

Appendix

WA State Legislation Requiring Youth Detention

King County will need to address several existing Washington state laws requiring juvenile detention before it can close the youth detention center. These state requirements fall into three major categories: 1) legislation requiring the maintenance and operation of youth detention centers; 2) legislation requiring the use of detention to confine young people; and 3) legislation allowing the use of detention to confine young people. The figure below outlines the state statute, summary, and full legislative text of the state requirements for the operation of detention and the confinement of youth.

Category	State Statute	Title	Summary	Legislative Text
State legislation that requires youth detention centers	RCW 13.16.030 ¹	Mandatory function of counties.	Maintenance of juvenile detention facilities as a mandatory function of several counties.	The construction, acquisition and maintenance of juvenile detention facilities for dependent, wayward and delinquent children, separate and apart from the detention facilities for adults, is hereby declared to be a mandatory function of the several counties of the state.
	RCW 13.04.135 ²	Establishment of house or room of detention.	Requirement of counties with more than fifty thousand inhabitants to provide a “detention room” or “house of detention”.	Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may, provide and maintain at public expense, a detention room or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this chapter shall, when necessary, be sheltered.
State legislation that requires confinement of a young person	RCW 10.31.100 ³	Arrest without warrant.	Probable cause of an offer to arrest without a warrant a person they believe has committed or is committing a felony.	A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

¹ RCW 13.16.030. Mandatory function of counties [\[LINK\]](#)

² RCW 13.04.135. Establishment of house or room of detention [\[LINK\]](#)

³ RCW 10.31.100. Arrest without warrant [\[LINK\]](#)

	RCW 13.40.040(3) ⁴	Taking juvenile into custody, grounds— Detention of, grounds— Detention pending disposition— Release on bond, conditions— Bail jumping.	Requirement to detain youth found guilty of rape in the 1 st or 2 nd degree or rape of a child.	Notwithstanding subsection (2) of this section, and within available funds, a juvenile who has been found guilty of one of the following offenses shall be detained pending disposition: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a child in the first degree (RCW 9A.44.073).
	RCW 9.41.280(2) ⁵	Possessing dangerous weapons on school facilities— Penalty— Exceptions.	Requirement to detain anyone 12-21 years old who is arrested for bringing a firearm to school for up to 72 hours.	(2) Any such person violating subsection (1) of this section is guilty of a misdemeanor. Second and subsequent violations of subsection (1) of this section are a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license. Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation. Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the

⁴ RCW 13.40.040(3). Taking juvenile into custody, grounds—Detention of, grounds—Detention pending disposition—Release on bond, conditions—Bail jumping [\[LINK\]](#)

⁵ RCW 9.41.280(2). Possessing dangerous weapons on school facilities—Penalty—Exceptions [\[LINK\]](#)

				<p>person has been examined and evaluated by the designated crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.</p> <p>Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate. Upon completion of any examination by the designated crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.</p> <p>The designated crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.</p> <p>If the designated crisis responder determines it is appropriate, the designated crisis responder may refer the person to the local behavioral health administrative services organization for follow-up services or other community providers for other services to the family and individual.</p>
	RCW 13.40.193 ⁶	Firearms— Length of confinement.	Requirement to confine juvenile who is found to be in possession of a firearm for a minimum of ten days of confinement. Note that EHM is permitted.	If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(vii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard

⁶ RCW 13.40.193. Firearms—Length of confinement [\[LINK\]](#)

				range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.
	RCW 13.40.045 ⁷	Escapees— Arrest warrants.	Arrest warrants for juveniles who abscond from parole supervisor or fail to meet conditions of parole; allow law enforcement to arrest the juvenile and place in detention.	The secretary or the secretary's designee shall issue arrest warrants for juveniles who escape from department residential custody. The secretary or the secretary's designee may issue arrest warrants for juveniles who abscond from parole supervision or fail to meet conditions of parole. These arrest warrants shall authorize any law enforcement, probation and parole, or peace officer of this state, or any other state where the juvenile is located, to arrest the juvenile and to place the juvenile in physical custody pending the juvenile's return to confinement in a state juvenile rehabilitation facility.
	RCW 13.40.308 ⁸	Juvenile offender adjudicated of taking motor vehicle without permission in the first degree, theft of motor vehicle, possession of a stolen vehicle, taking motor vehicle without permission in the second degree—	Requires juveniles adjudicated of taking motor vehicle without permission, theft of motor vehicle, and possession of stolen vehicle to spend time in detention.	(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim: (a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision, forty-five hours of community restitution, and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on non-school days; (b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes six months of community supervision, no less than ten days of detention, and ninety hours of community restitution; and

⁷ RCW 13.40.045. Escapees—Arrest warrants [\[LINK\]](#)

