katy Kirschner, Senior Policy Analyst, Office of Law Enforcement Oversight (OLEO)

Shelby Cramer, Community Engagement Specialist, OLEO

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Other Business

Adjournment



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Meeting Minutes Law and Justice Committee

Councilmembers:
Jorge Barón, Chair;
Claudia Balducci, Vice-Chair;
Rod Dembowski, Reagan Dunn

Lead Staff: Wendy Soo Hoo (206-477-0890)
Committee Clerk: Gabbi Williams (206-477-7470)

1:00 PM

Wednesday, July 24, 2024

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Barón called the meeting to order at 1:01 p.m.

2. **Roll Call**

Present: 4 - Balducci, Barón, Dembowski and Dunn

3. **Approval of Minutes**

Councilmember Dembowski moved approval of the minutes of the June 26, 2024 meeting. Seeing no objections, the minutes were approved.

4. **Public Comment**

*The following individuals were present to provide public comment:
Alex Tsimmerman, Katie Hurley, Kathleen Brose, Alexandra Narvaez, Izzy Eads,
Julissa Sanchez, Nikkita Oliver, Samantha Zistatsis, Tanya Lester, Laila Taji, Karen
Pillar, Oliver Miska, Sarah Batson, Bitaniya Giday, Josh Martinez, Kay Carr, Jasmine
Vail, Beth Daranciang, Rose Harriot, Cliff Ojay, Karen Taylor, Christian
Rivera-Ochoa, Edoukou Assouan, Jayanna Thompson, HuiLing Yang, Trae
Thompson-Wiley, Nyasha Sarju, Katie Gendry, Daicia Mestas, Joe Kunzler, Jeremy
Windsor, Kim, Jana Detrick, and Summer Degold.*

Discussion and Possible Action

5. [Proposed Motion No. 2024-0104](#)

A MOTION declaring the intent of the King County Council to maintain operations of the Patricia H. Clark Children and Family Justice Center.

*Councilmember Balducci moved Striking Amendment S1. The Amendment failed.
Councilmember Dembowki moved Amendment 1. The Amendment failed.*

A motion was made by Councilmember Dunn that this Motion be Passed Out of Committee Without a Recommendation. The motion carried by the following vote:

Yes: 4 - Balducci, Barón, Dembowski and Dunn

6. [Proposed Motion No. 2024-0210](#)

A MOTION acknowledging receipt of a reimagining transit safety and security report, in response to the 2023-24 Biennial Budget Ordinance, Ordinance 19546, Section 114, Proviso P2.

Mary Bourguignon, Council staff, briefed the committee. DeAnna Martin, Chief of Staff, Metro Transit Department, also addressed the committee and answered questions from the members.

A motion was made by Councilmember Dembowski that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Balducci, Barón, Dembowski and Dunn

7. [Proposed Motion No. 2023-0434](#)

A MOTION acknowledging receipt of a report on programming for adults in detention as required by Ordinance 19546, Section 54, P3, as amended by Ordinance 19633, Section 44, Proviso P3.

Leah Krekel-Zoppi, Council staff, briefed the committee. Steve Larsen, Deputy Director, Department of Adult and Juvenile Detention (DAJD), also addressed the committee and answered questions from the members.

A motion was made by Councilmember Dembowski that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Balducci, Barón, Dembowski and Dunn

8. [Proposed Motion No. 2024-0193](#)

A MOTION approving the proviso report on planning for closure of the King County Correctional Facility and provision of adequate, long-term secure adult detention as required by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 17, as amended by Ordinance 19633, Section 9, Proviso P7.

This matter was Deferred

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 3:16 p.m.

Approved this _____ day of _____.

Clerk's Signature



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	5	Name:	Melissa Bailey
Proposed No.:	2024-0164	Date:	August 28, 2024

SUBJECT

The proposed motion would acknowledge receipt of a report on county diversion programs in response to the 2023-2024 Adopted Biennial Budget (Ordinance 19546, Section 17, Proviso P3).

SUMMARY

The 2023-2024 Adopted Biennial Budget Ordinance includes an expenditure restriction that requires the Office of Performance, Strategy, and Budget (PSB) to expend \$50,000 of its appropriation authority solely for developing an annual report on county diversion programs.¹ The adopted budget also includes a related proviso withholding \$50,000 of appropriation authority from PSB until the Executive transmits the annual report to the Council along with a motion acknowledging receipt of the report and that motion is passed by the Council.²

Proposed Motion 2024-0164 would acknowledge receipt of the *Report on Select King County Diversion Programs 2023*, and passage of the motion would release the \$50,000 of restricted appropriation authority in PSB's budget. The report, which is Attachment A to the proposed motion, was transmitted by the Executive on May 9, 2024, and appears to address the proviso requirements.

The report concludes that "[w]hile there is substantial information about individual programs, the lack of key information about effectiveness, absence of a shared strategy, and shortcomings in available data limit full analysis of whether specific programs are achieving goals and whether King County's diversion programs work effectively as a system. Bridging those gaps requires additional staffing and financial resources, as well as interagency coordination." Per the report, given the current budget outlook, it is unlikely agencies will be able to propose adding infrastructure and data resources in the near term. PSB, however, is developing central diversion dashboards.³

¹ Ordinance 19546, Section 17, Expenditure Restriction ER 1

² Ordinance 19546, Section 17, Proviso P3

³ The dashboard for juvenile programs is public [LINK](#) and the adult dashboard is anticipated in Q3 2024.

BACKGROUND

King County has operated incarceration alternative and diversion programs for more than 30 years. The majority of the programs were launched after 2002 and several were added in the last ten years.⁴ There are programs focused on serving adults as well as programs tailored to youth and their families.

Audit. In December 2022, the King County Auditor's Office released an audit titled *Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals*. According to the audit's executive summary, the audit found "that a lack of systemwide strategic direction and coordination on data and goals makes it difficult to determine whether programs that divert people from or provide an alternative to incarceration are achieving intended outcomes and addressing racial disparities. King County has 12 adult incarceration alternative and diversion programs. While some programs receive regular monitoring and have undergone evaluation, others have never been evaluated, meaning decision-makers and the public do not have information on the effectiveness of these programs." The audit recommended "better cross-agency coordination on data and goal setting, which will help county leaders and partners improve alternative and diversion programs and track progress toward criminal legal reform and racial equity goals."

On August 1, 2024, the County Auditor released a follow-up report noting that the County's efforts to better coordinate criminal legal data have stalled and, without shared data, the County cannot be sure that its criminal legal programs are effective and that investments are achieving County goals.^{5,6} According to the report, some efforts have been made to improve cross-branch coordination to help inform the County's criminal legal reform strategy with the courts now participating more regularly in the Coordinating Table and criminal legal partners working to identify collective goals. The County Auditor will continue to monitor efforts made on the fifteen audit recommendations. The follow-up report found that, of the fifteen recommendations, seven have been partially implemented and eight remain unresolved.

Proviso Report Requirement. The Council has shown an ongoing interest in understanding county diversion programs through requested briefings and proviso reports.⁷ The 2023-2024 Adopted Biennial Budget Ordinance includes an expenditure restriction that requires PSB to expend \$50,000 of its appropriation authority solely for

⁴ King County 2022 Audit. *Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals*. [\[LINK\]](#)

⁵ King County Auditor's Office. *Follow-up on Incarceration Alternative and Diversion Programs*. August 1, 2024. [\[LINK\]](#)

⁶ For more information, see 2023-RPT0106, staff report for Motion 16533 and Briefing 2024-B0070.

⁷ Examples include: 2012-B0049, 2013-RPT0006, 2015-B0039, 2015-B0069, 2017-B0073, 2018-B0061, 2018-B0079, 2022-B0026, 2022-B0048, Motion 14697, Motion 15337, Motion 15484, Motion 16063, Motion 16263, Motion 16315, 2021-RPT0091, 2022-RPT0111, 2023-RPT0102, and 2023-RPT0109.

developing an annual report on county diversion programs.⁸ The adopted budget also includes the following proviso⁹ withholding \$50,000 of appropriation authority from PSB:

"Of this appropriation, \$50,000 shall not be expended or encumbered until the executive transmits an annual report on King County diversion programs, a motion that should acknowledge receipt of the report, and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

A. The reports shall cover the period from January 1, 2023, through December 31, 2023.

B. The reports shall include, but not be limited to the following programs:

- 1. Community Diversion Program;*
- 2. Community Center for Alternatives Program Enhanced;*
- 3. Pretrial Assessment and Linkage Services;*
- 4. Law Enforcement Assisted Diversion;*
- 5. Therapeutic Alternative Diversion; and*
- 6. Restorative Community Pathways.*

C. The following information, at a minimum, shall be provided for each program included in the reports:

- 1. The desired policy outcomes of the program;*
- 2. The eligibility criteria for the program;*
- 3. Annual county budget for the program;*
- 4. The number of annual participants;*
- 5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency;*
- 6. A definition of program completion;*
- 7. The percentage of participants completing the program; and*
- 8. A summary of program outcomes during the reporting period based on program-defined performance metrics.*

D. For the period from January 1, 2024, to December 31, 2024, the executive shall continue to gather the information outlined in subsection C. of this proviso for the programs outlined in subsection B. of this proviso.

The executive should electronically file the report and motion required by this proviso no later than April 30, 2024, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law, justice, health and human services committee or its successor."

⁸ Ordinance 19546, Section 17, Expenditure Restriction ER 1

⁹ Ordinance 19546, Section 17, Proviso P3

ANALYSIS

Proposed Motion 2024-0164 would acknowledge receipt of the *Report on Select King County Diversion Programs 2023*, and passage of the motion would release the \$50,000 of restricted appropriation authority in the budget for the Office of Performance, Strategy, and Budget. The report, which is Attachment A to the proposed motion, was transmitted by the Executive on May 9, 2024, and appears to generally address the proviso requirements. Each subsection of the proviso is discussed below.

Subsection A. The proviso report covers the period of January 1, 2023 through December 31, 2023 as required by Subsection A of the proviso. In some instances, 2023 data was not yet available, so 2022 information was used instead.¹⁰

Subsection B. The proviso report includes data on the six diversion programs named in this subsection of the proviso:

1. Community Diversion Program (CDP);
2. Community Center for Alternatives Program Enhanced (CCAP-Enhanced);
3. Pretrial Assessment and Linkage Services (PALS);
4. Law Enforcement Assisted Diversion (LEAD);
5. Therapeutic Alternative Diversion (TAD); and
6. Restorative Community Pathways (RCP).

While the proviso language says the report shall include but not be limited to these programs, the report does not include data on any additional diversion programs. The report provides a list of select adult and juvenile diversion programs and the year each program began (see Table 1 below). The report notes that "it is not a comprehensive list, as there are not clear criteria that designate diversion programs and completing a full inventory is outside the scope of this report."

Although data for additional diversion programs (beyond the six listed in the proviso) is not included in the report, the Executive's Office has since launched a juvenile diversion dashboard and is planning to release a dashboard for adult diversion programs later this year.¹¹ The programs listed in Table 1 will be included in the dashboards. For more information, see the "Conclusion and Next Steps" section of this staff report.

¹⁰ For example, as of April 1, 2024, only 2022 annual information was available for MIDD-funded programs. The 2023 annual information is expected to be available in August 2024 (see Methodology section of the report on page 20).

¹¹ King County Diversion and Alternatives to Incarceration Dashboard (Juvenile Programs) [[LINK](#)]

Table 1. Select King County Diversion Programs¹²

Diversion Program	Start Date	Included in Proviso Report (PM 2024-0164)
Adult Diversion Programs		
Adult Drug Diversion Court	1994	No
Regional Mental Health Court	1999	No
Community Center for Alternatives Program (CCAP) Enhanced	2003	Yes
Community Center for Alternatives Program (CCAP) Basic	2005	No
Law Enforcement Assisted Diversion (LEAD)	2011	Yes
Regional Veteran's Court	2012	No
Vital (Familiar Faces Initiative)	2016	No
Legal Intervention and Network of Care (LINC)	2017	No
Community Court	2018	No
Pretrial Assessment and Linkage Services (PALS)	2020	Yes
Therapeutic Assisted Diversion (TAD)	2020	Yes
Community Diversion Program (CDP)	2022	Yes
Juvenile Diversion Programs		
Juvenile Court Diversion	1978	No
Family Intervention Restorative Services (FIRS) and FIRS Center	2016	No
Shoplifting (Theft 3)	2016	No
Restorative Community Pathways	2021	Yes

Types of Diversion Programs. As previously reported, the County lacks an agreed-upon definition of what constitutes an alternative or diversion program.¹³ The proviso report defines diversion programs as those which "generally direct individuals who commit legal offenses away from more formal legal system involvement and help address their specific needs."¹⁴ The report also describes five types of programs referred to as "diversion" that aim to address needs along a continuum:

1. Prevention programs support the development of factors that help protect and promote wellbeing, prevent problems before they happen, and stop (or protect)

¹² Adapted from Table 1 on page 16 of the proviso report. Per the report, some of the programs have had significant operational changes since inception, including name changes. Additionally, some county diversion programs have ended in recent years and are not included such as: DAJD's Community Corrections Work Education Release (WER) and Community Work Program (CWP) – both closed as of January 1, 2021 due to pandemic-related changes; Helping Hands (community services) and LELO (relicensing) closed due to budgetary constraints and limited participation; and PAO-led juvenile programs Choose 180 and Community Empowered Disposition Alternative and Resolution (CEDAR) ended in 2022 as other programs were launched, including Restorative Community Pathways.

¹³ King County 2022 Audit. *Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals.* To scope the work of this audit, the Auditor used the definition: "Incarceration alternative and diversion programs aim to reduce the use of jail or prison facilities and may include services to address underlying causes of criminal behavior." The Auditor did not include reentry programs or programs that might include jail bookings as outcomes, but for which preventing incarceration was not included as a primary purpose, such as the Program for Assertive Community Treatment (PACT) and Response Awareness, De-escalation And Referral (RADAR). [LINK](#)

¹⁴ The proviso report notes that this definition is consistent with the one used by the County Auditor for the 2022 Audit (see Footnote 13), though some programs are more directly reducing the use of court processes rather than incarceration.

individuals from acute risk of harm and/or systems involvement and/or change knowledge, attitudes, and behavior after a problem has been identified.

2. Intervention programs minimize exposure to harm and/or systems involvement and provide connection to community supports.
3. Pre-filing diversion programs divert individuals who commit offenses away from more formal legal system involvement and help address specific needs. Pre-filing programs intervene before criminal charges are filed against them in court.
4. Post-filing diversion programs divert individuals after criminal charges are filed by the Prosecuting Attorney's Office.
5. Alternatives to detention programs provide services that keep individuals out of jail while awaiting case resolution or as an accountability option instead of sentencing to secure detention. The report notes that the Department of Adult and Juvenile Detention, who runs these programs, does not typically refer to them as “diversion.”

Subsection C. This subsection of the proviso requests specific data for each program listed in Subsection B. That information is summarized in Table 2 below.

Data Sources. As noted in the report, diversion programs are managed by or have significant participation from: Superior Court; District Court; Prosecuting Attorney's Office (PAO); Department of Judicial Administration (DJA); Department of Adult and Juvenile Detention (DAJD); Department of Community and Human Services (DCHS) – specifically the Behavioral Health and Recovery Services Division (BHRD) and the Children, Youth, and Young Adults Division (CYAD); Jail Health Services (JHS) Division within the Department of Public Health – Seattle & King County (PHSKC); and community-based organizations. Additionally, diversion programs are supported by a variety of funding sources including: the General Fund; the Veterans, Seniors, and Human Services Levy (VSHSL); the Mental Illness and Drug Dependency Fund; and the Best Starts for Kids (BSK) Levy.

To complete the proviso report, PSB collaborated with data staff, program staff, and agency leadership from Superior Court, DCHS, DAJD, JHS, and PAO. PSB also used public-facing county dashboards¹⁵ and websites as well as incorporated information from previous reports on county diversion programs.¹⁶

Program Comparability. According to the proviso report, "each diversion program serves a particular population, has different intake and participation processes, and has different policy goals. Performance metrics and reporting depends on individual agency

¹⁵ MIDD Summary Report and Data Dashboard [\[LINK\]](#) and PAO Data Dashboard [\[LINK\]](#)

¹⁶ King County 2022 Audit [\[LINK\]](#); September 2023 Restorative Community Pathways Letter (2023-RPT0102) [\[LINK\]](#); and September 2023 Criminal Justice Evaluation Letter (2023-RPT0109) [\[LINK\]](#).

policies and practices, as well as funding sources requirements and funding available for monitoring and evaluation." PSB finds that "it is generally not meaningful to compare programmatic data on completions or participation directly between programs."

Omitted Information. The proviso report responds to all but one of the requirements in this subsection. Subsection C.5 of the proviso asked for a "listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency". The report does not include this information stating that the "information is not provided for any programs due to privacy policies and regulations regarding individual level-data reporting." It goes on to cite data guidelines from the state Department of Health (DOH) and state statute.¹⁷

According to executive staff, they cannot list out each diversion program participant even if personal identifiers are removed; however, they confirm it would be possible to report out aggregate information by demographic group or other characteristics currently tracked (with the caveat that the specific information tracked varies by program).¹⁸ For example, the Council could receive the number of participants in a program and, of that number, the number of participants by race, gender, case type, and referring agency. If data sets are small enough that there is a risk of identifying participants, then certain information may need to be omitted or combined.

¹⁷ DOH Data Guidelines [\[LINK\]](#). RCW 13.50.050(5) states "Except as provided in RCW 4.24.550 [related to sex offenders and kidnapping offenders], information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family." RCW 10.97.050 focuses on the sharing of adult data generally with differences between how conviction and non-conviction data may be shared. For adults, conviction data has no restrictions. If there is no conviction (where the charge has been formally declined and sent to diversion), then information cannot be identifying.

¹⁸ Executive staff also note that they would need enough time to work with agencies to determine analytical capacity and the timeframe necessary to produce requested data.

Table 2. Summary of Proviso Requirements¹⁹

Information required by Subsection C.	Adult Diversion Programs					Juvenile Diversion Program
	CCAP Enhanced ²⁰	CDP	LEAD	PALS	TAD ²¹	RCP
Continuum Category²²	Alternative to Detention and Intervention ²³	Pre-Filing Diversion	Intervention and Pre-Filing Diversion	Alternative to Detention and Intervention	Pre-Filing and Post-Filing Diversion	Prevention, Intervention, and Pre-Filing Diversion
Program Description	Provides service referrals, structured services based on needs assessment, and mental health services; assistance with public benefits, connection to general education development (GED) and life skills classes. Also monitors daily phone check-ins and conducts random drug tests as required by the court. Started in 2003, managed by DAJD.	Provides harmed community members with financial support and referred individuals with behavioral health supports. Started in 2022, managed by PAO and DPH/JHS; services provided by community organizations.	Provides case management including substance use disorders, mental health conditions, and criminal-legal involvement. Started in 2011, managed by a community non-profit. ²⁴	Provides access to medications for opioid use disorder (MOUD) services, Naloxone, emergency shelter, supported housing and employment programs, free phones, and ID vouchers. Started in 2020, managed by DAJD's Community Corrections Division; behavioral health services are provided by community organizations.	Provides a connection to community-based services. Started in 2020, PAO refers participants to TAD based on specific criteria. DPH/JHS refers participants to services provided by community organizations.	Provides restorative justice process and harmed parties access to restitution funds and social services. Started in 2021, managed by a consortium of community organizations. ²⁵
1. Desired policy outcomes of the program²⁶	<ul style="list-style-type: none"> ▪ Change behavior ▪ Alternative to secure detention 	<ul style="list-style-type: none"> ▪ Divert criminal cases, reduce new criminal activity ▪ Reduce legal system costs ▪ Contribute to public safety and healthy communities ▪ Provide harmed community members resources 	<ul style="list-style-type: none"> ▪ Reduce recidivism and criminal legal costs and increase positive psychosocial, housing, and quality-of-life outcomes ▪ Provide law enforcement with alternatives to jail 	<ul style="list-style-type: none"> ▪ Foster reentry success to South King County defendants ▪ Meet client needs ▪ Refer clients to ongoing behavioral health and other services ▪ Avoid detention ▪ Reduce criminogenic behavior ▪ Increased employment ▪ Reduced recidivism 	Provide a connection to community-based services in lieu of continued involvement in the mainstream legal system. The goal is to mitigate collateral consequences of prolonged involvement in the mainstream legal system.	<ul style="list-style-type: none"> ▪ Community-based diversion options become the primary response for most youth who have contact with the legal system ▪ Divert youth to restorative justice process ▪ Provide support services and restitution funds for community members experiencing harm

¹⁹ Adapted from Figure 1 in the proviso report (see pages 7-9 of the report). All data is for 2023, unless otherwise noted.

²⁰ Per the report, in 2004 or 2005, DAJD began offering a different version referred to as "CCAP Basic" and the original program changed names from CCAP to CCAP Enhanced. The program has undergone several changes in program modalities and education components since it began.

²¹ Not included in this accounting of TAD is a pilot program for Seattle City cases that began in October 2023 and is funded by Seattle.

²² The report uses "program type" and "continuum category" to describe programs. Executive staff note that neither the continuum terms nor the program terms are used consistently between agencies/programs.

²³ The report also refers to CCAP-Enhanced as a post-filing jail diversion program. According to executive staff, while participants are assigned to CCAP Enhanced by a judge after filing, participation does not divert cases away from court prosecution. Individuals are assigned to programming as an alternative to detention. "Intervention" is shown on the continuum visual as occurring prior to law enforcement/court, but it can also occur at any point in time. DAJD staff prefer "Alternative to Detention" and "Intervention" as the appropriate categories for these programs, rather than "Post-Filing Diversion".

²⁴ DCHS has contracted with Purpose, Dignity, Action. [\[LINK\]](#)

²⁵ DCHS has awarded contracts to several organizations. See 2023-RPT0102 [\[LINK\]](#)

²⁶ From the report, there is no central repository defining desired program outcomes. PSB gathered information previously published in reports, mission statements, and agency documentation as well as from agency staff. CCAP Enhanced, LEAD, and PALS all contribute to the MIDD overall objectives: Divert individuals with behavioral health needs from costly interventions, such as jail, emergency rooms, and hospitals; Reduce the number, length, and frequency of behavioral health crisis events; Increase culturally appropriate, trauma-informed behavioral health services; Improve health and wellness of individuals living with behavioral health conditions; Explicit linkage with and furthering the work of King County and community initiatives. Source: MIDD Website. [\[LINK\]](#)

Information required by Subsection C.	Adult Diversion Programs					Juvenile Diversion Program
	CCAP Enhanced ²⁰	CDP	LEAD	PALS	TAD ²¹	RCP
2. Eligibility criteria for the program	Individuals charged with a crime; specific eligibility determined by judicial officers and criminal history. Excludes violent and sex offenses.	First-time, non-violent felony cases (lowest level property crimes and drug offenses). Specific eligibility determined by the PAO who may exclude cases based on concerning misdemeanor history or law enforcement concerns.	Individuals who commit, or are at high-risk of committing, law violations related to their behavioral health challenges and/or income instability. Law enforcement or community make referrals with specific eligibility determined by community provider.	Individuals charged with a crime and who have an address or community ties to South King County. Specific participation determined by District Court or Superior Court judges.	Adults with expedited felony property offense, where there is restitution of \$2,000 or less. Must not have disqualifying criminal history, open felony cases in Superior Court, or two prior referrals to TAD within 18 months of the current offense. Specific eligibility determined by PAO. PAO also refers eligible individuals who were initially referred to CDP but did not enroll.	Eligibility for PAO referred youth: youth 17 years old and under, first-time felony cases and most misdemeanor cases; specific eligibility determined by PAO. Any felony that involves a weapon used to threaten or injure a person and offenses involving allegations of domestic violence or sexual assault are ineligible. ²⁷ RCP also serves PAO referred community members who experienced harm (CMEH) and community referred youth and CMEH. ²⁸
3. Annual county budget for the program²⁹	2023: \$1,751,000 (includes CCAP – Basic costs) ³⁰ <ul style="list-style-type: none"> ▪ \$1,095,000 DAJD General Fund (includes CCAP-Basic costs) ▪ \$140,000 DCHS MIDD (supports services for enrolled participants with behavioral health disorder) ▪ \$525,000 DCHS Millage <p>While Superior Court, District Court, and DPD resources are used for implementation, there is no dedicated funding in those agencies.</p>	2023: \$4,164,000 (includes TAD program costs) ³¹ <ul style="list-style-type: none"> ▪ \$3,321,000 JHS General Fund ▪ \$843,000 PAO General Fund <p>Note: The 2023-2024 Budget was reduced in the second omnibus to align with current case volume and operations. The ongoing annual budgeted amount is: \$2,621,000.</p>	2023: \$4,833,000 <ul style="list-style-type: none"> ▪ \$4,272,000 BHRD MIDD ▪ \$561,000 PAO MIDD <p>While Sheriff resources are used for implementation, there is no dedicated funding in that agency.</p>	2023: \$401,000 ³² <ul style="list-style-type: none"> ▪ \$251,000 DCHS MIDD³³ ▪ \$150,000 DAJD General Fund <p>While District Court, Superior Court, and DPD resources are used for implementation, there is no dedicated funding in those agencies.</p>	Included in CDP budget (see CDP column of this table). Staffing/resources for CDP and TAD are shared in both PAO and JHS. While District Court resources are used for implementation, there is no dedicated funding in that agency.	2023: \$3,660,000 ³⁴ <ul style="list-style-type: none"> ▪ \$3,450,000 DCHS General Fund ▪ \$210,000 DCHS BSK <p>While PAO resources are used for implementation, there is no dedicated funding in that agency.</p>

²⁷ See Appendix D of the proviso report for a full list of offenses eligible for RCP.

²⁸ PAO-referred CMEH are individuals identified by law enforcement as experiencing harm due to the PAO-youth referred behavior. Community-referred youth is a youth identified by RCP navigators as associated with the individuals referred by PAO and in need of services. Community-referred CMEH are individuals identified by community navigators who were harmed in the incident leading to law enforcement referral to PAO, but not listed in the police report as victims.

²⁹ The report notes that "Budgets are provided by agency and funding source. The ability to identify discrete budget for individual programs depends on funding source and restrictions, when the program was originally funded, and individual agency budgeting practices. The County adopted a two-year budget for 2023-2024, not an annual budget, so annual amounts are half the adopted biennial budget in some cases. In most cases, only direct, incremental program costs are included in budget amounts, not overhead costs such as infrastructure and agency leadership costs. This means reported budget amounts do not account for the full resource need of each program."

³⁰ Per the report, staff support both CCAP-Enhanced and CCAP-Basic and budgeted costs cannot be disaggregated between the programs. Executive staff confirm that the total is slightly different than the breakdown because of rounding.

³¹ Individuals who do not engage with CDP may remain eligible for TAD; the two programs coordinate closely and share resources.

³² This is an updated number. The proviso report as transmitted states the 2023 PALS budget was \$251,000 DCHS MIDD to support contract costs. On follow up, executive staff report that DAJD also has a dedicated caseworker for PALS (annual cost of about \$150,000 supported by the General Fund), so the total cost of PALS should be updated to \$401,000.

³³ DAJD charges costs to BHRD to support contract costs.

³⁴ Does not include \$1.2 million in annual ongoing funding added in the 2nd Omnibus beginning in 2024 or a 3-year \$1.0 million federal grant.

Information required by Subsection C.	Adult Diversion Programs					Juvenile Diversion Program
	CCAP Enhanced ²⁰	CDP	LEAD	PALS	TAD ²¹	RCP
4. Number of annual participants³⁵	126 participants in 2023 Defined as active cases (case was referred, individual completed intake and started services).	202 referrals from PAO to JHS in 2023 Per executive staff, “active participation is not a relevant measure for CDP” and therefore an annual participant number was not provided. PAO tracks “warm handoffs” but there is not consistent tracking of participants once they begin receiving services. Services are provided by a variety of organizations and are not considered part of program completion (some services are one-time, others are ongoing).	841 participants in 2022 ³⁶ Participant defined as an individual receiving case management services from LEAD providers. 1,207 PAO clients in 2023, defined as PAO client referred to LEAD and has signed a release of information with community provider. Count includes individuals who may not have actively received services in 2023 but are tracked by PAO.	112 participants in 2023 Participant defined as individuals enrolled in PALS and active based on DAJD records.	77 participants in 2023 Participant defined as individual that was referred to TAD services and chose to engage in services through TAD.	593 participants in 2023 Participant defined as individuals participating in RCP services. Broken down: 380 PAO-referred youth 87 PAO-referred CMEH 95 Community-referred youth 31 Community-referred CMEH
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	As previously discussed, this information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting.					
6. Definition of program completion	Participant met the terms of the court order.	A CDP referral is completed when there has been a “warm handoff” – this is when a meeting takes place between the JHS care coordinator, the participant, and a community service provider to make introductions and discuss benefits. Note, a “warm handoff” constitutes completion by the PAO. JHS is developing mechanisms to track ongoing participation in services and participant outcomes. Not all ongoing participation can be tracked given the nature of the services provided.	Program completion is not a goal of LEAD as the program is intended to offer ongoing support to participants.	Participant met the terms of the court order.	The individual is connected to community-based services.	Participant has made substantial progress on, or completed, self-identified goals in their action plan and has a support system within their community. For a participant, this includes supports to meet individual basic needs, access to relevant services, and other goals in the action plan developed with their RCP navigator.

³⁵ Definition of participation varies by program. In some cases, the proviso report uses other relevant metrics instead of, or in addition to, annual participation.

³⁶ 2023 MIDD data not available at the time the proviso report was written.

Information required by Subsection C.	Adult Diversion Programs					Juvenile Diversion Program
	CCAP Enhanced ²⁰	CDP	LEAD	PALS	TAD ²¹	RCP
7. Percentage of participants completing the program³⁷	18% of cases (39 of 214 cases) closed in 2023 met the terms of the court order ³⁸	41% of cases (84 out of 207 cases) closed in 2023 completed a "warm handoff" ³⁹	Not applicable	31% of cases (23 of 74 cases) closed in 2023 met the terms of the order	63% of cases (56 of 89 cases) closed in 2023 completed services	72% (213 of 298) of individuals who exited services completed RCP programming ^{40,41} By population served: 73% PAO-referred youth 79% PAO-referred CMEH 69% Community-referred youth 47% Community-referred CMEH
8. Summary of program outcomes during the reporting period based on program-defined performance metrics⁴²	<ul style="list-style-type: none"> ▪ Avoided jail time ▪ Fewer jail episodes after enrollment (per MIDD reporting)⁴³ 	<ul style="list-style-type: none"> ▪ Avoided prosecution ▪ Victims receive loss recovery funds. In 2023, \$160,853 loss recovery funds distributed by the PAO to victims. 	<ul style="list-style-type: none"> ▪ Fewer jail episodes after enrollment⁴⁴ ▪ Linkages to publicly funded behavioral health treatment. In 2022, 21% of participants were linked to publicly funded behavioral health treatment.⁴⁵ 	<ul style="list-style-type: none"> ▪ Fewer jail episodes after enrollment⁴⁶ ▪ 29% of participants were linked to publicly funded behavioral health treatment 	<ul style="list-style-type: none"> ▪ Cases dismissed or not charged. 	<ul style="list-style-type: none"> ▪ Avoided referrals to court (charges filed or referral to Juvenile Court managed Diversion)⁴⁷ ▪ Restitution payments. In 2023, 46 restitution payments to CMEH totaling \$57,000 were paid. ▪ Participant self-reported progress.⁴⁸

³⁷ Per the report, completion is not a goal of every program and, even for programs where completion is the goal, participants may receive meaningful services without completing the program. For completion rates, the report generally expresses completion as a percentage of exits in 2023, rather than completions as a percentage of the number of annual participants.

³⁸ Includes only exited cases. Per executive staff, a participant who does not meet the court order is removed from the program and returned to the court. The court may require the individual return to CCAP, report to jail, or participate in Electronic Home Monitoring.

³⁹ In 2023, 202 cases were referred and 207 cases were closed. The 207 cases closed includes cases from prior years and it does not include all cases referred in 2023.

⁴⁰ 298 individuals exited in 2023: PAO-referred youth: 134 of 184 exits; PAO-referred CMEH: 31 of 39 exits; Community-referred youth: 40 of 58 exits; Community-referred CMEH: 8 of 17 exits.

⁴¹ According to executive staff, youth who decline services or cannot be reached are referred back to PAO. PAO then makes a filing decision based on their filing standards and discretion. RCP is generally offered again after a case is filed and some youth accept services at that point.

⁴² According to the report, not all programs formally define performance metrics, and some tracked metrics are dictated by funding source.

⁴³ See 2022 MIDD Dashboard [\[LINK\]](#) and Appendix A of the proviso report. According to executive staff, most CCAP Enhanced participants are assigned MIDD-funded programming, but not necessarily all.

⁴⁴ See 2022 MIDD Dashboard [\[LINK\]](#) and Appendix B of the proviso report.

⁴⁵ See 2022 MIDD Dashboard [\[LINK\]](#). Report notes that "Linkage to publicly funded behavioral health treatment only includes services billed to Medicaid via King County Integrated Care Network (ICN) providers or the State for the following programs and services: Mental health and substance use disorder outpatient services, mental health and substance use disorder residential services, opioid treatment programs, and the Program for Assertive Community Treatment. DCHS does not have information on patients linked to treatment through private insurance, Medicare, TRICARE, or other payers, nor services billed to Medicaid outside of the ICN."

⁴⁶ See 2022 MIDD Dashboard [\[LINK\]](#) and Appendix C of the proviso report. Individuals enrolled in PALS in 2021 had 20% fewer jail episodes one year after enrollment compared to the year prior to enrollment.

⁴⁷ Per the proviso report, in 2023, 56% of law enforcement referrals were diverted from court, and 30% of these cases were diverted to RCP (162 youth cases were diverted to RCP pre-filing and 8 youth cases were diverted to RCP post filing). Court diversion is diversion managed by Juvenile Court Services (Superior Court). Most Court Diversion cases are served by Partnership for Youth Justice volunteer-run Community Accountability Boards.

⁴⁸ For 2023, RCP providers report that 82% of participants met a self-identified goal; 92% were developing a positive identity; 88% of participants were building connection to peers and/or community; and 88% of participants gained knowledge or skills.

Subsection D. According to the report, the Executive is continuing to gather data from the programs listed in the proviso for the period of January 1, 2024 to December 31, 2024 as required by Subsection D.

Conclusion and Next Steps. The report concludes that "[w]hile there is substantial information about individual programs, the lack of key information about effectiveness, absence of a shared strategy, and shortcomings in available data limit full analysis of whether specific programs are achieving goals and whether King County's diversion programs work effectively as a system. Bridging those gaps requires additional staffing and financial resources, as well as interagency coordination." The report states that, given the current budget outlook, it is unlikely agencies will be able to propose adding infrastructure and data resources in the near term.

Dashboards. PSB is developing two dashboards that will provide information on several county diversion programs (an estimated 15-18 programs). PSB launched the juvenile diversion dashboard in July 2024 and anticipates publishing the adult diversion dashboard in Q3 2024 (dependent on internal capacity).⁴⁹

Council staff inquired about the information and filter capabilities of the dashboard. Executive staff responded: "The dashboard will include functionality to filter by year, race, and gender, depending on data available for each program. Users will be able to download summary data, a .pdf of charts or data, and images of the same. Functionality to sort by case type, arresting agency, and referring agency will not be included, though eligibility requirements for some programs provide some specificity in case type, arresting agency, and referring agency. Additionally, brief analyses and links to further information will be included on the program pages."

Program Evaluations. When asked about program evaluation, executive staff note that there:

"...is not a single evaluation strategy for all King County diversion programs. There are common reporting requirements for MIDD funded programs and BSK funded programs. Formal evaluation is resource-intensive and not all programs have been formally evaluated, not all external evaluations include outcomes, and some programs with external evaluations have been substantially redesigned since the evaluation.

An external evaluation that is expected to include outcomes is planned for Restorative Community Pathways, with results anticipated in summer 2025. In addition, King County has collaborated with Stanford on a possible outcome evaluation of the Community Diversion Program. That evaluation is currently on hold due to low numbers of participants."

⁴⁹ King County Diversion and Alternatives to Incarceration Dashboard (Juvenile Programs) [\[LINK\]](#)

INVITED

- Elly Slakie, Executive Analyst III, Office of Performance, Strategy, and Budget (PSB)
- Elizabeth Haumann Ford, Executive Analyst III, PSB
- Jay Zhao, Director of Budget and Finance, Prosecuting Attorney's Office (PAO)
- David Baker, Director of Data & Analytics, PAO
- Stephanie Trolen, Operations and Restorative Programs Manager, Juvenile Division, PAO
- Steve Larsen, Deputy Director, Department of Adult and Juvenile Detention
- Stephanie Moyes, Project/Program Manager III, Behavioral Health and Recovery Division (BHRD), Department of Community and Human Services (DCHS)
- Margaret Soukup, Project/Program Manager III, BHRD, DCHS
- Jennifer Hill, Special Projects Manager II, Children, Youth and Young Adults Division, DCHS
- Danotra McBride, Division Director, Jail Health Services, Department of Public Health (DPH)
- Leesha Shafford, Project/Program Manager IV, Jail Health Services, DPH
- Ericka Turley, Regional Health Administrator, Jail Health Services, DPH

ATTACHMENTS

1. Proposed Motion 2024-0164 (and its attachment)
2. Transmittal Letter



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion

Proposed No. 2024-0164.1

Sponsors Barón

1 A MOTION acknowledging receipt of a report on county
2 diversion programs, in response to the 2023-2024 Biennial
3 Budget Ordinance, Ordinance 19546, Section 17, Proviso
4 P3.

5 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
6 Section 17, Proviso P3, states \$50,000 shall not be expended or encumbered until the
7 executive transmits a report on April 30, 2024, and

8 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
9 Section 17, Proviso P3, requires that the report shall cover the period from January 1,
10 2023, through December 31, 2023, and include the following programs: Community
11 Diversion Program, Community Center for Alternatives Program Enhanced, Pretrial
12 Assessment and Linkage Services, Law Enforcement Assisted Diversion, Therapeutic
13 Alternative Diversion, and Restorative Community Pathways, and

14 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
15 Section 17, Proviso P3, requires that the report shall provide the following information
16 for each program: The desired policy outcomes of the program; the eligibility criteria for
17 the program; annual county budget for the program; the number of annual participants; a
18 listing of participants, with personal identifiers removed, by charge, if applicable, and
19 referring agency; a definition of program completion; the percentage of participants
20 completing the program; and a summary of program outcomes during the reporting

21 period based on program-defined performance metrics, and

22 WHEREAS, the King County executive hereby transmits to the council the

23 Report on Select King County Diversion Programs 2023;

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

25 The council hereby acknowledges receipt of the Report on Select King County

- 26 Diversion Programs 2023, Attachment A to this motion, as required by the 2023-2024
- 27 Biennial Budget Ordinance, Ordinance 19546, Section 17, Proviso P3.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: A. Report on Select King County Diversion Programs 2023

Report on Select King County Diversion Programs 2023

May 7, 2024



King County

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II. Proviso Text

P3 PROVIDED FURTHER THAT:

Of this appropriation, \$50,000 shall not be expended or encumbered until the Executive transmits an annual report on King County diversion programs, a motion that should acknowledge receipt of the report, and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

A. The reports shall cover the period from January 1, 2023, through December 31, 2023.

B. The reports shall include, but not be limited to the following programs:

1. Community Diversion Program;
2. Community Center for Alternatives Program Enhanced;
3. Pretrial Assessment and Linkage Services;
4. Law Enforcement Assisted Diversion;
5. Therapeutic Alternative Diversion; and
6. Restorative Community Pathways.

C. The following information, at a minimum, shall be provided for each program included in the reports:

1. The desired policy outcomes of the program;
2. The eligibility criteria for the program;
3. Annual county budget for the program;
4. The number of annual participants;
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency;
6. A definition of program completion;
7. The percentage of participants completing the program; and
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.

D. For the period from January 1, 2024, to December 31, 2024, the Executive shall continue to gather the information outlined in subsection C of this proviso for the programs outlined in subsection B of this proviso.

The Executive should electronically file the report and motion required by this proviso no later than April 30, 2024, with the Clerk of the Council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law, justice, health and human services committee or its successor.

Ordinance 19546,¹ Section 17, Office of Performance, Strategy, and Budget, P3

¹ Ordinance 19546 [{Link}](#)

III. Executive Summary

The King County Office of Performance, Strategy and Budget (PSB) developed this report in response to a Proviso in the King County adopted budget, Ordinance 19546. This report includes programmatic and outcome information on five adult diversion programs and one juvenile diversion program, as required by the Ordinance.

- Community Center for Alternatives Program (CCAP) Enhanced²
- Community Diversion Program (CDP)
- Law Enforcement Assisted Diversion (LEAD)³
- Pretrial Assessment and Linkage Services (PALS)
- Therapeutic Alternative to Drugs (TAD)⁴
- Restorative Community Pathways (RCP) (Juvenile)

Background: Four legal system agencies and two executive departments are directly involved in the design, management, and administration of the programs included in this report. They are the Prosecuting Attorney’s Office (PAO), Department of Adult and Juvenile Detention (DAJD), Superior Court, and District Court; two divisions of the Department of Community and Human Services (DCHS): the Children, Youth, and Young Adults (CYYA) and Behavioral Health and Recovery Division; and the Department of Public Health – Seattle & King County: Jail Health Services (JHS) Division. The Department of Judicial Administration (DJA) and the Department of Public Defense (DPD) are also involved in programs serving people in the criminal legal system.

King County has been a pioneer in justice reform, especially in reducing juvenile detention and creating alternatives to traditional courts.⁵ Though there is no single accepted definition of “diversion,” this report defines diversion programs as those which generally direct individuals who commit legal offenses away from more formal legal system involvement and help address their specific needs.⁶ King County has run diversion programs for more than 30 years, though many programs, including four of the six programs included in this report, were added in the last 10 years.

The programs included in this report align with the Executive’s Safety for All priority area, which focuses on deploying options that keep residents safe immediately and on addressing root causes to rebuild lives.⁷ The priority includes key programs that aim to keep people out of the criminal legal system by connecting them with community-based alternatives and reducing systemic racial and ethnic disparities. The programs reflect a commitment to a robust and coordinated public safety system that creates

² MIDD strategy: RR-02 Behavior Modification Classes at CCAP and Behavioral Services at Community Center for Alternative Programs.

³ MIDD strategy: CD-01 LEAD (Law Enforcement Assisted Diversion). The current community contract organization, PDA, refers to this program as Let Everyone Advance with Dignity.

⁴ MIDD strategy: RR-15 South County Pretrial Services.

⁵ King County Executive Proposed Budget Book 2021-2022. [{Link}](#)

⁶ King County does not have a single agreed-upon definition of “diversion”. The King County Auditor used the definition: “Incarceration alternative and diversion programs aim to reduce the use of jail or prison facilities and may include services to address underlying causes of criminal behavior.” to scope the work of their 2022 audit. [{Link}](#) That definition is consistent with this report, though some programs are more directly reducing the use of court processes rather than incarceration.

⁷ King County Executive Priority Areas Website: Safety for All [{Link}](#)

genuine safety for all people in King County communities, while also reflecting King County Executive branch values.⁸ In addition to addressing root causes and meeting the needs of those involved in the legal system, some programs (RCP and CDP) also directly serve those harmed by providing loss recovery funds and other services.

