



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion 16208

**Proposed No.** 2022-0239.1

**Sponsors** Zahilay

1           A MOTION acknowledging receipt of the second of two  
2           independent monitor reports on the implementation of  
3           Ordinance 18637, Sections 2 through 5, as they relate to  
4           confinement of juveniles in county detention facilities in  
5           compliance with the 2021-2022 Biennial Budget Ordinance  
6           19210, Section 50, Proviso P1.

7           WHEREAS, the 2021-2022 Biennial Budget Ordinance, Ordinance 19210,  
8           Section 50, Proviso P1, requires the executive to transmit two reports from an  
9           independent monitor on the implementation of Ordinance 18637, Sections 2 through 5, as  
10          they relate to confinement of juveniles in county detention facilities, and motions  
11          acknowledging receipt of each report, and

12          WHEREAS, Ordinance 19210, Section 50, Proviso P1, provides that \$100,000  
13          shall not be expended or encumbered until the first report is transmitted, and that another  
14          \$100,000 shall not be expended or encumbered until the second report is transmitted, and  
15          motions acknowledging receipt of each report are passed;

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

17          The motion acknowledging receipt of the second independent monitor report on  
18          the implementation of Ordinance 18637, Sections 2 through 5, as it relates to  
19          confinement of juveniles in county detention facilities, which is Attachment A to this

Motion 16208

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20 motion, is hereby passed in accordance with the 2021-2022 Biennial Budget Ordinance,  
21 Ordinance 19210, Section 50, Proviso P1.


Motion 16208 was introduced on 8/16/2022 and passed by the Metropolitan King County Council on 9/13/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
  
7E1C273CE9994B6...  
Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...  
Melani Pedroza, Clerk of the Council

**Attachments:** A. King County Department of Adult & Juvenile Detention, Independent Monitoring Team Report, Implementation of Ordinance 18637 Restrictive Housing, Reporting Period-July 1, 2021-March 31, 2022, May 20, 2022

**KING COUNTY  
DEPARTMENT OF ADULT AND  
JUVENILE DETENTION**

**INDEPENDENT  
MONITORING TEAM REPORT**

**IMPLEMENTATION OF ORDINANCE 18637  
RESTRICTIVE HOUSING**

**REPORTING PERIOD:  
JULY 1, 2021 – March 31, 2022**

**May 20, 2022**

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**King County Department of Adult and Juvenile Detention  
Independent Monitoring Team Report  
Implementation of Ordinance 18637 – Restrictive Housing  
Reporting Period: July 1, 2021 – March 31, 2022**

**Executive Summary**

This is the fourth independent monitoring team report on implementation by the King County Department of Adult and Juvenile Detention (DAJD) of King County Council Ordinance 18637, which places limitations on the use of restrictive housing for juveniles detained in DAJD facilities.

DAJD continues to refine its restrictive housing policies and procedures, develop new approaches for responding to problematic behavior, and incentivize desired outcomes. The Juvenile Division policy on restrictive housing was updated in December 2021, reflecting changes that had been in process and including those required under a new Washington State law on restrictive housing in state and county juvenile facilities. The Juvenile Division created a Multidisciplinary Team that meets daily to review major behavioral incidents and alternative interventions, assess progress for youth engaged in restorative work, and evaluate reintegration plans for youth in restrictive housing. DAJD also introduced a new set of guides to help youth develop more successful coping strategies. The Department is hiring staff to support these programs and reduce the use of restrictive housing. These and other changes were accomplished at the same time the new electronic Jail Management System (JMS) was implemented in both Juvenile and Adult Divisions. JMS should greatly assist in reducing the amount of time and paperwork involved with restrictive housing data entry, review, reporting, and monitoring,

However, restrictive housing incidents in the Juvenile Division have been increasing and the Adult Divisions discovered some previously unidentified incidents of restrictive housing with Adult Age-Out inmates covered by the Ordinance. There also has been an increase in assaultive and threatening behavior by youth on their peers and staff. While only some of these incidents are associated with restrictive housing, the increase is nonetheless concerning. DAJD continues to experience high turnover among Juvenile Detention and Correctional Officers and in some instances, staff shortages have impacted programming and educational opportunities for youth, particularly in 1st Quarter 2022. Simultaneously, the average daily population of youth in DAJD facilities has increased, with a significant number charged with the most serious types of criminal offenses. Further study is required to fully understand these trends and how DAJD's intervention and support efforts impact the behavior of youth detained in its facilities.