⁸ RCW 13.40.308. Juvenile offender adjudicated of taking motor vehicle without permission in the first degree, theft of motor vehicle, possession of a stolen vehicle, taking motor vehicle without permission in the second degree—Minimum sentences [\[LINK\]](#)

		Minimum sentences.		<p>(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:</p> <p>(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, and ninety hours of community restitution; and</p> <p>(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:</p> <p>(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, three months of community supervision, thirty hours of community restitution, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on non-school days. The juvenile may be subject to electronic monitoring where available; and</p>
	RCW 13.40.210 ⁹	Setting of release date—Administrative release authorized, when—Parole program, revocation or modification of, scope—Intensive	Requires confinement if juvenile on parole possessed a firearm or used a deadly weapon. Allows state parole officer to arrest a juvenile.	<p>4(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.</p> <p>(5) A parole officer of the department of children, youth, and families shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.</p>

⁹ RCW 13.40.210. Setting of release date—Administrative release authorized, when—Parole program, revocation or modification of, scope—Intensive supervision program—Parole officer's right of arrest [\[LINK\]](#)

		supervision program— Parole officer's right of arrest.		
	RCW 13.24.011 ¹⁰ And RCW 13.24.060 ¹¹	Execution of compact.	The Interstate Compact for Juveniles (ICJ), RCW 13.24.011, requires Washington State (and therefore King County) to work with the Interstate Commission for Juveniles to ensure the safe interstate movement of juveniles subject to the compact, to include the safe return of juveniles who may have run away from their home state. Require the detention of certain juveniles in secured facilities until returned by the home/remanding state.	The compacting states to this interstate compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that congress, by enacting the crime control act, 4 U.S.C. Sec. 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.
	RCW 13.04.145 ¹² and RCW 28A.190.005 ¹³	Educational program for juveniles in detention facilities— Application of chapter 28A.190 RCW.	Requires the County to provide education to youth who are in detention.	A program of education shall be provided for by the several counties and school districts of the state for common school-age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in chapter 28A.190 RCW respecting programs of education for state residential school residents. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180.

¹⁰ RCW 13.24.011. Execution of compact [\[LINK\]](#)

¹¹ RCW 13.24.060. Responsibilities of state departments, agencies, and officers [\[LINK\]](#)

¹² RCW 13.04.145. Educational program for juveniles in detention facilities—Application of chapter 28A.190 RC [\[LINK\]](#)

¹³ RCW 28A.190.005. Definitions [\[LINK\]](#)

State legislation that allows but does not require confinement of a young person	RCW 13.40.040 ¹⁴	Taking juvenile into custody, grounds— Detention of, grounds— Detention pending disposition— Release on bond, conditions— Bail jumping.	Allows juvenile to be confined pursuant to 1) a court order, 2) by law enforcement, if grounds exist for the arrest of an adult in identical circumstances, 3) pursuant to a court order that the juvenile be held as a material witness, 4) or where the secretary or the secretary's designee has suspended the parole of a juvenile offender. Allows court to order continued detention if juvenile requests so because of community threats.	(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or (b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or (c) Pursuant to a court order that the juvenile be held as a material witness; or (d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender. (2) A juvenile may not be held in detention unless there is probable cause to believe that: (a) The juvenile has committed an offense or has violated the terms of a disposition order; and (i) The juvenile will likely fail to appear for further proceedings; or (ii) Detention is required to protect the juvenile from himself or herself; or (iii) The juvenile is a threat to community safety; or (iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or (v) The juvenile has committed a crime while another case was pending; or (b) The juvenile is a fugitive from justice; or (c) The juvenile's parole has been suspended or modified; or (d) The juvenile is a material witness.
	RCW 7.21.030 ¹⁵	Remedial sanctions— Payment for losses. (Effective until July 1, 2023.)	Courts have the power to hold persons in contempt. Courts have the power to sanction persons held in contempt, to include by imprisonment.	(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

¹⁴ RCW 13.40.040. Taking juvenile into custody, grounds—Detention of, grounds—Detention pending disposition—Release on bond, conditions—Bail jumping [\[LINK\]](#)

¹⁵ RCW 7.21.030. Remedial sanctions—Payment for losses. (Effective until July 1, 2023.) [\[LINK\]](#)

				<p>(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:</p> <p>(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.</p>
	RCW 43.185C.310 ¹⁶	<p>Youth services— Crisis residential centers— Removal to another center or secure facility— Placement in secure juvenile detention facility.</p>	<p>Allows juvenile housed in a crisis residential center to be placed in detention for a maximum of 48 hours.</p>	<p>(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 43.185C.295 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 43.185C.295. Placement in both locations shall not exceed fifteen consecutive days from the point of intake as provided in RCW 43.185C.290.</p> <p>(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department of social and health services' designee and, at their departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.</p> <p>(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department of social and health services or the department's designee, which shall include the services defined in RCW 43.185C.305(2). If the child placed in secure detention is not returned home or if an alternative living</p>