The programs are consistent with Equity and Social Justice strategies, particularly investing upstream and in community partnerships. Diversion programs apply a theory of change that fundamentally shifts the county away from policies and practices that react to problems and crises toward investments that address root causes.⁹

For the purposes of this report, five types of programs are referred to as diversion. More specifically, the programs aim to address needs along a continuum, and are categorized into five types of programs:

1. **Prevention** programs support the development of factors that help protect and promote wellbeing, prevent problems before they happen, and stop (or protect) individuals from acute risk of harm and/or systems involvement and/or change knowledge, attitudes, and behavior after a problem has been identified.
2. **Intervention** programs minimize exposure to harm and/or systems involvement and provide connection to community supports.
3. **Pre-filing diversion** programs divert individuals who commit offenses away from more formal legal system involvement and help address specific needs. Pre-filing programs intervene before criminal charges are filed against them in court.
4. **Post-filing diversion** programs divert individuals after criminal charges are filed by the PAO.
5. **Alternatives to detention** programs provide services that keep individuals out of jail while awaiting case resolution or as an accountability option instead of sentencing to secure detention. Note that DAJD, who runs these programs, does not typically refer to them as “diversion.”

In addition to the programs discussed in this report, King County agencies operate a range of other programs intended to meet the needs of individuals consistent with the Executive’s Safety for All priority, with a goal of criminal legal system transformation.

King County’s diversion programs are managed by or have significant participation from Superior Court, DJA, DCHS, PAO, JHS, DAJD, District Court, as well as community-based organizations. Programs are funded by various sources, including General Fund, the Veterans, Seniors, and Human Services Levy (VSHSL), Mental Illness and Drug Dependency (MIDD), and Best Starts for Kids. Each program serves a particular population, has different intake and participation processes, and has different policy goals. Performance metrics and reporting depends on individual agency policies and practices, as well as funding sources requirements and funding available for monitoring and evaluation.

Report Methodology: PSB worked with PAO, DAJD, DCHS, and JHS to collect and report on existing program information for the period from January 1, 2023 through December 31, 2023.

Comprehensive and comparative reporting on diversion program outcomes is limited by the lack of a single data hub used by all of the County’s criminal legal system partners and by staff capacity limitations and other resources across agencies. Each program is unique in eligibility, goals, and

⁸ King County Website Executive Priorities Areas Website: Safety for All. [{Link}](#)

⁹ King County Website Executive Priority Areas Website: Equity and Social Justice [{Link}](#).

population served and it is generally not meaningful to compare programmatic data on completions or participation directly between programs.

Report requirements: The key elements of the report requirements are summarized below.

Figure 1: Summary of Report Requirements¹⁰

Report requirements	CCAP Enhanced	CDP	LEAD	PALS	TAD	RCP
1. The desired policy outcomes of the program¹¹	<ul style="list-style-type: none"> - Change behavior - Alternative to secure detention 	<ul style="list-style-type: none"> - Divert criminal cases, reduce new criminal activity - Reduced legal system costs - Contribute to public safety and healthy communities - Provide harmed community members resources¹² 	<ul style="list-style-type: none"> - Reduce recidivism and criminal legal costs and increase positive psychosocial, housing, and quality-of-life outcomes - Provide law enforcement with alternatives to jail¹³ 	<ul style="list-style-type: none"> - Foster reentry success to South King County defendants - Meet client needs - Refer clients to ongoing behavioral health and other services - Avoid detention - Reduce criminogenic behavior - Increased employment - Reduced recidivism¹⁴ 	<p>TAD aims to provide a connection to community-based services in lieu of continued involvement in the mainstream legal system.¹⁵ The goal is to mitigate collateral consequences of prolonged involvement in the mainstream legal system.¹⁶</p>	<ul style="list-style-type: none"> - Community-based diversion options become the primary response for most youth who have contact with the legal system. - Divert youth to restorative justice process - Provide support services and restitution funds for community members experiencing harm

¹⁰ All data is for 2023, unless noted.

¹¹ CCAP Enhanced, LEAD, and PALS all contribute to the MIDD overall objectives: Divert individuals with behavioral health needs from costly interventions, such as jail, emergency rooms, and hospitals; Reduce the number, length, and frequency of behavioral health crisis events; Increase culturally appropriate, trauma-informed behavioral health services; Improve health and wellness of individuals living with behavioral health conditions; Explicit linkage with and furthering the work of King County and community initiatives. Source: MIDD Website. [{Link}](#)

¹² King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#); King County Website. [{Link}](#)

¹³ DCHS Staff.

¹⁴ County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#); King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

¹⁵ PAO Website [{Link}](#)

¹⁶ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

Report requirements	CCAP Enhanced	CDP	LEAD	PALS	TAD	RCP
2. The eligibility criteria for the program	Individuals charged with a crime with specific eligibility determined by judicial officers. ¹⁷	First-time non-violent felony cases with specific eligibility determined by PAO.	Individuals who commit, or are at high risk of committing, law violations related to their behavioral health challenges and/or income instability. Law enforcement or community make referrals with specific eligibility determined by community provider	Individuals charged with a crime Address or community ties to South King County with specific participation determined by District Court or Superior Court judges. ¹⁸	Adults with expedited felony property offense, where there is restitution of \$2,000 or less with specific eligibility determined by PAO. ¹⁹ PAO also refers eligible individuals who were initially referred to CDP but did not enroll. ²⁰	Eligibility for PAO-referred youth: first time felony cases and most misdemeanor cases; specific eligibility determined by PAO. RCP also serves PAO-referred community members who experienced harm (CMEH) and community referred youth and CMEH.
3. Annual County budget for the program	\$1,751,000 (Includes CCAP – Basic Costs)	\$4,164,000 (Includes TAD program resources)	\$4,833,000	\$251,000	Included in CDP budget ²¹	\$3,660,000
4. The number of annual participants	126 ²²	Not provided due to data reporting constraints. 202 referrals from PAO to JHS ²³	841 participants in 2022 ²⁴ 1,207 PAO Clients in 2023 ²⁵	112 ²⁶	77 ²⁷	593 ²⁸

¹⁷ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [Link](#)

¹⁸ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [Link](#)
Federal Way has also referred participants. Source: DAJD Program Staff.

¹⁹ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [Link](#)

²⁰ PAO Program Staff.

²¹ Discussion with JHS, PSB, and PAO staff.

²² Cases active in 2023. PSB analysis of DAJD February 2024 data.

²³ PAO Data Dashboard. [Link](#)

²⁴ MIDD Dashboard. 2023 data will be available in August 2024.

²⁵ PAO Staff.

²⁶ PSB Analysis of DAJD February 2024 data.

²⁷ PAO Data. An additional 35 cases were referred to TAD+. TAD+ was a limited time program resulting from a partnership between the King County PAO and Public Health – Seattle & King County to identify individuals with non-violent offenses and connect them with community-based services. This program aimed to test potential processes for some aspects of CDP. Source: PAO Dashboard [Link](#)

²⁸ DCHS Staff.

Report requirements	CCAP Enhanced	CDP	LEAD	PALS	TAD	RCP
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	This information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting. ²⁹					
6. A definition of program completion	Participant met the terms of the court order. ³⁰	A “warm handoff” between JHS and a community provider is completed.	Program completion is not a goal of LEAD. ³¹	Participant met the terms of the court order.	The individual is connected to community-based services. ³²	Participant has made substantial progress on, or completed, self-identified goals in their action plan and has a support system within their community. ³³
7. The percentage of participants completing the program	18% ³⁴	41% ³⁵	N/A	31% ³⁶	63% ³⁷	72% ³⁸
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.	<ul style="list-style-type: none"> - Avoided jail time. - Fewer jail episodes after enrollment. 	<ul style="list-style-type: none"> - Avoided prosecution. - Victims receive loss recovery funds.³⁹ 	<ul style="list-style-type: none"> - Fewer jail episodes after enrollment. - Linkages to publicly funded behavioral health treatment. 	<ul style="list-style-type: none"> - Fewer jail episodes after enrollment. - Linkages to publicly funded behavioral health treatment. 	Cases dismissed or not charged.	<ul style="list-style-type: none"> - Avoided referrals to court (charges filed or referral to Juvenile Court managed diversion⁴⁰) - Restitution payments - Participant self-reported progress

²⁹ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

³⁰ DAJD Staff.

³¹ DCHS Staff.

³² PAO Staff.

³³ DCHS Staff.

³⁴ Includes only exited cases. PSB analysis of DAJD February 2024 data.

³⁵ PSB analysis of PAO data.

³⁶ PSB analysis of DAJD February 2024 data.

³⁷ PSB analysis of Jail Health Staff data: 56 of 89 cases closed in 2023 completed services.

³⁸ DCHS Data. 298 individuals exited in 2023.

³⁹ PAO Data.

⁴⁰ Court diversion is diversion managed by Juvenile Court Services (Superior Court). Most Court Diversion cases are served by Partnership for Youth Justice volunteer-run Community Accountability Boards.[{Link}](#)

Conclusion: King County's diversion programs aim to reduce jail populations and legal system involvement while addressing core needs that lead to criminogenic behavior. While there is substantial information about individual programs, the lack of key information about effectiveness, absence of a shared strategy, and shortcomings in available data limit full analysis of whether specific programs are achieving goals and whether King County's diversion programs work effectively as a system. Bridging those gaps requires additional staffing and financial resources, as well as interagency coordination.

Most diversion programs are operated by agencies largely funded by the General Fund, which as of April 2024 is facing significant budget reductions in the 2025 budget. While some programs receive levy or other non-General Fund funding, agencies are unlikely to propose adding infrastructure and data resources required for systematic tracking and comparison of program outcomes in the near term.

As of April 1, 2024, PSB is developing a central dashboard that will provide information on these and several other County diversion programs. The Executive anticipates the dashboard to be publicly available in 2024.

IV. Background

Agency Overviews:

Four legal system agencies and two executive departments are directly involved in the design, management, and administration of the programs included in this report. They are the Prosecuting Attorney's Office (PAO), Department of Adult and Juvenile Detention (DAJD), Superior Court, and District Court; two divisions of the Department of Community and Human Services (DCHS): the Children, Youth, and Young Adults (CYYA) and Behavioral Health and Recovery Division; and the Department of Public Health – Seattle & King County: Jail Health Services (JHS) Division. The Department of Judicial Administration (DJA) and the Department of Public Defense (DPD) are also involved in programs serving people in the criminal legal system.

[The Office of Performance, Strategy and Budget \(PSB\) Overview](#)

The King County Office of Performance, Strategy and Budget (PSB) provides comprehensive planning, management, budgeting, and performance assessment for King County government. PSB's work is guided by best practices in financial stewardship and performance management, which includes enhancing accountability, transparency, and integrating strategic planning, business planning, resource allocation, and continuous improvement into a systematic approach throughout the County.

The PSB Budget Section provides analysis, support, and recommendations in the allocation of funds to programs. The PSB Legal System Strategy and Policy Section provides support for efforts to improve the criminal legal system, including a focus on exploring alternatives to filings and detention.

[Prosecuting Attorney's Office \(PAO\) Overview](#)

The King County Prosecuting Attorney's Office (PAO) employs more than 500 people, including more than 260 attorneys. The PAO is led by the King County Prosecutor, who is a separately elected official.

The Criminal Division represents the State and the County in criminal matters in the King County District and Superior Courts, the state and federal courts of appeal, and the Washington and U.S. Supreme Courts. The Criminal Division is responsible for prosecuting all felonies in King County and all misdemeanors in unincorporated areas of King County.

The PAO also includes the Civil Division, which is the County's law firm; the Family Support Division, which is an integral part of the federal and state child support system; and the Juvenile Division, which handles juvenile cases.

The PAO determines eligibility for Restorative Community Pathways (RCP), the Community Diversion Program (CDP), and Therapeutic Alternative Diversion (TAD). The agency also collaborates on Law Enforcement Assisted Diversion (LEAD).

[Department of Public Defense \(DPD\) Overview](#)

The Department of Public Defense (DPD) provides legal representation to adults and juveniles who have been charged with a crime and cannot afford an attorney, as well as people facing civil commitment, parents who could lose their children in a dependency action, and people seeking to vacate a past felony

or misdemeanor conviction. DPD works to address racial disproportionality in the criminal legal system, the collateral consequences of system involvement, and other structural and systemic issues that undermine the rights of clients.

DPD is a part of the Executive branch and operates as an independent voice that promotes justice and equity for its clients and advocates for their objectives and interests.

A DPD attorney is assigned when charges are filed. DPD is not directly involved in pre-filing diversion programs. DPD advocates for upstream investments in services and prevention and advocates for divestment from the criminal legal system.

King County Superior Court Overview

King County Superior Court is King County's general jurisdiction trial court. Under the Washington Constitution and state statutes, Superior Court has responsibility for:

- Felony criminal cases;
- Civil matters involving more than \$300, unlawful detainers, and injunctions;
- Family law, including dissolutions, child support, adoptions, parentage, and domestic-violence protection matters;
- Probate and guardianship matters;
- Juvenile offender cases;
- Juvenile dependencies, including abused and neglected children, children in need of services, at-risk youth, and truancies; and
- Mental illness and involuntary commitment matters.

Superior Court operates locations at the King County Courthouse, Maleng Regional Justice Center (MRJC), the Involuntary Treatment Act Court, and the Judge Patricia H. Clark Children and Family Justice Center. Superior Court is part of the judicial branch of government. Superior Court judges are elected, and the Court is led by the Superior Court Presiding Judge. Superior Court makes referrals to Community Center for Alternatives Program (CCAP) Enhanced and Pretrial Assessment and Linkage Services (PALS).

Department of Judicial Administration (DJA) Overview

The Department of Judicial Administration (DJA) is commonly known to the public and the bar as the Superior Court Clerk's Office or the County Clerk's Office. The department serves as the independent record keeper for the King County Superior Court and is responsible for:

- Maintaining the official records of superior court cases indefinitely and overseeing all record-keeping pertaining to those cases;
- Providing a clerk at every court proceeding to make the record and take minutes;
- Storing wills in the Will Repository;
- Facilitating the public's access to court records online and in person, and
- Managing funds deposited in the registry of the court; handling all fees, fines and other monies; and performing the accounting functions related to all funds related to superior court cases.
- DJA also manages the Superior Court Adult Drug Court Diversion Program, an evidenced-based program that provides structured case management, treatment, and housing.

DJA is a unique and purposefully placed department within the County's organizational structure (King County Charter 350.20.20). The department is administered by the Superior Court Clerk, a Superior Court appointed judicial branch employee, but the department is an executive branch department, and all DJA personnel are executive branch employees.

King County District Court Overview

King County District Court is the County's court of limited jurisdiction. The Court's legislatively mandated jurisdiction includes:

- Misdemeanor and gross misdemeanor criminal cases;
- Domestic violence, stalking, and anti-harassment protection orders;
- First appearance felony bookings;
- Civil cases (up to \$100,000 per claimant);
- Small claims cases (up to \$10,000);
- Name changes;
- Impound hearings;
- Traffic and other civil infractions;
- Parking cases and
- Search warrant authorizations.

King County District Court considers the above civil cases for all King County and addresses infractions and criminal misdemeanors for unincorporated King County. District Court is also contracts with 12 cities to provide infraction and misdemeanor services. They are Auburn, Beaux Arts, Bellevue, Burien, Carnation, Covington, Duvall, Kenmore, Redmond, Sammamish, Shoreline, and Skykomish. District Court operates courthouses in 10 facilities throughout King County in Auburn, Bellevue, Burien, Issaquah, King County Courthouse (Seattle), King County Jail (Seattle jail calendars only), Redmond, MRJC in Kent, Shoreline, and Vashon Island (one day per month).

District Court is part of the judicial branch of government. District Court judges are elected, and the Court is led by the District Court Presiding Judge. Individuals referred to TAD are diverted from District Court involvement, either prior to charging in District Court or post-charging.

Department of Public Health – Seattle & King County, Jail Health Services (JHS) Overview

Jail Health Services (JHS) is a division of the Department of Public Health – Seattle & King County. The duty of JHS is to provide health care services to individuals incarcerated in King County's adult correctional facilities, including medical, dental, psychiatric care, and related services in conjunction with the Department of Adult and Juvenile Detention. JHS-provided services are offered only at the King County Correctional Facility (KCCF) located in downtown Seattle or the MRJC in Kent and not at the juvenile detention facility.⁴¹ The mission of JHS is to assess and stabilize serious health problems for the detained population with a focus on the transition from jail. Jail Health staff conduct intakes and connect participants in TAD and CDP to community-based services.

⁴¹ Youth at the Judge Patricia H. Clark Children and Family Justice Center (CCFJC) secure detention facility receive medical and behavioral health services through a contract with the University of Washington. Source: PSB Staff.

Department of Adult and Juvenile Detention (DAJD) Overview

The Department of Adult and Juvenile Detention (DAJD) operates three secure detention facilities and various community supervision programs for pre- and post-trial defendants throughout King County. The two adult secure detention divisions are the Seattle Division, which operates the KCCF, and the Kent Division, which operates the secure detention portion of the MRJC. Juvenile secure detention is in the secure detention portion of the Judge Patricia H. Clark Children and Family Justice Center. DAJD's Community Corrections Division manages the CCAP Enhanced and Pretrial Assessment and Linkage Services (PALS).

Department of Community and Human Services (DCHS) Overview

King County's Department of Community and Human Services (DCHS) provides equitable opportunities for people to be healthy, happy, and connected to community. DCHS envisions a welcoming community that is racially just, where the field of human services exists to undo and mitigate unfair structures. The Department, along with a network of community providers and partners, plays a leading role in creating and coordinating the region's human services infrastructure. DCHS stewards the revenue from the Veterans, Seniors, and Human Services Levy (VSHSL),⁴² Best Starts for Kids (Best Starts) levy,⁴³ the Mental Illness and Drug Dependency (MIDD) behavioral health sales tax fund,⁴⁴ the Health Through Housing sales tax⁴⁵, the Puget Sound Taxpayer Accountability Account (PSTAA),⁴⁶ and the Crisis Care Centers (CCC) Levy,⁴⁷ along with other state and federally-directed revenues.

DCHS' Children, Youth, and Young Adults Division (CYAD) manages the County's investments in RCP. CYAD delivers re-engagement, education, and employment services for youth and young adults⁴⁸ and administers the Best Starts for Kids Sustain the Gain investments, serving young people ages five to 24, and the Puget Sound Taxpayer Accountability Act's K-12, community, and post-secondary investments.⁴⁹ DCHS' Behavioral Health and Recovery Division (BHRD) provides a wide variety of services including crisis services, mental health treatment, substance use disorder treatment, and diversion and reentry services. The division administers MIDD programs, including LEAD and components of CCAP Enhanced and PALS.

Historical Context

Over the last decades, King County has been a pioneer in justice reform, especially in reducing juvenile detention and creating alternatives to traditional courts.⁵⁰ Though there is no single definition of "diversion," diversion programs generally direct individuals who commit offenses away from more

⁴² Veterans, Seniors and Human Services Levy. [{Link}](#)

⁴³ Best Starts for Kids Levy [{Link}](#)

⁴⁴ The MIDD behavioral health sales tax fund is also referred to as the Mental Illness and Drug Dependency fund. [{Link}](#)

⁴⁵ Health Through Housing sales tax. [{Link}](#)

⁴⁶ Puget Sound Taxpayer Accountability Account. [{Link}](#)

⁴⁷ Crisis Care Centers Levy. [{Link}](#)

⁴⁸ Children, Youth and Young Adults Division - King County. [{Link}](#)

⁴⁹ Puget Sound Taxpayer Accountability Account. [{Link}](#)

⁵⁰ King County Executive Proposed Budget Book 2021-2022. [{Link}](#)

formal legal system involvement and help address their specific needs.⁵¹ King County has run diversion programs for more than 30 years, though many programs, including four of the six programs included in this report, were added in the last 10 years. Notably, some of the programs included in this report are not considered diversion by all entities.

Much of the work related to diversion and alternatives to detention was formalized and initiated after the adoption of the 2002 Adult Justice Operational Master Plan (AJOMP)⁵² and the 2000 Juvenile Justice Operational Master Plan (JJOMP).⁵³ Recommendations in AJOMP were driven by financial constraints to expanding jail capacity and the policy need to develop alternative sanctions that address public safety and reduce future criminal behavior. JJOMP framed the challenge as “rethink[ing] how we do business and find[ing] other ways to promote justice, protect the public, and help youth in trouble make responsible choices.”⁵⁴ Both plans called for alternatives to the mainstream legal system, including diversion programs and alternatives to detention, some of which are now established diversion programs.

Transforming the legal system is rooted in research showing negative and racially disproportionate outcomes of the historical systems of prosecution and incarceration.⁵⁵ Evidence of the negative effects of criminal legal system involvement for youth led to the Executive’s commitment to ending youth incarceration in its current form.⁵⁶

Developing and implementing innovative solutions and collaborating with community-led organizations requires a variety of roles within King County to take risks and address challenges to ensure real change and keep equity and social justice at the core of the work.⁵⁷ The most recently developed programs in this report, RCP and CDP, launched in 2021 and 2022 and represent the Executive’s ongoing commitment to diversion programs, which hold individuals accountable for their actions, while helping develop positive life skills, and reducing repeat offenses.⁵⁸

Table 1 below provides a timeline of selected adult and juvenile program start dates, however it is not a comprehensive list, as there are not clear criteria that designate diversion programs and completing a full inventory is outside the scope of this report. Each of the programs listed in the table below will be included in a diversion dashboard to be launched by the Executive Office in 2024. Programs in **bold** are included in this report.

⁵¹ King County does not have a single agreed-upon definition of “diversion”. The King County Auditor used the definition: “Incarceration alternative and diversion programs aim to reduce the use of jail or prison facilities and may include services to address underlying causes of criminal behavior.” to scope the work of their 2022 audit. [{Link}](#) That definition is consistent with this report, though some programs are more directly reducing the use of court processes rather than incarceration.

⁵² Adult Justice Operational Master Plan, 2002. [{Link}](#)

⁵³ Phase II Juvenile Justice Operational Master Plan [{Link}](#)

⁵⁴ Phase II Juvenile Justice Operational Master Plan [{Link}](#)

⁵⁵ Examples of research: Exposure to the US Criminal Legal System and Well-Being: A 2018 Cross-Sectional Study [{Link}](#); Mass incarceration, public health, and widening inequality in the USA. [{Link}](#); Racial and Ethnic Disparities in the Criminal Justice System [{Link}](#); Diversion in the Criminal Justice System [{Link}](#)

⁵⁶ Care and Closure: Final Strategic Planning Report for the Future of Secure Juvenile Detention. January, 2004. [{Link}](#)

⁵⁷ King County Executive State of the County, 2022. [{Link}](#)

⁵⁸ King County Executive State of the County, 2023. [{Link}](#)

Table 1.

	Program	Start Date
Adult	Adult Drug Diversion Court	1994
	Regional Mental Health Court	1999
	Community Center for Alternatives Program (CCAP) Enhanced	2003
	Community Center for Alternatives Program (CCAP) Basic	2005
	Law Enforcement Assisted Diversion (LEAD)	2011
	Regional Veteran's Court	2012
	Vital (Familiar Faces Initiative)	2016
	Legal Intervention and Network of Care (LINC)	2017
	Community Court	2018
	Pretrial Assessment and Linkage Services (PALS)	2020
	Therapeutic Assisted Diversion (TAD)	2020
	Community Diversion Program (CDP)	2022
Juvenile	Juvenile Court Diversion	1978
	Family Intervention Restorative Services (FIRS) and FIRS Center	2016
	Shoplifting (Theft 3)	2016
	Restorative Community Pathways	2021

Some of the programs listed above have had significant operational changes since inception, including program name changes. Other diversion programs have ended over this period, such as DAJD’s Community Corrections programs adult Work Education Release (WER) and the Community Work Program (CWP), which were closed due to pandemic-related challenges.⁵⁹ Electronic Home Monitoring now serves more individuals that were previously enrolled in those programs. Helping Hands (community services), and LELO (relicensing) were closed due to budgetary constraints and limited participation.⁶⁰ PAO-led juvenile programs: Choose 180 and Community Empowered Disposition Alternative and Resolution (CEDAR) ended in 2022 as other programs were launched, including RCP, to better meet the needs of the populations served.

Current Context

Safety for All, Equity, and Criminal Legal System Transformation: The programs included in this report align with the Executive’s Safety for All priority area, which focuses attention on key programs that aim to keep people out of the criminal legal system by connecting them with community-based alternatives and reducing systemic racial and ethnic disparities. This legal system transformation aligns with the Executive’s Equity and Social Justice priority⁶¹ to proactively address the harms of racism by co-creating and implementing anti-racist, pro-equity operational practices and policies with our communities and ultimately to the Executive’s True North of making King County a welcoming community where every

⁵⁹ DAJD Staff.

⁶⁰ DAJD Staff.

⁶¹ Also referred to as the Anti-Racist and Pro-Equity Priority.

person can thrive.⁶² Programs are consistent with the Equity and Social Justice strategies, particularly investing upstream and in community partnerships. Diversion programs apply a theory of change that fundamentally shifts the County away from policies and practices that react to problems and crises toward investments that address root causes.⁶³

King County agencies collaborate on various efforts to further the overall goals of the Safety for All priority. The PSB Legal System Strategy and Policy section convenes the Criminal Justice Coordinating Table of the Whole, which meets monthly to bring agencies working on legal system initiatives together to coordinate in achieving shared goals. All County agencies involved in diversion programs participate in the group, with the exceptions of Superior Court and the Department of Judicial Administration.

Specific efforts to enact changes within the juvenile legal system include the Executive's Care and Closure initiative, which aims to create a new system and set of practices to end the use of jail for children and youth. The RCP program included in this report, contributes to youth legal system transformation by offering services within the community, serving victims, and providing interventions that align with research and best practices, though it is not a direct alternative to detention.⁶⁴

Types of Diversion Programs: The Violence and Community Safety and Wellbeing Continuum below depicts how the Executive Department conceptualizes legal system transformation.⁶⁵ Interventions to provide support and alternatives along each phase in the continuum contributes to keeping people out of the criminal legal system. Each of the programs in this report falls along the continuum, as described below.

⁶² Overview of Executive's Priority Areas [{Link}](#), Safety for All Priority documentation, and King County Executive Branch True North and Values [{Link}](#).

⁶³ King County Executive Priorities Website: Equity and Social Justice [{Link}](#).

⁶⁴ Care and Closure: Final Strategic Planning Report for the Future of Secure Juvenile Detention. January, 2004. [{Link}](#) Specific relevant research includes: Alliance for Safety and Justice (2022). Crime Survivors Speak: National Survey of Victims' Views on Safety and Justice. [{Link}](#) Sentencing Project (2023). Effective Alternatives to Youth Incarceration. [{Link}](#)

⁶⁵ DCHS typically uses the sequential intercept model to organize services and programs. See BHRD Website. [{Link}](#)

Figure 2: Violence Prevention and Community Safety and Wellbeing Continuum



For the purposes of this report, five types of programs are referred to as “diversion:”

1. **Prevention** programs support the development of factors that help protect and promote wellbeing, prevent problems before they happen, and stop (or protect) individuals from acute risk of harm and/or systems involvement and/or change knowledge, attitudes, and behavior after a problem has been identified.
2. **Intervention** programs minimize exposure to harm and/or systems involvement and provide connection to community supports.
3. **Pre-filing diversion** programs divert individuals who commit offenses away from more formal legal system involvement and help address specific needs. Pre-filing programs intervene before criminal charges are filed against them in court.
4. **Post-filing diversion** programs divert individuals after criminal charges are filed by the PAO.
5. **Alternatives to detention** programs provide services that keep individuals out of jail while awaiting case resolution or as an accountability option instead of sentencing to secure detention. Note that DAJD, who runs these programs, does not typically refer to them as “diversion.”

Included programs: The report includes information called for by the Proviso for five adult diversion programs and one juvenile diversion program.

Population	Program	Program type
Adult	Community Center for Alternatives Program (CCAP) Enhanced	Alternative to detention and Intervention
	Law Enforcement Assisted Diversion (LEAD)	Intervention and Pre-filing Diversion
	Pretrial Assessment and Linkage Services (PALS)	Alternative to detention and Intervention
	Therapeutic Assisted Diversion (TAD)	Pre-filing and Post-filing Diversion
	Community Diversion Program (CDP)	Pre-Filing Diversion
Juvenile	Restorative Community Pathways	Prevention, Intervention, and Pre-filing diversion

Other relevant County programs: Several other diversion programs are funded and operated by King County agencies. These include those listed in the Historical Context section above. Additional programs that contribute to criminal legal system transformation include:

- DCHS’s Program for Assertive Community Treatment (PACT).
- Various reentry services programs for individuals exiting secure detention.
- Treatment and programing offered within secure detention to address root causes of criminal behavior and reduce future legal system involvement.
- DAJD-managed adult and juvenile Electronic Monitoring programs, which are alternatives to secure detention.
- Regional Peacekeepers Collective (RPKC) and Rainier Beach Action Coalition (RBAC) – Restorative Resolutions managed by the King County Office of Gun Violence Prevention, Department of Public Health – Seattle & King County.
- Numerous other programs operated by the Department of Public Health – Seattle & King County and DCHS, which may not be focused specifically on legal-system-involved individuals, but which address individual needs that contribute to legal system involvement.

Metrics and reporting: Diversion programs are managed by or have significant participation from Superior Court, DJA, DCHS, PAO, JHS, DAJD, District Court, as well as community-based organizations. Programs are funded by various sources, including General Fund, VSHSL, MIDD, and Best Starts for Kids. Each program serves a particular population, has different intake and participation processes, and has different policy goals. Performance metrics and reporting depends on individual agency policies and practices, as well as funding sources requirements and funding available for monitoring and evaluation.

Report Methodology

Collaboration: The King County PSB collaborated with data staff, program staff, and agency leadership from DCHS, Superior Court, DAJD, JHS, and PAO to complete this report.

Data sources: Most programs in this report include participation from multiple agencies. In these cases, multiple agencies may collect, track, and report on data elements. As a result of variations in timing, reporting requirements, definitions, and agency role, some data elements are not consistent between agencies. The Report Requirements section provides a summary overview discussing context, data sources, and limitations for each requirement, as well as footnotes with specific data sources. Where possible, this report uses public data sources.

Several other recent King County reports have included information and recommendations related to King County diversion programs, including those covered in this report. PSB incorporated information from these documents, which include:

- 2022 Audit: Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals, which includes information on 12 adult programs.⁶⁶
- September 30, 2023, letter to the Council on Restorative Community Pathways, which addresses the same questions as this report from the fourth quarter of 2022 through the first quarter of 2023.⁶⁷
- A report submitted in response to Motion 16361, which provides a summary evaluation of programs to reduce King County’s secure adult detention daily population and recommendations about priorities for County investment.⁶⁸

Public-facing reporting incorporated into the report includes:

- MIDD Summary Report and Data Dashboard, which provides data on all MIDD investments, participants, and outcomes.⁶⁹ As of April 1, 2024, 2022 annual information was available for MIDD-funded programs. 2023 annual information is expected to be available in August 2024.
- PAO Data Dashboard, which includes data on referrals from the PAO to felony adult diversion programs and juvenile diversion programs.⁷⁰
- Public websites.

PSB also incorporated information from datasets provided by DAJD and PAO.⁷¹

As noted in 2023- RPT 0106,⁷² in 2022 and 2023, the King County Information Technology Department (KCIT) worked with the PAO, DJA, King County District Court, DAJD, King County Superior Court, and DPD to document policy questions, business goals, and use cases for criminal justice enterprise data analysis and reporting. This work was a step to developing a Criminal Justice Enterprise Data Hub to consolidate, integrate, and standardize criminal and legal data, enabling program evaluation, longitudinal tracking, cross-agency data sharing, policy analysis and program evaluation of the effectiveness of the criminal legal system, and equity impacts for people involved with the criminal legal system.

The work on the data hub was not able to progress due to significant barriers identified by participants, including lack of data sharing agreements and lack of staffing resources.⁷³ The lack of a data hub required data collection from numerous sources to complete this report.

⁶⁶ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

⁶⁷ 2023-RPT0102. Restorative Community Pathways Letter to Council Chair Upthegrove, September 29, 2023. [{Link}](#)

⁶⁸ 2023- RPT0109 Summary Evaluation of Programs to Reduce King County’s Secure Detention Daily Population and Recommendations about Priorities for County Investment, 2023. [{Link}](#)

⁶⁹ MIDD Reports Website [{Link}](#)

⁷⁰ PAO Data Dashboard Website [{Link}](#)

⁷¹ PAO data and analytics staff had minimal capacity to contribute to this report, due to other high priority issues. Data was generally accessed through PAO program staff or data available to PSB.

⁷² 0106 Report Criminal Justice Enterprise Data Hub, September 2023. [{Link}](#)

⁷³ 0106 Report Criminal Justice Enterprise Data Hub, September 2023. [{Link}](#)

Data limitations: Some requested data is not available due to collection or reporting constraints, timing issues, and applicability to specific programs. For example, 2023 data reported by MIDD will not be available until August 2024. Data for most MIDD-funded programs is provided from the agencies managing programs, though number of 2023 LEAD participants will not be available until August 2024. Individual level data is not provided due to state laws and data governance guidelines.⁷⁴ Completion is not a goal of LEAD, so completion rates are not provided for that program. Information is current as of March 2024 and annual information is for 2023, unless otherwise specified.

Program comparability: Each program is unique in its eligibility, goals, and population served. For example, juvenile programs, such as RCP, generally employ different approaches than adult programs and have different legal frameworks and programs that intervene at different points along the legal system continuum generally have different goals and outcomes.⁷⁵ Programs in the report and other County diversion programs aim to achieve complementary goals. For these reasons, PSB finds that it is generally not meaningful to compare programmatic data on completions or participation directly between programs.

⁷⁴ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

⁷⁴ DAJD Staff.

⁷⁵ Program Staff.

V. Report Requirements

The six programs addressed in this report aim to achieve complementary outcomes for individuals served and help create a safer community. While comprehensive outcomes reporting is limited, each program diverts individuals away from the formal legal system or provides alternatives to secure detention. The programs align with the King County Executive branch values and contribute to the transformation of the criminal legal system. The programs reflect a commitment to a robust and coordinated public safety system that creates genuine safety for all people in King County communities.⁷⁶ In addition to addressing root causes and meeting the needs of those involved in the legal system, RCP and CDP also directly serve those harmed by providing loss recovery funds and other services.

This section is organized to follow the requirements of the Proviso. The following section provides key points to explain the approach used by PSB in responding to each requirement and notes general limitations. By way of context, the following list of key points are an introduction to the narrative provided in response to the requirements.

1. *The desired policy outcomes of the program:* PSB gathered information previously compiled in the 2022 King County Auditor's Office report, and from published program missions, agency documentation of desired policy outcomes, and discussions with agency staff. There is no central repository defining desired program outcomes. Three programs, CCAP Enhanced, LEAD, and PALS contribute to overall objectives of the MIDD fund.⁷⁷
2. *The eligibility criteria for the program:* Summary information on eligibility was provided by respective program staff. The report also identifies who determines eligibility.
3. *Annual County budget for the program:* Budgets are provided by agency and funding source. The ability to identify discrete budget for individual programs depends on funding source and restrictions, when the program was originally funded, and individual agency budgeting practices. The County adopted a two-year budget for 2023-2024, not an annual budget, so annual amounts are half the adopted biennial budget in some cases. In most cases, only direct, incremental program costs are included in budget amounts, not overhead costs such as infrastructure and agency leadership costs. This means reported budget amounts do not account for the full resource need of each program.
4. *The number of annual participants:* Definitions of participation vary by program. In some cases, there are other relevant metrics included instead of, or in addition to, annual participants.
5. *A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency:* Due to privacy policies and state regulations and guidelines regarding individual-level data reporting, this information is not provided for any programs.⁷⁸
6. *A definition of program completion:* Definitions of program completion are included for each program.

⁷⁶ King County Website. [{Link}](#)

⁷⁷ Divert individuals with behavioral health needs from costly interventions, such as jail, emergency rooms, and hospitals; Reduce the number, length, and frequency of behavioral health crisis events; Increase culturally appropriate, trauma-informed behavioral health services; Improve health and wellness of individuals living with behavioral health conditions; Explicit linkage with and furthering the work of King County and community initiatives. Source: MIDD Website. [{Link}](#)

⁷⁸ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

7. *The percentage of participants completing the program:* As described below, completion is not a goal of every program. For example, LEAD is intended to offer ongoing support to participants. Even in programs where completion is the goal, participants may receive meaningful services without completing the programming. Note that completion rates are generally expressed as completions as a percentage of exits in 2023, rather than completions as a percentage of the number of annual participants.
8. *A summary of program outcomes during the reporting period based on program-defined performance metrics:* Not all programs formally define performance metrics, and some tracked metrics are dictated by funding source. Sections for each program below includes a list of available reports, some of which contain additional performance metrics and/or outcome measures.

In addition to the required components, each program section below also includes a brief program overview, a list of the County agencies involved, the continuum category, and identifies existing program reporting. Where appropriate, some content comes from the 2022 King County Auditor’s Office report, which included much of the same information requested in this report.

1. *The desired policy outcomes of the program;*
2. *The eligibility criteria for the program;*
3. *Annual county budget for the program;*
4. *The number of annual participants;*
5. *A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency;*
6. *A definition of program completion;*
7. *The percentage of participants completing the program, and*
8. *A summary of program outcomes during the reporting period based on program-defined performance metrics.*

A. Community Center for Alternatives Program (CCAP) Enhanced⁷⁹

CCAP Enhanced is a post-filing jail diversion program for individuals charged with a crime. CCAP is managed by DAJD. CCAP Enhanced began in 2003⁸⁰ and provides assessments and structured programs for participants. CCAP Enhanced provides coordination with case workers for service referrals, structured services based on needs assessment, and mental health services; assistance with public benefits, connection to general education development (GED) and life skills classes. The program also monitors daily phone check-ins and conducts random drug tests as required by the court. Without CCAP, participants may have remained in jail awaiting trial.⁸¹ In some cases, individuals are sentenced to CCAP after a conviction instead of jail. MIDD funds services for enrolled participants with a behavioral health disorder.

⁷⁹ MIDD strategy: RR-02 Behavior Modification Classes at CCAP and Behavioral Services at Community Center for Alternative Programs.

⁸⁰ In 2004 or 2005, DAJD began offering a different version referred to as CCAP Basic and the original program changed names from CCAP to CCAP Enhanced. The program has undergone several changes in program modalities and education components since it began. Source: DAJD staff.

⁸¹ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [Link](#)

Report Requirement	Community Center for Alternative Programs (CCAP)
County agencies involved	DAJD, Superior Court, DCHS, District Court, PAO, DPD
Continuum category	Alternative to Detention and Intervention
1. The desired policy outcomes of the program	The goal of CCAP is to assist participants to change behaviors by assessing a participant's individual needs and then creating weekly schedules of structured programs. Individuals can be sentenced to CCAP as an accountability option or ordered to CCAP while awaiting case disposition. In both situations, CCAP is an alternative to secure detention. ⁸²
2. The eligibility criteria for the program	Individuals charged with a crime and conditionally released from jail. Superior or District Court judges determine participation. The courts refer both sentenced and pretrial individuals. Excludes violent and sex offenses. Other ineligibility based on criminal history. ⁸³ Participation in specific components, such as substance use disorder treatment, is based on individual need. ⁸⁴
3. Annual County budget for the program	<p><u>2023 Total</u>: \$1,751,000 (includes CCAP-Basic costs)⁸⁵</p> <ul style="list-style-type: none"> • \$140,000 DCHS MIDD⁸⁶ • \$525,000 DCHS Millage⁸⁷ • \$1,095,000 DAJD General Fund (includes CCAP-Basic costs)⁸⁸ <p><i>While Superior Court, District Court, and DPD resources are used for implementation of CCAP Enhanced, there is no dedicated funding in those agencies.</i></p>
4. The number of annual participants	<p><u>Participant definition</u>: Active cases in 2023 (case was referred, individual completed intake and started services).</p> <p>2023 participants: 126⁸⁹</p>
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	This information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting. ⁹⁰

⁸² DAJS website [{Link}](#); DAJD Program Staff.

⁸³ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

⁸⁴ Program Staff.

⁸⁵ Staff support both CCAP-Enhanced and CCAP-Basic participants and budgeted costs cannot be disaggregated between the programs. *Source: DAJD Staff.*

⁸⁶ DCHS Finance Staff.

⁸⁷ DCHS Finance Staff.

⁸⁸ PBCS Budget System. Staff support both CCAP-Enhanced and CCAP-Basic participants and budgeted costs cannot be disaggregated between the programs.

⁸⁹ Cases active in 2023. PSB analysis of DAJD February 2024 data.

⁹⁰ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

Report Requirement	Community Center for Alternative Programs (CCAP)
6. A definition of program completion	Participant met the terms of the court order. ⁹¹
7. The percentage of participants completing the program	18% of cases closed in 2023 met the terms of the court order. ⁹² Participants may receive meaningful services without successfully completing the terms of the Court order.
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.	<ul style="list-style-type: none"> • Participants avoid jail time while enrolled in CCAP. • MIDD reports show that individuals enrolled in MIDD-funded programming in 2018 and 2019 had fewer jail episodes two and three years after enrollment compared to the year prior to enrollment. See appendix A.⁹³
Existing reporting	MIDD dashboard; DAJD Detention and Alternative Report (DAR)

B. Community Diversion Program (CDP)

CDP launched in 2022 and is a pre-filing diversion program intended to divert individuals referred to the PAO by law enforcement from court to community services. It is managed by the PAO and DPH, and services are provided by community organizations. Key components are providing harmed community members with financial support and providing referred individuals with behavioral health supports. The program budget and structure were adjusted in late 2023 in response to lower referral volume than expected. Individuals who do not engage with CDP may remain eligible for TAD services and the two programs coordinate closely and share resources.⁹⁴

Report Requirement	Community Diversion Program (CDP)
County agencies involved	PAO, JHS
Continuum category	Pre-filing diversion from Court
1. The desired policy outcomes of the program	<p>Mission: ⁹⁵</p> <ul style="list-style-type: none"> • Diverting low level, first time, felony property or drug offenses to community partners who provide individualized services that address root causes of behavior and disrupt the cyclical nature of criminal legal system involvement • Providing harmed community members resources to promptly address financial impacts they have experienced • Contributing to public safety and healthy communities <p>Intended Outcomes: ⁹⁶</p> <ul style="list-style-type: none"> • Reduced risk of program participants engaging in new criminal activity

⁹¹ DAJD Staff.

⁹² Includes only exited cases. PSB analysis of DAJD February 2024 data.

⁹³ 2022 MIDD Dashboard. [{Link}](#)

⁹⁴ Volume of CDP cases were lower than expected and the CDP-dedicated attorney had capacity to also take on TAD cases. If CDP cases increase, PAO will need dedicated resources for both programs. Source: PAO Staff.

⁹⁵ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#); King County Website. [{Link}](#)

⁹⁶ Program Staff.

