

Dembowski moved Amendment 1.
The motion carried.

September 17, 2025
RD2



[LKZ]

Sponsor: Dembowski

Proposed No.: 2025-0206

1 **AMENDMENT TO PROPOSED MOTION 2025-0206, VERSION 2**

2 On page 1, after line 4, insert:

3 "WHEREAS, in October 2017, Columbia Legal Services brought a class action
4 lawsuit against King County for an alleged policy and practice of holding juveniles in
5 long-term solitary confinement, including without access to learning materials, at the
6 Regional Justice Center, and

7 WHEREAS, in 2018, King County resolved the lawsuit through a negotiated
8 settlement in which the county agreed to ban the solitary confinement of juveniles in all
9 King County detention facilities except in very limited circumstances and to end the
10 practice of housing juveniles in adult detention facilities. Further, the county agreed to
11 provide self-monitoring reports to Columbia Legal Services until 2021 on a quarterly
12 basis to ensure compliance with the terms, and

13 WHEREAS, in December 2017, King County enacted Ordinance 18637, Sections
14 2 through 4 of which were codified as K.C.C. chapter 2.65, banning the use of solitary
15 confinement for juveniles, no matter what language is used to describe that confinement,
16 at all King County detention locations. K.C.C. 2.65.020 provides only one exception to
17 the ban: "when based on the juvenile's behavior, solitary confinement is necessary to
18 prevent imminent and significant physical harm to the juvenile detained or to others and

19 less restrictive alternatives were unsuccessful." The chapter prohibits the use of solitary
20 confinement for disciplinary or punishment purposes. Further, K.C.C. 2.65.030 states the
21 policy that solitary confinement be used "only rarely," and

22 WHEREAS, independent monitors have reviewed King County's compliance with
23 K.C.C. chapter 2.65 each year from 2018 to 2024. The monitor's reports included
24 information about how often the county uses solitary confinement for juveniles in
25 detention, the circumstances of uses of solitary confinement, whether the youth in solitary
26 confinement was appropriately assessed by medical and mental health professionals, and
27 whether they received access to education and reading materials, and

28 WHEREAS, since 2019, the independent monitors have consistently identified
29 problems with the department of adult and juvenile detention's data collection and
30 documentation with respect to the use of solitary confinement. In each report, the
31 monitors have noted that department of adult and juvenile detention ("DAJD") was
32 making changes to address these problems. However, the lack of complete information
33 has persisted, with the monitors noting in the April 1, 2024 – March 31, 2025,
34 independent monitoring report that, "In all reports since 2019, the monitoring team has
35 noted inconsistencies in descriptions of how a youth's behavior created a risk of imminent
36 and significant harm requiring restrictive housing." Such information is necessary for the
37 monitors to determine compliance with the county's ban on juvenile solitary
38 confinement, and

39 WHEREAS, from 2018 to 2024, DAJD has reported that solitary confinement has
40 been used a total of 1,516 times for juveniles in detention. In 2019, solitary confinement

was used 139 times and in 2024, it was used 536 times. The average per year has been 252 incidents of solitary confinement, and

WHEREAS, the July 2023 – March 2024 independent monitoring report states that, "the problem of missing data has worsened over time with regards to assessments to be conducted of youth in restrictive housing, making it difficult at best to draw meaningful conclusions regarding some factors relevant to monitoring review and reporting functions," and

WHEREAS, the April 2024 – March 2025 independent monitoring report states, "[w]hile earlier reports have noted concerns about data reliability, the monitoring team encountered issues more frequently during the current review period." The report further states that while the type of restrictive housing incident is nearly always documented, the additional detail describing the underlying incident is not and "[t]he detail is important in evaluating whether restrictive housing is necessary to prevent imminent and significant physical harm to youth or others, as required by K.C.C. chapter 2.65 and RCW 13.22," and

WHEREAS, K.C.C. 2.65.020 bans solitary confinement of juveniles "except when based on the juvenile's behavior, solitary confinement is necessary to prevent imminent and significant physical harm to the juvenile detained or to others and less restrictive alternatives were unsuccessful." The monitors' report admonishes DAJD's use of "imminent harm" as an independent justification category "since imminent harm actually should be a consideration for all circumstances leading to restrictive housing, as opposed to being used as a separate type of unacceptable behavior that could result in restrictive housing." Moreover, for Adult Age Outs in Restrictive Housing, there were

solitary confinement incidents lasting 8 hours, 10 hours, 7 days, and "8+ days" all of which had no restrictive housing assessment completed rendering any review of the circumstances of the confinement impossible, and

WHEREAS, the independent monitors have made numerous recommendations to DAJD regarding how to improve data collection systems over the years of monitoring, including recommending that supervisors review documentation of uses of solitary confinement on a daily basis to ensure reporting has been made and made completely, making the recording system more user-friendly, and educating staff on the rationale behind required fields in the data-management system, and

WHEREAS, King County Council included a proviso in King County's 2025 Annual Budget Ordinance, Ordinance 19861, Section 54, Proviso P3, requiring the independent monitor to certify that DAJD appropriately documented at least 90 percent of the proviso reporting requirements related to the solitary confinement prohibitions and policies. In the independent monitoring report responding to the proviso, the independent monitors stated the 90-percent-documentation standard was not met. Rather, the reporting noted continued inconsistency in the detail supporting the uses of solitary confinement and that DAJD juvenile division documented mental health assessments in only 59 percent of incidents over four hours, medical assessments in 66 percent of incidents over four hours, and access to reading material in 59 percent of incidents, and

WHEREAS, DAJD confirmed the agency did not meet the 90 percent documentation threshold required by the proviso, and"

EFFECT prepared by L. Krekel-Zoppi: Inserts the above statements into the Whereas section of the motion.