¹⁶ RCW 43.185C.310. Youth services—Crisis residential centers—Removal to another center or secure facility—Placement in secure juvenile detention facility [\[LINK\]](#)

				<p>arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 43.185C.290.</p>
	RCW 13.04.116 ¹⁷	Juvenile not to be confined in jail or holding facility for adults, exceptions—Enforcement.	Details the allowable use of jails or holding facilities for adults	<p>(1) A juvenile shall not be confined in a jail or holding facility for adults, except:</p> <p>(a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates;</p> <p>(b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or</p> <p>(c) For a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110, the juvenile may not be held in a jail or holding facility for a period exceeding twenty-four hours excluding weekends and holidays, unless a court finds, after a hearing and in writing, that it is in the interest of justice.</p> <p>(i) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility, the juvenile may not have sight or sound contact with adult inmates, unless the court also finds, after a hearing and in writing, that it is in the interest of justice to permit sight or sound contact with adult inmates. In making the determination regarding sight or sound contact with adult inmates under this subsection, the court shall consider:</p> <p>(A) The age of the juvenile;</p> <p>(B) The physical and mental maturity of the juvenile;</p>

¹⁷ RCW 13.04.116. Juvenile not to be confined in jail or holding facility for adults, exceptions—Enforcement [[LINK](#)]

				<p>(C) The present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to himself or herself;</p> <p>(D) The nature and circumstances of the alleged offense;</p> <p>(E) The juvenile's history of prior delinquent acts;</p> <p>(F) The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile, protect the safety of the public, and protect other detained juveniles; and</p> <p>(G) Any other relevant factors.</p> <p>(ii) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility or have sight or sound contact with adult inmates under this section:</p> <p>(A) The court shall hold a hearing at least once every thirty days to review whether it is still in the interest of justice to permit the juvenile to be held in a jail or holding facility, as defined under RCW 70.48.020, or have sight or sound contact with adult inmates; and</p> <p>(B) The juvenile shall not be held in any jail or holding facility or permitted to have sight or sound contact with adult inmates, for more than one hundred eighty days, unless:</p> <p>(I) The court, in writing, determines that there is good cause to allow an extension beyond one hundred eighty days; or</p> <p>(II) The juvenile expressly waives this limitation.</p> <p>(iii) A juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court at any hearing held to determine whether to place the juvenile in a jail or holding facility or to continue the juvenile's placement in such a facility.</p> <p>(2) The department shall monitor and enforce compliance with this section. The department may use information regarding juveniles confined in a jail gathered under the authority granted</p>
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				by this subsection in the report required in RCW 13.22.060(1) with respect to juveniles in the custody of a jail or holding facility.
	RCW 13.40.050(6)(e) ¹⁸	Detention procedures— Notice of hearing— Conditions of release— Consultation with parent, guardian, or custodian.	Allows confinement of juvenile in detention even if detention is not necessary under juvenile sentencing guidelines.	If detention is not necessary under RCW 13.40.040, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions: (a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile; (b) Place restrictions on the travel of the juvenile during the period of release; (c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court; (d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; (e) Require that the juvenile return to detention during specified hours; or (f) Require the juvenile to post a probation bond set by the court under terms and conditions as provided in *RCW 13.40.040(4). (7) A juvenile may be released only to a responsible adult or the department. (8) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080. (9) A person notified under this section who fails without reasonable cause to appear and abide by the order of the court may be proceeded against as for contempt of court. In determining whether a parent, guardian, or custodian had reasonable cause not to appear, the court may consider all factors relevant to the person's ability to appear as summoned.
Other relevant state laws referenced in this proviso response				

¹⁸ RCW 13.40.050(6)(e). Detention procedures—Notice of hearing—Conditions of release—Consultation with parent, guardian, or custodian [\[LINK\]](#)

<p>Statutory purpose of county youth detention centers</p>	<p>RCW 13.40.038</p>	<p>County juvenile detention facilities— Policy— Detention and risk assessment standards.</p>	<p>Statutory purpose of the juvenile detention facilities and need for intake standards and risk assessments to determine if detention is warranted</p>	<p>(1) It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.</p> <p>(2) The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted, whether the juvenile is developmentally disabled, and if detention is warranted, whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section.</p> <p>(3) Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community.</p> <p>(4) The assessment standards to determine whether a juvenile entering detention is developmentally disabled must be developed and implemented no later than December 31, 2012.</p>
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