Report Requirement	Community Diversion Program (CDP)
2. The eligibility criteria for the program	<ul style="list-style-type: none"> • Reduced legal system costs Adult first-time felony offenses of lowest level property crimes and drug offenses. Prosecutors may exclude cases based on concerning misdemeanor history or law enforcement concerns. ⁹⁷ Prosecutor determines eligibility. ⁹⁸
3. Annual County budget for the program	Resources for the CDP and TAD programs are shared based on operational needs. ⁹⁹ 2023 Budgeted CDP and TAD Total: \$4,164,000 ¹⁰⁰ <ul style="list-style-type: none"> • PAO General Fund: \$843,000 • JHS General Fund: \$3,321,000 <p><i>Note:</i> The 2023-2024 budget was reduced in the second omnibus to align with current case volume and operations. The ongoing annual budgeted amount is: \$2,621,000</p>
4. The number of annual participants	<p><i>Count of 2023 active participants is not provided due to data reporting constraints.</i></p> <p><i>Referral definition:</i> case has been referred to PAO to JHS 2023: 202 referrals from PAO to JHS¹⁰¹</p>
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	This information is not available for any programs due to privacy policies and regulations regarding individual-level data reporting.
6. A definition of program completion	A CDP referral is completed "when an appropriate meeting takes place between the JHS Care Coordinator, the Participant, and a Community Service Provider. In this meeting, the Care Coordinator will introduce the participant to the Community Service Provider and discuss the benefits and options available." This is referred to as a "warm handoff." A Community Service Provider is a community-based organization qualified to provide services to individuals. ¹⁰²
7. The percentage of participants completing the program	2023: 41% of closed cases completed "warm handoff" ¹⁰³
8. A summary of program outcomes during the reporting	<ul style="list-style-type: none"> • Participants' criminal cases are not prosecuted if they successfully participate in a "warm handoff" to behavioral health services.

⁹⁷ King County Website. [{Link}](#)

⁹⁸ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

⁹⁹ Discussion with program and finance staff in PAO and JHS.

¹⁰⁰ 2024 budget: PAO General Fund: \$758,010; JHS General Fund: \$1,862,935. Source: PSB

¹⁰¹ PAO Data Dashboard. [{Link} Dashboard counts each referral.](#)

¹⁰² PAO Staff.

¹⁰³ PSB analysis of PAO data provided by JHS. 84 of 207.

Report Requirement	Community Diversion Program (CDP)
period based on program-defined performance metrics.	<ul style="list-style-type: none"> 2023: \$160,853 loss recovery funds distributed by the PAO to victims¹⁰⁴
Existing reporting	PAO Dashboard

C. Law Enforcement Assisted Diversion (LEAD)¹⁰⁵

LEAD is a pre-filing diversion program managed by a community non-profit and originally launched in 2011 and funded by MIDD beginning in 2016.¹⁰⁶ LEAD serves individuals with unmanaged behavioral health issues and chronic poverty who are likely to contact law enforcement. Participants are referred by law enforcement officers or by community.

LEAD provides case management for people with acute and other needs, including substance use disorders, mental health conditions, and criminal-legal involvement. LEAD also ensures coordination with the PAO.¹⁰⁷

Report Requirement	Law Enforcement Assisted Diversion (LEAD)
County agencies involved	DCHS, PAO, Sheriff
Continuum categories	<i>Pre-filing Diversion From Court and Intervention</i>
1. The desired policy outcomes of the program	<ul style="list-style-type: none"> To reduce recidivism and criminal legal costs and increase positive psychosocial, housing, and quality-of-life outcomes for participants To support a community policing effort, addressing low-level drug crimes with socioeconomic and health impacts, and providing law enforcement with alternatives to booking individuals into jail¹⁰⁸
2. The eligibility criteria for the program	Individuals who commit, or are at high risk of committing, law violations related to their behavioral health challenges and/or income instability are eligible for LEAD. ¹⁰⁹ Law enforcement or community make referrals, and the community provider determines appropriateness for the program.
3. Annual County budget for the program	2023: \$4,833,000 ¹¹⁰ <ul style="list-style-type: none"> MIDD PAO: \$561,000 MIDD BHRD: \$4,272,000

¹⁰⁴ PAO Data.

¹⁰⁵ MIDD strategy: CD-01 LEAD (Law Enforcement Assisted Diversion). The current community contract organization, PDA, refers to this program as Let Everyone Advance with Dignity.

¹⁰⁶ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [Link](#)

¹⁰⁷ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [Link](#)

¹⁰⁸ DCHS Staff.

¹⁰⁹ LEAD King County Website [Link](#)

¹¹⁰ Half 2023-2024 MIDD Budget.

Report Requirement	Law Enforcement Assisted Diversion (LEAD)
	<i>While Sheriff resources are used for implementation of LEAD, there is no dedicated funding in that agency.</i>
4. The number of annual participants	<p>Both participant and client numbers are reported as both receive benefits from involvement with LEAD. 2023 participant data will be available on the MIDD dashboard in August 2024.</p> <p><i>Participant definition:</i> Individual receiving case management services from LEAD Providers. 2022 LEAD participants: 841¹¹¹</p> <p><i>Client definition:</i> A PAO-defined LEAD client who has been referred to the LEAD program and has signed a release of information with the community provider. This count includes individuals who may not have actively received services in 2023 but are tracked by PAO. 2023 LEAD clients: 1,207¹¹²</p>
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	This information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting. ¹¹³
6. A definition of program completion	Program completion is not a goal of LEAD, as the program is intended to offer ongoing support to participants. ¹¹⁴
7. The percentage of participants completing the program	Not applicable.
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.	<p>MIDD reports show that individuals enrolled in LEAD in 2019, 2020, and 2021 had fewer jail episodes one, two, and three years after enrollment compared to the year prior to enrollment. See Appendix B.</p> <p>In 2022, 21% of participants were linked to publicly funded behavioral health treatment.¹¹⁵</p>
Existing reporting	MIDD annual reports and dashboard; the contracted organization website includes external evaluations and published research. ¹¹⁶

¹¹¹ MIDD Dashboard.

¹¹² PAO Staff.

¹¹³ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

¹¹⁴ DCHS Staff.

¹¹⁵ Linkage to publicly funded behavioral health treatment only includes services billed to Medicaid via King County Integrated Care Network (ICN) providers or the State for the following programs and services: Mental health and substance use disorder outpatient services, mental health and substance use disorder residential services, opioid treatment programs, and the Program for Assertive Community Treatment. DCHS does not have information on patients linked to treatment through private insurance, Medicare, TRICARE, or other payers, nor services billed to Medicaid outside of the ICN. 2022 MIDD Dashboard. [{Link}](#)

¹¹⁶ Listed on the LEAD website [{Link}](#)

D. Pretrial Assessment and Linkage Services (PALS)¹¹⁷

PALS is a pre-trial jail diversion program launched in September 2020 to provide pre-trial services for individuals in South King County between charging and trial. It is managed by DAJD’s Community Corrections Division and behavioral health services are provided by a community organization. Prior to the implementation of PALS, all eligible defendants referred to pretrial services were required to report to the CCAP programs in Seattle, resulting in inequitable access for individuals in South King County. Participants have the opportunity to access medication for Opioid Use Disorder (MOUD) services, Naloxone, emergency shelter, supported housing and employment programs, free phones, and ID vouchers.¹¹⁸

Report Requirement	Pretrial Assessment and Linkage Services (PALS)
County agencies involved	DAJD, Superior Court, District Court, DCHS, PAO, DPD
Continuum Category	Alternative to detention and Intervention
1. The desired policy outcomes of the program	<p>Improve opportunities to foster reentry success to South King County defendants through the acceptance of court-referred individuals into a welcoming, behavioral health-oriented therapeutic environment that is culturally responsive and adequately staffed and resourced to meet client needs; link clients to off-site services; and refer clients to ongoing behavioral health and other services, as appropriate, upon discharge from the pretrial services pilot program.¹¹⁹</p> <p>Intended outcomes: provide community-based supervision rather than detention, reduced criminogenic behavior, increased employment, and reduced recidivism.¹²⁰</p>
2. The eligibility criteria for the program	Individuals charged with a crime and conditionally released from jail. Participants must also have an address or community ties to South King County. ¹²¹ District Court or Superior Court judges determine participation. ¹²²
3. Annual County budget for the program	2023 DCHS MIDD: \$251,000 ¹²³

¹¹⁷ MIDD strategy: RR-15 South County Pretrial Services.

¹¹⁸ MIDD 2022 Dashboard. [{Link}](#)

¹¹⁹ County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

¹²⁰ PSB discussion with DAJD program staff.

¹²¹ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

¹²² King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#) Federal Way has also referred participants. Source: DAJD Program Staff.

¹²³ DAJD charges costs to BHRD. In addition to MIDD funding there is a \$110k grant in DAJD for 2024. Source: DAJD Finance Staff.

Report Requirement	Pretrial Assessment and Linkage Services (PALS)
	<i>While District Court, Superior Court, and DPD resources are used for implementation of PALS, there is no dedicated funding in those agencies.</i>
4. The number of annual participants	<i>Participant definition: Enrolled in PALS and active based on DAJD records. 2023 participants: 112¹²⁴</i>
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	This information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting. ¹²⁵
6. A definition of program completion	Participant met the terms of the court order. ¹²⁶
7. The percentage of participants completing the program	31% of cases closed cases met the terms of the court order. ¹²⁷ Participants may receive meaningful services without successfully completing the terms of the court order.
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.	<ul style="list-style-type: none"> • MIDD reports show that individuals enrolled in PALS in 2021 had 20% fewer jail episodes one year after enrollment compared to the year prior to enrollment. See Appendix C. • 29% of participants were linked to publicly funded behavioral health treatment.¹²⁸
Existing reporting	MIDD dashboard; Seattle University Process Evaluation. ^{129,130}

E. Therapeutic Alternative Diversion (TAD)

TAD is a program for individuals referred to the PAO with District Court offenses. The diversion program may be offered pre-filing or post-filing and was created through a partnership with the King County PAO and King County Department of Public Health, JHS. The PAO refers individuals to JHS. JHS conducts

¹²⁴ PSB Analysis of DAJD February 2024 data.

¹²⁵ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

¹²⁶ DAJD Staff.

¹²⁷ PSB analysis of DAJD February 2024 data. 23 of 74 of closed cases.

¹²⁸ MIDD 2022 Dashboard. Note: Linkage to publicly-funded behavioral health treatment only includes services billed to Medicaid via King County Integrated Care Network (ICN) providers or the State for the following programs and services: Mental health and substance use disorder outpatient services, mental health and substance use disorder residential services, opioid treatment programs, and the Program for Assertive Community Treatment. DCHS does not have information on patients linked to treatment through private insurance, Medicare, TRICARE, or other payers, nor services billed to Medicaid outside of the ICN. [{Link}](#)

¹²⁹ Descriptive Evaluation of the South King County Pretrial Assessment and Linkages Services (PALS) Pilot Program. [{Link}](#)

¹³⁰ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

intake and obtains consent for participation in the program and connects individuals to community services. Upon confirmation of connection to services, PAO either dismisses or does not file charges. TAD was launched in 2020. Individuals who do not enroll in the CDP program pre-filing are also eligible for referral to TAD and resources for the two programs are shared. A pilot program for Seattle City cases began in October 2023, funded by Seattle and not included in the below.

Report Requirement	Therapeutic Alternative Diversion (TAD)
County agencies involved	PAO, JHS, District Court
Continuum category	<i>Pre filing and post filing diversion from court</i>
1. The desired policy outcomes of the program	TAD aims to provide a connection to community-based services in lieu of continued involvement in the mainstream legal system. ¹³¹ The goal is to mitigate collateral consequences of prolonged involvement in the mainstream legal system. ¹³²
2. The eligibility criteria for the program	PAO determines eligibility. Adults with expedited felony property offense, where there is restitution of \$2,000 or less. Must not have disqualifying criminal history, open felony case with Superior Court, or two prior referrals to TAD within 18 months of the current offense. PAO reserves the right to refer individuals who may not fully meet the criteria. ¹³³ PAO also refers eligible individuals referred to TAD who were initially referred to CDP but did not enroll. ¹³⁴
3. Annual County budget for the program	Resources for CDP and TAD programs are shared based on operational needs in both JHS and PAO. The CDP budget (shown above in section B) also includes staffing and resources for the TAD program in PAO and JHS. ¹³⁵ <i>While District Court resources are used for implementation of TAD, there is no dedicated funding in that agency.</i>
4. The number of annual participants	<u>Participant definition</u> : an individual that was referred to TAD services and chose to engage in services through TAD ¹³⁶ 2023: 77 participants ¹³⁷
5. A listing of participants, with personal identifiers removed, by charge,	This information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting. ¹³⁸

¹³¹ PAO Website. [{Link}](#)

¹³² King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

¹³³ King County 2022 Audit. Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals. [{Link}](#)

¹³⁴ PAO program staff.

¹³⁵ Discussion with JHS, PSB, and PAO staff.

¹³⁶ PAO Program Staff.

¹³⁷ Internal PAO Dashboard. An additional 35 cases were referred to TAD+. TAD+ was a limited time program resulting from a partnership between the King County PAO and Public Health – Seattle & King County to identify individuals with non-violent offenses and connect them with community-based services. This program aimed to test potential processes for some aspects of CDP. Source: PAO Dashboard [{Link}](#)

¹³⁸ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

Report Requirement	Therapeutic Alternative Diversion (TAD)
if applicable, and referring agency	
6. A definition of program completion	TAD is completed when the individual is connected to community-based services. ¹³⁹
7. The percentage of participants completing the program	63% of closed referrals were connected to services ¹⁴⁰
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.	Those who engage with the service providers benefit by not having their criminal referral charged in District Court, or if it was charged in District Court or Superior Court, by having their pending criminal charge dismissed.
Existing reporting	N/A

F. Restorative Community Pathways (RCP)

Unless otherwise noted, information below comes from 2023-RPT0102, a letter to the Chair of the Council in response to Proviso 1 in Ordinance 19633, Section 32.¹⁴¹The letter addresses the same requirements as this report in more detail and covers the reporting period from the fourth quarter of 2022 through the first quarter of 2023.

RCP is a community-led accountability and restoration process, comprised of skilled community navigators and community-based supports working together to prevent future harm and criminal legal system involvement. RCP works to 1) create meaningful and immediate accountability for young people; 2) reduce young people’s interactions with the criminal legal system now and in the future; 3) move away from a decades-old punitive system toward and evidence-based community diversion program that aids in healing; 4) provide harmed parties with access to restitution funds and social services.¹⁴² The program serves both PAO-referred and community-referred youth and community members who experienced harm.

Report Requirement	Restorative Community Pathways (RCP)
County agencies involved	DCHS, PAO
Continuum category	Pre filing diversion from court, Prevention, and Intervention ¹⁴³

¹³⁹ PAO Staff.

¹⁴⁰ PSB analysis of Jail Health Staff data: 56 of 89 cases closed in 2023 completed services.

¹⁴¹2023-RPT0102. Restorative Community Pathways Letter to Councilmember Upthegrove, September 29, 2023. [{Link}](#)

¹⁴² Updated Implementation Plan on Restorative Community Pathways and Motion 16263. [{Link}](#)

¹⁴³ Community-referred youth do not participate in RCP based on a law enforcement referral, but they may have other past or current involvement in the criminal legal system. Source: DCHS Program Staff.

Report Requirement	Restorative Community Pathways (RCP)
<p>1. The desired policy outcomes of the program</p>	<p>The broad desired policy outcome reflected in the RCP program is that community-based diversion options such as RCP become the primary response for most youth who have contact with the legal system. RCP’s goals center on diverting youth away from the juvenile legal system to a restorative justice process and providing community members who experienced harm an opportunity for support services and restitution funds.</p>
<p>2. The eligibility criteria for the program</p>	<p>RCP serves 4 categories of individuals:</p> <p><i>PAO-referred youth:</i> Youth 17 years old and under with first-time felony cases and most misdemeanor cases who are not eligible for existing programs such as Family Intervention and Restorative Services (FIRS).^{144,145} While felony offenses such as Robbery 2 and Assault 2 may be eligible, any felonies that involve a weapon used to threaten or injure a person are ineligible. Additionally, offenses involving an allegation of domestic violence or sexual assault are not eligible for RCP. All referrals made to RCP are subject to PAO review and discretion. A full list of offenses eligible for RCP is provided in Appendix D.</p> <p><i>PAO-referred community members who experienced harm (CMEH):</i> Individuals identified by law enforcement as experiencing harm due to PAO-youth referred behavior.</p> <p><i>Community-referred youth:</i> Youth identified by RCP community navigators as associated with the individuals referred by PAO and in need of services.</p> <p><i>Community-referred community members who experienced harm (CMEH):</i> individuals identified by community navigators who were harmed in the incident leading to law enforcement referral to PAO, but not listed in the police report as victims.</p>
<p>3. Annual County budget for the program</p>	<p>2023: DCHS General Fund and Best Starts for Kids \$3.66 million. <i>Does not include \$1.2 annual ongoing funding added in the 2nd omnibus beginning in 2024 or a 3-year, \$1,000,000 federal grant.</i>¹⁴⁶</p> <p><i>While PAO resources are used for implementation of RCP, there is no dedicated funding in that agency.</i></p>
<p>4. The number of annual participants</p>	<p><u><i>Participant definition:</i></u> Individuals participating in RCP services in 2023.</p> <p>Total participants: 593¹⁴⁷</p> <ul style="list-style-type: none"> • PAO-referred youth: 380 • PAO-referred CMEH: 87 • Community-referred youth: 95 • Community-referred CMEH: 31

¹⁴⁴ Implementation Plan on Restorative Community Pathways, and Motion 16063. [{Link}](#)

¹⁴⁵ Updated Implementation Plan on Restorative Community Pathways and Motion 16263. [{Link}](#)

¹⁴⁶ OJJDP FY2023 Juvenile Justice System Reform and Reinvestment Initiative grant.

¹⁴⁷ DCHS Staff.

Report Requirement	Restorative Community Pathways (RCP)
5. A listing of participants, with personal identifiers removed, by charge, if applicable, and referring agency	This information is not provided for any programs due to privacy policies and regulations regarding individual-level data reporting. ¹⁴⁸
6. A definition of program completion	Participants complete the RCP program when they have made substantial progress on, or completed, self-identified goals in their action plan and have a support system within their community. For a participant, this includes supports to meet individual basic needs, access to relevant services, and other goals in the action plan developed with their RCP navigator. ¹⁴⁹
7. The percentage of participants completing the program	72% of individuals who exited services completed RCP programming. Participants may receive meaningful services without successfully completing the program. ¹⁵⁰ <ul style="list-style-type: none"> • PAO-referred youth: 73% • PAO-referred CMEH: 79% • Community-referred youth: 69% • Community-referred CMEH: 47%
8. A summary of program outcomes during the reporting period based on program-defined performance metrics.	<ul style="list-style-type: none"> • 56% of law enforcement referrals in 2023 were diverted from court. 30% of these cases were diverted to RCP.¹⁵¹ • PAO-referred youth who accept services in RCP avoid referrals to court (charges filed or referral to Juvenile Court managed diversion¹⁵²) In 2023, 162 youth cases were diverted to RCP pre-filing and 8 youth cases were diverted to RCP post filing.¹⁵³ • 46 restitution payments to CMEH totaling \$57,000 were paid in 2023. • For 2023, RCP providers report: <ul style="list-style-type: none"> – 82% of participants met a self-identified goal – 92% of participants were developing a positive identity – 88% of participants were building connection to peers and/or community – 88% of participants gained knowledge or skills
Existing reporting	PAO Dashboard; DCHS website public reports ¹⁵⁴

¹⁴⁸ See State DOH Data Guidelines [{Link}](#); RCW 13.50.050 [{Link}](#) (on Juvenile data, see section 5); RCW 10.97.050 [{Link}](#) (on adult data generally).

¹⁴⁹ DCHS Staff.

¹⁵⁰ 298 individuals exited in 2023: PAO-referred youth: 134 of 184 exits; PAO-referred CMEH: 31 of 39 exits; Community-referred youth: 40 of 58 exits; Community-referred CMEH: 8 of 17 exits. Source DCHS.

¹⁵¹ Includes Court Diversion, Family Intervention Restorative Services (FIRS), and other community diversion. Source: PAO Dashboard [{Link}](#). Totals on the PAO dashboard are calculated differently than RCP specific data.

¹⁵² Court diversion is diversion managed by Juvenile Court Services (Superior Court). Most Court Diversion cases are served by Partnership for Youth Justice volunteer-run Community Accountability Boards. [{Link}](#)

¹⁵³ A limited number of youth accept participation in RCP only after charges were filed. In these cases, charges are dismissed with participation in RCP. Source: PAO program staff.

¹⁵⁴ DCHS Data Briefs and Reports Website. [{Link}](#)

VI. Conclusion/Next Steps

King County's diversion programs aim to reduce jail populations and legal system involvement while addressing core needs that lead to unlawful behavior. These programs, which include the six described in this report, are a key component of the Executive's Safety for All Priority and contribute to making King County a welcoming people where all people can thrive.

The Safety for All Priority aims to keep people out of the criminal legal system by connecting them with community-based alternatives and reducing systemic racial and ethnic disparities. The Executive is committed to programs like Restorative Community Pathways that keep youth from engaging with the criminal legal system. The County works with community partners to help youth find stable footing and go on to lead happy and healthy lives.

As highlighted in the King County Auditor's report and in the letter submitted on September 29, 2023 (2023-RPT0109), a comprehensive analysis of whether specific programs are achieving goals and whether King County's diversion programs work effectively as a system is not currently possible given the lack of a shared strategy and absent key data and information about effectiveness, and opportunities for improvement. Bridging these gaps requires interagency coordination and collaboration along with additional staffing and financial resources.

Most diversion programs are operated by agencies largely funded by the General Fund, which as of April 2024, is facing significant budget reductions in the 2025 budget, though some diversion programs receive levy or other non-General Fund support.

Additional reporting on these programs and other County funded and managed diversion programs is currently available publicly. This includes:

- Public reporting on all MIDD programs on MIDD dashboard. The Executive expects 2023 annual data to be available in August 2024.¹⁵⁵
- PAO referrals to juvenile diversion programs and some adult diversion programs updated monthly on PAO data dashboard.¹⁵⁶
- Public data reporting on Restorative Community Pathways available on the DCHS website.¹⁵⁷

As of April 1, 2024, PSB is developing a central dashboard that will provide information on these and several other County diversion programs. The Executive expects the dashboard to be publicly available in 2024.

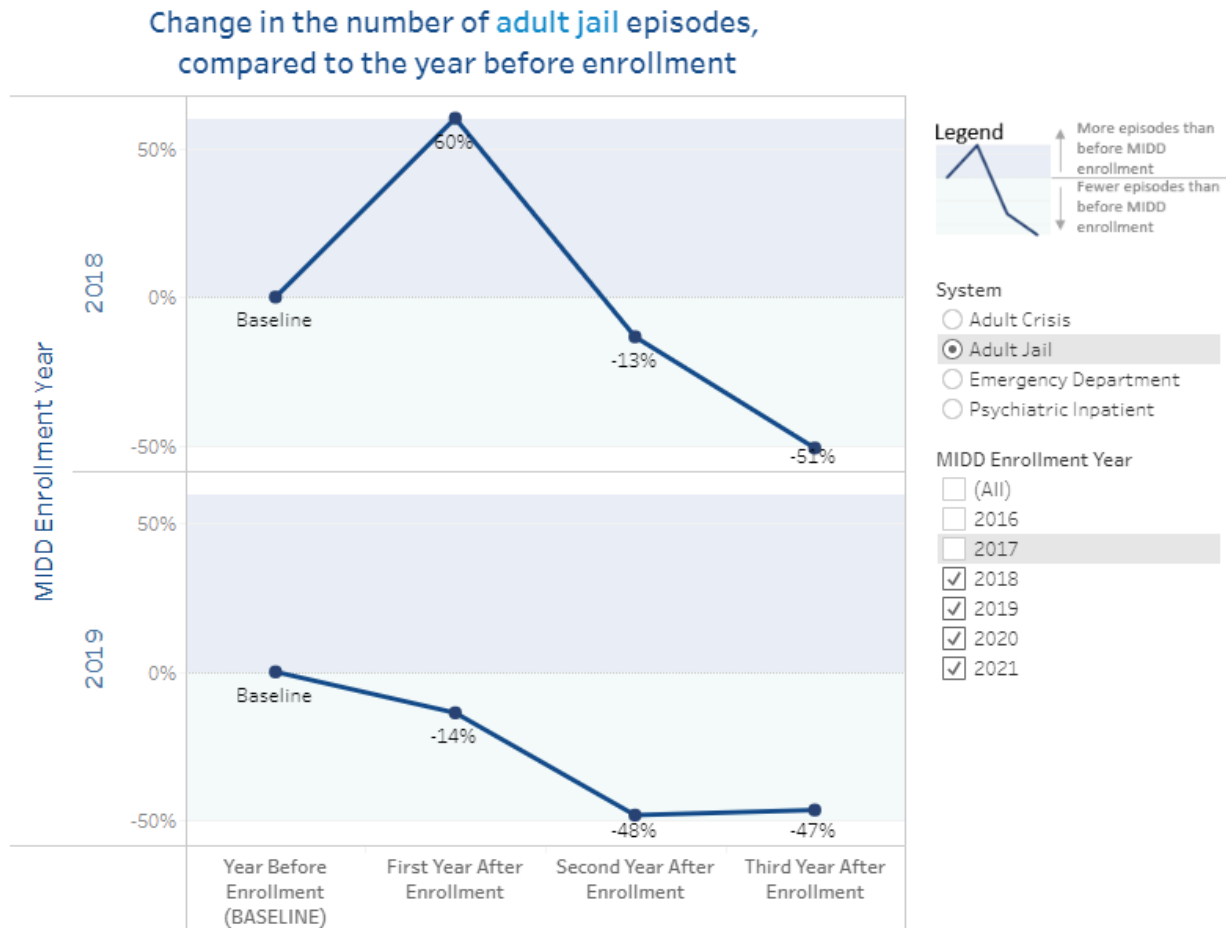
¹⁵⁵ MIDD Dashboard. [{Link}](#)

¹⁵⁶ PAO Data Dashboard. [{Link}](#)

¹⁵⁷ DCHS Data Briefs and Reports Website. [{Link}](#)

VII. Appendices

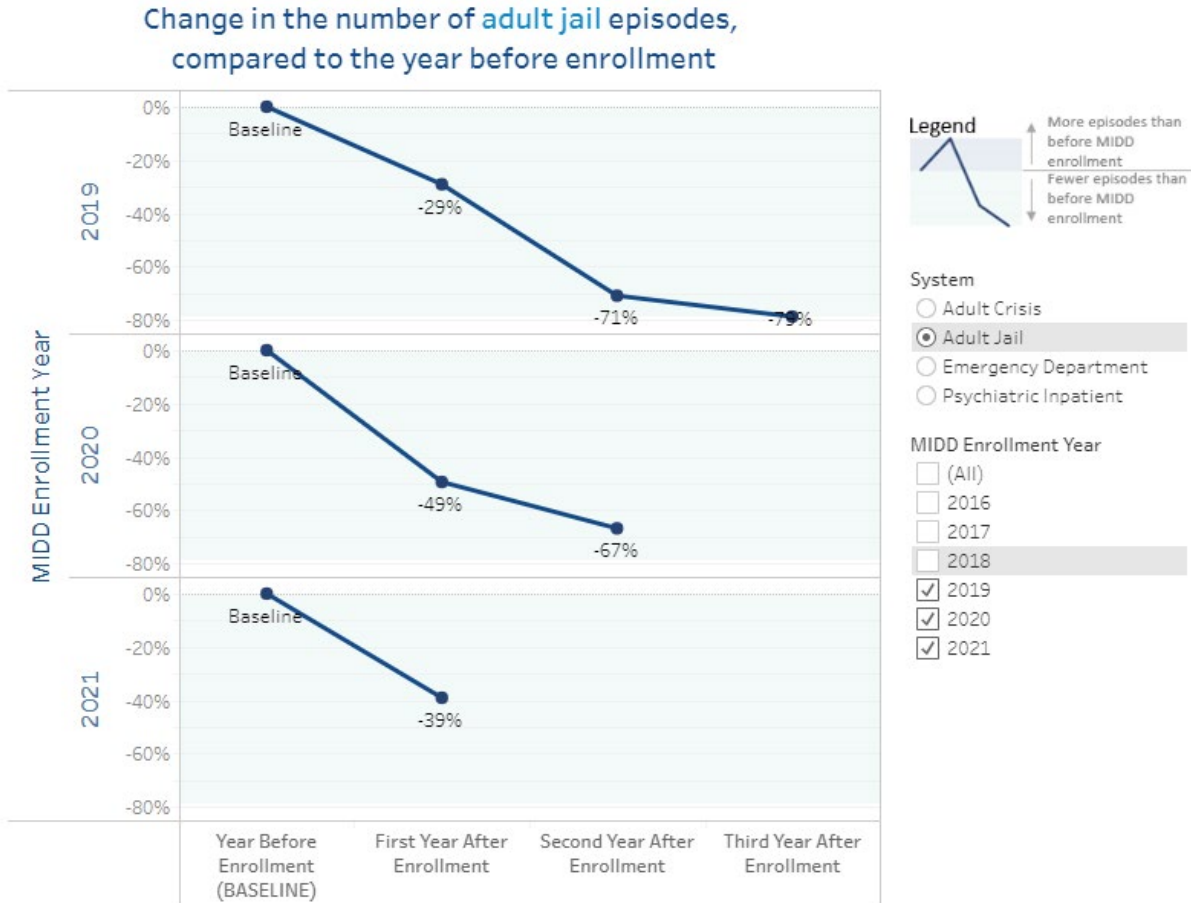
Appendix A. CCAP Enhanced Change in Adult Jail Episodes, Compared to the year before enrollment.



Source: MIDD Dashboard¹⁵⁸

¹⁵⁸ [Link](#) Note: It is common for service use to increase in the first year after enrollment, as many participants enroll in MIDD strategies in a period of acute need. See dashboard for additional caveats.

Appendix B: LEAD Change in Adult Jail Episodes, Compared to the year before enrollment.

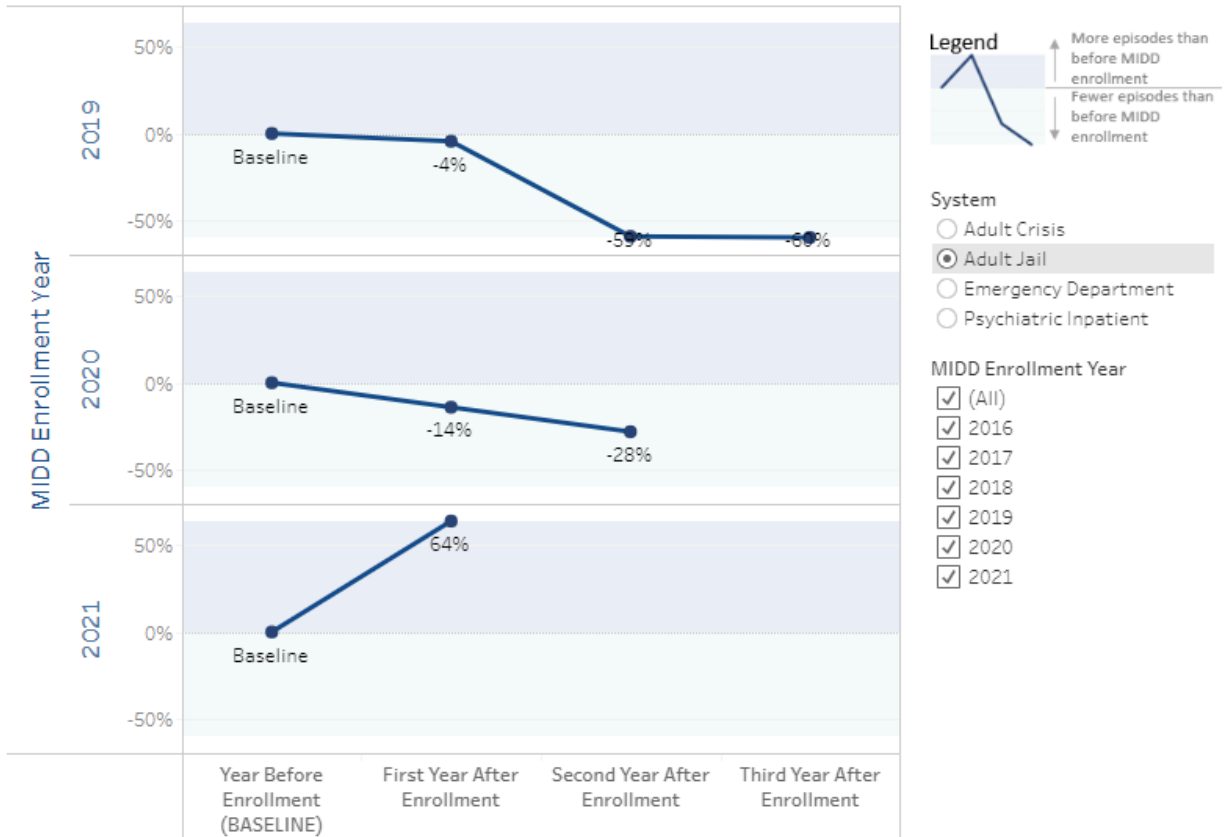


Source: MIDD Dashboard¹⁵⁹

¹⁵⁹ [Link](#) Note: It is common for service use to increase in the first year after enrollment, as many participants enroll in MIDD strategies in a period of acute need. See dashboard for additional caveats.

Appendix C. PALS Change in Adult Jail Episodes

Change in the number of adult jail episodes, compared to the year before enrollment



Source: MIDD Dashboard¹⁶⁰

¹⁶⁰ [Link](#) Note: It is common for service use to increase in the first year after enrollment, as many participants enroll in MIDD strategies in a period of acute need. See dashboard for additional caveats.

Appendix D: RCP Eligibility and PAO Commitments

Draft document last updated August 14, 2023

Source: PAO Staff

Restorative Community Pathways (RCP) Eligibility and PAO Commitments

The King County Prosecuting Attorney's Office (PAO) believes that justice is best achieved when we work in partnership with communities most impacted by the legal system. Meaningful partnership requires that the PAO be willing to share power with community. To this end, the PAO commits to exercising its prosecutorial discretion in a transparent way that directly refers youth to the RCP diversion program. The PAO believes that RCP will be an iterative process, where we learn and improve our delivery of service over time. In this spirit, the PAO commits to revisiting eligibility standards as needed.

I. Eligible Offenses:

- Assault 4
- Assault 3
- Burglary 2
- Criminal Trespass 1, 2
- Escape
- Felony Harassment
- Harassment
- Malicious Mischief 1, 2, 3
- Obstructing a Law Enforcement Officer
- Organized Retail Theft
- Possession of Stolen Vehicle
- Reckless Burning
- Residential Burglary
- Robbery 2*
- Taking Motor Vehicle Without Permission 1, 2
- Theft 1, 2, 3
- Theft of a Motor Vehicle
- Unlawful Display of a Weapon
- Vehicle Prowl
- Violation of the Uniform Controlled Substance Act**

II. Excluded Offenses:

- Class A Felonies, and Attempt, Conspiracy, or Solicitation to commit a Class A Felony
- Assault in the Second Degree
- Drive-By Shooting
- Sex Offenses or any offenses alleging Sexual Motivation
- Intimate Partner Domestic Violence.
- Intra-familial Domestic Violence (these offenses will continue to utilize the FIRS approach)
- Felony Traffic Offenses / DUI
- Unlawful Possession of a Firearm

*Robbery 2 - Cases involving the following factual circumstances are not eligible for RCP: 1) Use or threatened use of a deadly weapon/firearm; and/or 2) bodily injury requiring more than first aid at the scene.

** Fentanyl possession or dealing is not eligible for RCP

***Threats to bomb or threats to harm learning environments/staff are not automatically eligible for RCP. Cases shall be reviewed on a case-by-case basis, considering 1) whether there is any evidence of intent to carry out the threat; 2) any ability to carry out the threat; 3) disruption and impact on community resources; and 4) the respondent's prior history of discipline at the school. All decisions will be approved by the Division Chief.

III. History - All presenting misdemeanor offenses are eligible for RCP regardless of the respondent's offender history. Presenting felony offenses are only eligible for RCP if the respondent does not have a prior felony adjudication or pending deferred disposition.

IV. Pending Matters - Respondents who have pending charges in Juvenile Court are not eligible for direct referral to RCP on new matters.

V. Detention – Youth who are detained (in secure detention or EHM) *after* a first appearance hearing are not eligible for direct referral to RCP on that matter.

VI. Subsequent RCP Referral – Respondents that have previously been referred to RCP may be considered by the PAO for second or subsequent referrals on a case-by-case basis. Factors supporting a second or subsequent referral to RCP are:

- A. At least one year has passed since the first referral to RCP and the Respondent has not engaged in any other criminal activity in that time;
- B. The second or successive referral is being sent to RCP either contemporaneously with the first or very shortly thereafter; and
- C. The second referral to RCP has an offense date that precedes the initial referral's offense date.

VII. Prosecutorial Discretion - The PAO recognizes that there may be circumstances when prosecutorial discretion will be used as an exception to these standards and charge an RCP eligible case into Juvenile Court. In exercising this discretion, the PAO commits to the following process:

- A. All decisions to charge an RCP eligible case shall be staffed with and approved by the PAO Juvenile Division Chief.
- B. If deviation is sought, the PAO will endeavor to staff its decision with the RCP consortium, prior to charging the matter into Juvenile Court. The RCP advisory board will convene the staffing within three business days of notice being provided by the PAO.
- C. The PAO recognizes that there may be circumstances where notice to the RCP advisory board is not feasible. In such cases, the PAO may charge the matter into Juvenile Court and inform the RCP advisory board of this exception. The PAO will still staff the charging decision with the RCP advisory board. If after consultation the PAO determines that referral to RCP is advised, then the PAO will move to dismiss the matter in Juvenile Court and route the case to RCP.



King County

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May 7, 2024

The Honorable Dave Upthegrove
 Chair, King County Council
 Room 1200
 C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits the Report on Select King County Diversion Programs - 2023, in response to Ordinance 19546, Section 17, Proviso P3, and a proposed Motion that would, if enacted, acknowledge receipt of the report. The reporting period for this report is January 1, 2023, to December 31, 2023.

As required, the report summarizes key elements of five adult diversion programs and one juvenile diversion program:

- Community Center for Alternatives Program Enhanced
- Community Diversion Program
- Law Enforcement Assisted Diversion
- Pretrial Assessment and Linkage Services
- Therapeutic Alternative to Drugs
- Restorative Community Pathways (Juvenile)

For each of the six programs, the report responds to the required elements describing the program objectives and key annual metrics. The Office of Performance, Strategy and Budget will continue to gather this information the period January 1, 2024, to December 31, 2024, as required.

Thank you for your consideration of this report and the accompanying proposed Motion. The programs discussed in the report contribute to a robust and coordinated public safety system that helps to create safety for all people in King County communities while also reflecting our values.

The Honorable Dave Upthegrove

May 7, 2024

Page 2

If your staff have questions, please contact Dwight Dively, Director, Office of Performance, Strategy and Budget at 206-263-9687.

Sincerely,



for

Dow Constantine

King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff

Melani Hay, Clerk of the Council

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

Dwight Dively, Director, Office of Performance, Strategy and Budget



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	6	Name:	Leah Krekel-Zoppi
Proposed No.:	2024-0205	Date:	August 28, 2024

SUBJECT

A motion acknowledging receipt of the second independent monitoring report on confinement of juveniles in county detention facilities as required by a proviso in the 2023-2024 Biennial Budget.

SUMMARY

The Council included a proviso in the 2024-2024 Biennial Budget requiring the Executive to continue to engage an independent monitor to review the use of solitary confinement for youth in detention. This proposed motion would acknowledge the second of two required monitoring reports during the biennium. These reports are a continuation of the independent monitoring related to the County’s implementation of Ordinance 18637 which placed significant new restrictions on the use of solitary confinement of youth.

The transmitted report covers the period between July 1, 2023 – March 31, 2024. The report notes that the challenges faced by DAJD discussed in previous reports persisted during this reporting period, including a larger population of youth and longer stays, staffing shortages that impacted youth’s in-room time, and technology changes that led to lapses in documentation. According to the report, the number of incidents of restrictive housing at the juvenile detention facility was comparable to the previous reporting period, and there was a decrease in the duration of time youth spent in restrictive housing. However, after no incidents in adult facilities in the prior reporting period, there were 33 incidents that met the code definition of solitary confinement during the current reporting period, many of which may not have been consistent with code requirements.

The Independent Monitoring team provided recommendations to improve documentation and develop consistent policies for participation in programming and tablet usage.

BACKGROUND

Juvenile Detention in King County. The King County Department of Adult and Juvenile Detention’s (DAJD) Juvenile Division has operated the County’s juvenile

detention system since 2002. Under state law¹, King County is required to operate a detention facility for juvenile offenders. The Juvenile Division also operates court-ordered alternatives to secure detention programs.

King County juvenile secure detention facility is located in the Judge Patricia H. Clark Children and Family Justice Center (CCFJC). The County's average daily population (ADP) of youths in secure detention was 50 to date in 2024.² The facility provides a health clinic, juvenile programming including a gymnasium, food services, volunteer services, family visitation, behavioral health services provided by Ryther, regular and special education provided by Seattle School District, and a library managed by King County Library System.

The CCFJC houses youths ages 12 to 17 awaiting adjudication in King County Juvenile Court and ordered to secure detention. In addition, beginning in 2018, the Executive directed through Executive Order for all youth under age 18 charged as adults to be housed at the CCFJC.³ The average length of stay for juveniles is 22.4 days for youth charged as juveniles and 250.5 days for youth charged as adults.⁴

Whether a youth who is arrested is admitted into secure detention is based on a screening process performed by Juvenile Court Juvenile Probation Counselors, who determine whether the youth meets the detention intake screening criteria. The criteria are intended to keep youth out of detention if Juvenile Court determines they can safely return home or be placed in a community-based residential care facility. Therefore, most juveniles in detention are being held for offenses categorized as serious or violent offenses.

King County adopted the Juvenile Justice Operational Master Plan in 2000, adopting a policy to emphasize prevention, intervention, and alternatives to the use of secure detention for juvenile offenders. As a result, even as King County's overall population has grown, the number of youths arrested, charges referred, charges filed, and youths held in of secure detention has declined significantly, including a 61 percent reduction since 2010 in the number of youths in detention in King County.⁵

As part of its juvenile detention reform efforts, King County participates in the Juvenile Detention Alternatives Initiative (JDAI), which is a national juvenile justice improvement initiative geared towards changing how detention is used for youth. The County became a formal JDAI site in 2004 and uses JDAI standards for its programs and detention.

In 2017 King County Public Health launched a Zero Youth Detention initiative, and in 2020 the Executive committed to convert the youth detention facility at the CCFJC to other uses by 2025 in order to promote racial equity⁶ and community-based alternatives

¹ RCW 13.04.135

² Average for January through June 2024

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

⁴ 2023 averages according to [King County DAJD's Detention and Alternatives Reports](#)

⁵ Updated data from the September 2023 Care and Closure Progress Report, pg. 21

⁶ Black, Indigenous, and People of Color (BIPOC) youth make up a disproportionate share of the population of youth in King County's juvenile justice facility, with BIPOC youth five times more likely to be

to detention.⁷ The Executive's initiative is called "Care and Closure: a plan for youth healing, accountability, and community safety," to reflect the project goals.⁸

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

JDAI detention facility standards prohibit the use of room confinement for reasons other than as a temporary response to behavior that threatens immediate harm to a youth or others. The standards reflect the advice of dozens of practitioners and nationally recognized experts that room confinement should not be used for discipline, punishment, administrative convenience, or other reasons.⁹ Further, the Council of Juvenile Correctional Administrators reports that isolating or confining a youth in their room should be used only to protect the youth from harming themselves or others and if used, should be for a short period and supervised.¹⁰

Restricting the Use of Solitary Confinement in King County. In December 2017, the King County Council adopted Ordinance 18673 which banned solitary confinement for youth except in specific limited circumstances.¹¹ This legislation had three elements.

The first element created King County Code Chapter 2.65, banning the use of solitary confinement for youth detained by King County "except as necessary to prevent significant physical harm to the juvenile detained or to others when less restrictive alternatives would be ineffective," regardless of the facility in which the youth is held. The ordinance defines a "juvenile" as a youth held in the juvenile detention facility or a young adult over age 18 held in the adult detention facility for a matter committed when they were under 18. The ordinance defines "solitary confinement" as the placement of an incarcerated person in a locked room or cell alone with minimal or no contact with persons other than guards, correctional facility staff, and attorneys. The ordinance further notes that using different terminology for this practice does not exempt a practice from being considered solitary confinement.

detained than White youth, according to the Zero Youth Detention Data Dashboard (no longer publicly available)

⁷ While the Executive made the commitment to close the juvenile detention center, statutory authority for juvenile detention belongs to Superior Court, suggesting that King County Superior Court agreement would be necessary to close King County's juvenile detention facility. Additionally, as discussed in the August 2023 Care and Closure Report, RCW 13.04.135 requires counties to maintain and operate a secure juvenile detention facility, and multiple statutes in RCW Chapter 13.24 require pre-adjudication detention of youth in certain circumstances. Addressing these issues is identified as a next step in implementing Care and Closure.

⁸ [CFJC Strategic Plan 2025 - PublicInput.com](#)

⁹ JDAI Juvenile Detention Facility Assessment, pp. 177-180.

<https://assets.aecf.org/m/resourcedoc/aecf-juviledetentionfacilityassessment-2014.pdf#page=103>

¹⁰ The Council of Juvenile Correctional Administrators, Toolkit: Reducing the Use of Isolation, Council of Juvenile Correctional Administrators, March 2015

[Home | The Council of Juvenile Justice Administrators \(cja.net\)](#)

¹¹ Ordinance 18637, adopted December 21, 2017.

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

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

State Prohibition of Solitary Confinement for Detained Youth. In 2020, Washington State enacted legislation prohibiting solitary confinement of detained youth as punishment,¹² which became effective as state law on December 1, 2021. The law defines different confinement scenarios including "solitary confinement," "room confinement," and "isolation," and establishes restrictions on the use of such practices including the circumstances, conditions, and duration they can be used, and requiring check-ins every 15 minutes during the confinement. The law required the state Department of Children, Youth, and Families (DCYF) to develop a model policy which detention facilities within the state, including King County DAJD, are required to adopt or else notify DCYF of how and why the facility's policies and procedures differed from the model policy.

The state law includes restrictions beyond those contained in county code, prompting the Juvenile Division to change policies, effective December 1, 2021, to eliminate use of "time outs" and "cool downs" of up to two hours. DAJD's restrictive housing policy was also revised to require staff to establish a reintegration plan for any youth who remained in restrictive housing for more than four hours within a 24-hour period.

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

Juvenile Division Restrictive Housing Policy and Behavioral Management Approach. In response to enactment of Ordinance 18673, DAJD's Juvenile Division established a Restrictive Housing policy, which was then updated in December 2021 to comply with the new state law. In compliance with county code and state law, the policy states that, "restrictive housing for punitive purposes is explicitly prohibited," and that restrictive housing is prohibited unless the youth poses a risk of physical harm and there are no less restrictive alternatives available. Juvenile Division's policy states that all youth held in restrictive housing must have access to:

- Clothing;
- A mattress and bedding;
- A toilet and sink at least hourly;
- Necessary mental health services; and
- Reading material, paper, writing material, envelopes, and treatment material (except in cases of concern for self-harm as determined by medical and mental health staff and detention supervisors).

¹² Second Substitute House Bill 2277, codified in RCW Chapter 13.22

Each time a youth is placed in restrictive housing, the policy requires the following procedures:

- Documentation of the reason the youth was placed into restrictive housing;
- Safety and security checks every fifteen minutes;
- A supervisory check-in with the youth within two hours, and then every four hours outside of ordinary sleeping periods;
- Evaluation by a medical professional as soon as possible within six hours or before an ordinary sleep period, and at least once per day thereafter;
- Evaluation by and development of a care plan by a mental health professional as soon as possible within four hours; and
- Documentation of the date and time of the youth's release from restrictive housing.

The policy requires that staff provide youth with the goals and objectives the youth must achieve in order to be released. The policy further requires that a youth must be removed from restrictive housing when the youth no longer poses an imminent risk.

A multidisciplinary team of restorative justice coordinators, youth detention staff, supervisors, and medical and mental health professionals holds daily meetings during which they review incidents of restrictive housing as well as assess other behavioral support and restorative justice needs for individuals in detention.

The behavioral management approach used at CCFJC includes incentives for meeting behavioral expectations and interventions to respond to inappropriate behavior. The incentive system allows youth to move through a tier system with sustained compliance which results in increasing levels of incentives. Youth who reach the highest tier are rewarded with a later bedtime and other special privileges. Behavioral interventions include verbal de-escalation techniques, restorative work assignments, and, for more problematic behavior, creation of an Individual Development Plan. Juvenile Detention Officers document the activities and location of each youth in the facility every fifteen minutes using a Youth Accountability Checklist.¹³

Prior Monitor Reports. The Executive engaged the first independent monitor in accordance with the county ordinance prohibiting solitary confinement of youth, and independent monitoring services began on July 1, 2018.¹⁴ The Council accepted the monitor's first report in December 2018.¹⁵ A second report was issued in January 2019.¹⁶

In 2019, a new independent monitoring team of Kathryn Olson¹⁷ and Bob Scales^{18,19} was contracted to provide reports in compliance with a proviso added to the 2019-2020

¹³ As described in the [Independent Monitoring Team Report April 2022 – June 30](#), pg. 14

¹⁴ Stephanie Vetter, Senior Consultant and JDAI Advisor, Center for Children's Law and Policy, working as a private contractor and juvenile justice expert in the areas of JDAI, the federal Prison Rape Elimination Act, adolescent development, juvenile detention operations and corrections, officer safety and security, and trauma informed behavioral modification practices.

¹⁵ Motion 15256

¹⁶ 2019-RPT0011

¹⁷ Change Integration Consulting, LLC

Biennial Budget Ordinance.²⁰ The team's first report covered July – December of 2019.²¹ Recommendations in that report included consideration of whether the King County Council should amend Ordinance 18637 to exclude youth in their room voluntarily or engaged in one-on-one programming from the definition of restrictive housing, enhancing youth activity and restrictive housing tracking forms, creating an exit plan for any youth placed in restrictive housing, and integrating restrictive housing policies and procedures with the Behavior Management System. A second report covered January – June of 2020.²² Recommendations in that report included: resetting the Juvenile Division's restorative practices program and developing individual case management plans, documenting specific and thorough details of behavior resulting in restrictive housing, providing more specific information about programs available to AAOs (Adult Age Outs), formalizing informal support services being provided to AAOs, and reinstating education opportunities for AAOs that were interrupted by COVID-19 impacts. The report also reiterated the recommendation to create an exit plan for any youth placed in restrictive housing.

Independent monitoring was again required by proviso in the 2021-2022 Budget, and a report covering July 2020 through June 2021²³ noted the progress that had been achieved by the Juvenile Division and held off making new recommendations because of several major projects the division was undertaking, including transitioning to a new electronic record-keeping system and revising policies to comply with the new restrictive housing state law. A report covering July 2021 – March 2022²⁴ commended the Juvenile Division on expanding evidence-based interventions and developing a case management approach to behavior management that includes individual treatment plans. However, the report also noted a significant increase in incidents of restricted housing during the reporting period, attributed to the challenges of increased incidents of assaults and staffing shortages.

¹⁸ Police Strategies, LLC

¹⁹ According to the report, the independent monitoring team, "have deep and broad background and expertise in law; the criminal justice system; law enforcement operations, policy, training, labor relations, and community relations; records auditing; advising on data tracking and reporting systems; juvenile justice; reducing racial/ethnic disparities in the criminal justice system; knowledge of PREA and JDAI, trauma informed care, and impacts on policies and practices; restorative justice techniques; and federal, state and local government and criminal justice organizations. They have worked in a wide range of jurisdictions with multiple stakeholders and strive to foster accountability and transparency in the monitoring and reporting process."

²⁰ Ordinance 18835, Section 52, as amended by Ordinance 18930, Section 36, Proviso P8

²¹ Motion 15680

²² Motion 15788

²³ Motion 16086

²⁴ Motion 16208

Safety and Security Analysis. In response to a significant increase, beginning in 2020, in assaults at the county’s juvenile detention facility, the Juvenile Division hired a consultant, Development Services Group,²⁵ to conduct a Juvenile Detention Safety and Security Analysis, which was conducted by and released on October 30, 2023.

The analysis included reviewing and analyzing data on assaults at the detention facility since 2020; reviewing Juvenile Division’s policies, procedures, and practices; reviewing national best practices and emerging promising practices; and providing recommendations to improve safety and security at CCFJC.

The major findings from the analysis were:

- Most youths reported feeling safe in the facility;
- Most youths reported having a staff member who cares about them, including 64 percent saying most of the staff care about them;
- The new Jail Management System installed for electronic recordkeeping is readily accessible and easy to navigate;
- Staff are generally happy with their salaries and benefits;
- Most staff who work with the youths report that they enjoy this work;
- The defense tactics training is well-run and helpful for new staff;
- The directors have experience in other systems, understand the role of trauma, and embrace a developmental approach to juvenile justice, and other managers and administrators also embrace a developmental approach;
- The facility has capable staff at all levels, including new Juvenile Detention Officers (JDOs) with sports coaching experience;
- A dedicated team of teachers work with the youths;
- Strong nursing, mental health, and psychiatric teams support the youths and staff;
- CCFJC is new and clean;
- The detention center is close to court;
- A strong “us versus them” dynamic exists between management and JDOs;
- Daily operations lack sufficient order and structure;
- Youths do not receive enough programming, including programming and class time being interrupted by insufficient staffing;
- Staff do not receive enough supervision and mentoring;
- Experienced staff are unlikely to choose shifts requiring that they work directly with the youths;
- Too many youths are held for too long in the detention facility, with the average length of stay nearly doubling since 2018;
- Staff do not implement the behavior management system consistently;
- Several architectural concerns in the facility adversely affect safety, security, and functionality, including blind spots in units behind the stairs and “dangerous double-tiering of bedrooms;”
- Many unresolved maintenance issues adversely affect safety, security, and functionality;

²⁵ <http://www.dsgonline.com/>

- Clarity is lacking about how the Care and Closure plan to close and replace the detention facility will affect staff;
- Incident reports in 2022 document situations in which staff on the units did not anticipate and prevent risky situations that eventually led to assaults on staff;
- A pattern of blame, rather than ownership, appears prevalent within the facility.

The analysis provided the following major recommendations for improving safety and security:

1. Increase the structure and predictability of youths' movements and activities.
2. Make a concerted effort to improve management-staff relationships, especially between JDOs and administrators.
3. Ensure that experienced supervisors spend most of their time coaching and supervising staff.
4. Make youth programming a priority.
5. Establish a process with judges, prosecutors, and defense attorneys to find a solution for youths being kept in secure detention for long periods of time.
6. Ensure that administrators provide clear and timely communication about the Care and Closure process; and advocate for staff throughout this process.
7. Provide additional training in anticipating, preventing, and de-escalating crises.
8. Improve the restorative justice process after significant youth misbehavior.

Since the analysis was issued, the county has made progress addressing some of the findings and recommendations, including increasing management and staff communication, increasing programming available to youth, and increasing communication and staff support around the Care and Closure initiative.

2023-2024 Budget Proviso Requirements. In the process of adopting the 2023-2024 Biennial Budget,²⁶ the King County Council added a proviso that requires the Executive to continue the use of independent monitoring to review the use of solitary confinement in DAJD operations.²⁷ The proviso requires that:

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits two reports on confinement of juveniles in county detention facilities, each accompanied by a motion that should acknowledge receipt of the applicable report.

Each motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion. Upon passage of each motion, \$100,000 is released for expenditure or encumbrance. The two reports required by this proviso should build on all prior reports submitted on practices related to the confinement of juveniles as required by Ordinance 18637, Section 6, Ordinance 18930, Section 36 and Ordinance 19210, Section 50.

The two reports required by this proviso shall be prepared by an appointed, independent monitor or monitors who, either alone or together, shall have expertise in adolescent development, juvenile detention operations and corrections, officer safety and security and trauma-informed behavioral modification practices. The monitor or monitors shall include in the report an analysis of compliance with K.C.C. chapter 2.65 and chapter

²⁶ Ordinance 19546

²⁷ Ordinance 19546, Proviso P1, Section 54

13.22 RCW, by the department of adult and juvenile detention juvenile division, and the report should also include, but not be limited to:

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

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

C. An evaluation of the circumstances for the use of solitary confinement;

D. A review of the average duration of solitary confinement incidents, including an evaluation of any incident exceeding four hours;

E. A review of the documentation of supervisory review before the use of solitary confinement, including an evaluation of any incidents exceeding two hours when supervisory review did not occur;

F. A review of the documentation of medical and mental health assessments of youth in solitary confinement, including an evaluation of any incidents when health clinic staff was not notified within one hour or an assessment by a medical professional was not completed within six hours;

G. A review of the documentation of how youth subject to solitary confinement had continued access to education, programming and ordinary necessities, such as medication, meals and reading material, when in solitary confinement, and an evaluation of any incidents when such access was not documented;

H. The age and race of youth involved in each restrictive housing incident;

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

J. Any new recommendations for reducing the use and duration of solitary confinement for juveniles in detention, and recommendations for improving data collection and reporting of incidents of solitary confinement of juveniles in detention.

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

The first report should cover April 1, 2022, through June 30, 2023. The second report should cover July 1, 2023, through March 31, 2024. The executive should electronically file the first report and a motion required by this proviso no later than September 15, 2023, and the second report and a motion required by this proviso no later than June 15, 2024, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law, justice, health and human services committee or its successor.

The first report responding to the proviso was transmitted in September 2023 and covered the period between April 1, 2022 – June 30, 2023. The report noted that challenges faced by DAJD during the reporting period included staffing shortages that impacted youth's in-room time and technology changes that led to lapses in documentation. According to the report, there were no incidents of restrictive housing for youth covered by the ordinance housed in adult detention. However, the number of incidents of restrictive housing at the juvenile detention facility increased during the reporting period. The Independent Monitoring team provided recommendations to improve documentation and youth safety.

ANALYSIS

Proposed Motion 2024-0205 would acknowledge receipt of the second of two independent monitor reports on confinement of juveniles, as required by the 2023-2024 Biennial Budget. The report, which is Attachment A of the proposed motion, covers the period from July 2023 through March 2024 and was prepared by the monitoring team of Kathryn Olson²⁸ and Bob Scales.^{29,30}

According to the report, the assessment for the reporting period was conducted through document reviews and data analysis; interviews with detained youth and age outs, detention officers, supervisors, and professional staff; attending multi-discipline team meetings and other detention activities; and meeting with the King County Juvenile Detention Guild Executive Board.

Proviso Requirement A: challenges, progress, setbacks, and changes. The independent monitors noted that DAJD faced many of the same challenges as in prior reporting periods, including:

- Staffing shortages and high turnover that has resulted in less experienced staff,
- Increased average daily population for juvenile detention and adult age outs (AAOs) in adult detention,
- A higher number of juveniles being booked on more serious charges, and
- Longer average lengths of stay for detained youth, particularly for those charged as adults.

The Independent Monitor noted that those combined challenges impact how frequently restrictive housing is used, how well staff is able to de-escalate conflict among youth, how much additional time youth spend in their rooms due to staffing shortages, how much access youth have to education and programming, and whether mandatory staff overtime is needed. These factors in turn influence morale for the youth and staff.

A challenge raised during the prior reporting period was adapting to technology changes due to the transition from paper reporting for behavior management and restrictive housing incidents to use of the electronic Jail Management System (JMS). The independent monitors noted that progress has been made on the use of JMS.

The monitors also note that during the current reporting period, significant progress was made in enhancing programming alternatives for youth at CCFJC, and that the Juvenile Division hired of a Community Services Coordinator and an Intervention Specialist. Another area of progress noted by the Independent Monitors was the decrease in the

²⁸ Change Integration Consulting, LLC

²⁹ Police Strategies, LLC

³⁰ According to the report, the independent monitoring team, "have deep and broad background and expertise in law; the criminal justice system; law enforcement operations, policy, training, labor relations, and community relations; records auditing; advising on data tracking and reporting systems; juvenile justice; reducing racial/ethnic disparities in the criminal justice system; knowledge of PREA and JDAI, trauma informed care, and impacts on policies and practices; restorative justice techniques; and federal, state and local government and criminal justice organizations. They have worked in a wide range of jurisdictions with multiple stakeholders and strive to foster accountability and transparency in the monitoring and reporting process."

average amount of time youth spent in restrictive housing compared to the prior reporting period.

Additionally, the monitors discussed progress the Juvenile Division has made responding to safety and security recommendations from the October 2023 report, entitled, “Juvenile Detention Safety and Security Analysis” by Development Services Group (DSG). The progress made by Juvenile Division includes forming employee groups to assess and improve staff retention and the facility’s behavior management system.

A setback noted by the monitors was the decrease in documentation of medical and mental health assessments that are required by county code for youth in restrictive housing. The monitoring team discussed that, in accordance with recommendations from the previous independent monitoring report and the DSG safety and security analysis, DAJD is working on improvements to JMS to make it less cumbersome for staff to record restrictive housing data. Some JMS improvements have already been implemented and additional potential improvements are under consideration.

Proviso Requirement B: Number of times solitary confinement was used. For youth housed at the CCFJC during the reporting period, Table 1 shows the number of incidents where youth were placed in restrictive housing, which totaled 415 incidents during the reporting period.

Table 1: Number of Restrictive Housing Incidents July 2023- March 2024

2023 Q3	2023 Q4	2024 Q1
119	157	139

County code provides for use of restrictive housing in incidents of imminent safety risk. In past independent monitoring reports, the types of restrictive housing incidents were broken into the categories of “safety risk” and “one-on-one programming.” Although one-on-one programming³¹ takes place outside of a youth’s sleeping room, the report states that it technically falls within the definition of restrictive housing. This is because during one-on-one programming, a youth has minimal contact with people other than detention staff. Recommendations have been made by Washington Department of Children, Youth, and Families,³² and the Independent Monitoring Team³³ to exclude

³¹ According to DAJD, one-on-one programming is assigned to youth when they present an imminent risk of harm to themselves or others, and it is used as a step-down for a youth assigned to restrictive housing until they can safely interact with the general population. One-on-one programming occurs outside of the youth’s sleeping room and involves detention staff engaging the youth in restorative justice work, educational programming, or other individual time with a staff person such as skill-building or playing a game.

³² The [Washington State Department of Children, Youth & Families, Juvenile Room Confinement and Isolation in Washington State: Initial Report to the Legislature, January 2023](#), states, “To the extent the intent of the law is to reduce the harm engendered by the lack of access to social connection and rehabilitative activities, we recommend that the definition of Isolation should not include instances where youth are engaging in one-on-one programming with staff” (23).

³³ The [Independent Monitoring Team Report July 1, 2021 – March 31, 2022](#) states, “Because the Ordinance, as written, defines restrictive housing to situations when one-on-one programming may be required by court-ordered separation of detainees, is necessary if a single female is in the juvenile facility,

one-on-one programming from the definition of restrictive housing. During this reporting period, the Juvenile Division did not include time spent in one-on-one programming as time in restrictive housing. The report further notes that one-on-one programming has rarely been used recently due to staffing shortages and the higher ADP.

Table 2 attempts to remove population variations as a factor in the number of restrictive housing incidents by showing the annual trend in the ratio between the average number of restrictive housing incidents per quarter and the annual ADP. This analysis shows that, even when accounting for the higher population at the CCFJC, the number of restrictive housing incidents has increased beginning in 2022. However, a major factor in the increase is that beginning in 2022, coinciding with implementation of the new juvenile confinement state law, DAJD began counting all restrictive housing incidents longer than an hour, rather two hours as previously reported. The columns shaded gray represent the years when incidents under two hours are included in the data.

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

	2019	2020	2021	2022	2023	2024 ³⁴
Restrictive housing incidents (quarterly average)	78	51	37	82	138	139
Average daily population	41.7	27.3	22.4	34	43	45
Ratio	1.9	1.9	1.7	2.4	3.2	3.1

Proviso Requirement C: Circumstances for the use of solitary confinement. The independent monitor analyzed the restrictive housing incident data and found that the greatest number of restrictive housing incidents occurred on Saturdays with 18 percent of all incidents occurring on that day. According to the independent monitors, the data and interviews with staff suggest that boredom due to lack of programming on the weekends contributed to behavior that resulted in use of restrictive housing. The report notes the importance of Juvenile Division's recent efforts to partner with community-based organizations that can provide programming on weekends and other gaps in routine activities.

Table 3 shows the circumstances under which restrictive housing and one-on-one programming occurred during the reporting period.

Table 3. Circumstances of Restrictive Housing Incidents

Circumstance	Approximate number	Percentage of incidents
Threat	219	50%
Assault	163	39%
Imminent Harm	21	5%
Disruptive³⁵	18	4%
Unknown	4	1%

and may be a preferred therapeutic intervention in helping a youth do restorative problem solving or a step towards reintegrating a youth to the unit, the independent monitors respectfully propose that the Ordinance be amended to address such unintended consequences" (44).

³⁴ Data from January 1 – March 31, 2024.

³⁵ DAJD staff note that youth are only placed in restrictive housing for disruptive behavior if that behavior poses an imminent risk of harm.

As shown in Table 3, nearly half of the incidents of restrictive housing occurred because the youth involved assaulted another youth or a staff member. Threats of harm, harm, or imminent harm were involved in 94 percent of the restrictive housing incidents during the reporting period. Not all incidents of threats or assaults result in restrictive housing, as the code and Juvenile Division policies call for use of restrictive housing only if less restrictive measures are not available. The report also notes that "imminent harm" is no longer a separate option for DAJD staff to select for documenting the circumstances of restrictive housing, since imminent harm must be present for any circumstance resulting in restrictive housing.

The report provides information gained from interviews with CCFJC teachers and youth suggesting that there is a perceived lack of consistency among JDOs in determining what behavior will result in restrictive housing, and that more consistency would create clearer behavioral expectations and fewer incidents of restrictive housing. This is similar to a finding in the 2023 Safety and Security Analysis prepared for the Juvenile Division by Development Services Group (DSG).

Proviso Requirement D: Duration of solitary confinement incidents. In tracking the duration of a restrictive housing incident, the Juvenile Division tracks the total amount of time a youth spends in their cell related to that incident before fully rejoining the general population. This means the data often reflects combined intervals of time rather than continuous time a youth spends in their cell. Particularly for restrictive housing incidents that take longer to resolve, youth will cycle in and out of their cell during their time on restrictive housing status. For example, when an incident involves multiple youths within the same living unit, this can result in what is termed "split programming" where the youth involved are rotated in and out of their rooms to participate in programming at different intervals until they reach a resolution that allows them to safely interact.

The average duration of restrictive housing events during the reporting period was 360 minutes, or six hours, which is down from an average of 444 minutes during the prior reporting period. The independent monitors called the 84-minute decrease in average duration "encouraging."³⁶

According to the independent monitors, approximately 36 percent of restrictive housing events had a total duration of less than two hours. A total of 59 percent of incidents lasted less than four hours. An additional 12 percent lasted between four and six hours, and approximately 29 percent had a total duration greater than six hours.

The report also provided data, shown in Table 4, on the amount of time a youth initially spends in restrictive housing before being released for group programming, even if that youth later returned to restrictive housing for an unresolved safety issue. As shown in Table 4, in 35 percent of incidents, youth were initially released within 30 minutes or less, and in 80 percent of incidents, youth were initially released within 60 minutes or less. In 12 percent of incidents, it was 90 minutes or more before the youth was initially released for group programming.

³⁶ Restrictive Housing – Independent Monitoring Team Report, July 1, 2023 – March 31, 2024, pg. 21

Table 4. Time in Restrictive Housing Before Release for Group Programming

15 minutes	30 minutes	45 minutes	60 minutes	75 minutes	90+ minutes
12%	23%	21%	24%	8%	12%

Proviso Requirement E & F: Documentation of review by supervisors and health professionals. The available data indicates medical assessments were documented as taking place in only 33.5 percent of restrictive housing incidents, and mental health assessments were documented as taking place in only 36.9 percent of the in-room restrictive housing incidents. The monitoring team noted it is not known whether the assessments were not documented because of data entry lapses or because the assessments did not take place. The monitoring team also stated that data is not available to indicate whether a restrictive housing incident was too short to require medical and mental health assessments, which are required within six and four hours, respectively. The monitoring team states, however, that “interviews and observations provide confidence that assessments of youth in restrictive housing are occurring with regularity.”³⁷ The monitoring team suggested additional analysis is needed of the decline in documentation of medical and mental health assessments for youth in restrictive housing.

Proviso Requirement G: Documentation of youth access to programming and necessities. As noted above, Juvenile Division provided data showing that youth involved in restrictive housing were able to return to group programming within 75 minutes in all but 12 percent of incidents. If a youth does not attend a school class due to being in restrictive housing, teachers typically provide an instruction packet. However, Juvenile Division’s reporting practices do not include documenting whether a youth in restrictive housing has access to an instructional packet or not.

The monitoring team reported on an issue impacting both youth in restrictive housing as well as all youth, which is that due to the higher ADP, there are currently more living halls than teachers available to rotate to each hall for classes, so there are days when youth in one or more living halls do not receive the full five hours of daily instruction they are meant to be provided by Seattle Public Schools (SPS). Additionally, teachers do not provide instructional packets to any youth, including youth in restrictive housing, who are not in class due to a teacher shortage. Interviews with teachers also suggest that many of the youth in detention have educational and mental health needs to require more specialized education attention than is currently provided by SPS.

The report provided a list of programming available to youth at CCFJC during the reporting period, which included: Movie Club; Know Your Rights Clinics; Pickleball; Sweat, Pain, and Gain; Upower; Project Canine; Pongo Poetry; Progress Pushers; Co-Creative Culture; ProSe Potential; Yoga Behind Bars; Seattle Children’s Theatre; Your Money Matters; The Silent Task Force; and Fresh Start.

The report also notes that individual tablets were rolled out in March 2024, providing additional programming options for youth, particularly during rest periods. The tablets are not supposed to be in the rooms of youth on restrictive housing, but since JDOs do

³⁷ *DAJD Restrictive Housing Monitoring Team Report, July 1, 2023 – March 31, 2024*, pg. 22

not forcibly remove tablets from youth's rooms unless it presents a safety issue, the report notes that this is policy is not consistently followed.

In terms of access to necessities such as reading materials, the report states that while youth still make scheduled visits to the facility library and have access to reading materials while in restrictive housing, the King County Library System (KCLS) has not staffed that library since November 2023, so the space is in disarray and the youth haven't had the typical level of librarian support.

The report states that while youth interviewed state that they have access to reading materials during restrictive housing, the documentation completed by Corrections Supervisors only indicated that youth had access to reading materials in 45 percent of incidents, which is a significant decrease since the last reporting period. In the remaining incidents, the presence of reading materials was not documented, and the report states that the new reporting protocol under JMS may be contributing to the apparent decline in reporting.

The report also states that access to other necessities required by county code and state law are not tracked in the Juvenile Division's documentation. Those include access to clothing, mattress and bedding, medication, toilet and sink at least hourly, necessary mental health services, and writing material. All youth in detention at CCFJC have a mattress, bedding, toilet, and sink in their rooms unless there is concern for self-harm. Access to medication and mental health services is captured under the documentation of mental health assessments.

Proviso Requirement H: Demographic of youth in solitary confinement. The report provides demographic information showing that, of the in-room and one-on-one programming restrictive housing incidents during the reporting period, 11 percent involved females and 89 percent involved males.³⁸ A Council staff analysis found that this distribution is aligned with the gender distribution of the ADP during the reporting period.

The independent monitor also tracked restrictive housing incidents by age and reported that youths aged 16 and 17 were involved in a disproportionately large share of incidents. The monitoring team has previously recommended that Juvenile Division explore living hall assignments being made based on age and developmental stage to avoid older juveniles negatively influencing or targeting younger juveniles. The report states that Juvenile Division is exploring that recommendation along with other evidence-based approaches to living hall assignments.

The monitoring team also compared the race and ethnicity of youth involved in restrictive housing incidents compared to the race and ethnicity of the ADP and found that while there are some differences in distribution of incidents compared to share of population, statistical significance of those differences could not be established.

Reporting on Additional In-Room Time. While not a proviso requirement, the report included information on the amount of time youth are confined to their room during time

³⁸ DAJD categorizes gender based on the youth's gender identification.

they would otherwise be in regular programming. The Juvenile Division refers to this time as “modified programming,” and it occurs due to reasons unrelated to youths’ behavior, such as staff shortages, teacher shortages, COVID quarantine, and facility issues. During the reporting period, 98 percent of the time youth spent in their rooms for modified programming was due to staff breaks. Typically, staff breaks would be covered by other staff, and youth programming would not be affected, however, when Juvenile Division does not have enough staff to cover legally required staff breaks,³⁹ youth are returned to the rooms during staff breaks, resulting in additional in-room time and disruption to regularly scheduled programming. While Juvenile Division is experiencing staffing shortages, on a given day, youth may experience modified programming during one to six breaks over two shifts, or not at all on some days. Modified programming can impact one residence hall, multiple residence halls, or all halls, depending on the degree of staffing shortages. The report refers to each break where one or more residence hall experienced modified programming as an “incident” with each incident due to a staffing shortage ranging from 15 – 30 minutes of additional in-room time.

The report states that there were 653 incidents of modified programming affecting one or more youth during the reporting period. The reports states that the average number of incidents during the first half of the reporting period was 52 per month, and 73 incidents per month during the second half of the reporting period. The total number of hours of additional in-room time for all youth during the reporting period was 867, which is an average of approximately two hours per youth per month. The report also states that modified programming impacted class time in 29 percent of the total incidents, with class time unaffected in the remaining 71 percent of incidents.

Reporting on Adult Age-Outs (AOOs). The information in the previous sections applied to youth housed at the juvenile detention facility at the CCFJC. Code requirements around solitary confinements conditions also apply to AAOs, or residents in adult detention who are being detained on a matter that occurred while they were under age 18. The report states that for AAOs detained in adult detention during the reporting period, there were 33 incidents of restrictive housing involving ten AAOs. In comparison, there were no incidents of restrictive housing in the prior reporting period.

It is not clear based on the documentation available that the incidents were in response to imminent threats of harm. In the majority of the incidents, the reason listed was for “cool down” or “on-site sanction.” A “cool down” is defined by the Adult Divisions as “temporarily placing an AAO whose behavior presents a security issue for a Cool Down Period not to exceed two hours.” An “on-site sanction” is “an incident when a Corrections Officer observes an inmate committing an infraction,” resulting in the resident being returned to their cell for two to four hours.

Additionally, the independent monitors found that during the reporting period, one AAO was place in five days of disciplinary segregation for fighting, which the report called “contrary to the express prohibition under the Ordinance and DAJD policy against using restrictive housing for disciplinary or punishment purposes.”⁴⁰

³⁹ Federal labor law requires employers to provide employees with two 15-minute breaks and one 30-minute break during an eight-hour shift.

⁴⁰ *DAJD Restrictive Housing Monitoring Team Report, July 1,2023 – March 31, 2024*, pg. 32

In response to these findings, the Adult Divisions noted they have a significant percentage of new staff, and the Majors have re-issued the Adult Divisions AAO policy to remind all staff of their responsibilities under county code.

The report notes that the level of programming and in-class educational opportunities at the CCFJC are not available to AAOs in adult detention. According to the report, despite less educational support, all AAOs interviewed had completed or were in the process of completing the work to achieve their high school diploma or GED. The report also indicates that DAJD is in the process of restoring the level of educational support and programming for adults in detention, which declined as a result of the COVID-19 pandemic. Additionally, like youth at the CCFJC, AAOs began having access to programming via individual tablets at the end of the reporting period.

Proviso Requirements I & J: Progress implementing recommendations and new recommendations. Recommendations made in the current report by the independent monitoring team include the following:

1. Ensure that all staff, but Supervisors in particular, are aware of efforts being made to develop shortcuts and dashboards to simplify JMS data entry and rationale behind making some data fields required.
2. In developing an approach that makes attendance mandatory for some programs and with input from JDOs and Supervisors, continually evaluate which programs, both in and outside the living halls, should be compulsory, on an individual or facility-wide level.
3. In developing a programming schedule, consider the importance of providing consistent and predictable programming throughout the week, but especially during periods of time that are otherwise unstructured, such as on weekends.
4. With input from JDOs and Supervisors, develop a strategy to ensure that youth return their tablets when required to do so.

The monitoring team also stated that many recommendations made in DSG's Safety and Security Analysis and the King County Auditor's Report on Juvenile Detention⁴¹ are relevant to reducing the use of restrictive housing in juvenile detention.

The report also includes Attachment A that lists prior independent monitor recommendations and their status. Of note is that the Juvenile Division has made progress on each of the four recommendations made in the April 1, 2022 – June 30, 2023, report, including being in the process of working with JMS administrators to streamline and improve compliance with the restrictive housing documentation.

Responsiveness to Proviso Requirements. The report appears to be responsive to the proviso requirements.

⁴¹ [Juvenile Detention: Many Youth Face Long Stays in Facility Designed for Short-Term Support - King County, Washington](#)

INVITED

- Jeneva Cotton, Division Director, Juvenile Detention, Department of Adult and Juvenile Detention
- Kathryn Olson, Independent Monitor

ATTACHMENTS

1. Proposed Motion 2024-0205 (and its attachments)
2. Transmittal Letter
3. DSG Safety and Security Analysis, October 30, 2023



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion

Proposed No. 2024-0205.1

Sponsors Barón

1 A MOTION acknowledging receipt of the second of two
2 independent monitoring reports on the confinement of
3 juveniles in county detention facilities as required by the
4 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
5 Section 54, Proviso P1.

6 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
7 Section 54, Proviso P1, requires the executive to transmit two reports on confinement of
8 juveniles in county detention facilities, each accompanied by a motion that should
9 acknowledge receipt of the applicable report, and

10 WHEREAS, the first report was transmitted no later than September 15, 2023,
11 and covered April 1, 2022, through June 30, 2023, and

12 WHEREAS, this second report, to be transmitted no later than June 15, 2024,
13 covers July 1, 2023, through March 31, 2024, and

14 WHEREAS, Ordinance 19546, Section 54, Proviso P1, provides that \$200,000
15 shall not be expended or encumbered until the executive transmits both reports and a
16 motion acknowledging receipt of each report is passed, and

17 WHEREAS, upon passage of each motion, \$100,000 shall be released for
18 expenditure or encumbrance, and

19 WHEREAS, the council has acknowledged receipt of the second report
20 transmitted by the executive;

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

22 The motion acknowledging receipt of the second of two reports on the
23 confinement of juveniles in county detention facilities, entitled King County Department
24 of Adult and Juvenile Detention Independent Monitoring Team Report, Attachment A to

25 this motion, is hereby passed in accordance with 2023-2024 Biennial Budget Ordinance,
26 Ordinance 19546, Section 54, Proviso P1.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. King County Department of Adult and Juvenile Detention (DAJD) Independent Monitoring Team Report

A	B	C
1	ATTACHMENT A: INDEPENDENT MONITORING TEAM REPORT - JULY 1, 2023 - MARCH 31, 2024	
2	STATUS OF RESTRICTIVE HOUSING MONITORING RECOMMENDATIONS (Updated May 31, 2024)	
3	Report	
4	July - December 2019	Status
5	<p>1.1 Update the Adult Divisions Inmate Information Handbook to align its housing and classification scheme with current policy on restrictive housing and review the Handbook to ensure there are no other outdated references to the use of “restrictive housing” terminology. An alternative approach would be to provide AAOs with an addendum at the time they receive a copy of the Handbook, explaining the differences in the use of the phrase “restrictive housing” in adult facilities as compared to the Juvenile Division.</p>	<p>Completed - DAJD amended its handbook to include the Adult Age-Out Inmate Handbook Information summary, which includes basics such as a summary of behavior standards, restrictive housing, the transfer of incentive awards earned in the Juvenile Division to use for commissary purchases, requests for medical, mental health or dental services, programming and educational opportunities, and other topics.</p>
6	<p>1.2 Consider replacing the term “restrictive housing” with “room confinement,” which is the term used by the Juvenile Detention Alternatives Initiative (JDAI) in referring to the involuntary placement of a youth alone in a cell, room, or other area, that may only be used as a temporary response to behavior that threatens immediate harm to the youth or others.</p>	<p>Recommendation withdrawn - Terminology used in the Ordinance and by DJAD does not always align with that found in related federal and state laws, and there does not appear to be an obvious way to resolve language differences.</p>
7	<p>1.3 DAJD should consider whether the current list of 21 codes in the Youth Accountability Checklist is so detailed that it creates confusion for Juvenile Detention Officers.</p>	<p>Completed - <i>Electronic room checks and other practices with the Jail Management System (JMS) implemented in August 2021 will minimize the number of codes required to be entered by the JDOs. i.e. if youth is ‘scanned’ as in dorm, a few options will appear that can be selected, such as rest period, voluntarily in room, restrictive housing.</i> Update: in progress - This recommendation was marked Completed in 2022, based on an understanding that the electronic room check system would be implemented alongside JMS, minimizing the number of potential codes. Since that did not occur, a recommendation to implement electronic room checks was made in the April 2022 - June 2023 Monitoring Team Report. Once the electronic room check system is in place, this recommendation can again be marked as Completed.</p>
8	<p>1.4 The Juvenile Division Restrictive Housing Assessment Checklist could be enhanced with a visual graphic of the different levels of review and timing for each and by adding space for medical and mental health professionals to provide written comment on their assessments. Also, it would be useful for the JDO, supervisor, and medical and/or mental health professionals to meet at some point to discuss their individual assessments and the need for continued restrictive housing.</p>	<p>Completed - The new “checklist” has been built in JMS to replace the paper form. It does not include a visual graphic but does provide additional guidance for users and places for more thorough notes by all parties. Regarding the second part of the recommendation, a new Multidisciplinary Team meets on a daily basis to discuss intervention options for individual youth demonstrating problematic behavior and reintegration plans for any youth in restrictive housing.</p>
9	<p>1.5 Explanations on the Juvenile and Adult Divisions’ restrictive housing checklists concerning behaviors, statements, or conditions that support restrictive housing should clearly state how they pose an imminent and significant threat of physical harm to the youth, AAO, or others, and any unsuccessful less restrictive alternatives.</p>	<p>Completed - The Adult and Juvenile Divisions each implemented improvements and updates to the youth and Adult Age-Out (AAO) restrictive housing documentation process. The new documentation processes expanded upon the information gathered during a restrictive housing event. These and other improvements are included in the electronic JMS that has been implemented and supported by other changes such as implementation of the Multidisciplinary Team, with on-going reviews to improve documentation and processes.</p>

	A	B	C
10	1.6	In order to meet the goal of reintegrating youth into the general population as early as appropriate after placement in restrictive housing, the Juvenile Division should require that a plan be developed providing explicit steps to be taken to help facilitate a youth's exit from restrictive housing. The point in time after restrictive housing has been initiated and the staff person(s) responsible for developing a plan should be built into any procedural change.	Completed - The Juvenile Division has created a process that requires identification of restrictive housing goals and objectives from the outset, which are reviewed by the MDT and frequently communicated to the involved youth. Reintegration plans are mandatory if a youth is in restrictive housing over four (4) hours, though reintegration is contemplated in setting the initial goals and objectives and options are discussed in MDT meetings.
11	1.7	As DAJD continues to develop data analytic capabilities with the JMS and behavior responses involving restorative practices, it would be useful to consider how Cool Down periods are used and fit into the larger Behavioral Management System in the Juvenile Division.	Recommendation withdrawn - Originally, the plan was to follow-up as JMS was implemented to better understand electronic room check record keeping and reporting under new system, including the use of cool down periods. However, DAJD has discontinued the use of cool downs as being inconsistent under Chapter 13.22 RCW, a new Washington State law on the use of confinement and isolation of detained youth.
12	1.8	Ordinance 18637's prohibitions on restrictive housing apply when a juvenile is voluntarily or involuntarily in their room. Standards under the Juvenile Detention Alternative Initiative define restrictive housing based on the involuntary placement of youth in a cell or room alone in response to behavior that threatens immediate harm to the youth or others. It is recommended that DAJD explore the feasibility of advocating this perspective with the King County Council and stakeholders.	Incomplete - While DAJD is in agreement with this recommendation, a review and possible action by King County Council is required to implement this recommendation. Update - During the July 2023 - March 2024 evaluation period, significant progress was made in considering possible amendments to Ordinance 18637, including with regards to the issue of voluntary/involuntary room assignment. Final changes are still under deliberation.
13	1.9	As the DAJD considers the prior monitor's recommendation to determine how privileges and points earned at CFJC could be transferred to the jail, the Department should identify individuals from the Adult Division to work with those previously named in the Juvenile Division, and set target start and completion dates for the team working on this issue.	Completed - As of early 2021, a process was put into place allowing for the transfer of incentive awards earned in the Juvenile Division to be used for credit in an Adult Divisions commissary. The Adult Age-Out Inmate Handbook Information addendum noted in recommendation 1.1 provides an explanation on transfer amounts.
14	1.1	It is recommended that DAJD appoint individuals from the Adult and Juvenile Divisions to explore how family members might be accommodated in the transition process when juveniles turn 18 and are transferred to an adult facility, and set target start and completion dates for the review.	Completed - As of early 2021, DAJD put into place a framework and format for family engagement as youth are transitioning between the juvenile and adult facilities. The two divisions collaborated on the new process which allows for youth to determine if they would like a parent/guardian to participate, as well as the ability to bifurcate transition sessions to allow the youth to ask questions without their guardian present, if desired. The Psychiatric Services Manager meets with youth transitioning to the adult facility to discuss continuity of medical and behavioral health care. The Juvenile Division coordinates with the Adult Divisions MDT Sergeant who acts as a liaison to AAOs, to schedule meetings ahead of the transfer date.
15	1.11	DAJD should consider whether an explicit integration of restrictive housing policy with the Behavior Management System would more accurately reflect behavior response expectations and practices in the Juvenile Division.	Completed - Reintegration plans and reintegration goals/objectives are started immediately once a youth is placed in restrictive housing and are reviewed during the mandatory assessments and in daily MDT meetings. An updated visual "flow chart" showing how incentives, behavior response forms, and reintegration plans integrate with restrictive housing would still be useful.
16	1.12	To the extent current resources are available and as DAJD continues to develop data analytic capabilities with the JMS, it is advised that the DAJD seek ways to do more data analysis of the use of alternative behavior responses, including restorative practices, under the new Behavior Management System.	In progress - DAJD agrees that dashboard capabilities in JMS will help produce operational reports that will link datasets from behavior response forms, reintegration plans, rooms checks, restrictive housing forms, and information on incentives and levels achieved. Once linked, data analytic capacities will expand, per the recommendation. Update - Though some datasets are now linked through JMS, others are not and the system's data analytic capacities are still being explored with the datasets that are linked.

	A	B	C
17	1.13 DAJD should consider ways it could structure efforts to reduce restrictive housing and continue in its development of the new behavior management program around a central principle or approach that connects policies, practice, and culture.		In progress - DAJD continues to develop policies and practices that revolve around goals that include the reduction in use of restrictive housing and development of alternative intervention options when youth demonstrate problematic behavior. With Zero Youth Detention and the plan to close the juvenile facility, the mission of the Juvenile Division and its role with juveniles in the criminal justice system will need to be clarified. Update - Care and Closure has replaced the Zero Youth Detention initiative and the Juvenile Division is working to identify evidence-based practices to increase programming for behavior management.
18			
19	January - June 2020	Recommendations re: DAJD Restrictive Housing Polices and Related Materials	Status
20	2.1 In completing all documentation related to a restrictive housing event, continue to encourage specific and thorough details that support a decision that a youth's behavior created a risk of imminent and significant physical harm.		In progress - This recommendation is supported through multiple layers – providing the youth with goals and objectives to reintegrate into group programming requires the JDO to identify a specific risk, as well as articulate to the youth what they need to achieve to demonstrate the risk has been removed. Documentation reviewed during the monitoring process shows continual improvement in providing the necessary details. As processes are folded into JMS, it will be important to determine that the necessary information continues to be provided. Update - During the July 2023 - March 2024 evaluation period, continuing inconsistency was noted regarding the identification of specific behaviors leading to restrictive housing assignments. Training and policy enforcement with Corrections Supervisors is viewed as key.
21	2.2 Continue to develop an approach of using an explicit reintegration plan when a youth is in restrictive housing. To the extent such a plan exists in medical or mental health assessment notes, determine whether other staff members are aware of the plan and the benefits of including it in the restrictive housing documentation.		Completed - This recommendation is similar to 1.6 above. The Juvenile Division has created a process that requires identification of restrictive housing goals and objectives which are reviewed by the MDT and frequently communicated to the involved youth. Reintegration plans are mandatory if a youth is in restrictive housing over four (4) hours, though reintegration is contemplated in setting the initial goals and objectives and options are discussed in MDT meetings.
22		Recommendations re: the Juvenile Division's Behavior Management System	Status
23	2.3 While it appears that the Juvenile Division remains committed to building a culture dedicated to restorative principles, a reset of sorts would be useful at this time, to clarify the place of restoration practices in the larger set of interventions available and appropriate to use with individual youth in the juvenile facility. While the Juvenile Division continues to face a variety of challenges, providing direction to staff and demonstrating commitment about how restorative practice goals fit with other priorities would be beneficial.		Completed - There has been a reset given changes mandated by HB2277, discontinued use of Restoration Hall, the introduction of <i>The Carey Guides</i> , development of the MDT which meets daily, the growing use of individualized case management, reintegration plans, and other tools to address problematic behavior and support the emotional and social growth of youth in detention.
24	2.4 Given the low numbers of youth in the juvenile facility at this point, the Juvenile Division should consider using a more individualized case management model, involving all staff in the process so there is a consistent theme of working with each youth. A case management approach will be facilitated by the Jail Management System and EPIC system, which will support individualized and continuing care.		In progress - An individualized case management approach is being put into practice and will continue to be developed as a second Restorative Justice Coordinator is hired to help facilitate the process. Update: Completed - The low ADP at the CCFJC at the time this recommendation was made is no longer the case, as ADPs have increased significantly. Also, the Juvenile Division has adopted the MDT approach to conducting a daily review of youth detained at CCFJC, particularly those who are assigned to restrictive housing or exhibiting behavioral issues that are becoming more problematic and discuss alternative approaches.

	A	B	C
25		Recommendations re: the Tracking of Restrictive Housing Data	Status
26	2.5	Because the Ordinance, as written, defines restrictive housing to situations when one-on-one programming may be required by court-ordered separation of detainees, is necessary if a single female is in the juvenile facility, and may be a preferred therapeutic intervention in helping a youth do restorative problem solving or a step towards reintegrating a youth to the unit, the independent monitors respectfully propose that the Ordinance be amended to address such unintended consequences. (Similarly, in the July – December 2019 report, the suggestion was made that youth voluntarily spending time alone in their rooms for limited periods should not fall under the restrictive housing definition, in line with JDAI standards.)	Incomplete - Review and possible action by King County Council is required, though the new Washington State law on room confinement, Chapter 13.22 RCW, potentially allows for some situations where one-on-one programming is necessary, such as when there is only one female detainee, and makes impermissible other situations when DAJD previously relied on one-on-one programming to help a youth self-regulate and prepare to reintegrate with their peers. Update - During the July 2023 - March 2024 evaluation period, significant progress was made in considering possible amendments to Ordinance 18637, including with regards to the issue of voluntary/involuntary room assignment. Final changes are still under deliberation.
27		Recommendations re: Adults Divisions' Programming and Access to Education and Services	Status
28	2.6	In the Adult Divisions, the kite form used by AAOs to express interest in education opportunities or request a program or service would be easier for an AAO to use if it provided more specific information about what is available at any given time. While this would require the Programs office to update relevant kite communications, providing more information up front for AAOs would help facilitate and might encourage use of education and program opportunities in KCCF and MRCJ, without implicating the cost prohibitive changes in programming recommended by the prior monitor.	In progress - The Adult Age-Out Inmate Handbook Information addendum provides basic information on requesting educational and programming opportunities, and youth report they are taking advantage of options to continue their education. Programs staff are to talk with youth about services within 72 hours of transfer to the Adults Divisions, though the range of programs available at any given point is not communicated effectively in written materials.
29	2.7	DAJD's Adult Divisions should explore the feasibility of formalizing AAO support services by utilizing the resources available through the MDT initiative on reduction of restrictive housing generally in the adult jail facilities. Given that the AAO average daily population has decreased significantly, and education and programming opportunities are limited or not available at all during this time of COVID-19, there is an opportunity to bring individually focused, trauma-informed services to AAOs, some of whom would have recently benefitted from such an approach in the juvenile facility. As with the previous recommendation, and particularly given the small number of AAOs currently in the jail population, this recommendation could be explored without a commitment of significant resources.	In progress - The AAO ADP has increased over the past year making it harder to move toward realizing this recommendation. However, the MDT Sergeant responds to unique AAO needs and AAOs reported that they could get medical attention and medications, as needed, and that there are psychiatric check-ins, though not the regular counseling provided in the Juvenile Division. Update: Completed - The low ADP of AAOs in the Adult facilities at the time this recommendation was made no longer is the case, as ADPs have increased the past couple of years. Also, the Adult Divisions uses an approach of identifying all AAOs on a daily basis at each facility to assist with tracking them, along with the services of a Sergeant who meets regularly with AAOs to advise them on navigating the jail system and avoiding conflict with other inmates.
30	2.8	Given the uncertainty as to how long COVID-19 restrictions on in-person education will continue, the Adult Divisions should reconsider whether there are any steps that can be taken to support any AAO's interest in continuing to work towards a high school diploma or GED.	Completed - All 9 AAOs in the King County Correctional Facility in May 2022 had completed or were in process of completing their diploma or GED. It is not clear if the Adult Divisions took affirmative steps to encourage youth to complete their educational requirements or if the lack of interest in pursuing an education as noted in a previous report was temporary.
31			
32	July 2020 - June 2021	No new recommendations, as DJAD rolls out JMS, brings Juvenile Division restrictive housing policies in compliance with RCW 13.22 (which addresses some earlier recommendations), and implements us of "The Carey Guides," an alternative behavioral response tool.	
33			
34	July 2021 - March 2022	No new recommendations. List of recommendations through June 2020 was updated to reflect which had been implemented, which were no longer relevant, and where DAJD disagreed with recommendations. The Status column above reflects these outcomes.	
35			
36	April 2022 - June 2023	Recommendation	Status

	A	B	C
37 38		3.1 The system used to document restrictive housing in JMS should be made more user friendly, involving as few steps as possible to complete the task without compromising the information sharing function. Correctional Supervisors and other employees should have an opportunity to share ideas about ways to improve the data entry process.	In progress - Division staff are working closely with JMS Administrators to develop shortcuts and dashboards to simplify data entry and ensure Supervisors are aware when assessment documentation is due. The Juvenile Division has recently worked with the JMS developers to make some data fields required to ensure data entry is accurate and consistent.
39		3.2 The Chief of Operations or someone of comparable authority should review JMS documentation of restrictive housing events each day to ensure all information expected has been entered and appears correct. This was happening when the entire process was done by paper and there is a continuing need for this level of oversight.	In progress - Along with the shortcuts and dashboard underdevelopment to ease data entry for Corrections Supervisors, JMS reports and dashboards are under development for faster and more consistent quality assurance. Whether the Chief of Operations should resume reviewing the forms is under consideration.
40		3.3 DAJD should install the electronic door lock system that it purchased for CCFJC living units. The system would automatically record time in room and assist with the tracking of youth activities, reduce the need to use the hard copy Youth Accountability Checklist, and produce electronic data that could more easily be associated with and analyzed alongside JMS data. See Recommendation 1.12 and comments re: status.	In progress - The Juvenile Division is exploring electronic room check technology. Division leadership has conducted site visits and met with vendors to understand the capabilities and if the possible vendors are able to meet the Division's documentation and data reporting needs.
41		3.4 The idea of setting up living halls based on the age and developmental stage of each detainee should be explored, with input from representatives from throughout the facility.	In progress - The Juvenile Division is reviewing its current method and factors taken into account for living hall assignment and is researching alternative approaches, including consideration of factors that might result in reducing conflict between youth and the assignment to restrictive housing that can result. The Division is also developing a Housing Classification policy.
42			
43	July 2023 - March 2024	Recommendation	Status
44		4.1 Ensure that all staff, but Supervisors in particular, are aware of efforts being made to develop shortcuts and dashboards to simplify JMS data entry and the rationale behind making some data fields required.	
45		4.2 In developing an approach that makes attendance mandatory for some programs and with input from JDOs and Supervisors, continually evaluate which programs, both in and outside the living halls, should be compulsory, on an individual or facility-wide level.	
46		4.3 In developing a programming schedule, consider the importance of providing consistent, predictable programming throughout the week, but especially during periods of time that are otherwise unstructured, such as on weekends.	
47		4.4 With input from JDOs and Supervisors, develop a strategy to ensure that youth return their tablets when required to do so.	



King County

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June 14, 2024

The Honorable Dave Upthegrove
 Chair, King County Council
 Room 1200
 COURTHOUSE

Dear Councilmember Upthegrove:

As called for by Ordinance 19546, Section 54, Proviso P1, this letter transmits the sixth King County Department of Adult and Juvenile Detention (DAJD) Independent Monitoring Team Report required by Ordinance 18637, Sections 2 through 5. Also included is a proposed Motion that would, if approved, acknowledge receipt of the report. The enclosed report covers the period of July 1, 2023, through March 31, 2024.

This is the sixth Independent Monitor report provided to the King County Council. It is the next installment of reports related to the confinement of juveniles in County facilities. The last report submitted to the Council in September 2023, detailed DAJD's implementation of Revised Code of Washington (RCW) 13.22 regarding solitary confinement, including the process of updating detention operations aligning with Ordinance 18637 and RCW 13.22.

This report details the continued progress DAJD is making with leveraging the capabilities of the Jail Management System to collect and document information about restrictive housing. It discusses how staffing shortages and the increased average daily populations impact the documentation process. The report highlights recent audits and other analyses of Juvenile Division operations and the progress being made on the implementation of several recommendations. The enclosed report also provides an update on the Independent Monitoring Team's previous recommendations.

Thank you for your consideration of this report and proposed Motion.

If your staff have any questions, please contact Diana Joy, Chief of Administration, Department of Adult and Juvenile Detention, at 206-263-2769.

The Honorable Dave Upthegrove

June 14, 2024

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Sincerely,



for

Dow Constantine

King County Executive

Enclosure

Cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff

Melani Hay, Clerk of the Council

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

Allen Nance, Director, Department of Adult and Juvenile Detention

Steve Larsen, Deputy Director, Department of Adult and Juvenile Detention

Diana Joy, Chief of Administration, Department of Adult and Juvenile Detention

Reporting Period: July 1, 2023 - March 31, 2024

REPORT

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**RESTRICTIVE HOUSING - INDEPENDENT MONITORING TEAM REPORT
July 1, 2023 - March 31, 2024
EXECUTIVE SUMMARY**

This is the sixth Independent Monitoring Team Report on Implementation of King County Council Ordinance 18637 by the Department of Adult and Juvenile Detention (DAJD). Ordinance 18637 provides for limits on the use of restrictive housing/solitary confinement for juveniles detained in DAJD facilities.

The challenges encountered by DAJD during the current restrictive housing monitoring period are primarily those the department has been facing for a number of years: staffing shortages, an increase in the Average Daily Population (ADP) for both the adult and juvenile facilities, a higher number of juvenile detainees being booked on more serious charges, and a longer average Length of Stay (LOS) for youth in secure detention whose cases are being heard in Adult Superior Court. These challenges can impact how frequently restrictive housing is used, how frequently modified programming is necessary, whether there are sufficient numbers of staff who are experienced in responding to and de-escalating conflict among detainees, the number of living halls that can be adequately staffed and available for changes in hall assignments as a strategy to deter conflict or as an alternative behavior response, access to education and programming, and DAJD staff's ability to prioritize documentation and tracking of restrictive housing related data while simultaneously needing to train and mentor new employees and assist in juvenile detainee engagement and program management.

However, progress continues to be made on maximizing the capabilities of the Jail Management System (JMS) and the Juvenile Division is instituting JMS data entry short cuts and other changes to make the system more user friendly. It is also exploring options for electronic room checks to assist with documenting the activities of juveniles throughout the day. Both of these initiatives should help address a decrease in documentation for some of the required assessments when a youth is placed in restrictive housing.

New hires this year include an Intervention Specialist to assist in addressing group conflict and a Community Services Coordinator who is tasked with building out the Juvenile Division's programming services. Robust and predictable programming is vital in a juvenile detention setting to help keep youth active and deter conflict. If juveniles experience less peer-to-peer conflict, the need for using restrictive housing as a behavioral response should also decrease. DAJD is taking the steps needed to enhance programming at CCFJC and impacts on restrictive housing will be closely watched.

Juveniles over the age of 18 who have transferred to an Adult Divisions facility continue to work to obtain a high school degree and the DAJD is exploring job readiness programs and community college options. King County Corrections Facility discovered a group of previously unreported incidents of restrictive housing, which are discussed in the report, along with an explanation as to steps to be taken to prevent a reoccurrence.

RESTRICTIVE HOUSING - INDEPENDENT MONITORING TEAM REPORT

July 1, 2023 - March 31, 2024

I. INTRODUCTION

This is the sixth report from the independent monitoring team¹ engaged to assess progress made by the King County Department of Adult and Juvenile Detention (DAJD) to implement King County Council Ordinance 18637, which places limitations on the use of restrictive housing for juveniles detained in DAJD facilities. Pursuant to a proviso in King County's 2023 - 2024 Biennial Budget, this report analyzes DAJD's compliance with K.C.C. Chapter 2.65 and Chapter 13.22 RCW and presents data regarding restrictive housing for the period July 1, 2023 - March 31, 2024, compares the data to information provided in earlier reports, discusses restrictive housing implementation efforts and challenges encountered, makes recommendations where process improvement opportunities are identified, and updates DAJD's response to previous monitoring team recommendations.

II. KING COUNTY'S RESTRICTIVE HOUSING ORDINANCE 18637, WASHINGTON STATE RCW 13.22 ON ROOM CONFINEMENT AND ISOLATION, & KING COUNTY'S 2023 - 2024 BIENNIAL BUDGET PROVISOR RE: RESTRICTIVE HOUSING

Restrictive housing of juveniles in King County is regulated by Ordinance 18637 (or "the Ordinance") and Washington State RCW 13.22. The Ordinance and a King County 2023 - 2024 Biennial Budget proviso also mandate independent monitoring of restrictive housing of detained youth and require that monitoring reports be transmitted to King County Council by the County Executive.² The restrictive housing provisions mandated under the Ordinance and RCW 13.22 are summarized below, followed by an outline of issues to be reviewed and reported through the independent monitoring process, per the 2023 -2024 budget proviso.

A. King County's Restrictive Housing Ordinance 18637

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

² Ordinance 18637 § 6; Ordinance 19546, Proviso P1, § 54.

Ordinance 18637 prohibits the restrictive housing³ of certain youth/juveniles in King County’s detention facilities, except when based on the youth’s behavior and restrictive housing is necessary to prevent imminent and significant physical harm to the youth or others and less restrictive alternatives were unsuccessful.⁴

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

Under the Ordinance, “solitary confinement/restrictive housing” 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, facility staff, and attorneys.” Use of restrictive housing of youth for disciplinary or punishment purposes is prohibited, though short-term placement of youth in individual cells for purposes of facility or living unit security issues or for other short-term safety and maintenance issues is permitted. Juveniles also must be given reasonable, timely access to the defense bar, juvenile probation counselors, social service providers, and educators.

B. Washington State RCW 13.22: Room Confinement and Isolation

In 2021, Washington State legislation providing additional regulation of the use of confinement and isolation of youth in detention facilities and institutions became effective.⁵ The Washington statute provides limits on the use of room confinement that extend beyond the mandates of King

³ The Ordinance uses the term “solitary confinement,” though DAJD adopted the term “restrictive housing,” which previously had been used by the Adult Divisions and has since been used by both the Juvenile and Adult Divisions. The Ordinance makes clear that its mandates apply regardless of the terminology used (e.g., solitary confinement, room confinement, segregated housing, restrictive housing, etc.). RCW 13.22.010 introduces another taxonomy of terms related to solitary confinement, as discussed below.

⁴ A list of explanations underlying enactment of Ordinance 18637 included studies “on the psychological effects of solitary confinement on juveniles suggest that isolation may interfere with essential developmental processes, lead to irreparable damage and increase the risk of suicide ideation and suicide.” King County’s Zero Youth Detention Road Map also has an objective of ensuring that detained youth receive trauma-informed care. To support this approach, the County participates in the Juvenile Detention Alternatives Initiative (JDAI) and relies on JDAI standards.

⁵ RCW 13.22. Prior monitoring reports for the periods April 2022 - June 2023 and July 2021 - March 2022, provided detailed overviews of RCW 13.22 and discussed various ways the requirements under Washington law are similar to and differ from restrictive housing mandates under Ordinance 18637.

County Ordinance 18637, requiring the Juvenile Division to bring its restrictive housing policies and practices into compliance.⁶ As discussed in the prior monitoring report for the period July 1, 2021 - March 31, 2022, the DAJD's Juvenile Division conducted an in-depth review of restrictive housing protocols and staff roles, responsibilities, and communication expectations, to ensure practices are in line with RCW 13.22.

"Solitary confinement" under RCW 13.22.010 "means a youth is involuntarily separated from the youth population and placed in a room or cell other than the room assigned to the youth for sleeping for longer than 15 minutes for punitive purposes." While King County's Ordinance also prohibits the use of solitary confinement for punitive purposes, it defines "solitary confinement" to mean "the placement of an incarcerated person in a locked room or cell alone with minimal or no contact with persons other than guards, correctional facility staff, and attorneys." DAJD uses the term "restrictive housing" instead of "solitary confinement" in defining the conditions under which youth can be confined to their room as a behavioral response, while RCW 13.22 sets out the conditions using the terms "room confinement" and "isolation."

⁶ For example, under RCW 13.22, the term "confinement" includes both room confinement and isolation and means a youth is separated from the population and placed in a locked room for longer than 15 minutes. The Juvenile Division's original policy allowed for the confinement of a youth to their room for a short "Time Out" or a "Cool Down" period lasting up to two (2) hours which was not classified as restrictive housing. Under the DAJD Juvenile Division's revised policy, the restrictive housing time clock begins as soon as a youth is involuntarily confined to their room (the policy does not provide for the initial 15-minute buffer included under state law) and the "Time Out" or "Cool Down" options are not permitted.

**COMPARING ORDINANCE 18637 AND RCW 13.22
 TERMINOLOGY USED AND MINIMUM REQUIREMENTS**

Ordinance 18637	RCW 13.22	
<i>Solitary Confinement/ Restrictive Housing</i>	<i>Room Confinement</i>	<i>Isolation</i>
<ul style="list-style-type: none"> 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.⁷ Can use when, based on the juvenile's behavior, it is necessary to prevent imminent and significant physical harm and less restrictive alternatives were unsuccessful. 	<ul style="list-style-type: none"> Defined as: A juvenile is separated from the youth population and placed in a room or cell that the juvenile is assigned to for sleeping, other than during normal sleeping hours or interim rest hours. [It] does not include time a youth requests to spend in his or her room or rest periods in between facility programming. Juveniles are in room confinement from the moment they are separated from others until they are permitted to rejoin the population Can use when a youth's behavior causes disruption to the facility, or there is a safety or security concern that does not rise to the level of imminent harm, and less restrictive measures are not effective. 	<ul style="list-style-type: none"> Defined as: Confinement that occurs (a) when a youth is separated from the youth population and placed in a room for longer than 15 minutes for the purpose of discipline, behavior modification, or due to an imminent threat to the safety of the youth or others; and (b) in a room other than the room assigned to the youth for sleeping. Juveniles are in isolation from the moment they are separated from others until they have rejoined the population. Juveniles who are pregnant shall not be put into isolation. Maintaining appropriate gender separation does not constitute isolation. Can use as a last resort if less restrictive alternatives were unsuccessful to prevent imminent harm to the youth or others; when waiting for transfer to another facility; overnight if the youth's behavior is too disruptive to other youth;

⁷ A youth who voluntarily requests to spend time in their assigned room is not included in the state law's definition of room confinement. While DAJD policy does not include a youth choosing to voluntarily rest in their room under its definition of restrictive housing, King County Ordinance 18637 does not make a distinction between involuntary and voluntary time-in-room. The monitoring team has recommended that King County Council amend Ordinance 18637 to distinguish between voluntary youth requests for time in their room and involuntary confinement due to behavioral issues. Such a distinction is important for building legitimacy in the Ordinance among those who must follow its mandates, including JDOs and other staff. During the current evaluation period, King County Council's Law and Justice Committee has been considering the voluntary/involuntary issue and other recommended changes.

		or, in response to an escape attempt.
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RCW 13.22 requires that the Juvenile Division compile and publish data on the use of confinement or isolation (i.e., restrictive housing) in excess of one hour,⁸ including the number of times restrictive housing was used, circumstances leading to restrictive housing, the duration of each use, if supervisory reviews occurred and were documented, the age and race of youth involved, medical and mental health assessments, and access to medication, meals and reading materials.⁹ Through restrictive housing monitoring reports and other means, the Juvenile Division has been compiling and publishing this sort of data since the Ordinance became effective, prior to the publishing mandates under RCW 13.22.

In compliance with both the Ordinance and RCW 13.22, Juvenile Division policies and procedures require that all youth are checked on at least every 15 minutes and, for those in restrictive housing, provide that:

- Youth have access to clothing, mattress and bedding, medication, toilet and sink at least hourly, any necessary mental health services, and reading and writing material.
- The reason for placement in restrictive housing is documented by staff.
- A supervisor checks in with the youth within two hours of placement into restrictive housing, and then every four hours (except for ordinary sleep periods).
- The youth be evaluated and a care plan developed by a mental health professional as soon as possible within four hours of placement in restrictive housing.
- The youth be evaluated by a medical professional as soon as possible within six hours of placement in restrictive housing or before an ordinary sleep period, and at least once per day thereafter.
- Youth are released from restrictive housing as soon as the purpose of the confinement or isolation is met, the desired behavior is evident, or the youth is determined no longer to be an imminent risk.
- if a youth remains in restrictive housing for more than four hours within a twenty-four-hour (24) period, staff must establish a reintegration plan and share it with the youth.

⁸ In order to comply with both RCW 13.22 and the Ordinance, the Juvenile Division now reports all events that last 60 minutes or longer. This results in a higher number of reported events compared to historical data, when Time Outs and up to two-hour Cool Down periods were permitted and time in restrictive housing did not start until after any initial Cool Down.

⁹ The DAJD Juvenile Division developed a data sharing agreement with the DCYF to support transfer of restrictive housing data to DCYF and reviewed Juvenile Division data to align it with the variables detailed in the statute. DCYF is required to gather the data from the state and county juvenile facilities into reports to be provided to the Legislature, which also will include periodic reviews of policies, procedures, and use of confinement and isolation in all applicable facilities, including CCFJC.

- An extension beyond four hours is allowed if subsequent or multiple incidents occur, and:
 - All requirements above are met.
 - The reason for the extension is documented.
 - Medical professionals assess and address the youth's physical needs and mental health professionals evaluate their mental health needs.
 - An individualized plan is established for reintegration of the youth.
 - The agency head provides documented authorization for continuing restrictive housing if exceeding 24 hours.

A multidisciplinary team (MDT team) of CCFJC detention staff and supervisors, mental health professionals, and others meet daily to review incidents of restrictive housing, as well as to assess behavioral support and other needs for youth experiencing acute psychological and/or social issues that day, whether or not they are in restrictive housing.

The Juvenile Division continues to explore behavioral response alternatives to avoid the use of restrictive housing or decrease the time in which a youth is placed in confinement. When restrictive housing assignment is deemed appropriate, goals and objectives are identified and communicated to a confined juvenile so they and all staff share an understanding as to what is necessary for reintegration back into routine activities with peers in their living hall.

Due to staffing shortages, one-on-one programming has rarely been used recently. However, due to misunderstandings about the use of one-on-one programming, it is important to stress that this behavior response continues to be a viable means to engage youth outside of their room, either in conjunction with restrictive housing as a step-down process before a youth is fully regulated and ready to integrate with other youth and/or when two or more youth in the same hall cannot be out of their rooms at the same time due to behavioral issues or other reasons for separation, such as gang affiliation.¹⁰ One-on-one programming falls within the technical definition of restrictive housing under the Ordinance, though the Juvenile Division has not been including time spent in this type of programming as counting towards the total time in restrictive housing. Recommendations have been made previously to amend the Ordinance to exclude one-on-one programming from the definition of restrictive housing.

¹⁰ When split programming has been used during the current evaluation period, it usually means the youth coming out of their room joins in a group activity, rather than one-on-one programming with a JDO.

While addressed in previous reports, it is also important to emphasize that the Juvenile Division discontinued use of Restoration Hall¹¹ after RCW 13.22 became effective, out of concern that a youth assigned to Restoration Hall would be in "isolation," as the term is defined under state law, since room confinement is preferred over isolation to address inappropriate behavior. As the Juvenile Division is exploring alternative approaches to making living hall assignments, there is some potential for reinstating Restoration Hall, assuming a sufficient number of available staff. JDOs who were interviewed for this evaluation period and previously are generally in support of the concept of Restoration Hall, as it would allow for staff with the most interest and expertise in facilitating restorative practices to work with youth assigned to that living hall, and free up JDOs to manage and program with the remaining youth.

C. King County's 2023 - 2024 Biennial Budget Proviso Regarding Restrictive Housing and Report Methodology

King County's 2023 - 2024 Biennial Budget added a proviso that requires the Executive to continue the use of independent monitoring to review and report on DAJD's use of restrictive housing for juveniles in county detention facilities, building on prior monitoring reports.¹² The first of two reports mandated by the proviso was submitted September 15, 2023, evaluating DAJD's restrictive housing practices for juveniles during the period April 1, 2022 - June 30, 2023. This is the second of the two required reports, to be submitted by June 15, 2024, and addresses issues related to restrictive housing during the period July 1, 2023 - March 31, 2024.

Each of the two reports is to include an analysis of DAJD's compliance with K.C.C. chapter 2.65 and chapter 13.22 RCW, and should include, but not be limited to:

- A. A discussion of challenges, progress and setback, and any significant management, policy, or operating environment changes that have occurred since the prior report related to behavioral interventions and confinement of juveniles of county detention facilities;
- B. A review of the number of times solitary confinement was used during the evaluation period;
- C. An evaluation of the circumstances for the use of solitary confinement;

¹¹ Assignment to Restoration Hall was a behavior response alternative that had been used since May 2019. Youth presenting a risk of imminent and significant physical harm could be assigned to Restoration Hall where they would work with JDOs and other staff trained on restorative principles to understand and address the issues that led to the behavior that could require solitary confinement. Ideally, they were with other youth and, if not, could engage in one-on-one programming with staff until they were self-regulated and could return to their previous living hall.

¹² Ordinance 19546, Proviso P1, Section 54. The reports are to build on prior reports submitted on practices related to the confinement of juveniles as required by Ordinance 18637, Section 6, Ordinance 18930, Section 36, and Ordinance 19210, Section 50.

- D. A review of the average duration of solitary confinement incidents, including an evaluation of any incident exceeding four hours;
- E. A review of the documentation of supervisory review before the use of solitary confinement, including an evaluation of any incidents exceeding two hours when supervisory review did not occur;
- F. A review of the documentation of medical and mental health assessments of youth in solitary confinement, including an evaluation of any incidents when health clinic staff was not notified within one hour or an assessment by a medical professional was not completed within six hours;
- G. A review of the documentation of how youth subject to solitary confinement had continued access to education, programming and ordinary necessities, such as medication, meals and reading material, when in solitary confinement, and an evaluation of any incidents when such access was not documented;
- H. The age and race of youth involved in each restrictive housing incident;
- I. An assessment of the progress by the department of adult and juvenile detention juvenile division on implementing the recommendations outlined in previous monitor reports, and
- J. Any new recommendations for reducing the use and duration of solitary confinement for juveniles in detention, and recommendations for improving data collection and reporting of incidents of solitary confinement of juveniles in detention.

Under the Ordinance and budget proviso, the monitoring process should include consultation with stakeholders, including representatives of the King County Juvenile Detention Guild (Department of Adult and Juvenile Detention - Juvenile), representing employees of DAJD's Juvenile Division (Juvenile Detention Guild). The methodology used in gathering information for the July 1, 2023 - March 31, 2024, evaluation period included meetings and interviews held with representatives of the Juvenile Detention Guild Executive Board; members of the DAJD senior management team, including the Deputy Director of Administration, the Juvenile Division Director, and the Juvenile Division Deputy Director; members of the Juvenile Division management team, including the Juvenile Division Program Manager, the former Juvenile Project and Program Manager, and Juvenile Detention Supervisors; the Juvenile Division Community Services Coordinator; the Juvenile Division Intervention Specialist; Juvenile Detention Officers (JDOs); the King County Library System Youth and Family Services Manager; youth detained at CCFJC and Adult Age-Outs (AAOs) detained at the King County Correctional Facility (KCCF); an administrator and teachers from the Seattle Public School System working with detained juveniles; the Adult Divisions Program Manager; a member of the Adult Divisions Command team, and others.

The monitoring team has compiled and relies upon an extensive list of documents since it began its work with DAJD in 2018, another important element of the methodological approach used.¹³ For purposes of the current evaluation, updated documentation and data for the period July 1, 2023 - March 31, 2024, was also reviewed, including material related to specific restrictive housing incidents, such as Restrictive Housing Assessment Checklists, restrictive housing summary data compiled by DAJD, and recent reports related to restrictive housing, including the King County Auditor's Office report, "Juvenile Detention: Many Youth Face Long Stays in Facility Designed for Short-Term Support (April 24, 2024)" and a Development Services Group, Inc. report submitted to DAJD titled, "Juvenile Detention Safety and Security Analysis (October 3, 2023)."

The remainder of this report addresses the issues outlined above, per the proviso in King County's 2023 - 2024 Biennial Budget.

III. CHALLENGES, PROGRESS AND SETBACKS (PROVISO A)

The challenges encountered by DAJD during the current restrictive housing monitoring period are primarily those the department has been facing for a number of years: staffing shortages, an increase in the Average Daily Population (ADP) for both the adult and juvenile facilities, a higher number of juvenile detainees being booked on more serious charges, and a longer average Length

¹³ While not a complete list, examples of documentation reviewed over time include: King County Council Ordinance 18637; Washington State legislation enacted in 2020, Juvenile Solitary Confinement, Chapter 13.22 RCW (HB2277); "Model Policy for Reducing Confinement and Isolation in Juvenile Facilities," developed by the Washington State Department of Children, Youth & Families, as required by RCW 13.22.030; DAJD policies on restrictive housing in the Juvenile and Adult Divisions; DAJD organizational charts; prior monitor's reports on Ordinance 18637; informational handbooks for detainees in DAJD Juvenile and Adult Divisions; formerly required quarterly self-monitoring reports on restrictive housing DAJD provided to Columbia Legal Services; juvenile and adult facilities behavior management forms and reference documents; King County Executive Orders and reports on Auto Declines, juvenile justice services, and related matters; CCFJC detainee intake and screening documents; Youth Accountability Checklists; health clinic youth monitoring forms; CCFJC Restrictive Housing Assessment forms; King County and other jurisdictions' write-ups about Zero Youth Detention and COVID impact statements and data; and, DAJD reports and supporting material provided to King County Council. The monitoring team strives to stay up to date on research and best practices in this area, including regular review of Juvenile Detention Alternatives Initiative standards, reports, and related documents; publications concerning room confinement issues generally and with regards to other detention facilities; and research articles on use of restorative practices with youth and alternative approaches in responding to negative behavior. Meetings, interviews, and observations since the monitoring team began its work have included: DAJD management, facility commanders, supervisors, Juvenile Detention Officers (JDOs), and administrative staff; representatives of the defense bar, social service providers, schoolteachers working with detained youth, program providers, representatives of the King County Juvenile Detention Guild, and youth and AAO detainees. The monitors have also observed detainees on-site engaging in a variety of educational, programming, and other activities.

of Stay (LOS) for all youth in secure detention, but particularly those whose cases are being heard in Adult Superior Court. In combination, these challenges can impact how frequently restrictive housing is used, how frequently modified programming is necessary, whether there are sufficient numbers of staff who are experienced in responding to and de-escalating conflict among detainees, the number of living halls that can be adequately staffed and available for changes in hall assignments as a strategy to deter conflict or as an alternative behavior response, access to education and programming, the need for using mandatory overtime and staff morale, and DAJD staff's ability to prioritize documentation and tracking of restrictive housing related data while simultaneously needing to train and mentor new employees and assist in juvenile detainee engagement and program management.

Progress continues to be made on learning to use and maximize the capabilities of the Jail Management System (JMS). Restrictive housing data collected through JMS and required for reporting compliance under the Ordinance and RCW 13.22 continues to be refined. Having the Restrictive Housing Checklist forms downloadable from JMS and available for review in pdf was very useful during the monitoring process.

There has been significant progress in enhancing programming alternatives at the CCFJC. A Community Services Coordinator was hired to develop Juvenile Division programming, identify and initiate contracts with service providers, arrange for the infrastructure necessary to support a variety of programs, and take other steps to enhance programming options. The significance of predictable and consistent programming as a means to engage detained youth and deter conflict is discussed below in Section V.A. DAJD also hired an Intervention Specialist with a doctorate and training as a JDO, who is able to help mitigate conflict and can assist in ensuring programming is not disrupted.

Progress is also being made to consider and implement some of the recommendations made in the Development Services Group, Inc.'s report, "Juvenile Detention Safety and Security Analysis (October 3, 2023)," (Safety and Security Analysis). For example, Juvenile Division Director Jeneva Cotton has invited employees to participate in two groups formed to assess and improve staff retention and the behavior management system. Staff retention issues are noted above and have been an ongoing concern. The behavior management system has undergone a number of changes the past several years, but is considered nonetheless to be ineffective by staff interviewed during the monitoring process and by the consultants who produced the Safety and Security Analysis. As noted in that report:

Many of the JDOs and supervisors feel that there is a lack of meaningful consequences and learning opportunities for youths who misbehave. Some of the interviewees commented that they felt powerless to address youths' misbehavior.¹⁴

The work groups that have formed to study alternative behavior management systems and ways to improve staff retention also serve the goal of enhancing management-staff relationships by fostering open communication, involving staff in helping to set strategic priorities, and supporting an inclusive organizational culture.¹⁵

With regards to setbacks, there was a decrease in documentation of medical and mental health assessments required for youth in restrictive housing for extended time periods. The discussion below in Section IV.A suggests potential explanations for the decline in documentation and reasons to be confident that appropriate assessments take place, despite the lack of documentation in some circumstances. Also, although there was an overall increase in the use of restrictive housing, the average time youths were confined, if assigned to restrictive housing, decreased.

IV. RESTRICTIVE HOUSING DATA TRACKING (PROVISO B, C, D, E, F, H)

A. Juvenile Division: Restrictive Housing Data Tracking

In the last restrictive housing monitoring report, DAJD's implementation of the Jail Management System (JMS) was discussed, including the potential for JMS to record, measure, and track key performance indicators related to youth behavioral responses, including the use of restrictive housing. The monitoring noted the benefits of having access to digitized data, after having worked primarily with handwritten hard copy documentation related to restrictive housing.

There is great potential in having more electronic data available for analyzing factors such as the frequency of restrictive housing, the length of time youth are in restrictive housing, the demographics of youth assigned to restrictive housing, whether youth have access to education, programming, and basic necessities, and whether required supervisory, medical, and mental health assessments are conducted during a youth's confinement. However, the April 1, 2022 - June 30, 2023, monitoring report noted feedback received from across the Juvenile Division about difficulties encountered with using JMS. An increase in CCFJC's ADP and implementation of

¹⁴ Safety and Security Analysis, 28.

¹⁵ Id., 19 - 21.

RCW13.22 contributed to an increased number of restrictive housing events, even if of short duration, but all requiring supervisory involvement from the outset. Most of the documentation required at each step of the restrictive housing approval and assessment process is the Corrections Supervisors' responsibility and involves entries on multiple computer screens for the many juveniles who might be in restrictive housing at any given time in multiple living halls. Juvenile Division Corrections Supervisors complained how the data entry process takes away from time to engage with youth and staff, coaching and mentoring JDO, helping to de-escalate conflict that could otherwise result in restrictive housing, and other important responsibilities. Their jobs have become all the more challenging in the face of staffing shortages, on-going training of new staff, higher ADPs, and youth coming into CCFJC with more serious criminal charges and more significant mental health issues. Supervisors recognize the many advantages of JMS's electronic database, but acknowledged that, as a result of the competing and more complex demands on their time, they sometimes de-prioritize data entry to handle more immediate issues developing with the youth and JDOs.

These issues (and others detailed in the last report) related to JMS resulted in a recommendation that the data entry system should be made more user friendly, involving as few steps as possible to complete the task without compromising the information sharing function. It also was recommended that Correctional Supervisors and other employees should have an opportunity to share ideas about ways to improve and streamline the data entry process. The Safety and Security Analysis study conducted by the DSG consultant also raised concerns about data quality assurance and, along with other suggestions, recommended the following changes:

- Use a check-the-box format for all data elements
- Formulate variables requiring yes/no responses, followed by a narrative section (if necessary)
- Distinguish between discharge from and supervision and temporary release
- Capture and preserve data elements that may be relevant to future analytic questions.¹⁶

DAJD has developed specific views within JMS for the Detention Supervisors including tabs to review active and pending Restrictive Housing check tasks. While DAJD considers additional potential improvements to the system for documenting and tracking data in JMS,¹⁷ the problem of missing data has worsened over time with regards to assessments to be conducted of youth in

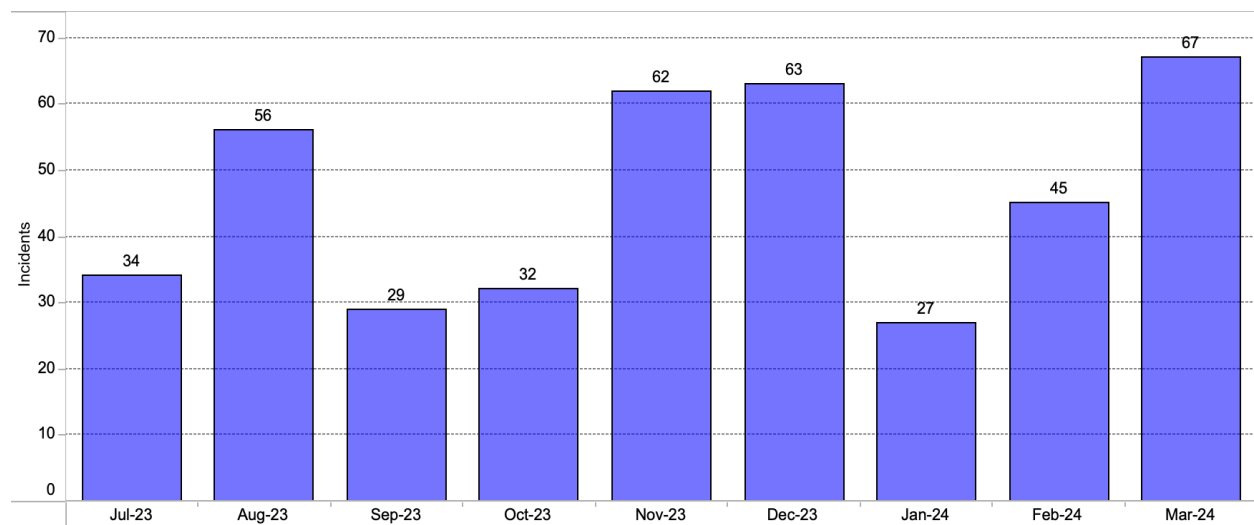
¹⁶ Safety and Security Analysis, 30.

¹⁷ See, e.g., Attachment A, Status of Restrictive Housing Monitoring Recommendations (Updated May 24, 2024), for other details.

restrictive housing, making it difficult at best to draw meaningful conclusions regarding some factors relevant to the monitoring review and reporting functions.

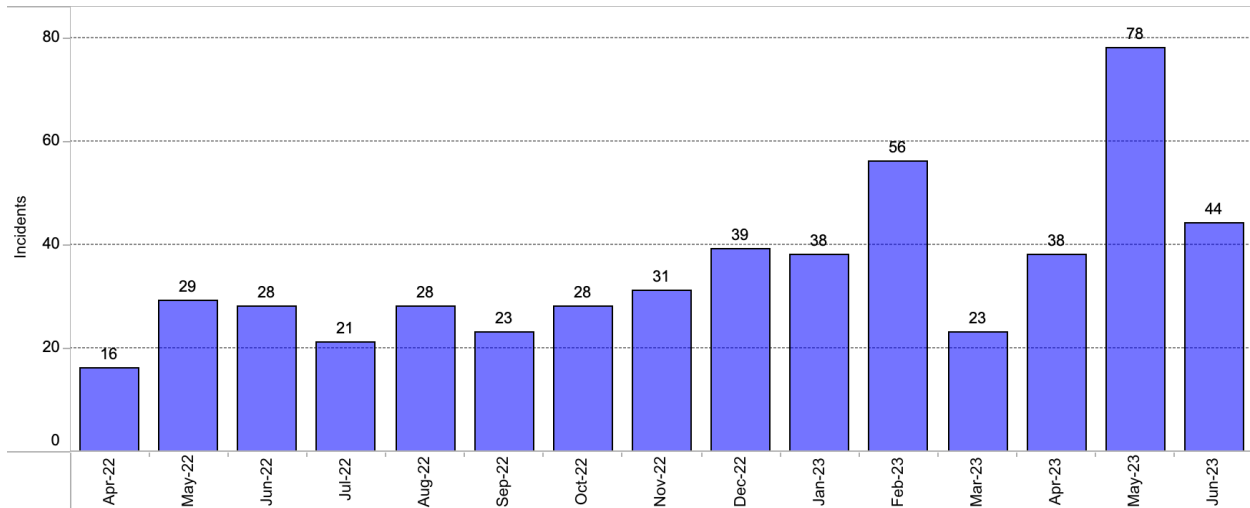
There were 415 restrictive housing incidents involving 139 juveniles out of the total 645 youth booked into detention at CCFJC between July 1, 2023, and March 31, 2024. Details concerning these incidents and the demographics of the involved youth are summarized below.

**1.1 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Restrictive Housing Incidents by Month
(n = 415 Incidents)**



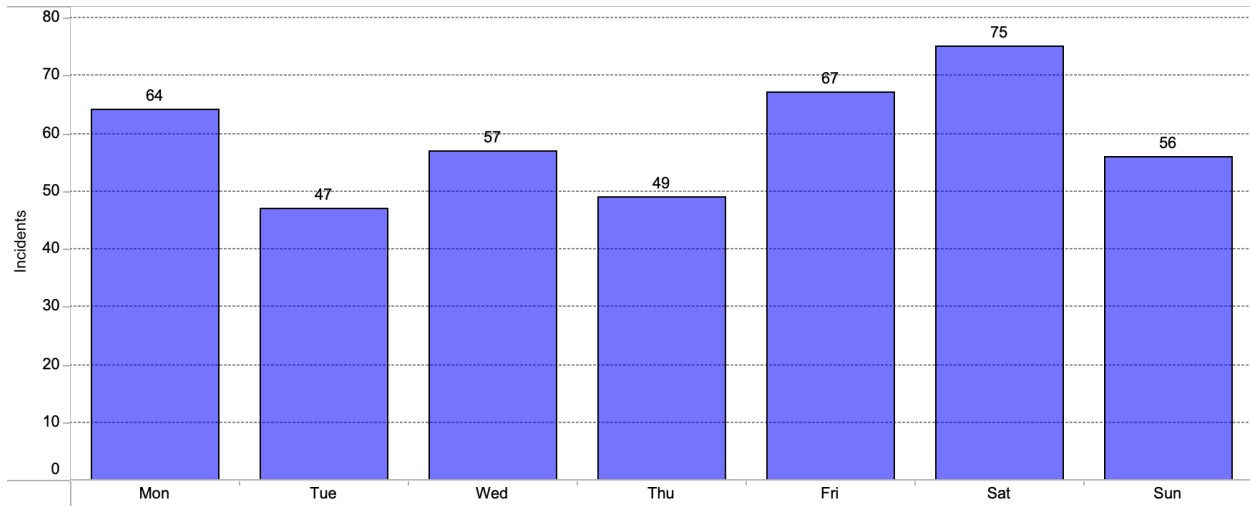
As illustrated above in Diagram 1.1, during the current evaluation period, the highest number of restrictive housing incidents occurred in March 2024, with a range of 62 - 67 incidents during the months of November and December 2023, and March 2024. About twice as many incidents were recorded in those three months, compared to the months of July, September, and October 2023, and January 2024. Further, the overall frequency of restrictive housing has increased since the last restrictive housing evaluation period, April 1, 2022 - June 30, 2023, as illustrated below in Diagram 1.2.

**1.2 DAJD Juvenile Division
Youth in Restrictive Housing
Restrictive Housing Incidents by Month
For the Previous Evaluation Period: April 1, 2022 - June 30, 2023
(n = 520 Incidents)**



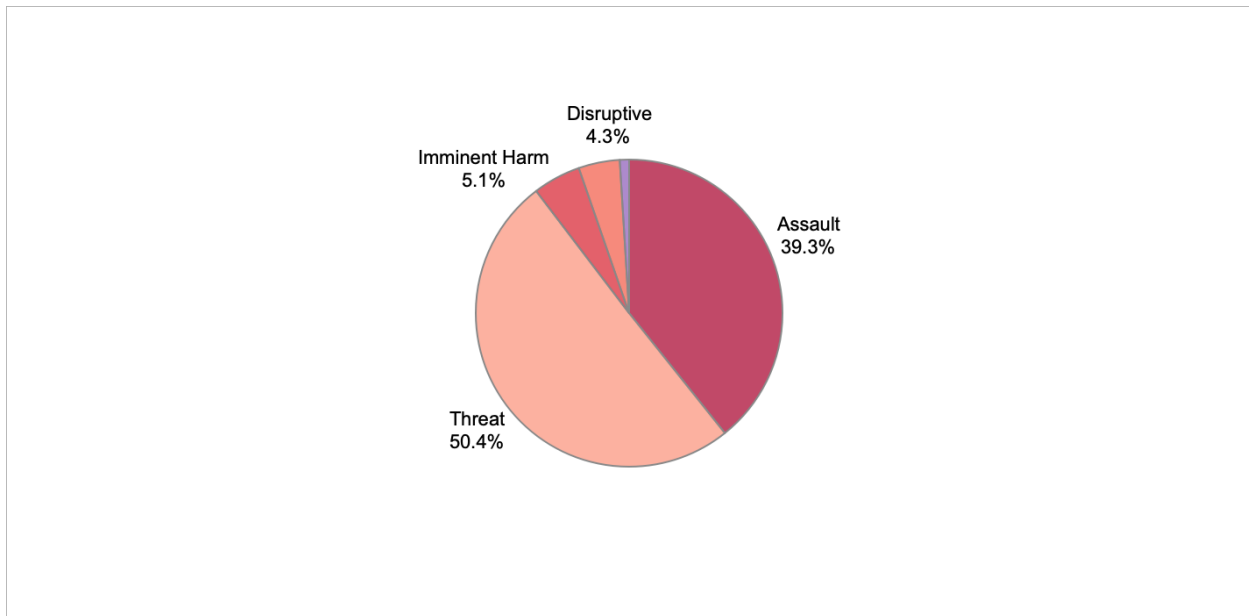
As seen in Diagram 1.2 above, between April 2022 and June 2023, there were 520 incidents over 15 months, for an average of 35 restrictive housing events per month. During the nine months under review in the current monitoring evaluation period, July 2023 - March 2024, there were 415 incidents, for an average of 46 restrictive housing events per month. This represents an approximate 25 percent increase in the rate of restrictive housing incidents since the previous monitoring period. In May and November of 2023, groups of youth from Echo Glen arrived at the CCFJC pending new charges. Both events were followed by a two-month spike in assaults and, thus restrictive housing.

**1.3 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Restrictive Housing Incidents by Day of Week
(n = 415 Incidents)**



During the nine months under current review, the highest number of restrictive housing incidents occurred on Fridays (67 incidents) and Saturdays (75 incidents), though the 64 restrictive housing events that fell on a Monday are close behind. Some JDOs who were interviewed emphasized the lack of programming that has been available on weekends that has contributed to boredom and tension among youth that often results in conflict that can lead to restrictive housing. This anecdotal input is in line with the data above, indicating a higher number of restrictive housing incidents on Fridays and Saturdays. Instituting a robust, consistent, and predictable programming schedule at the CCFJC is an important strategy to keep both youth and staff safe throughout the week and is discussed below in Section V.A. In response, the Juvenile Division has prioritized partnering with community-based organizations that can provide programming on weekends and during other periods of time youth are less likely to be engaged with school and other routine activities.

**1.4 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Youth Behavioral Reasons for Restrictive Housing
(n = 415 Incidents)**



While the *type* of juvenile behavior that requires a restrictive housing response (i.e., assault, threat, disruptive) is routinely noted in the Restrictive Housing Assessment Checklist and other documents such as the Youth Accountability Check Sheet, there is still inconsistency as to the level of detail provided about each incident. The detail is important in evaluating whether restrictive housing is necessary to prevent imminent and significant physical harm to the youth or others, as required by the Ordinance and RCW 13.22. Some of this lack of detail is related to the problem of Corrections Supervisors having to de-prioritize data entry in order to meet other job responsibilities. The fact that some data, such as that in Behavior Response forms, is not yet linked up to restrictive housing information in JMS also contributes to the lack of readily available specifics, even when more detail about an incident has been documented. These are issues that have been raised before and require on-going attention as they are related to other challenges in the Juvenile Division, including staff shortages and the increased ADP.

**1.5 DAJD Juvenile Division
Youth in Restrictive Housing
Comparing Youth Behavioral Reasons for Restrictive Housing
in Current and Previous Evaluation Periods**

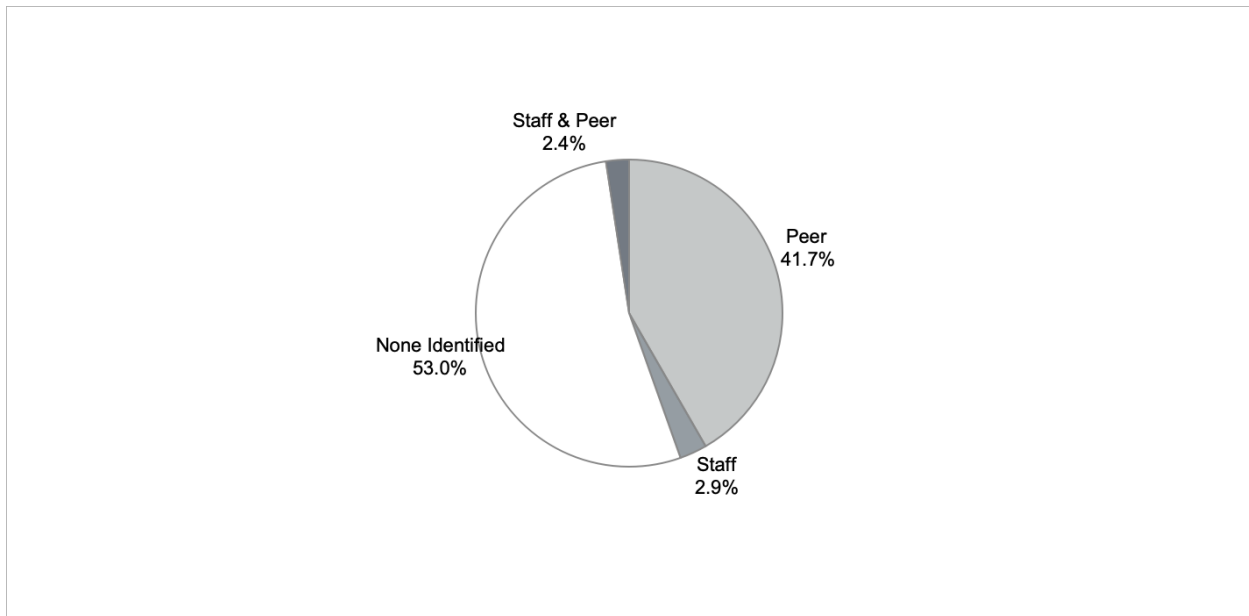
Behavioral Reasons for Restrictive Housing	April 1, 2022 - June 30, 2023 (n= 520 incidents)	July 1, 2023 - March 31, 2024 (n = 415 incidents)
Assault	48%	39%
Threat	22%	50%
Disruptive	6%	4%
Imminent Harm	23%	5%
Other (e.g. Court ordered)	1%	2%

A comparison of the circumstances leading to restrictive housing shows a 28 percent increase in youth making verbal threats as the reason underlying confinement and a decrease of 18 percent in imminent harm leading to restrictive housing. However, in implementing RCW 13.22 documentation requirements into Juvenile Division procedures and integrating information into JMS, the drop-down menu of potential explanations for restrictive housing does not include "imminent harm." Since restrictive housing under the Ordinance can only be used when it is "necessary to prevent imminent and significant physical harm to the juvenile detained or to others and less restrictive alternatives were unsuccessful,"¹⁸ imminent harm should actually be a consideration for all circumstances leading to restrictive housing.

It is also important to bear in mind that youth engage in threatening and assaultive behavior more frequently than is represented in the two diagrams above. Depending on the specifics involved, behavior response actions can include taking away privileges such as the option to earn an extended bedtime, engaging in restorative problem solving without also imposing restrictive housing, or a loss of time accumulated at a previously earned level of the tiered behavior incentive system or demotion to a lower level.

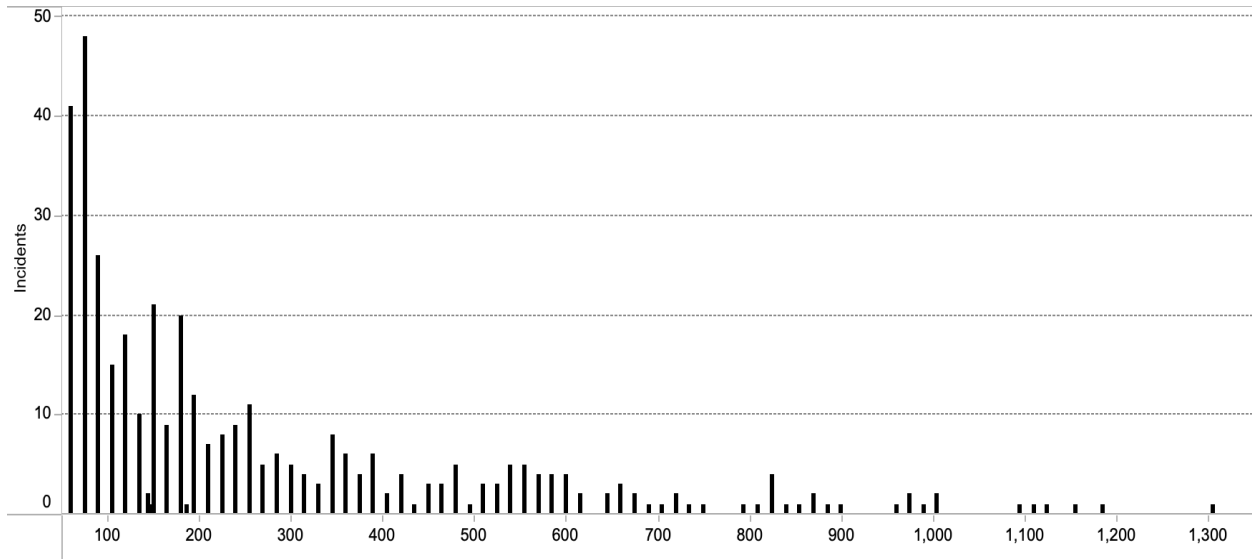
¹⁸ K.C.C. Chapter 2.65.020.

**1.6 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Juveniles Instigating Aggressive Incidents - Victim Type
(n = 415 Incidents)**



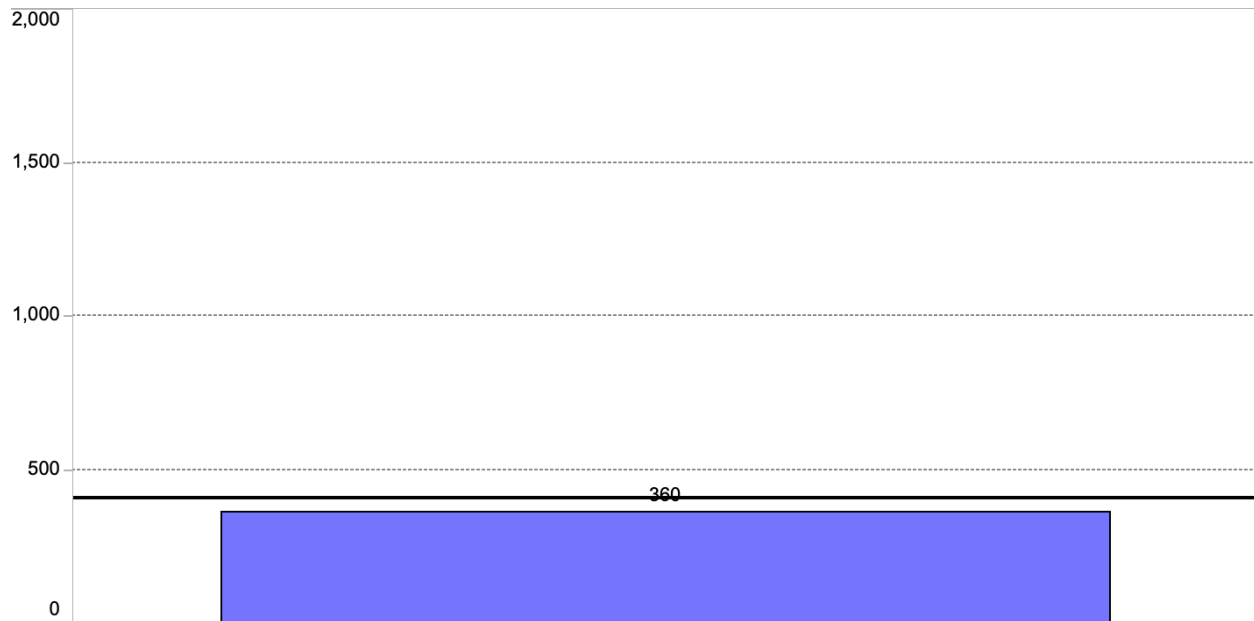
When youth engage in aggressive behavior that cannot be de-escalated and results in restrictive housing, the most likely target is another youth, one of their peers. While the data available does not indicate the target of the aggression in 53 percent of the incidents (i.e., the documentation reviewed did not specifically identify the target), another youth was targeted in 42 percent of the incidents. There has been a great deal of concern among JDOs and others in the Juvenile Division as to the frequency of staff being assaulted by juveniles detained at CCFJC, and Figure 1.6 indicates staff are targeted in about 5 percent of the incidents when youth engage in aggressive behavior leading to restrictive housing, including the 3 percent frequency when staff are targeted alone and 2 percent of incidents when staff and other youth are both targeted.

**1.7 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Range of Time (Minutes) in Restrictive Housing
(n = 415 Incidents)**



As was seen in data included in earlier reports, the higher the number of minutes in restrictive housing, the fewer the number of youth confined for those lengthier periods of time. The average number of minutes a youth spent in restrictive housing for the period July 1, 2023 - March 31, 2024, was 360 minutes, as indicated below in Diagram 1.8. The average total minutes in confinement during the previous evaluation period, April 1, 2022 - June 30, 2023, was 444 minutes, representing a decrease by 84 minutes in the average time a youth spent in restrictive housing. Since the data discussed above demonstrated an increase in the frequency of assignment to restrictive housing (from an average of 35 incidents/month to 46 incidents/month), the decrease in average time spent in confinement is encouraging.

**1.8 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Average Time (Minutes) in Restrictive Housing
(n = 415 Incidents)**



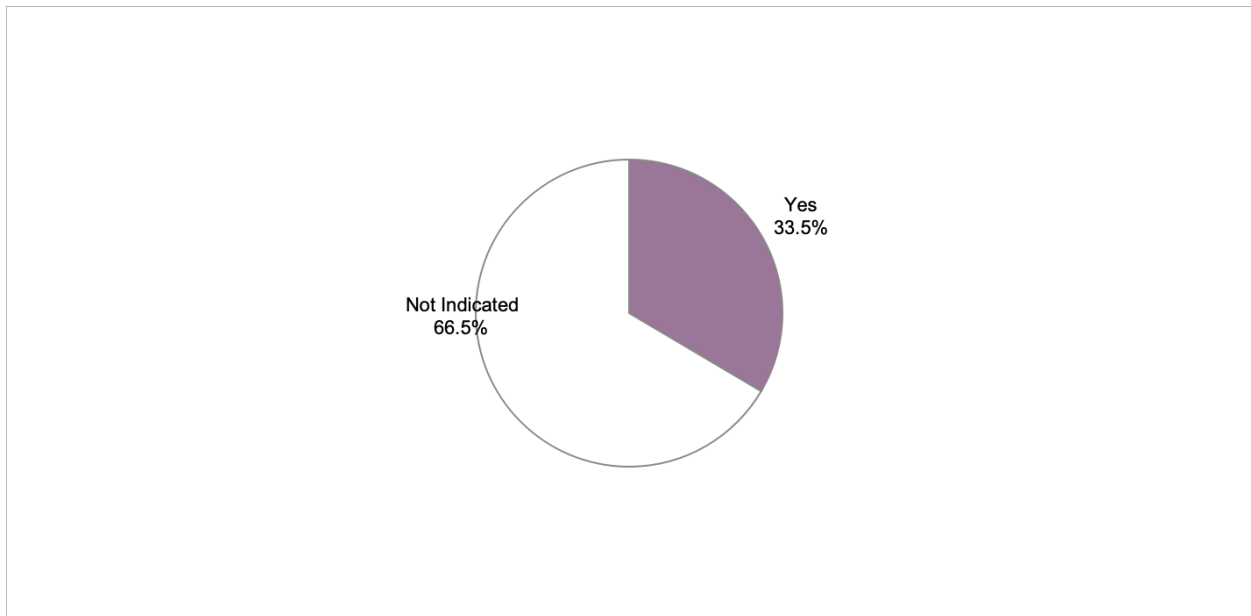
Documentation of medical and mental health assessments of youth in restrictive housing was reviewed, along with input from medical and mental health staff and others, including youth, about the assessment process. Diagrams 1.9 and 1.10 below show a decrease in medical and mental health assessments since the last monitoring evaluation period, which is concerning if it represents a break-down in the assessment process. However, the decrease in documented assessments could be attributed to a number of factors, including the issue of de-prioritizing data entry, as discussed above in the introduction to Section IV.A.. However, because restrictive housing events may be brief and too short in duration to trigger the requirement for medical or mental health assessments, the decrease in frequency of documentation might be explained by an increase in the number of events that do not require the assessments.

It is difficult to draw conclusions about the significance of the decrease at this juncture, though interviews and observations provide confidence that assessments of youth in restrictive housing are occurring with regularity. For example, medical staff are in each living hall at least twice/day in order to distribute medications. They indicated that they often conduct medical assessments of youth in restrictive housing at that point, even if an assessment is not technically due. Whether

these assessments are always documented for the purpose of tracking restrictive housing assessments is not clear.

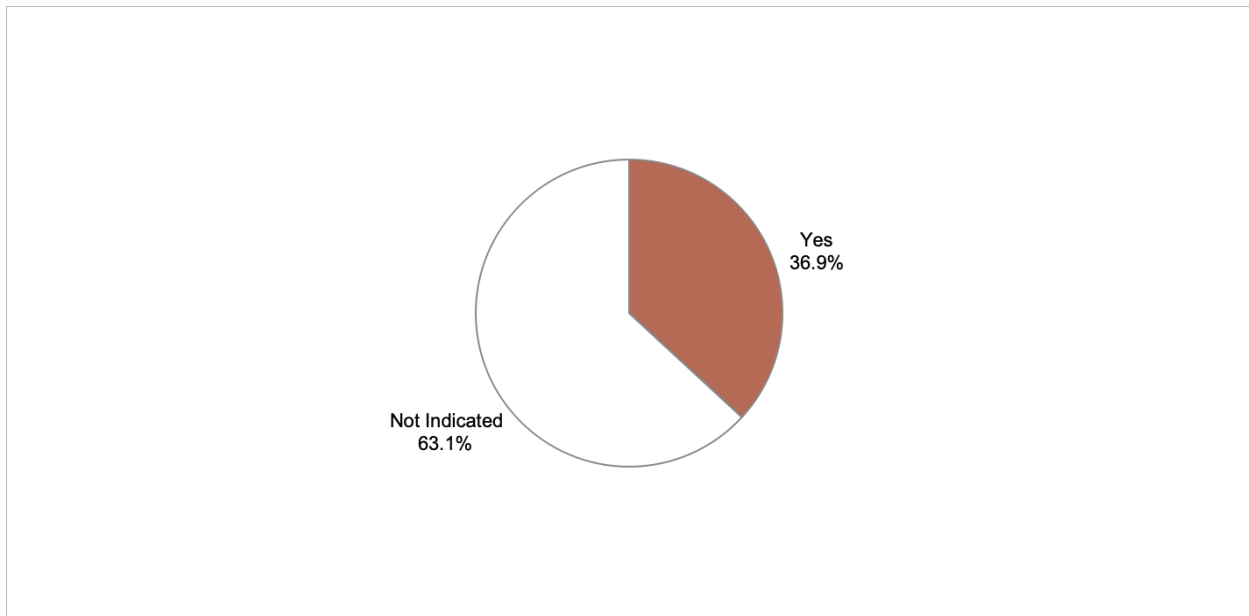
Also, the MDT team meets daily and discusses all youth who are demonstrating unsafe or otherwise troubling behavior, including any in restrictive housing. The Mental Health team conducts an assessment of all youth for this meeting or after being informed that a youth is on restrictive housing. The Mental Health professionals also meet with the supervisors every morning to discuss whether there are any youth on restrictive housing and to make sure that they check in to assess the youth. If there are youth with behavioral health needs requiring attention, an action plan is formulated during MDT or these other meetings. Again, this information might not be documented for restrictive housing tracking purposes.

**1.9 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Medical Assessments
(n = 415 Incidents)**



During the previous monitoring evaluation period, April 2022 - June 2023, there was documentation indicating that medical assessments were performed in 73 percent of the restrictive housing incidents. The decrease in documentation from 73 percent to 34 percent requires further analysis, as discussed above.

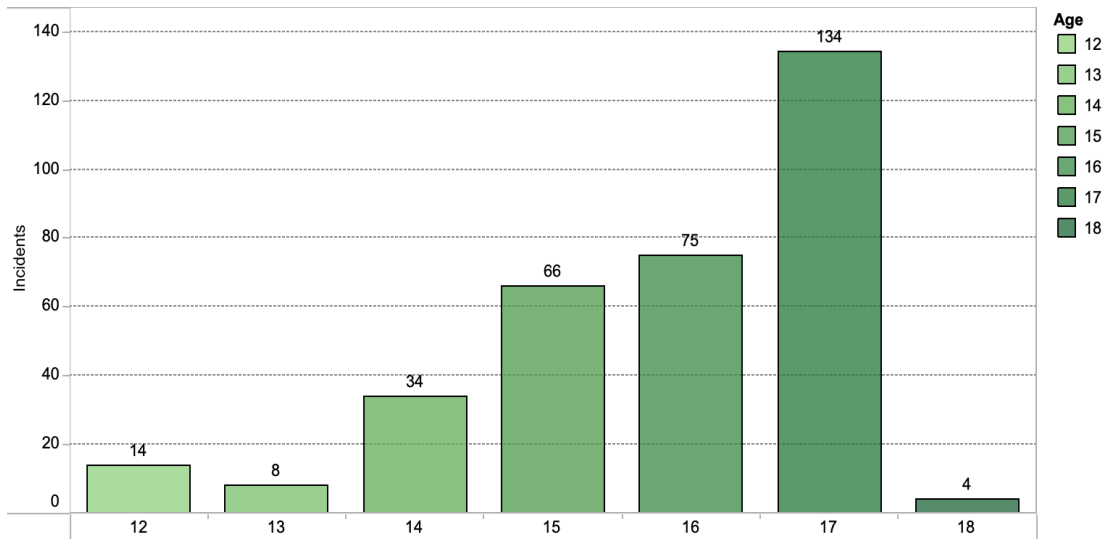
**1.10 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Mental Health Assessments
(n = 415 Incidents)**



As with medical assessments, documentation of mental health assessments has also declined, from 60 percent during the period April 1, 2022 - June 30, 2023, to 37 percent during the period July 1, 2023 - March 31, 2024. While this decrease in documentation is concerning, more analysis with Juvenile Division staff is necessary to understand the significance of the decrease, as noted above. A team was recently convened to begin the work and process to develop an integration between JMS and EPIC, the electronic records system for the medical and mental health teams in the clinic. Unfortunately, it appears the systems will not be able to link documentation for the restrictive housing assessments, and the team will need to explore other ways to address the assessment documentation issue.

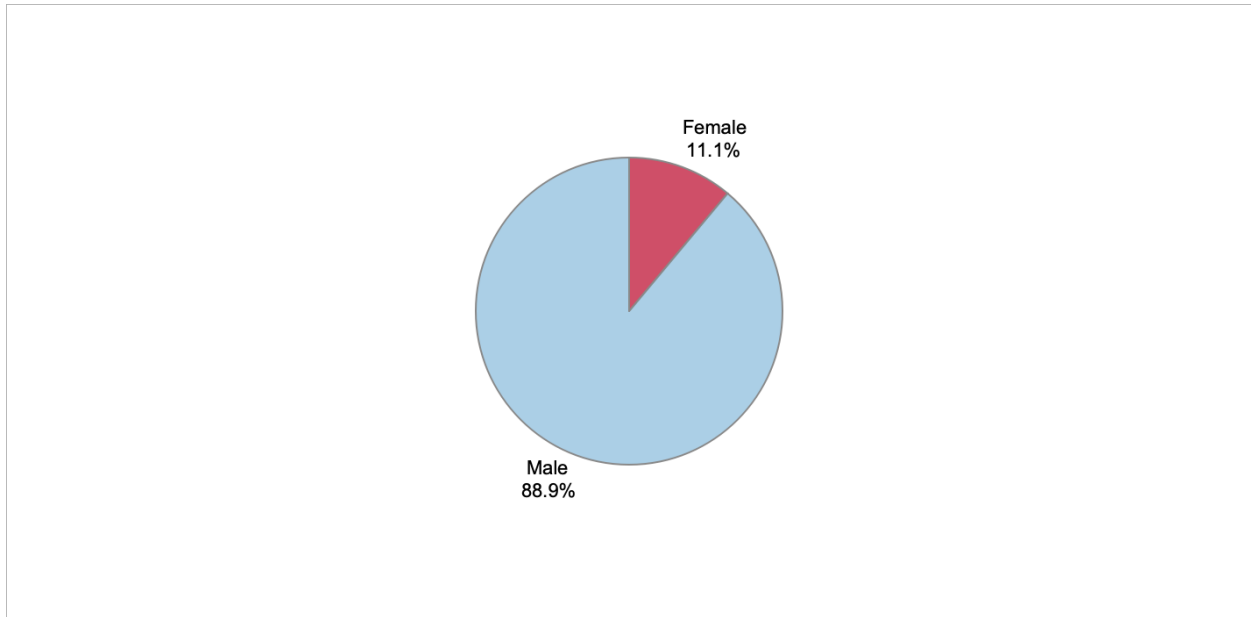
King County's 2023 - 2024 Biennial Budget proviso indicated that the restrictive housing monitoring reports should include information on the age and race of youth involved in restrictive housing incidents (Proviso Requirement B). The following diagrams provide information on the age, gender, and race/ethnicity of youth involved in restrictive housing incidents, along with a comparison of the race/ethnicity of youth booked into CCFJC and the race/ethnicity of youth assigned to restrictive housing during the same time period.

**1.11 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Age of Youth in Restrictive Housing
(n = 415 Incidents)**



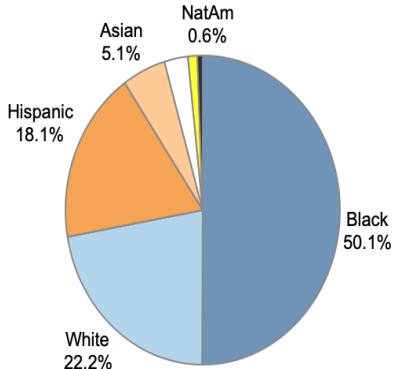
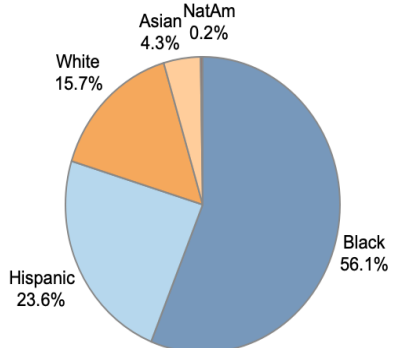
As has been discussed in previous reports, the majority of incidents that lead to restrictive housing involve older youth detained at CCFJC. While 12- and 13-year-olds were involved in 22 restrictive housing incidents, 16- and 17-year-old youth were involved nearly 10 times more frequently. A recommendation was made in the previous monitoring report that living hall assignments should be made based on age, developmental stage, or other factors, to discourage older juveniles from negatively influencing the behavior of younger detainees and to avoid creating situations where threatening or aggressive behavior is directed towards younger youth by older youth. This recommendation is being explored by the Juvenile Division, along with other evidence-based approaches to living hall assignments.

**1.12 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Gender of Youth in Restrictive Housing
(n = 415 Incidents)**



Given that the majority of youth detained at the CCFJC are male, it is not surprising that the majority of restrictive housing incidents involve males. However, when females are detained, some engage in behavior that cannot be de-escalated and requires restrictive housing before the female juvenile can self-regulate and/or problem solve with others involved. The 11 percent figure in the diagram above represents 17 females who engaged in behavior resulting in a total of 46 restrictive housing incidents. The females who were confined averaged 309 minutes in restrictive housing, with 15 of the incidents involving assaults and 26 involving threats of assault.

**1.13 DAJD Juvenile Division
 July 1, 2023 - March 31, 2024
 Race/Ethnicity of Youth in Restrictive Housing
 Compared to Youth Booked Into CCFJC**

<p>Juvenile Division July 1, 2023 - March 31, 2024 Race/ Ethnicity of Juveniles Booked Into CCFJC (n = 645)</p>	 <table border="1"> <thead> <tr> <th>Race/Ethnicity</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>50.1%</td> </tr> <tr> <td>White</td> <td>22.2%</td> </tr> <tr> <td>Hispanic</td> <td>18.1%</td> </tr> <tr> <td>Asian</td> <td>5.1%</td> </tr> <tr> <td>NatAm</td> <td>0.6%</td> </tr> </tbody> </table>	Race/Ethnicity	Percentage	Black	50.1%	White	22.2%	Hispanic	18.1%	Asian	5.1%	NatAm	0.6%
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Black	50.1%												
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Asian	5.1%												
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<p>Juvenile Division July 1, 2023 - March 31, 2024 Race/ Ethnicity of Youth in Restrictive Housing (n = 415 Incidents)</p>	 <table border="1"> <thead> <tr> <th>Race/Ethnicity</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Black</td> <td>56.1%</td> </tr> <tr> <td>Hispanic</td> <td>23.6%</td> </tr> <tr> <td>White</td> <td>15.7%</td> </tr> <tr> <td>Asian</td> <td>4.3%</td> </tr> <tr> <td>NatAm</td> <td>0.2%</td> </tr> </tbody> </table>	Race/Ethnicity	Percentage	Black	56.1%	Hispanic	23.6%	White	15.7%	Asian	4.3%	NatAm	0.2%
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Black	56.1%												
Hispanic	23.6%												
White	15.7%												
Asian	4.3%												
NatAm	0.2%												

There are some differences in the race/ethnicity distribution of juveniles in restrictive housing during the period July 1, 2023 - March 31, 2024, as compared to youth booked into detention during the same period, though statistical significance has not been established. Black youth represent 50 percent of all youth booked into CCFJC during this period, while they represent 56

percent of youth assigned to restrictive housing. Hispanic youth accounted for 24 percent of juveniles who experienced restrictive housing, while they were only 18 percent of the total juvenile population detained during the time. While white youth represented 22 percent of all youth booked into detention, they only accounted for 16 percent of youth placed into restrictive housing. Asian youth were booked at a rate of 5 percent, though only 4 percent experienced restrictive housing. Finally, youth identifying as Native American represented .6 percent of all youth booked at CCFJC and .2 percent of youth assigned to restrictive housing.

B. Adult Divisions: Restrictive Housing Data Tracking of Adult Age-Outs

The number of Adult Age Outs (AAOs) who are housed at the King County Correctional Facility (KCCF) or the Maleng Regional Justice Center (MRJC) remains relatively high, compared to years pre-COVID. For example, in August 2023, there were 11 AAOs, all assigned to KCCF. In March 2024, there were again 11 AAOs, with 10 assigned to KCCF and one at MRJC, and with most being different individuals than the AAOs detained in King County facilities seven months earlier. This continues the trend of DAJD adult facilities housing more than twice as many AAOs as compared to three and four years ago, during the July 2020 - June 2021 reporting period.

Though the number of AAOs has grown and perhaps plateaued, the group still constitutes a very small subset of the overall population of detainees at KCCF and MRJC.¹⁹ This results in different policies, procedures, and tracking of restrictive housing for AAOs as compared to processes found at CCFJC. The adult facilities use a system of publishing a daily list of AAOs with booking information, jail location, and other brief details about each AAO. These daily lists are distributed to each facility's managers and supervisors, who are tasked with monitoring living assignments for the AAOs included on the daily document.

Until the evaluation period July 1, 2021 - March 31, 2022, the DAJD Adult Divisions reported relatively few instances of restrictive housing for AAOs during the initial three years the team monitored the issue. For example, one instance of AAO restrictive housing (lasting 3 minutes) was reported for Q3 2020 and two instances were reported during Q1 2021, involving AAOs placed in medical housing as a COVID related precaution for 3 days and 16 hours. Though the two AAOs in medical housing were not technically in restrictive housing, the placement was more restrictive than the general population, so was reported for transparency. Also noted previously, though not necessarily falling under the definition of restrictive housing, were staffing shortages impacting

¹⁹ For example, in March 2024, at the time restrictive housing monitoring interviews of AAOs were conducted, the ADP for secure detention at KCCF was 825. Ten (10) of the total 825 ADP, or 1.25%, were AAOs detained at KCCF in March 2024.

detainees' time out of their cells, such as the severe staffing shortage at KCCF in June 2021 that resulted in all individuals on four floors of the facility (including AAOs) being confined to their cells for approximately four hours.

After experiencing such a low occurrence of restrictive housing, during Q4 2021, the Adult Divisions discovered previously unreported instances of AAOs in restrictive housing that occurred in 2019 and 2021. The previously unreported instances of AAO confinement met the definition of restrictive housing under the Ordinance, i.e., an AAO was isolated "in a locked room or cell alone with minimal or no contact with persons other than guards, facility staff, and attorneys." The monitoring team's report for July 1, 2021 - March 31, 2022, provided an analysis of the incidents.²⁰

As discussed in the monitoring report, these restrictive housing events involved 60 incidents and 29 AAOs. Following discovery of the 2019 and 2021 incidents, the DAJD indicated it was taking the steps necessary to ensure appropriate documentation and tracking of all AAO cell confinement meeting the definition of restrictive housing. During the following monitoring period, April 1, 2022 - June 30, 2023, the Adult Divisions reported no AAO restrictive housing events, and it was assumed that the earlier issues leading had been resolved.

However, during the current restrictive housing evaluation period, a new group of 33 incidents involving 10 AAOs who had been placed into restrictive housing was discovered. Table 2.1 summarizes the limited information available about the most recent batch of previously unreported incidents. Terms used in the list of incidents in Table 2.1 include:

- Cool down - The Adult Divisions exempts from its definition of restrictive housing, "Temporarily placing an AAO whose behavior presents a security issue for a Cool Down Period not to exceed two (2) hours."²¹

²⁰ These incidents fell into two subsets of restrictive housing as it is classified in the adult facilities: On-Site Sanctions and Group Max. An "On-Site-Sanction" is defined in the current report in reference to Table 2.1. The term, "Group Max," is similar in concept as split-programing in the Juvenile Division and refers to a process created by the Adult Divisions in 2019 to provide more time-out-of-cell to adult inmates who would otherwise be in their cell for the vast majority of the day. Group Max is intended to provide inmates, including AAOs, with the opportunity to interact with others while outside of their cells and has been viewed as a "step down" option, providing those who had been in more secure housing the opportunity to slowly re-integrate with the general population.

²¹Department of Adult and Juvenile Detention, Adult Divisions, General Policy Manual, 6.03.011, also includes definitions of the following terms, also. "Cool Down Period," is "A period of time, not exceeding two hours, when a AAO whose behavior presents a Security Issue is racked back, alone, with minimal or no contact with others, other than corrections or medical staff." "Security Issue," is defined as, "Any behavior that may impair the safe and secure operation of the facility," [that] "includes, but is not limited to, behavior that constitutes a Risk of Physical Harm." "Risk of Physical Harm," occurs when "the AAO's behavior creates a risk of imminent and significant physical harm

- On-site-sanction - An incident when a Corrections Officer observes an inmate committing an infraction, with the officer responding immediately to issue an on-site-sanction. The on-site-sanction usually means returning the inmate to their cell for two to four hours, but not longer than shift change.
- Rack back - Confining an AAO or other inmate to their cell or bunk area.

to the AAO or others," such as threats to staff or others, or physically aggressive behavior, a major destruction of property or facility disturbance.

**2.1 DAJD Adults Division
 July 1, 2023 - March 31, 2024
 Adult Age Outs (AOOs)**

Previously Unreported Restrictive Housing Incidents

Inmate ID	Reason	Duration in Minutes
1	Cool down	160
1	2-hr rack back on site sanction	120
1	2-hr rack back on site sanction	120
2	Safety concern	164
2	Loss of dayroom	120
2	2-hr rack back on site sanction	120
3	Restrictive housing location after fight	5,107
3	2-hr rack back on site sanction	120
3	2-hr rack back on site sanction	120
4	Cool down	135
4	Loss of dayroom	120
4	2-hr rack back on site sanction	120
4	2-hr rack back on site sanction	120
4	Cool down	242
5	Cool down	189
5	2-hr rack back on site sanction	120
5	2-hr rack back on site sanction	120
6	Fighting; 5 days of disciplinary segregation ordered	3,515
6	2-hr rack back on site sanction	120
7	Cool down	164
7	Loss of dayroom	120
7	2-hr rack back on site sanction	120
7	2-hr rack back on site sanction	120
8	Cool down	341
8	Cool down	617
8	Cool down	523
8	Cool down	197
8	Loss of dayroom X3	120
8	2-hr rack back on site sanction	120
9	2-hr rack back on site sanction	120
9	2-hr rack back on site sanction	120
9	2-hr rack back on site sanction	120
10	2-hr rack back on site sanction	120

The information available about these previously unreported AAO restrictive housing events is not nearly as detailed as what is generally available for such incidents at CCFJC, though some observations can be made:

- Other than the two restrictive housing incidents involving AAOs who were fighting and one that notes "safety concern," the "reason" listed for restrictive housing placement for the remaining 30 incidents does not provide any detail as to the AAO's precipitating behavior that led to confinement, making it impossible to determine if each incident of restrictive housing assignment was based on the youth's behavior, was necessary to prevent imminent and significant physical harm to the youth or others, and that less restrictive alternatives were unsuccessful. Even the three incidents that referred to fighting or safety concern do not provide sufficient information to assess the appropriateness of the restrictive housing placement.
- One AAO was placed in 5 days of "disciplinary segregation" for fighting, contrary to the express prohibition under the Ordinance and DAJD policy against using restrictive housing for disciplinary or punishment purposes.
- All but one AAO who experienced restrictive housing was confined multiple times, ranging from two to six incidents for each AAO, with five out of the 10 AAOs each placed in restrictive housing three times.
- The two most common "reasons" provided for restrictive housing were "Two Hour Rack back on site sanction" (listed 17 times) and "Cool down" (listed 9 times). Note that these are not explanations as to the behavior of the AAO that resulted in restrictive housing, but instead refer to a behavior response or outcome.
- Most restrictive housing incidents, 21 of the 33 total, were reported as lasting 120 minutes (2 hours). This is in line with the definition of "Cool down," which is exempted under DAJD policy, though not under the Ordinance.
- There were two incidents specifying that AAO fighting led to restrictive housing, with each period of restrictive housing lasting significantly longer than the others - 5,107 minutes and 3,515 minutes. There was a notation regarding the incident that lasted 5,107 minutes that "some [restrictive housing] checks are completed," and a note regarding the incident lasting 3,515 minutes that indicated no restrictive housing checks were completed. Exactly where in the jail facility the AAO was transferred for lockdown housing is not specified.²²

While not a complete list of AAO restrictive housing requirements, the Adult Divisions policy provides:

²² DAJD staff indicated that these AAOs were not transferred to Group Max, the "step down" housing location referred to in footnote xxx and discussed in more detail in the report for July 1, 2021 - March 31, 2022.

- If an AAO is not transferred back to general population (GP) housing following a Cool Down period, the on-duty shift sergeant will perform a Risk Assessment to determine whether the AAO can be placed in Restrictive Housing, and notify the on-duty shift commander.
- The shift commander is responsible for notifying the division major by email anytime an AAO is placed in Restrictive housing.
- A Risk Assessment must subsequently be performed every four hours, except during sleep periods, and documented on the AAO Restrictive Housing Monitoring Checklist (Checklist).
- The Jail Health Services (JHS) will evaluate and assess the AAO to identify potential health needs or possible symptoms of serious mental illness.
- If the AAO is not released from Restrictive Housing within eight hours, the sergeant on duty will notify JHS and request a referral to Jail Health Psychiatric Services (JHPS), to be documented on the Checklist.
- If the AAO is not released within 16 hours, the sergeant on duty will notify Classification and JHS staff for development of a behavior management plan. The unit officer is responsible for documenting the notification on the Checklist.
- If the AAO is not released from Restrictive Housing within 16 hours, the sergeant on duty will notify JHS who will begin to assess the AAO daily and inform the unit officer who will document the notification on the Checklist.
- An AAO will be removed from Restrictive Housing when it is apparent that the AAO no longer presents a Risk of Physical Harm. The shift commander is responsible for the ongoing monitoring of an AAO in Restrictive Housing with appropriate staff and removing the AAO from Restrictive Housing when appropriate. The unit officer is responsible for documenting on the Checklist when an AAO is released from Restrictive Housing.

Adult detention facility staff did not follow these policy requirements for incidents when they intentionally transferred an AAO to restrictive housing (e.g., for fighting) and apparently did not consider that cell confinement lasting longer than two hours, even if classified as a cool down or on-site-sanction, triggered the restrictive housing policy requirements summarized above, also.

The Adult Divisions responded to the discovery of these previously unreported restrictive housing incidents by noting that much like the Juvenile Division, the Adult Divisions have a significant percentage of new staff, who are not as well educated in the specifics of the Ordinance. DAJD supervisors, particularly the Commanders, Majors, and Multi-Disciplinary teams in the Adult Divisions will redouble their efforts to stress the specific requirements under the restrictive housing Ordinance and provide proper oversight and more timely corrective action.

As a result of the incidents uncovered in the reporting period, the Majors have re-issued the Adult Divisions AAO policy to remind all staff what their responsibilities are in regard to the AAOs in custody at KCCF and MRJC. In addition, the Commanders have sent e-mail guidance to Classification and MDT members to remind them of their responsibilities to provide oversight to this process.

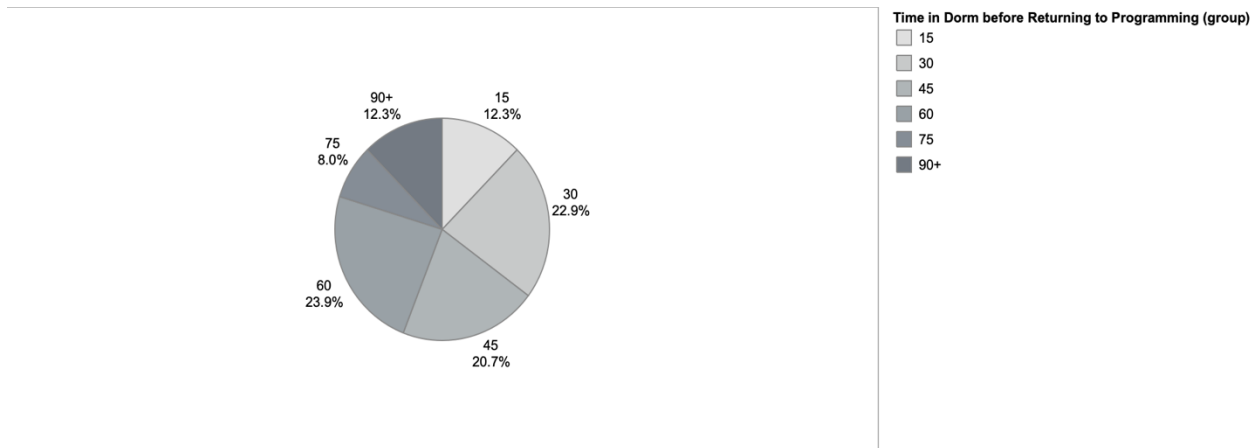
V. ACCESS TO EDUCATION, PROGRAMMING, AND NECESSITIES (PROVISO G)

King County Council's 2023 - 2024 Biennium Budget proviso specifies that the monitoring process include a review of documentation on continued access to education, programming, and ordinary necessities by juveniles assigned to restrictive housing. Along with reviewing documentation, interviews with teachers, a school administrator, JDOs, youth detained at CCFJC, AAOs at the KCCF, the Juvenile and Adult Divisions Program Managers, and others also provided insight on these issues. Access issues in both the Juvenile and Adult Divisions are discussed, with a primary focus on access to education, programming, and necessities by youth assigned to restrictive housing at CCFJC.

A. Access to Education, Programming, and Necessities in the Juvenile Division

To help demonstrate that youth in restrictive housing are not assigned to their rooms continuously, the Juvenile Division provided data on the amount of time a youth is in confinement before participating in programming with their peers on their living hall, even if the youth is not ready to fully reintegrate into the programming schedule and will return to restrictive housing. The data presented below in Diagram 3.1 represents average times youth are initially confined before being allowed to participate in routine activities, including in-class school instruction in some cases. In 35 percent of the incidents, youth are released from restrictive housing and permitted to return to regular programming in 30 minutes or less time. In 80 percent of the incidents, youth are returned to routine activities in 60 minutes or less.

**3.1 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Time Youth are in Restrictive Housing
Before Released for Programming
(n = 415 Incidents)**



1. Access to Education

School instruction for detained youth is provided through the Seattle Public Schools Interagency Academy High School and occurs in a classroom set up in each living hall or through written instruction packets, which are distributed to the youth to complete on their own or during one-on-one programming with staff. Normally, youth are in class approximately 5 hours/day on Monday, Tuesday, Thursday, and Friday, and 3 hours/day on Wednesday. Teachers rotate among the living halls, teaching a specific subject area for a one-hour period in each hall. If a youth does not attend class for any reason, including a youth in restrictive housing who has not self-regulated and cannot safely reintegrate with other youth, the teacher generally prepares an individual instruction packet so that the youth can study material covered in class and keep up with homework assignments.

The Youth Accountability Check Sheet is a form used to record youth activities and is the primary way that access to in-class education is documented for all detainees, including those in restrictive housing. The form uses numbers to identify different activities and every 15 minutes, a JDO makes a notation as to the activity each youth is engaged in for that time period, using the following legend:

YOUTH ACCOUNTABILITY CHECK SHEET
(Youth Activity Recorded Every 15 Minutes)

1 - Rest Period	9 - Transport
2 - Unit Dayroom or Courtyard	10 - Pass
3 - Gym	11 - Spiritual Center
4 - School	14 - Rec. Dept.
5 - Library	15 - ARV
6 - Multipurpose Room	17 - 1 on 1 Programming w/ DAJD Staff
7 - Court	V - Voluntarily in Dorm
8 - Health Clinic	RH - Restrictive Housing

Brief comments are added to the back of the form when a single youth's or an entire unit's activities would benefit from more explanation, such as noting why a youth is assigned to restrictive housing or to record that all youth are in their rooms at particular times for staff breaks.

Due to the need to open more living halls to accommodate the higher average daily population (ADP) at CCFJC, there often are more halls than subjects taught or teachers available. Thus, one or more halls might not receive the full five hours of instruction on any given day (or three on Wednesday). The Youth Accountability Check Sheets do not necessarily account for reasons why youth, whether or not on restrictive housing, might not have in-classroom school sessions on a particular day. Thus, if most youth in the living hall are recorded as "1" (on a rest period) during hours when school otherwise would be expected to be scheduled, this might be due to a staff shortage (e.g., not enough staff to ensure a safe classroom environment and also manage youth from that hall who are not in class for any reason) or could result when there are more halls than teachers and one of the two JDOs assigned to the hall is escorting a youth to the health clinic or court and the second JDO cannot manage the remaining youth outside their rooms). There may or may not be an explanation on the back of the Youth Accountability Check Sheet. Regardless of the reason why in-class instruction did not occur, the youth typically received individual instruction packets. However, in January 2024, the teachers stopped providing written instruction packets when there are more living halls than teachers available to meet with each hall. Thus, none of the youth on the halls that do not meet in class due to the shortage of teachers will receive packets, including any youth on restrictive housing. If a class does not meet due to a shortage of JDOs, the teachers continue to provide written instruction packets to those youth, including any on restrictive housing, who otherwise would have met in the classroom setting.

For youth on restrictive housing who are split programming and cannot be out of their rooms at the same time as another youth with whom they had a conflict that resulted in restrictive housing, each of the two youth will only receive half of the normal 5 hours/day in-classroom school instruction. When more than two youth have a conflict, split programming results in even fewer hours/day for in-class learning. When there are staff shortages that result in modified programming, with all youth spending extra time in their rooms, youth on restrictive housing can miss out on class instruction through both split programming and modified programming during a single day.

TWO YOUTH ON RESTRICTIVE HOUSING: SPLIT PROGRAMMING AND MODIFIED PROGRAMMING IMPACTS ON ACCESS TO EDUCATION

One example from the monitoring process review of documentation involves two youth, Youth A and Youth B, who were assigned to Seattle Hall and on restrictive housing beginning 1/28/24, for physically fighting with each other. Youth A's restrictive housing ended on 1/31/2024 and he accumulated a total of 315 minutes of room confinement time, while Youth B accumulated a total of 555 minutes in restrictive housing, which ended 2/1/24.²³ By using split programming, neither youth was in restrictive housing continuously, as one could be in his room while the other engaged in programming or classroom time, and then switch off.

The Youth Accountability Check Sheet for the Seattle hall during the day shift hours on Tuesday, 1/9/24, shows that Youth B is recorded in "RH" (restrictive housing) while everyone else, including Youth A, is in class for one hour in the morning. Through split programming, Youth B normally would attend a later class, while Youth A was in restrictive housing. However, no other in-class instruction was provided for any of the youth in that hall on that particular day.

All youth in Seattle hall were recorded as "1" (rest period) for about two hours in the afternoon, when some or all of them normally would be in class or otherwise programming, at least part of this time. There could have been a staff shortage resulting in modified programming during the afternoon and/or, because there are fewer teachers than the total number of living halls, classroom instruction might not have been available for Seattle hall that afternoon. As confirmed with one of the teachers, all of the youth received written work packets as a substitute for in-class instruction, which presumably included Youth B who did not have morning class, though this aspect of education access is not tracked on the Youth Accountability Check Sheet.

As noted above, youth who are in restrictive housing and cannot attend class are provided with an individual instructional packet, as are youth who do not receive classroom instruction for other reasons, such as JDO staff shortages. However, this has an impact on the teachers who must prepare the packets and review completed work. Whether a single youth is in restrictive housing or multiple youth are in restrictive housing and split programming, teachers do not know if they

²³ Restrictive Housing Assessment Checklist forms were completed for both Youth A and Youth B. The checklist closely tracks when restrictive housing starts and ends and documents all required assessments. Because of the length of time involved, these youth were assessed multiple times by multiple people, including the JDO Supervisor, a Registered Nurse, the Chief of Operations, and a Mental Health Professional. As required by policy, calls also were made to the youths' parents to inform them about the situation.

should prepare a packet for one day or multiple days, since often no one is able to determine when a youth will be regulated and ready to come out of restrictive housing status. For these reasons and to reduce the teachers' workload to some extent, they discontinued the practice of preparing packets for all youth on a living hall when there is no class because there are more living halls than teachers.

The teachers themselves pointed out that with the increasing number of youth at the CCFJC, class sizes are larger and that can add to tension between the youth and lead to conflict, which in turn can require restrictive housing. One teacher noted that larger class sizes also have meant they have had to limit some of the classroom demonstrations that were considered to be potentially unsafe in a more crowded environment.

From their perspective, the teachers believe there is a lack of consistency as to what behavior will result in restrictive housing and note that different JDOs use different approaches to identifying what is considered to be potentially problematic behavior and in approaches to de-escalating aggressive behavior. They believe that more consistency among JDOs would create clearer expectations among the youth, and lead to fewer incidents of behavior that results in restrictive housing. The teachers' viewpoint was echoed in the Safety and Security Analysis, where the consultant found that daily operations at CCFJC lack sufficient order and structure.²⁴ A Juvenile Division JDO Supervisor was quoted, in part, as saying, "There needs to be more consistency and expectations," while another Supervisor commented, "Kids need to know you are firm, fair, and consistent. Then the kids feel safer."²⁵ Youth who were interviewed by the consultants who produced the Safety and Security Report also raised the issue of inconsistency in how JDOs respond to negative behavior:

Some youths commented that rule enforcement changes based on the staff member. The majority felt that rules were enforced inconsistently with contrasting expectations depending on the shift and the staff.²⁶

This sentiment was echoed during interviews of youth by the monitoring team. Though its impacts are troubling, the lack of consistency is not surprising, given the high turnover of staff and the high number of JDOs with less than a year's experience and training. The lack of consistency with regards to how behavior that triggers restrictive housing is documented has

²⁴ Safety and Security Analysis, 11.

²⁵ Ibid.

²⁶ Ibid.

been raised in earlier monitoring reports and the issue of inconsistent documentation persists, contributing to difficulty in capturing the scope of behavior response inconsistency.

The teachers also expressed dismay at the number of detained youth who appear to be very low functioning, have serious trauma and mental health issues, and/or who have not attended school since the school system shut down due to the pandemic. While the teachers express commitment to working with all of the detained juveniles, they questioned whether much learning is possible for some without other interventions. They emphasized the need to address the significant trauma and attendant mental health problems experienced by many of the youth, indicating that these issues often underlie behavior that results in restrictive housing and/or interferes with learning and academic progress.²⁷ While noting that different diagnostic terminology might be used, the teachers estimated that up to two-thirds of the detained youth suffer from an emotional behavior disability or emotional disturbance, a condition that can be characterized by an inability to learn that cannot be explained by intellectual, sensory, or health factors, and that adversely affects educational performance.²⁸ Ultimately, many of the youth require special education attention and the teachers often set up individualized academic goals and lesson plans.

The King County Auditor's Office recently completed a review of detention conditions at the CCFJC and issued the report, "Juvenile Detention: Many Youth Face Long Stays in Facility Designed for Short-Term Support," dated April 24, 2024. (Auditor's Report). The Auditor's Report discusses how lengthy stays in detention, a larger juvenile population detained at CCFJC, and staffing shortages impact whether a youth is adequately assessed, tracked, and prepared for high school graduation. It is not clear through the monitoring process whether youth assigned to restrictive housing experience any significant and unique issues related to education, beyond those the Auditor's Report addresses for the general juvenile detainee population. Similarly, the teachers' observations about youths' readiness for learning applied to a significant portion of the detainee population. However, it could be useful to consider research questions and the data that would need to be gathered to conduct an in-depth study of these issues regarding youth who are repeatedly assigned to restrictive housing.

The monitoring team agrees with the consultants' finding in the Safety and Security Analysis that the team of teachers working with detained juveniles is "dedicated to the youths and their

²⁷ The teachers are particularly hopeful that the addition of the Intervention Specialist who is a practicing mental health clinician, will help some juveniles address mental health challenges associated with gang experiences and/or life experiences that contribute to gang affiliation and assaultive behavior.

²⁸ <https://debh.exceptionalchildren.org/behavior-disorders-definitions-characteristics-related-information>

educational progress."²⁹ Given their daily visits to CCFJC, these teachers are in a unique position to observe staff/youth interactions and to make observations about detained youth.

2. Access to Programming

Strong programming in juvenile detention facilities is an important consideration in any strategy to reduce the need for using restrictive housing. Robust programming serves as an alternative to restrictive housing as it can "reduce idleness that may lead to conflict between youths by increasing access to groups, recreation, and other activities."³⁰ The report prepared following an evaluation conducted by Development Services Group, Inc., "Juvenile Detention Safety and Security Analysis," (Safety and Security Analysis) noted the lack of programming at CCFJC and how it can contribute to negative behaviors that result in restrictive housing, and found that programming must be made a priority for juveniles at the CCFJC.³¹ Despite the significant role programming can play in reducing conflict and the subsequent use of restrictive housing, the Juvenile Division did not have a separate programming budget until recently.

Previously, DAJD heavily relied on Juvenile Division staff and volunteers to provide programs to detained youth. Using this approach was more manageable pre-pandemic when the average daily population (ADP) for CCFJC was lower. For example, in 2020, the ADP for juveniles in secure detention at CCFJC was 27, though by 2023, increased to 43. This trend continued into Q1 of 2024, when the ADP rose to 47. The number of juveniles at CCFJC who fell under Adult Court jurisdiction (i.e., were charged with violent crimes) also grew during this time, from an average of 6 juveniles in 2020 to an average of 13 in Q1 2024. Further, because of health concerns, the Juvenile Division restricted access to the juvenile facility during the pandemic and, thus, could not rely on volunteers to assist with programming for a period of time. Once DAJD facilities were able to open, many of the volunteers who had been previously involved were no longer available for programming support or did not want to obtain the required COVID-19 vaccine. Providing regular programming to an increasingly larger number of juveniles became more complicated from a

²⁹ Safety and Security Analysis, 9.

³⁰ National Commission on Correctional Health Care (NCCHC). (2021). *Restrictive Housing in Juvenile Settings* (Position statement, endorsed by the American Academy of Pediatrics and the Society for Adolescent Health and Medicine). <https://www.ncchc.org/position-statements/restrictive-housing-in-juvenile-settings-2021/> NCCHC recommended other restrictive housing alternatives, indicating juvenile facilities should: have policies requiring safe, trauma-informed, and developmentally sensitive behavioral management; train staff and provide resources to utilize therapeutic strategies, such as de-escalation techniques, one-on-one time with staff, carefully described consequences, the option for youth to voluntarily be in their cell to avoid conflict, access to mental health and conflict resolution professionals, and evidence based interventions, such as cognitive-behavioral or dialectical-behavioral therapy; and the repurposing of unused cells for soothing, de-escalation rooms.

³¹ Safety and Security Analysis, 22.

scheduling perspective and required more staff and/or volunteer resources, especially at a time when DAJD was experiencing worsening JDO shortages and community volunteers were scarcer.

As post-pandemic programming challenges became apparent, DAJD adopted a more strategic approach and the 2023 - 2024 Biennium Budget included funds to revitalize programming at CCFJC, including support for a one-year contract for a Community Services Coordinator position. The Community Services Coordinator was hired in September 2023, and during the current restrictive housing monitoring period worked to identify a variety of programs potentially appealing to different kinds of interests, facilitated the development of contracts with service providers, coordinated the completion of required background checks with the Volunteer Coordinator, and addressed scheduling, space, and other programming operational needs at CCFJC.

Additional changes in personnel within the Juvenile Division's Program Team includes a one-year contract for an Intervention Specialist and hiring a Corrections Supervisor into the Volunteer Coordinator role after the retirement of the previous long-time employee. The Intervention Specialist, employed since December 2023, conducts one-on-one sessions with youths identified as significantly affected by violence, whose involvement in gangs influences their behavior while under DAJD's supervision. Staff feedback indicates that youths engaging with the Intervention Specialist are demonstrating progress in acquiring and applying new skills. The Volunteer Coordinator's extensive background within the Juvenile Division equips her with a nuanced perspective essential for enhancing systems, processes, and communication pertaining to programming within the secure environment.

Numerous programs have been in operation since at least the last monitoring evaluation period (April 2022 - June 2023) and were mentioned in the previous report, including programs such as Movie Club, Know Your Rights Clinics, Pickleball, Sweat, Pain, and Gain, Upower, Project Canine, and Pongo Poetry. New programs that have rolled out or will soon include Progress Pushers, Co-Creative Culture, ProSe Potential, Yoga Behind Bars, Seattle Children's Theatre, Your Money Matters, The Silent Task Force, and Fresh Start. The continuing and new programs combined appear to provide detained youth with numerous and diverse options for staying busy and stimulated, one of a range of goals associated with enhanced programming.³² The Division also prioritized bringing on new programs whose providers have availability on weekends and is hopeful this will impact the increase in restrictive housing Friday through Sunday as discussed previously.

³² Safety and Security Analysis, 25.

Beginning in March 2024, youth at CCFJC were provided individual tablets with telephone capability, specialized content such as select reading material, and games. The Juvenile Division is exploring the opportunity to include the available premium media content as a component of the behavior management system rather than requiring youths' families to pay for the additional services. These subscription services are not currently available to youth in the Juvenile Division. Youth have access to the tablets anytime, except during school and regular sleeping periods. DAJD is exploring use of the tablets for academic assignments, which would simplify the work teachers must go through to create instructional packets when youth do not attend class, including times when youth are in restrictive housing and split programming. Regardless of how they might be used for school, the tablets provide youth with an alternative way to spend time while detained and a means to have more regular contact with their families, both of which might help reduce conflict between youth and the need for restrictive housing.

Youth are not supposed to have the tablets in their rooms if assigned to restrictive housing. However, if they have a tablet at the time they are sent to restrictive housing, or refuse to return a tablet during school or regular sleeping periods, it will not be taken away by force. Because this leaves JDOs with little recourse in enforcing rules related to the tablets, it is recommended that DAJD consider alternative strategies in these situations. Whether or not a youth is in restrictive housing, if the tablet presents a risk for self-harm for a youth or is being used to create or escalate a safety and security hazard (e.g., using a tablet to cover the window through which JDOs conduct their regular checks on youth), the tablet will be removed, with use of force as a last resort.

One issue that came up during the monitoring review interviews with JDOs involved youth programming during the swing shift, which includes the timeframe after classes until bedtime. Because most programs are not mandatory, some only attract two or three youth, leaving the rest in unstructured activities that too often result in conflict. There was a suggestion that all or most programs be made mandatory, as a means to address this issue. The monitoring team later learned that the Juvenile Division is in the process of revising the applicable policy; for programs outside the living hall, all youth from that hall will be required to attend the program, though do not have to participate. The Division is still discussing how to address voluntary participation for programs held inside the living hall.

The Community Services Coordinator is developing a system to collect feedback from program providers and youth about specific programs, which will be very useful in determining interest levels and programming high points and challenges, information to be used when considering providers' contract renewal. As the variety and number of programs available to youth at CCFJC

becomes fully operationalized, it will be instructive to measure whether conflict and other disruptive behavior, and the often resulting restrictive housing, decreases.

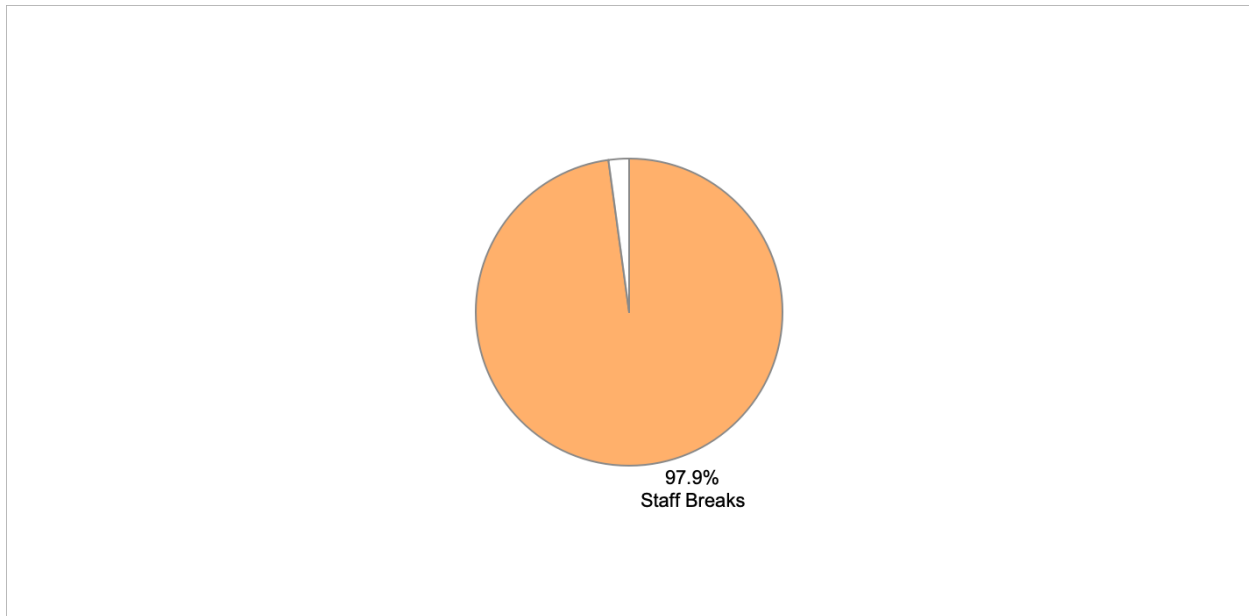
As for access to programming by youth in restrictive housing, split programming and modified programming have impacts similar to those discussed above regarding access to education. If all youth in a living hall are on modified programming due to staff shortages, none of them will have access to programming, including any in restrictive housing. Juvenile Division staff noted that the Intervention Specialist is trained in managing conflict and can help ensure that programming takes place, though can only work on one living hall at a time, while more than one hall is often impacted by modified programming. More information is provided below regarding modified programming data.

If modified programming is not a factor and more than one youth is in restrictive housing, the juveniles involved will participate in split programming, taking turns being out of their room to engage in programming. The youth might take turns having unstructured time in the dayroom or courtyard or might participate in scheduled programming, such as having time in the gym. The JDOs attempt to balance activities for youth who are split programming, but that can be difficult at times, particularly if more than two youth are in restrictive housing.

3. Modified Programming

"Modified programming" refers to time that juveniles are confined to their rooms when they otherwise would be engaged in regular programming, to include attending school in a classroom in their living hall. In prior years, modified programming has included time in room due to staff shortages, teacher shortages, COVID-quarantine, and other reasons unrelated to youths' behavior. Restrictive housing is a behavior response necessary to prevent imminent and significant physical harm and usually involves a single youth threatening or engaging in aggressive behavior, or two youths or a small group fighting with each other or threatening or assaulting other detainees or staff. In contrast, modified programming involves non-behavior related conditions and can impact an entire hall or the entire juvenile facility, with impacted juveniles spending unscheduled time in their rooms. As discussed further below, most modified programming is attributable to staff breaks.

**3.2 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Modified Programming
Staff Breaks
(n = 653 Incidents)**

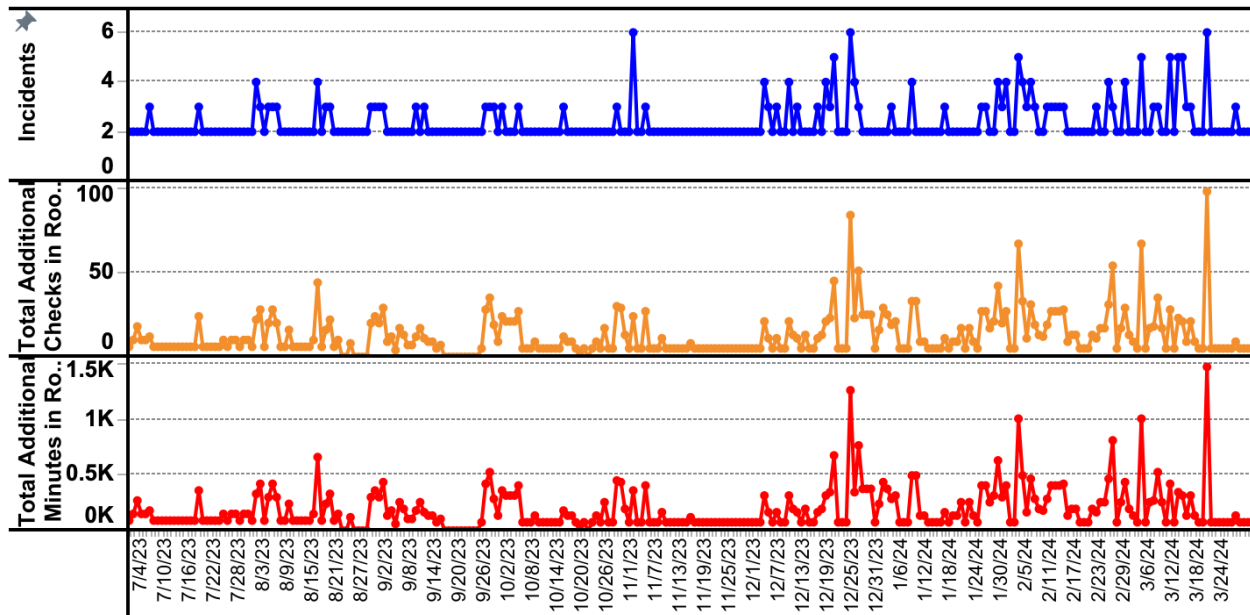


As seen in Diagram 3.2, 98 percent of modified programming is attributable to staff breaks. JDOs and other staff receive two 15-minute breaks, and one 30-minute break during their eight-hour shift. If JDO breaks cannot be staggered due to a staff shortage, all detained youth return to their rooms while all of the JDOs assigned to the living halls take their break. Rovers take care of the 15-minute room checks and documentation required on the Youth Accountability Checklist forms. At the end of the 15- or 30-minute break, JDOs return to the living halls and youth are able to return to regular programming or classes outside of their rooms. Thus, the amount of time an individual youth is in their room for modified programming on an average day is often limited, whether it is for one staff break or all three breaks throughout the day, though when considered across all living halls for all detainees, the number of incidents and time can quickly add up.

In 69 percent of the incidents, all seven living halls were impacted by modified programming, while in 11 percent of the incidents, only one hall experienced modified programming. In the remaining 20 percent of incidents, there was a range of two to six halls impacted or the number of halls involved was not indicated in the data.

Fifty-one percent (51 percent) of modified programming incidents occurred during first shift, while 46 percent happened during second shift (with no indication as to the shift involved for the remaining 3 percent).

3.3 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Modified Programming
Number of Incidents, Additional Room Checks, & Additional Time in Room
(n = 653 Incidents)



In the diagram above, an "incident" represents one instance of modified programming that impacted youth on one or more halls. For example, on March 20, 2024, there were six incidents, five involving one hall each and one involving all seven living halls. For the first six months of 2023, during part of the last restrictive housing evaluation period, the Juvenile Division recorded 313 incidents of modified programming, for an average of 52 incidents/month. Staff breaks accounted for 301 of the total 313 incidents.³³ During the current evaluation period, which covers the nine month timeframe from July 1, 2023 - March 31, 2024, there were 653 incidents of modified

³³The data from the first six months of 2023 was incomplete, but provided a paradigm for DAJD to begin considering the impact of non-behavior related factors impacting youths' time in and out of their rooms.

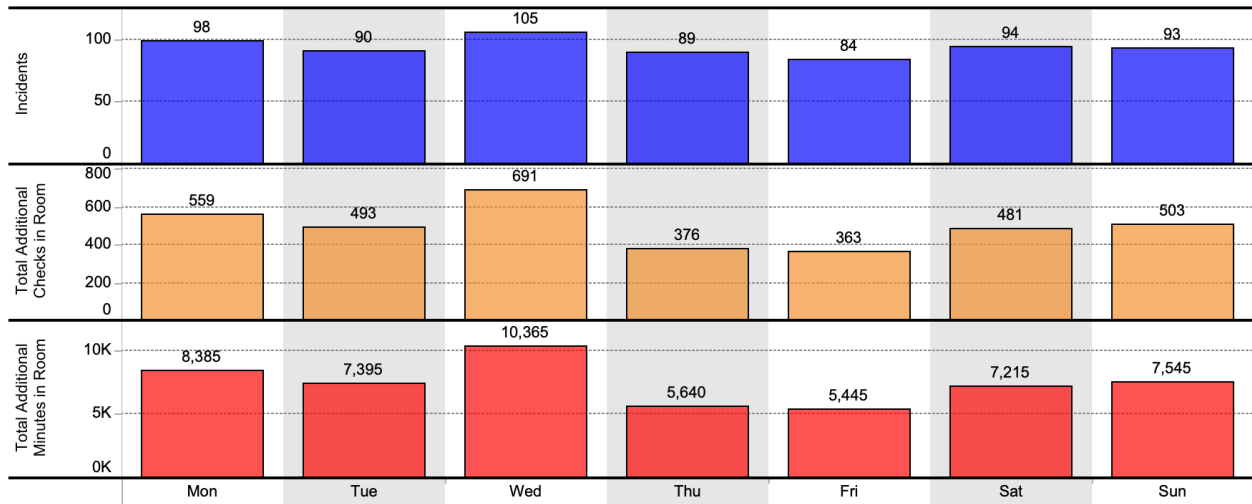
programming, for an average of 73 incidents/month.³⁴ Similar to the data reviewed for the first six months of 2023, when approximately 96 percent of modified programming was related to staff shortages and staff breaks, 98 percent of the current modified programming incidents were due to staff breaks that could not be staggered because of staff shortages.

The Juvenile Division tracks activities for all youth every 15 minutes, except during regular sleep periods when they are checked on every 30 minutes, using the Youth Accountability Checklist form previously mentioned. If youth are in their rooms for modified programming, extra room checks are required to ensure the safety of each individual detainee, as opposed to recording that all youth are in class, visiting the library, or engaged in other group programming. As indicated in Diagram 3.3, modified programming resulted in an additional 3,466 room checks for all individual juveniles across all of the CCFJC living halls being used at the time. While JDOs are on staff breaks, these additional room checks are handled by JDOs designated as "rovers" or other staff available for back-up duty, who take their breaks at a different time without impacting the youth.

The total number of extra minutes in room confinement for modified programming July 1, 2023 - March 31, 2024, was 51,990, or 867 hours, for all youth across all living halls. The ADP during this time was 46 juveniles in secured detention, which is higher than it has been at other points in time and can impact the total number of minutes of modified programming. Of course, there was no modified programming required some days and other days when youth were confined to their rooms for longer periods. For example, there was some level of modified programming every day during the month of November 2023, but nine days in a row without any modified programming from September 16 - 24, 2023. Furthermore, modified programming time, even if limited, can result in room confinement time that is in addition to other time youth spend in their rooms on any given day, such as for restrictive housing or due to a facility safety issue, such as when a code is called.

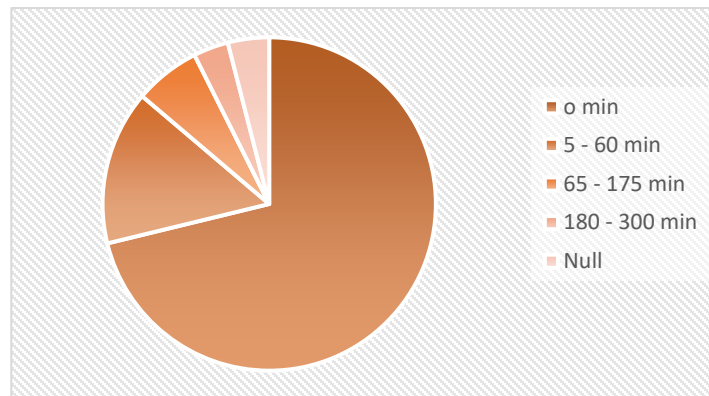
³⁴ Because the data from the first six months of 2023 was incomplete, it is difficult to draw definitive conclusions about the higher number of modified programming incidents this evaluation period as compared to the first half of 2023, though staff generally agree that the level of modified programming has increased over time.

**3.4 DAJD Juvenile Division
 July 1, 2023 - March 31, 2024
 Modified Programming
 Incidents, Additional Room Checks, & Additional Time in Room
 by Day of Week
 (n = 653 Incidents)**



In Section IV.A, data is presented indicating that behavioral incidents resulting in restrictive housing occurred most frequently on Fridays and Saturdays. In comparison, the highest number of modified programming incidents occurred on Wednesdays, with the highest number of daily room checks and total minutes in confinement recorded for Wednesdays, also. Some DAJD staff thought factors that might account for this include court operations and JDO bidding for shift and furlough days.

**3.5 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Modified Programming
Class Minutes Impacted Overall
(n = 653 Incidents)**



In 71 percent of the total incidents of modified programming, in-class school time was not affected at all. Between 5 and 60 minutes of class time was impacted in 15 percent of the modified programming incidents. For example, the Juvenile Division attempts to limit modified programming by taking advantage of the time needed for teachers to move between living halls throughout the school day. Teachers have 10 minutes between classes to move from one living hall to the next hall. Youth are sometimes returned to their rooms during these 10 minutes, while JDOs take one of their breaks. In such situations, an additional five minutes also is cut from the earlier class and from the upcoming class, allowing for up to 20 minutes of modified programming with JDOs taking a break, teachers changing living halls, and youth confined to their rooms. This scenario would likely fall into the 15 percent of incidents when 5-60 minutes of class time is impacted.

In 6.4 percent of the incidents, 65 - 165 minutes of class time was impacted, while in 3.4 percent of modified programming, 180 - 300 minutes of class time was affected. As DAJD continues to refine and analyze the data collected on modified programming, it will be important to consider whether there are ways to further limit the amount of time classroom minutes are impacted.

4. Access to Necessities, Such as Reading Material

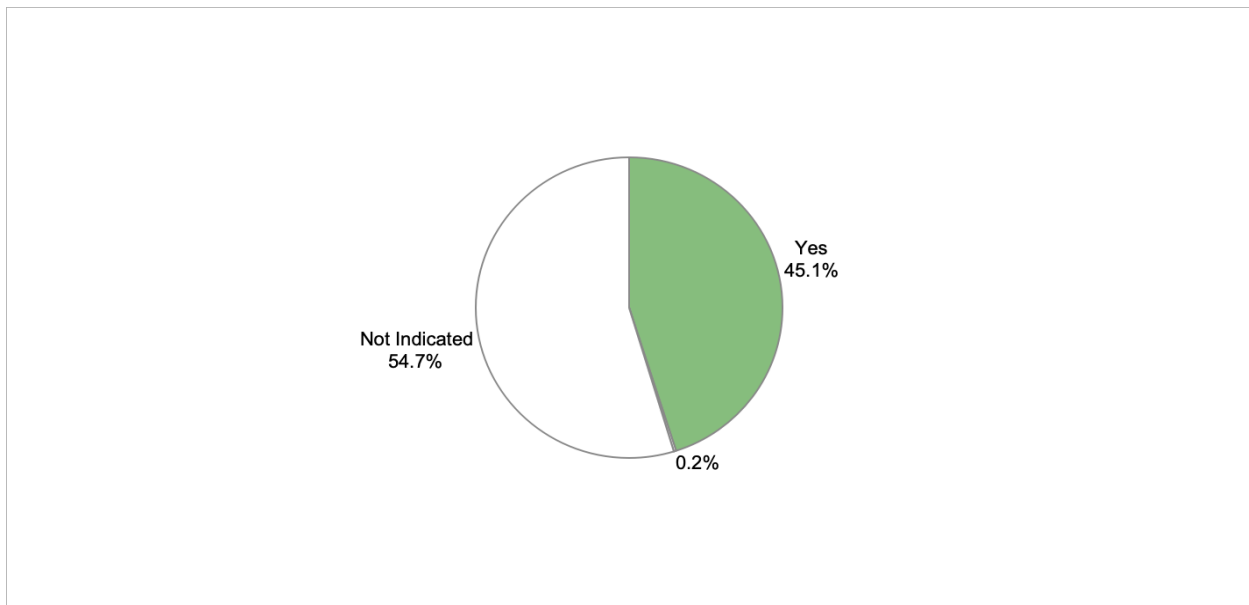
The King County Library System has a library branch at the CCFJC. However, there has not been a librarian regularly staffing the facility's library since approximately November 2023. Thus, while detained youth still make scheduled visits to the library, the space has been in disarray, with no personnel responsible for reshelving books or otherwise keeping the space organized. It also means that the youth have not had support services from a librarian if they needed assistance with a research project or in locating a particular book.

During Q1 2024, a new King County Library System resource person, the Youth and Family Services Manager, began working at CCFJC. The individual currently works at the facility every Saturday, providing youth with the opportunity to participate in a book exchange. The Youth and Family Services Manager is conferring weekly with the Juvenile Division Program Manager to further define their role and duties in supporting library services at CCFJC, working very intentionally to develop a position description that best serves the detained youth and attracts personnel especially suited for working with the youth population at the facility. The Youth and Family Services Manager expressed his hope for the detainees, by indicating words to the effect, "I want to do what I can to encourage reading and a love of books."

Youth who were interviewed indicated that they generally have access to reading material, even if in restrictive housing. Youth obtain books through the facility library, the SPS Language Arts Teacher, and read books other youth have finished and made available to others. However, they stated that their visits to the library are not regular and that detainees sometimes have to choose between the library or another programming activity, with older youth in the living hall pressuring for the alternative. Youth will now have extensive reading material available to them on their tablets, which should mitigate against any problem with having regular library visits.

Access to reading materials is one of a number of factors that JDO Supervisors are tasked with checking when they review the decision of a JDO to place a youth in restrictive housing and during follow-up assessments while restrictive housing continues. After each meeting with the youth to determine the need for on-going restrictive housing, the supervisor completes an electronic form that asks for information required by the Ordinance and Juvenile Division policy regarding assessments and includes a question as to whether the youth had access to reading materials. Diagram 3.2 below represents how often JDO Supervisors documented access to reading materials by youth in restrictive housing during the current evaluation period.

**3.6 DAJD Juvenile Division
July 1, 2023 - March 31, 2024
Youth in Restrictive Housing
Access to Reading Material
(n = 415 Incidents)**



Corrections Supervisors in the Juvenile Division documented whether youth had access to reading materials in less than half of the restrictive housing incidents, or 45 percent of the time. This is a significant decrease from the last evaluation period, when documentation by supervisors indicated that access to reading was checked 75 percent of the time.

The failure to document access to reading materials in 55 percent of the restrictive housing events during the period July 1, 2023 - March 31, 2024, might appear to indicate that supervisors are not prioritizing the documentation function given the sometimes conflicting demands on their time, including evaluating (and documenting) the need for restrictive housing, often for multiple youth in confinement at the same time, training and mentoring new JDOs, assisting with programming, working with the Juvenile Division leadership team on strategic initiatives, and the like. JMS, the

information management system, has a drop down box to check "yes" or "no" as to the youth having access to reading material, and is to be completed whenever the supervisor documents a required check of youth in restrictive housing. However, because supervisory review of on-going restrictive housing for individual or multiple youth occurs frequently throughout the day, some JDO Supervisors might not repeatedly check or document access to reading materials, having already determined several times earlier in the day that the youth has reading materials.³⁵ While both the Ordinance and RCW 13.22 mandate that reading materials be available to youth in restrictive housing, there is no requirement that access be checked multiple times. Consideration should be given to clarifying how frequently JDO Supervisors are expected to document the availability of reading material and whether JMS can be changed to simplify the process, while remaining in compliance with the Ordinance and RCW 13.22 and continuing to stress the importance of ensuring all youth have access to basic necessities, including youth in restrictive housing and including reading materials. Given that most youth and staff indicate all youth have regular access to reading material, even if in restrictive housing, this relatively simple change could reduce what is likely an artificially low frequency of documenting access to reading materials and contribute to a sense of legitimacy among supervisors in the overall restrictive housing assessment system. Finally, any such steps that can be taken to reduce supervisors' administrative responsibilities frees up time for them to "spend most of their time coaching and supervising staff," which is an important strategy for keeping youth and staff safe.³⁶

The Restrictive Housing Checklist form that is used to document and track the reason for and time in restrictive housing, all assessments, and whether youth have access to reading material, does not track access to other necessities required Ordinance and RCW 13.22. Governing law and DAJD policy require that youth in restrictive housing have access to other basics, such as clothing, a mattress and bedding, medication, toilet and sink at least hourly, any necessary mental health services, and reading and writing material. While not specifically tracked for those in restrictive housing, all youth in detention at CCFJC (unless there is a concern for self-harm) have a mattress, bedding, toilet, and sink in their rooms.

³⁵ Supervisors and others complete their portion of the Restrictive Housing Assessment Checklist online, through JMS, throughout their workday for each youth on restrictive housing, with pdf versions of all checklists provided for the monitoring review. Numerous examples were noted where supervisors marked "yes" in response to the query concerning access to reading materials in documenting some of their assessments and not indicating any answer at other times, while still providing information describing the youth's unregulated behavior and/or the goals to be met prior to restrictive housing ending.

³⁶ Safety and Security Analysis, 21-22.

Access to medication and mental health services is tracked through the Restrictive Housing Checklist form. See discussion above in Section IV.A regarding access to and documentation of medical and mental health services.

B. Access to Education, Programming and Necessities in the Adult Divisions
by Adult Age Outs (AAOs)

Adult Age Outs (AAOs) constitute a relatively small group in the overall population of detainees in King County adult detention facilities,³⁷ and DAJD does not consider it feasible to provide AAOs with the same level of in-class education and other programming provided to youth detained at CCFJC. However, the Adult Divisions Program Manager, other staff, and AAOs who were interviewed provided an update on education and programming options in adult facilities that are available.

Programming staff and a Sergeant assigned to serve in a supportive role to AAOs provides information about educational opportunities.³⁸ As with youth detained at CCFJC, the Interagency Academy High School delivers educational services to AAOs detained at the King County Correction Facility (KCCF). "Students enrolled in the program work on their own personalized education plan, which is tailored to meet their individual educational goals."³⁹ While in-class public school instruction is not available, teachers work with AAOs to develop individualized goals, provide written educational packets, and meet with AAOs one-on-one, approximately once a week, to review assignments and give feedback.

All ten AAOs interviewed during this evaluation period indicated they had completed or were close to completing the work required for their high school diploma or GED, or were working with teachers to determine how many more credits were needed before finishing. When restrictive housing monitoring interviews were conducted at KCCF in March 2024, one AAO was delayed due to the fact he needed to complete an assessment test being used to help determine his high school readiness level.

³⁷ In March 2024, the ADP for secure detention at KCCF was 825. Ten (10) of the total 825 ADP, or 1.25%, were AAOs detained at KCCF at the time.

³⁸ The Sergeant also helps newer AAOs understand the housing assignment system and coaches them in how to avoid conflict. The AAOs expressed appreciation for the support they receive and trust they have with the Sergeant.

³⁹ <https://interagency.seattleschools.org/about/campus-locations/king-county-jail/>

The Program Manager indicated the Adult Divisions is negotiating the restart of the GED program to be offered to detainees over 24 years old. Adult facilities programming staff also are exploring a system to give AAOs and others access to community college classes. Discussions with S. Seattle Community College have included a focus on classes on re-entry and behavioral health.

A program called, "Courage to Change Interactive Journaling System" is available in the Adult Divisions and some AAOs are participating in the process and mentioned it during interviews. A website description of the program stated that it is "an evidence-based supervision/case management model ... [that has been] studied in jail settings and found to be an effective tool for recidivism reduction and recovery from substance use. It provides a positive self-directed programming opportunity to guide individuals toward positive behavior change."⁴⁰ Detainees consider and journal about a number of different topics, such as self-control, family ties, peer relationships, and seeking employment.

Efforts focused on developing job preparedness skills have been made, including reinstating a program that taught custodial skills at RJC pre-COVID and initiating a new program to teach shipping and receiving skills. The Program Manager indicated that unfortunately, after extensive discussions, the community partner who was to help coordinate the shipping and receiving program stated they did not have the capacity to follow through. The Program Manager emphasized the importance of having continuity between courses offered to AAOs and others while in jail and job opportunities once they are released back into the community. Ideally the courses run five to eight weeks and then there is a direct referral to one or more community businesses hiring for the specific skills taught.

Along with providing tablets to youth at CCFJC, as discussed above, DAJD has provided detainees in the adult facilities, including AAOs, with access to individual tablets. The tablets have telephone capability, specialized content such as select reading material, and games. They provide AAOs and others with an alternative way to spend time while detained and a means to have more regular contact with their families, both of which might help reduce conflict between detainees and the need for restrictive housing.

VI. PROGRESS IN IMPLEMENTING EARLIER RECOMMENDATIONS AND RECOMMENDATIONS FOR REDUCING THE USE AND DURATION OF SOLITARY CONFINEMENT AND FOR IMPROVING DATA COLLECTION AND REPORTING OF

⁴⁰ <https://shop.changecompanies.net/collections/the-courage-to-change>

INCIDENTS OF SOLITARY CONFINEMENT (PROVISO I AND J)

Progress in implementing earlier recommendations and recommendations developed during the current monitoring period (also listed below) for reducing the use and duration of solitary confinement and for improving data collection and reporting of incidents of solitary confinement are summarized on Attachment A, Status of Restrictive Housing Monitoring Recommendations (Updated May 24, 2024).

The monitoring team makes the following recommendations for the current monitoring period:

- Ensure that all staff, but Supervisors in particular, are aware of efforts being made to develop shortcuts and dashboards to simplify JMS data entry and the rationale behind making some data fields required.
- In developing an approach that makes attendance mandatory for some programs and with input from JDOs and Supervisors, continually evaluate which programs, both in and outside the living halls, should be compulsory, on an individual or facility-wide level.
- In developing a programming schedule, consider the importance of providing consistent, predictable programming throughout the week, but especially during periods of time that are otherwise unstructured, such as on weekends.
- With input from JDOs and Supervisors, develop a strategy to ensure that youth return their tablets when required to do so.

VII. CONCLUSION

While neither the DSG's Safety and Security Analysis nor the Auditor's Report focused solely on reducing the use and duration of restrictive housing with juvenile detainees, recommendations from those reports relate to recommendations made by the monitoring team. Issues such as staff shortages, higher ADP, the increased average length of stay for juveniles, the lack of robust, consistent, and predictable programming, effective behavior management alternatives, and a mutually respectful management-staff relationship all impact the experience of youth held in detention and play a role in whether conflict among detainees is more or less likely to occur and whether the organization has the necessary capacity and resources to deter or respond to conflict. The lower the level of conflict or threatening behavior, the less likely will be the need for restrictive housing.

The Juvenile Division is developing a master list of recommendations it has recently received, including those made by the DSG consultants, the King County Auditor's Office, and the restrictive housing monitors. Given how interrelated the issues are underlying these recommendations, the

monitoring team is optimistic that progress on any of these fronts will help reduce the use and duration of restrictive housing with juvenile detainees.

Appreciation is again expressed for how willing DAJD staff, detained youth, and others have been to meet with the monitors and openly share information, concerns, and ideas for improving the experience of both juveniles living in detention and staff working in detention facilities. Everyone from throughout DAJD, in both the Juvenile and Adult Divisions, have readily responded to all requests for information and supported the monitoring process in every respect. The monitoring team hopes that the information compiled in this report and recommendations made are found to be useful and support the work done on behalf of all juveniles detained in DAJD facilities.



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	7	Name:	Leah Krekel-Zoppi, Mary Bourguignon
Proposed No.:	2024-0168	Date:	August 28, 2024

SUBJECT

Proposed Ordinance 2024-0168 would change King County Code (K.C.C.) Chapter 2.65 regarding the treatment of and services to juveniles confined in the King County juvenile detention facility.

SUMMARY

Proposed Ordinance 2024-0168 would make modifications to K.C.C. Chapter 2.65 to clarify conditions when a youth being confined in a locked room or cell away from peers do not constitute solitary confinement, including:

- When a juvenile voluntarily chooses to be in a single room or cell alone;
- For facility security and short-term maintenance issues;
- During security checks, headcounts, and inspections;
- During booking, intake, and the initial classification and orientation process;
- For court, medical, or mental health purposes;
- For one-on-one programming;
- When in the infirmary for medical or mental health reasons; and
- For maintaining gender separation.

The proposed changes to the definition of solitary confinement are in response to recommendations made by the independent monitoring team, which provides oversight of the Department of Adult and Juvenile Detention's (DAJD) confinement of juveniles.

Other proposed changes would be to:

- Clarify and conform to state law the limitation on the duration of solitary confinement within any twenty-four-hour period;
- Require DAJD to develop policies and procedures for solitary placements of youth that are exempt from the definition of solitary confinement;
- State that a person alleging to have been injured by a violation of the county's solitary confinement policies is entitled to recover reasonable litigation costs; and
- Require ongoing independent monitoring of and reporting on the conditions of juvenile confinement.

BACKGROUND

Juvenile Detention in King County. Under state law,¹ King County is required to operate a detention facility for juvenile offenders. The King County Executive oversees the secure juvenile detention facility at the request of King County Superior Court, which has statutory authority for juvenile detention under state law.² The King County Department of Adult and Juvenile Detention's (DAJD) Juvenile Division has operated the county's juvenile detention system since 2002. The Juvenile Division also operates court-ordered alternatives to secure detention programs.

King County's juvenile secure detention facility is located in the Judge Patricia H. Clark Children and Family Justice Center (CCFJC), along with Juvenile and Family Court Services. The county's average daily population (ADP) of youths is 48 to date in 2024.³ The facility provides a health clinic for medical and mental health services; juvenile programming, including a gymnasium; food services; volunteer services; family visitation; behavioral health services provided by Ryther;⁴ regular and special education provided by Seattle Public Schools;⁵ and a library staffed by the King County Library System.

The CCFJC houses youths ages 12 to 17 awaiting adjudication in King County Juvenile Court and ordered to secure detention. In addition, beginning in 2018, the Executive directed through Executive Order for all youth in secure detention who are under age 18 and charged as adults to be housed at the CCFJC.⁶

History of Juvenile Detention in King County. King County adopted the Juvenile Justice Operational Master Plan in 2000,⁷ which emphasizes prevention, intervention, and alternatives to the use of secure detention for juvenile offenders. As a result, even as King County's overall population has grown, the number of youths arrested, charges referred, charges filed, and youths held in secure detention has declined over time, including a 61 percent reduction since 2010 in the number of youths in detention in King County.⁸

In 2017, Public Health–Seattle and King County launched a Zero Youth Detention initiative. In June 2020, the Executive committed to converting youth detention units at the CCFJC to other uses no later than 2025. To that end, the Executive is currently developing a Care & Closure plan⁹ with the goal of promoting racial equity and community-based alternatives to detention.

¹ RCW 13.04.135

² RCW 13.20.010

³ 2024 average based on data through April 2023.

⁴ Ryther is a non-profit organization in King County that provides therapeutic services to youth who are struggling emotionally and behaviorally ([link](#))

⁵ Interagency Academy at the King County Jail, Seattle Public Schools ([link](#))

⁶ King County Executive Order "Youth charged as adults to be housed at the Youth Services Center," November 2, 2017 ([link](#))

⁷ Ordinance 13916

⁸ Updated data from the September 2023 Care and Closure Progress Report, pg. 21

⁹ Care & Closure, King County ([link](#))

Use of Solitary Confinement for Adults and Youth. Solitary confinement is a form of imprisonment in which an inmate is isolated from human contact, typically except for members of staff. Solitary confinement can also be called room confinement, segregated housing, protective custody, restrictive housing, restricted housing, time out, restricted engagement, close confinement, special management unit, administrative detention, non-punitive isolation, temporary isolation, or other terms. Restrictive housing is the term used by DAJD.

Juvenile Detention Alternatives Initiative (JDAI)¹⁰ detention facility standards prohibit the use of room confinement for reasons other than as a temporary response to behavior that threatens immediate harm to a youth or others. The standards reflect the advice of practitioners and experts that room confinement should not be used for discipline, punishment, administrative convenience, or other reasons.¹¹ The Council of Juvenile Correctional Administrators reports that isolating or confining a youth in their room should be used only to protect the youth from harming themselves or others and if used, should be for a short period and supervised.¹²

Restricting the Use of Solitary Confinement in King County. In December 2017, the King County Council adopted Ordinance 18673, which banned solitary confinement for youth except in specific limited circumstances.¹³ The legislation:

1. Created King County Code (K.C.C.) Chapter 2.65, banning the use of solitary confinement for youth detained by King County, “except as necessary to prevent significant physical harm to the juvenile detained or to others when less restrictive alternatives would be ineffective,” regardless of the facility that the youth is held. The code defines "solitary confinement" as the placement of an incarcerated person in a locked room or cell alone with minimal or no contact with persons other than guards, correctional facility staff, and attorneys. The code further notes that using different terminology for this practice does not exempt a practice from being considered solitary confinement.
2. Required the DAJD’s Juvenile Division to ensure that all juveniles detained in any King County detention facility are given reasonable access to the defense bar, juvenile probation counselors, social service providers, and educators in a timely manner.
3. Requested that the Executive appoint an independent monitor with expertise in juvenile detention operations and corrections, officer safety and security, and trauma-informed behavioral modification practices to monitor and report on the implementation of the solitary confinement restrictions.

¹⁰ The Juvenile Detention Alternatives Initiative (JDAI) is a project of the Casey Foundation that began in the 1990s as a pilot to reduce reliance on local detention and now includes a network of juvenile justice practitioners and other system stakeholders across the country ([link](#)).

¹¹ JDAI Juvenile Detention Facility Standards, Strategies to Eliminate the Unnecessary Use of Room Confinement ([link](#))

¹² The Council of Juvenile Correctional Administrators, Toolkit: Reducing the Use of Isolation, Council of Juvenile Correctional Administrators, March 2015 ([link](#))

¹³ Ordinance 18637, adopted December 21, 2017.

K.C.C. 2.65.010 defines the term “juvenile” to include any person currently confined in a King County detention facility for a charge that was filed in juvenile court or based on conduct that occurred before the person’s eighteenth birthday, and where confinement begins before their eighteenth birthday. Therefore, the county’s requirements related to solitary confinement apply to:

- All juveniles held in juvenile facilities;
- Youths who turn 18 (age out) and are transferred to an adult facility; and
- Youth who are older than age 18 and are booked on a juvenile probation/parole matter.¹⁴

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

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

The state law also requires DAJD to collect and report data related to restrictive housing, which DCYF uses to compile and publish statewide data. This requirement has prompted changes to DAJD’s data collection and data sharing practices.

Juvenile Division Restrictive Housing Policy and Behavioral Management Approach. In response to the enactment of Ordinance 18673 in 2017, DAJD’s Juvenile Division established a restrictive housing policy, which was updated in December 2021 to comply with the new state law. In compliance with county code and state law, the policy states that, “restrictive housing for punitive purposes is explicitly prohibited,” and that restrictive housing is prohibited unless the youth poses a risk of physical harm and there are no less restrictive alternatives available. Juvenile Division’s policy states that all youth held in restrictive housing must have access to:

- Clothing;
- A mattress and bedding;
- A toilet and sink at least hourly;

¹⁴ These latter two categories are identified in the adult facilities as “Adult Age Outs” (AAOs).

¹⁵ Second Substitute House Bill 2277, codified in RCW Chapter 13.22

- Necessary mental health services; and
- Reading material, paper, writing material, envelopes, and treatment material (except in cases of concern for self-harm as determined by medical and mental health staff and detention supervisors).

Each time a youth is placed in restrictive housing, the policy requires the following procedures:

- Documentation of the reason the youth was placed into restrictive housing;
- Safety and security checks every 15 minutes;
- A supervisory check-in with the youth within two hours, and then every four hours outside of ordinary sleeping periods;
- Evaluation by a medical professional as soon as possible within six hours or before an ordinary sleep period, and at least once per day thereafter;
- Evaluation by and development of a care plan by a mental health professional as soon as possible within four hours; and
- Documentation of the date and time of the youth's release from restrictive housing.

The policy requires that staff provide youth with the goals and objectives the youth must achieve in order to be released. The policy further requires that a youth must be removed from restrictive housing when either:

- The purpose of the confinement is met;
- The desired behavior is evident; or
- Medical, mental health, and supervisory staff determine the youth no longer poses an imminent risk.

The policy also requires that a supervisor must make a good faith effort to call the youth's parent or legal guardian if a youth is held in restrictive housing for longer than 10 hours and to make reasonable efforts to give youth an opportunity to speak with parents or legal guardians at least once per day.

The Juvenile Division has stated that the division's restrictive housing policy is consistent with the JDAI recommendations, including using less restrictive approaches prior to room confinement, requiring supervisor and/or leadership approval for the continued use of room confinement, conducting medical and mental health assessments, and developing plans for youth to exit room confinement.

A multidisciplinary team of youth detention staff, supervisors, and mental health professionals holds daily meetings during which they review incidents of restrictive housing and assess other behavioral support and restorative justice needs for individuals in detention.

The behavioral management approach used at CCFJC includes incentives for meeting behavioral expectations and interventions to respond to inappropriate behavior. The incentive system allows youth to move through a tier system, with sustained compliance resulting in increasing levels of incentives. Youth who reach the highest tier are rewarded with a later bedtime and other special privileges. Behavioral interventions

include verbal de-escalation techniques, restorative work assignments, and, for more problematic behavior, creation of an individual development plan. Juvenile Detention Officers document the activities and location of each youth in the facility every 15 minutes using a youth accountability checklist.¹⁶

Independent Monitor Reports. In accordance with Ordinance 18673 restricting solitary confinement of youth, the Executive engaged an independent monitor, and independent monitoring services began on July 1, 2018.¹⁷ The Council accepted the independent monitor's first report in December 2018.¹⁸ Recommendations in that report included policy revisions to implement mandates under the ordinance, monthly tracking of restrictive housing data, reconsideration of the inmate classification scheme, and distribution to appropriate staff of a list of adult facility detainees covered by the ordinance. A second report was issued in January 2019.¹⁹

In 2019, a new independent monitor team²⁰ was contracted to provide reports in compliance with a proviso added to the 2019-2020 Adopted Biennial Budget Ordinance.²¹ The team's first report covered July through December of 2019.²² Recommendations in that report included:

- Considering whether the Council should amend Ordinance 18637 to exclude youth who are in their room voluntarily or are engaged in one-on-one programming from the definition of restrictive housing;
- Enhancing youth activity and restrictive housing tracking forms; and
- Creating an exit plan for any youth placed in restrictive housing and integrating restrictive housing policing and procedures with the Behavior Management System.

The team's second report covered January-June of 2020.²³ Recommendations in that report included:

¹⁶ As described in the Independent Monitoring Team Report April 2022 – June 30, 2023-RPT0098, pg. 14 ([link](#))

¹⁷ Stephanie Vetter, Senior Consultant and JDAI Advisor, Center for Children's Law and Policy, working as a private contractor and juvenile justice expert in the areas of JDAI, the federal Prison Rape Elimination Act, adolescent development, juvenile detention operations and corrections, officer safety and security, and trauma informed behavioral modification practices.

¹⁸ Motion 15256

¹⁹ 2019-RPT0011

²⁰ The new team included Kathryn Olson from Change Integration Consulting, LLC, and Bob Scales from Police Strategies, LLC. According to the report, the independent monitoring team, "have deep and broad background and expertise in law; the criminal justice system; law enforcement operations, policy, training, labor relations, and community relations; records auditing; advising on data tracking and reporting systems; juvenile justice; reducing racial/ethnic disparities in the criminal justice system; knowledge of PREA and JDAI, trauma informed care, and impacts on policies and practices; restorative justice techniques; and federal, state and local government and criminal justice organizations. They have worked in a wide range of jurisdictions with multiple stakeholders and strive to foster accountability and transparency in the monitoring and reporting process."

²¹ Ordinance 18835, Section 52, as amended by Ordinance 18930, Section 36, Proviso P8

²² Motion 15680

²³ Motion 15788

- Resetting the Juvenile Division's restorative practices program and developing individual case management plans;
- Documenting specific and thorough details of behavior resulting in restrictive housing;
- Providing more specific information about programs available to AAOs (Adult Age Outs);
- Formalizing informal support services being provided to AAOs;
- Reinstating education opportunities for AAOs that were interrupted by pandemic impacts; and
- Creating an exit plan for any youth placed in restrictive housing (a recommendation reiterated from the previous report).

Independent monitoring was again required by proviso in the 2021-2022 Adopted Biennial Budget Ordinance,²⁴ and a report covering July 2020 through June 2021²⁵ noted the progress that had been achieved by the Juvenile Division and held off making new recommendations because of several major projects the division was undertaking, including transitioning to a new electronic record-keeping system, and revising policies to comply with the new state law on juvenile restrictive housing.

The independent monitoring report covering July 2021 through March 2022,²⁶ noted that, throughout the six reports, the independent monitors had made 21 recommendations and that, of those recommendations, 11 had been completed, six were in progress, two were withdrawn, and two remained incomplete.

The two recommendations that remained incomplete at that time had been directed to the Council rather than DAJD and involved clarifications to the county code to avoid unintended consequences, such as not allowing youth to voluntarily spend time in their rooms or staff to engage in therapeutic one-on-one interventions.

Independent monitoring continued to be required by proviso in the 2023-2024 Biennial Budget Ordinance.²⁷ A report covering the period between April 1, 2022 through June 30, 2023, was transmitted in September 2023.²⁸ In that report, the Independent Monitoring team provided recommendations to improve documentation and youth safety. A second independent monitoring report covering the period between July 1, 2023, through March 31, 2024, is required to be transmitted by June 15, 2024.

ANALYSIS

Overview of Proposed Ordinance 2024-0168. Proposed Ordinance 2024-0168 is intended to address the remaining incomplete recommendations identified by the juvenile confinement independent monitoring team, as well as operational challenges

²⁴ Ordinance 19210, Section 50, Proviso P1

²⁵ Motion 16086

²⁶ Motion 16208

²⁷ Ordinance 19546, Section 54, Proviso P1

²⁸ Motion16540

raised by Juvenile Detention Officers during a listening session with King County Councilmembers.²⁹

The proposed ordinance would expand the definition of "solitary confinement" to add the following exemptions when a juvenile being in a locked room or cell alone would not constitute solitary confinement:

- When a juvenile voluntarily chooses to be in a single room or cell alone;
- During security checks, headcounts, and inspections;
- During booking, intake, and the initial classification and orientation process;
- For court, medical, or mental health purposes;
- For one-on-one programming;
- When in the infirmary for medical or mental health reasons; and
- For maintaining gender separation.

“One-on-one programming” would be defined as “programming where juvenile detention staff engage individually with a juvenile outside of a cell for behavior management, de-escalation, educational programming, skill-building, or recreational activities.”

These exemptions would be added to existing exemptions for juveniles being in single cells during ordinary sleep and rest periods and facility physical safety and maintenance issues.

Adding the above proposed exemptions to the code would have the effect of making it permissible for youth detained at the CCFJC to be isolated from their peers in the circumstances listed above. Under existing code language, isolation of youth under those circumstances could be considered prohibited. An additional effect would be that DAJD would no longer be required to document and report such incidents as "restrictive housing" or follow the Division's restrictive housing policies and procedures in those circumstances. The Juvenile Division would, however, continue to check in and document the activity of each youth in custody every 15-minutes through the division's standard youth accountability checklist procedures.

Additionally, the proposed ordinance would require DAJD to develop policies and procedures for the exempted solitary placements listed above. The proposed ordinance would require that such procedures must prioritize the safety and well-being of youth and be “limited in use and duration to only what is necessary for safe operations when no less restrictive alternatives are available.”

The proposed ordinance would also add a clarification for when the four-hour limit on the duration of solitary confinement within a twenty-four-hour period could be extended. The added clarification would be consistent with state law and with the Juvenile Division’s current restrictive housing policy. It would allow the four-hour limit to be exceeded if the juvenile continues to pose a risk of imminent harm and the following requirements are met:

²⁹ Members of the Law, Justice, Health, and Human Services Committee and their staff held listening sessions with Juvenile Detention Officers during tours of the CCFJC in August 2022.

- Documentation of the basis for the extension;
- Development of an individualized plan including the goals and objectives to be met for the youth to be reintegrated with the general population; and
- Authorization of the Division Director or designee every four hours.

Another change included in the proposed ordinance is that it would state in county code that, “in a civil action brought by a person alleging to have been injured by a violation of [the juvenile confinement restrictions], if the person is the prevailing party, the person shall be entitled to recover reasonable litigation fees, including attorneys’ fees, and costs.

Finally, the proposed ordinance would add an annual reporting requirement that would be undertaken by an independent monitor or monitors with expertise in adolescent development, juvenile detention operations and corrections, officer safety and security, and trauma-informed behavioral modification practices. The reporting would include data similar to what is required in state law, and interpretation of the data similar to what has been required by budget provisos since 2019. The effect of this change would be to make the independent monitoring of DAJD’s juvenile confinement permanent under county code, rather than subject to budget provisos.

Independent Monitoring Team Recommendations Regarding County Code. The 2019 independent monitoring report noted that JDAI standards define restrictive housing based on involuntary placement of youth in a room or cell alone and recommended exploring the feasibility of advocating for that perspective in King County's requirements.³⁰

The January through June 2020 independent monitoring report noted unintended consequences around the county's restrictive housing requirements, specifically in that one-on-one programming could be considered prohibited under the code requirements, including in circumstances such as court-ordered separation of detainees, a single female housed in the detention facility, or other situations where one-on-one programming between staff and a youth is necessary or the preferred therapeutic intervention. The report noted that "the independent monitors respectfully propose that the Ordinance be amended to address such unintended consequences."³¹

The proposed ordinance would address these recommendations by making the time youth spend voluntarily in their room or in one-on-one programming exempt from the definition of solitary confinement.

Use of One-on-One Programming. According to the sponsor of the Proposed Ordinance 2024-0168, a key intension of the legislation is to clarify that use of one-on-one programming is permissible in county code. This approach would seem to be consistent with the independent monitoring team recommendations, as noted above, as well as JDIA standards, and a recommendation by DCYF.

³⁰ King County Adult and Juvenile Detention Independent Monitoring Team Report July 2021 – March 2022, Appendix A, pg. 42.

³¹ King County Adult and Juvenile Detention Independent Monitoring Team Report July 2021 – March 2022, Appendix A, pg. 43.

According to the Juvenile Division, the JDAI Juvenile Detention Facility Assessment Standards Instrument recommends the use of “special individualized programming” for youth with persistent behavior problems who threaten the safety of youth or staff or the security of the facility.

Additionally, DCYF’s January 2023 report to the state legislature on juvenile confinement,³² included a literature review on the impact of isolation on adolescents and recommended that, “[t]o the extent the intent of the law is to reduce the harm engendered by the lack of access to social connection and rehabilitative activities, we recommend that the definition of isolation should not include instances where youth are engaging in one-on-one programming with staff.”³³

Civil Action and Fiscal Impact. A provision in the proposed ordinance states that a person injured by a violation of the county’s juvenile detention policies is entitled to recover reasonable litigation costs if that person prevails in a civil action regarding such a violation. Currently, in a circumstance where a person prevails in a civil action regarding a county code violation, that person would not usually be able to recover litigation costs. Because an attorney representing such a harmed party would typically be paid only a portion of any damages awarded, this can make it financially difficult for attorneys to take on such cases. This provision may have the effect of making it easier for harmed parties to secure legal representation.

Stating in code that the injured person, if the prevailing party, is entitled to recover reasonable litigation costs would have a fiscal impact on King County if civil legal action or actions are brought against the county and the county does not prevail. According to the Prosecuting Attorney’s Office, it would be difficult to estimate the fiscal impact to King County because civil legal costs can vary based on factors such as whether there is a single plaintiff or a class action, the attorney’s fee schedule, how much discovery is conducted, and whether the case can be resolved or goes to trial.

Reporting and Fiscal Impact. As noted above, the proposed ordinance would require annual reporting. DAJD states that the current cost for complying with reporting requirements is \$75,000 annually. Because independent monitoring has been contracted by DAJD on an ad hoc basis since 2018, this expense has been appropriated as a one-time cost in DAJD’s budget for the past two biennial budgets. The proposed ordinance would likely result in this recurring one-time cost being converted into an ongoing expense in DAJD’s base budget, and independent monitoring costs may increase in the future.

JDAI Standards (Added August 28, 2024). The JDAI Facility Assessment Guide³⁴ contains the following standards related to components of this proposed ordinance:

- Standard VII.B.1.g. states, that “staff do not place youth in room confinement for longer than four hours.” After four hours, the standard provides the following options:

³² Washington State Department of Children, Youth & Families, Juvenile Room Confinement and Isolation in Washington State: Initial Report to the Legislature, January 2023 ([link](#))

³³ Washington State Department of Children, Youth & Families, Juvenile Room Confinement and Isolation in Washington State: Initial Report to the Legislature, January 2023, p. 23 ([link](#))

³⁴ [aecf-juvenile-detention-facility-assessment-2014.pdf](#)

- Return youth to the general population,
- Develop special individualized programming for the youth (which is what Juvenile Division calls one-on-one programming), or
- In consultation with a qualified mental health professional, transport the youth to a mental health facility.
- Standard VII.B.2 is for staff to develop special individualized programming for youth with persistent behavior problems that threaten the safety of youth or staff or the security of the facility. The standard provides further guidance for the use of special individualized programming, with which the Juvenile Division’s policies and practices appear to be consistent.

Note that the JDAI standard is to limit room confinement to four hours but is not a limit of four hours within 24 hours as is the current King County policy. According to the most recent independent monitoring report, in 88 percent of incidents of restrictive housing, the youth involved are released to group programming within less than 90 minutes of the start of the restrictive housing.³⁵ The independent monitors provided these data to indicate that while youth may remain in restrictive housing status for total durations of longer than four hours while a safety incident is being resolved, those extended durations are rarely continuous and rarely exceed 90 minutes during the initial interval.

JDAI standards do not establish duration limits on the use of one-on-one or special individualized programming, and instead state that an individualized plan should be developed that identifies concrete goals for the youth to work towards to be removed from special programming. The standards also state that a youth in special individualized programming should be involved in other facility programming unless it would be a safety threat.

INVITED

- Jeneva Cotton, Division Director, Department of Adult and Juvenile Detention, Juvenile Detention Division

ATTACHMENTS

1. Proposed Ordinance 2024-0168

³⁵ Restrictive Housing – Independent Monitoring Team Report, July 1, 2023 – March 31, 2024



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2024-0168.1

Sponsors Balducci

1 AN ORDINANCE related to requirements for the treatment
2 of and services to juveniles in the custody of the
3 department of adult and juvenile detention; amending
4 Ordinance 18637, Section 2, and K.C.C.2.65.010,
5 Ordinance 18637, Section 3, and K.C.C.2.65.020, and
6 Ordinance 18637, Section 4, and K.C.C.2.65.030 and
7 adding a new section to K.C.C. chapter 2.65.

8 **STATEMENT OF FACTS:**

- 9 1. In Washington state, the juvenile courts, a division of the superior court
10 system, have jurisdiction over youth under the age of eighteen who are
11 charged with committing a crime.
- 12 2. Under the Washington Youth Violence Reduction Act, juvenile court
13 jurisdiction over youth ages sixteen and seventeen who are charged with
14 certain offenses, is automatically declined. For those youth, the adult
15 superior court has jurisdiction.
- 16 3. Washington state Basic Juvenile Court Act also allows prosecutors to
17 petition to transfer a youth to adult court at the discretion of juvenile court;
18 this is known as a discretionary decline of jurisdiction.
- 19 4. The King County department of adult and juvenile detention operates
20 the Norm Maleng Regional Justice Center in Kent, Washington, through

21 its Kent division and the King County Correctional Facility in Seattle,
22 Washington, through its Seattle division.

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

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

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

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

43 9. The United States Supreme Court has acknowledged the differences in
44 youth brain development.

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

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

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

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

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

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

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

85 17. King County prohibited the use of solitary confinement for juveniles
86 except when necessary for safety, through enactment of Ordinance 18637
87 in 2017.

88 18. Washington state prohibited the use of solitary confinement for
89 juveniles for punitive purposes in 2020 in Chapter 333, Laws of
90 Washington 2020.

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

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

106 21. In 2022, members of the King County council's law, justice, health
107 and human services committee toured the CCFJC and heard from juvenile

108 detention staff about some of the challenges of implementing the solitary
109 confinement ban, including unintended consequence of not being able to
110 use restoration hall, a space that allowed staff to assist youth in working
111 through a restorative process in a specialized unit.

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

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

123 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

126 The definitions in this section apply throughout this chapter unless the context
127 clearly requires otherwise.

128 A. "Cell" means a locked room to which a juvenile is assigned for sleeping, as
129 evidenced by the presence of bedding, a toilet, or other features necessary for daily living

130 and where a juvenile is confined alone, separated from other juveniles, with limited
131 contact with others.

132 B. "Imminent harm" means immediate and impending threat of a person causing
133 bodily injury to self or others.

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

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

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

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

152 2. When a juvenile voluntarily chooses to isolate from the general population,
153 including choosing to remain in the juvenile’s cell outside of ordinary sleep and rest
154 periods;

155 3. The short-term placement of ((youth)) a juvenile in ((individual cells)) a cell
156 or alone in a locked room for purposes of facility or living unit security issues or for other
157 short-term facility physical plant safety and maintenance issues, including:

158 a. during security checks, headcounts, and inspections;

159 b. during the booking, intake, and initial classification and orientation process;

160 and

161 c. waiting for transport to court or medical or mental health appointments or
162 treatment, or waiting to attend court or medical or mental health appointments or
163 treatment;

164 4. The placement of a juvenile in a locked room, that is not a cell, for one-on-
165 one programming;

166 5. The placement of a juvenile in the infirmary as determined necessary by a
167 medical or mental health professional for medical or mental health reasons; and

168 6. The assignment of a single juvenile to a residence hall when there are no
169 other safe alternatives for complying with a court order or maintaining appropriate gender
170 separation, as long as any juveniles involved have similar programming schedules as
171 juveniles in other living halls in the facility.

172 F. "Supervisor" means the person to whom a juvenile detention officer or adult
173 corrections officer directly reports.

174 SECTION 2. Ordinance 18637, Section 3, and K.C.C.2.65.020 are each amended
175 to read as follows:

176 A. The solitary confinement of juveniles is banned in all King County detention
177 facilities, except when based on the juvenile's behavior, solitary confinement is necessary
178 to prevent imminent and significant physical harm to the juvenile detained or to others
179 and less restrictive alternatives were unsuccessful. Solitary confinement may not be used
180 for disciplinary or punishment purposes.

181 B. The department of adult and juvenile detention must develop policies and
182 procedures for the use of solitary confinement with the goal of limiting such events and
183 their duration. In determining the policies and procedures, the department of adult and
184 juvenile detention shall ensure consistency with nationally accepted best practices, which
185 are those established by the Juvenile Detention Alternatives Initiative, and should
186 include:

187 ~~((A. Preventative))~~ 1. Policies and procedures setting out the preventative
188 measures to be employed to protect the safety and security of ~~((incarcerated))~~ juveniles
189 ~~((and their peers))~~, the staff of the department of adult and juvenile detention, other
190 persons who work in the facilities, and visitors;

191 ~~((B.))~~ 2. A requirement that solitary confinement be ended as soon as the
192 juvenile demonstrates physical and emotional control, and a limit on the duration of any
193 solitary confinement to no more than four hours in any twenty-four-hour period. The
194 four-hour limit may be exceeded if the juvenile continues to pose a risk of imminent
195 harm and if the following requirements are met:

196 a. the reason for solitary confinement is documented, including the basis for
197 the extension, the date and time the juvenile was first placed in solitary confinement, and
198 when the juvenile is eventually released from solitary confinement;

199 b. an individualized plan that includes the goals and objectives to be met in
200 order to reintegrate the juvenile to the general population is developed; and

201 c. the division director or designee provides documented authorization every
202 four hours thereafter;

203 ~~((C-))~~ 3. A requirement that any use of solitary confinement be subject to review
204 by supervisors;

205 ~~((D-))~~ 4. A requirement that mental health or medical professionals assess or
206 evaluate any ~~((youth))~~ juvenile housed in solitary confinement as soon as possible after
207 the ~~((youth's being placed))~~ juvenile's placement in solitary confinement, and that
208 qualified mental health professionals evaluate and develop a care plan, that may include
209 hospitalization, for ~~((youth))~~ juveniles who are placed in solitary confinement to prevent
210 self-harm; and

211 ~~((E-))~~ 5. Procedures to ensure ~~((youth's))~~ juvenile's continued access to
212 education, programming, and ordinary necessities, such as medication, meals, and
213 reading material, when in solitary confinement.

214 C. For placements exempt from the definition of solitary confinement as
215 referred to in K.C.C. 2.65.010.E.3. through 6., the department of adult and juvenile
216 detention must develop policies and procedures for such placements. The procedures
217 must direct that the placement is used in a manner that prioritizes the safety and well-

218 being of juveniles and is limited in use and duration to only what is necessary for safe
219 operations when no less restrictive alternatives are available.

220 D. In a civil action brought by a person alleging to have been injured by a
221 violation of this section, if the person is the prevailing party, the person shall be entitled
222 to recover reasonable litigation fees, including attorneys' fees, and costs.

223 SECTION 3. Ordinance 18637, Section 4, and K.C.C.2.65.030 are each amended
224 to read as follows:

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

230 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 2.65 a
231 new section to read as follows:

232 A. The executive shall electronically file with the clerk of the council annual
233 reports to the council on confinement of juveniles in county detention facilities. Each
234 annual report shall be prepared by an appointed, independent monitor or monitors who,
235 either alone or together, shall have expertise in adolescent development, juvenile
236 detention operations and corrections, officer safety and security, and trauma-informed
237 behavioral modification practices. The monitor or monitors shall include in the report an
238 analysis of compliance with this chapter and chapter 13.22 RCW by the department of
239 adult and juvenile detention juvenile division for the proceeding twelve-month period,

240 except as provided in subsection C. of this section. The reports should also include, but
241 not be limited to:

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

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

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

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

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

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

257 7. A review of the documentation of how youth subject to solitary confinement
258 had continued access to education, programming and ordinary necessities, such as
259 medication, meals, and reading material, when in solitary confinement, and an evaluation
260 of any incidents when such access was not documented;

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

262 9. An assessment of the progress by the department of adult and juvenile
263 detention juvenile division on implementing the recommendations outlined in previous
264 monitor reports;

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

268 11. Discussion of any concerning patterns of juvenile placements, exempt from
269 the definition of solitary confinement in K.C.C. 2.65.010.E.2. through 6., that may be
270 contributing to potential harm for juveniles in detention, including documentation of the
271 number and duration of such incidents and recommendations for reducing the use and
272 duration of such placements.

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

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

282 chief of staff, the chief policy officer, and the lead staff for the law and justice committee
283 or its successor.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: None



King County
Office of Law Enforcement Oversight (OLEO)

COMMUNITY GUIDANCE FRAMEWORK FOR POLICY REVIEWS

[KingCounty.gov/OLEO](https://www.kingcounty.gov/OLEO)



King County
OLEO

Roadmap



OLEO has designed a process to review and develop policy recommendations in direct collaboration and consultation with community. This framework is a living document, and we invite residents of King County to connect with us if you'd like to get involved or share your feedback.

1

Recognize the Need for Policy Change



Policy review may be initiated through:

- King County Sheriff's Office prerogative
- [CACLEO guidance](#)
- Significant community interest
- Legislative changes or court decisions
- OLEO Investigations' findings
- [OLEO Policy Program research](#)
- [OLEO Community Engagement efforts](#)

Should the policy be prioritized for review?

If **any** of the following are answered in the affirmative, proceed. If all three are answered “no”, policy will not be prioritized for review.

- *Does this policy or policy change impact communities who are or have been disproportionately harmed by policing?*
- *Does the policy govern direct or ongoing interactions between community members and Sheriff's Office employees?*
- *Does this policy implicate community members' life and safety issues?*

2

Initial Policy Review



OLEO conducts an initial review of each policy if applicable.

1

Policy Review

Analyze language, definitions, and word choice to ensure the language is clear and cannot be misinterpreted.

2

Review of Peer Agencies

Compare to other law enforcement agencies.

3

Review of Best Practices

Seek research & model policies from organizations like ACLU, IACP, etc.

4

Review KCAO and Past OLEO Reports

Review past recommendations to ensure changes are consistent.

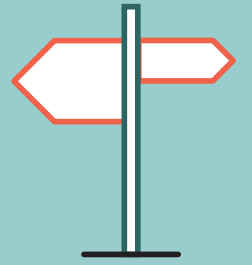
5

Analyze for real world

Analyze for practical adherence in the field and considering social climate & public opinion.

3

Determine Level of Community Guidance



COMMUNITY-GUIDED POLICY PROJECT:

A collaborative process with community and OLEO creating the policy product.

OR

RAPID-RESPONSE REVIEW:

A consultation process: OLEO drafts the policy product and sends to community for feedback.

Is there an urgent need for immediate policy change?

If yes, proceed to **Step 4** and a Rapid-Response Review. If no, ask the following questions. Answering any of these guiding questions “yes” will lead to a Community-Guided Policy Project in Step 4.

- *Is there expertise and capacity in the community situated to provide constructive feedback?*
- *Is the potential policy recommendation a significant deviation from current Sheriff’s Office practice (e.g., a complete rewrite versus minor modification)?*
- *Is there organized community interest around this policy area?*



*When in doubt, ask **Consulting Community Organizations** for feedback.*

4

Draft Policy Product



COMMUNITY-GUIDED POLICY PROJECT:

- Identify stakeholders.
- Convene *Stakeholder Working Group*. These projects are meant to be longer term and may last 6-12 months dependent on the project scope.
- ***Stakeholder Working Group*** may deem it necessary/appropriate to send immediate recommendations to the ***Sheriff's Office***.
- Community and OLEO collaborate to draft policy/recommendations/research report.
 - Define the problem, discuss policy options and alternatives.
 - Determine values and goals.
 - Arrive at a consensus – understand potential impact, discuss accessibility, equity, and inclusive language choices.
- Consult with ***Stakeholder Working Group*** to determine need for additional engagement.
- Finalize policy product (memo, research report, policy language, etc.).
- Send to ***Sheriff's Office***.



OLEO's Role: Collaborate

OR

RAPID-RESPONSE REVIEW:

- OLEO drafts initial summary of recommendations based on **Step 2: Initial Policy Review**.
- Share out to ***Consulting Community Organizations*** on a two-week timeline.
- Incorporate feedback from consulting organizations.
- Send final recommendations to ***Sheriff's Office***.



OLEO's Role: Consult

5

Communicate Impact & Evaluate Process



- Post policy recommendations on the OLEO website and notify **Community Consulting Organizations** or **Stakeholder Working Group** of action if applicable.
- Monitor **Sheriff's Office** implementation of policy and track community response.
- Communicate updates via newsletter, policy tracker, annual report, etc.
- Gather feedback about the process.

 *Evaluate annually to improve the policy review process and affirm community-driven lens.*

6

Community Education



- Draft policy primers or educational videos to explain significance of the policy issue.
- Join community events and host workshops to share what OLEO's policy program does.
- Design and deliver capacity-building trainings for those most impacted by a policy.
- Develop a resource library of relevant external programs and materials.
- Work with community organizations to promote resources for educational and personal needs.

OLEO's Role: Inform

This framework is a living document, and we invite residents of King County to connect with us if you'd like to get involved or share your feedback.



King County
OLEO

OLEO@KingCounty.gov



King County • Office of Law Enforcement Oversight (OLEO)

COMMUNITY GUIDANCE FRAMEWORK FOR POLICY REVIEWS



This document provides an overview of OLEO's community guidance process for policy reviews. By law, OLEO has authority to review and make recommendations to the Sheriff regarding changes to the Sheriff's Office policies, rules, procedures, or general orders [K.C.C. 2.75.040(D)]. Alongside its other programs,

OLEO aims to further policing standards through evidence-based policy recommendations that are driven by community and rooted in equity.

In service of that mission, OLEO has designed a process to review and develop policy recommendations in direct collaboration and consultation with community. This framework is a living document, and we invite residents of King County to connect with us if you'd like to get involved or share your feedback.

ROADMAP



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REVIEW KCAO AND PAST OLEO REPORTS

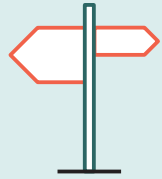
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4 Draft Policy Product



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