**KING COUNTY**  
**DEPARTMENT OF ADULT AND JUVENILE DETENTION**  
**INDEPENDENT MONITORING TEAM REPORT**  
**IMPLEMENTATION OF ORDINANCE 18637 – RESTRICTIVE HOUSING**  
**JULY 1, 2021 – March 31, 2022**

I. INTRODUCTION

This is the fourth report from the independent monitoring team<sup>1</sup> engaged to assess progress being 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. This report addresses DAJD’s implementation efforts July 1, 2021 – March 31, 2022, and provides a status update regarding recommendations made in earlier reporting periods.

The last two restrictive housing monitoring reports addressed the many unexpected challenges<sup>2</sup> DAJD has encountered since 2020, along with COVID restrictions, and the impact on detention facilities, operations, detained youth and Adult Age-Outs, and DAJD staff. During the current reporting period, COVID restrictions have lessened, though continue to cause intermittent disruptions, particularly with the need to quarantine youth at intake and other points because of potential COVID exposure and impacts that can have on staffing levels. Externally sourced programming appears to be slowly emerging for the Juvenile Division, providing a wider range of activities for youth detained at the Children and Family Justice Center (CFJC). However, the scarcity of external programming during much of the past two years put additional strains on Juvenile Detention Officers and other staff.

Staff turnover remains high, with approximately 14 (22%) JDO vacancies in April 2022, along with others out on leave or on restricted or special duty assignment.

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<sup>1</sup> Independent monitoring team members are Kathryn Olson and Bob Scales. They 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.

<sup>2</sup> These challenges included two significant floods in the CFJC facility, COVID restrictions and illnesses that impacted programming and staffing levels, and demonstrations following the murder of George Floyd that resulted in a fire outside of the CFJC and other damage to personal vehicles and DAJD property.

There has been high turnover among Correctional Officers (COs) in the Adult Divisions too, with both Juvenile and Adult Divisions instituting mandatory overtime.<sup>3</sup> The continual onboarding of new officers requires time and resources from the remaining staff, many of whom have already assumed extra job responsibilities. Staff shortages have recently been impacting education and programming opportunities for juveniles at CFJC and is addressed in the context of tracking and analyzing restrictive housing data later in this report.

DAJD implemented the Jail Management System (JMS) for collecting, tracking, and analyzing comprehensive data related to the day-to-day management of detainees in DAJD facilities, in August 2021. Additional functions were added to the system over time, with the move to electronic documentation of restrictive housing events one of the last steps taken in the JMS implementation process. The current reporting period ends March 31, 2022, in part because DAJD planned it would switch from hard copy to electronic tracking of restrictive housing data beginning in the 2nd Quarter 2022 and recognizing that employees would still be learning the related entry and reporting functions. Thus, the monitoring team has not assessed any data compiled through JMS or evaluated the quality of electronic data keeping for restrictive housing purposes.

DAJD has continued to make progress during this reporting period in updating restrictive housing policy and developing alternative behavioral response options, despite the challenges noted above. This includes revised policies and procedures required by Washington State law on solitary confinement, room confinement, and isolation of juveniles in state and county juvenile facilities, including CFJC. The Juvenile Division has created a Multidisciplinary Team (MDT) to work together on interventions with particularly challenging youths and to assess restrictive housing assignment decisions and develop individualized reintegration plans. All of these developments are discussed further below.

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<sup>3</sup> Both COs and JDOs receive 1.5 times pay for overtime. In some, very specific situations allowed by the Adult Divisions Corrections Guild collective bargaining agreement, COs may receive 2.0 times pay. In January 2021, King County and the Corrections Guild entered into an agreement to increase to 2.0 times pay for voluntary overtime temporarily. This was not deemed successful and was discontinued after approximately 6 weeks. In interviews, some Juvenile Divisions staff and JDOs indicated that COs were regularly receiving 2.0 times pay for overtime and King County Juvenile Detention Guild representatives reported this as a factor contributing to the decision that many JDOs have made to leave DAJD. Given that there appears to be some confusion about differences in overtime pay between JDOs and COs, it could be useful for DAJD to provide clarification.

### A. Ordinance 18637

Ordinance 18637 (the Ordinance) prohibits the restrictive housing<sup>4</sup> of certain youth/juveniles in King County’s detention facilities, except when based on the youth’s behavior, restrictive housing is necessary to prevent imminent and significant physical harm to the youth or others and less restrictive alternatives were unsuccessful.<sup>5</sup>

The Ordinance applies to: (a) all juveniles held in detention at the Children and Family Justice Center (CFJC);<sup>6</sup> (b) youth who turn 18 (Age Out) while at the CFJC 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).<sup>7</sup>

The Ordinance defines “restrictive housing” 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 detained in a King County detention facility also must be given reasonable access to the defense bar, juvenile probation counselors, social service providers, and educators in a timely manner. Finally, the King County Council directed the King

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<sup>4</sup> The Ordinance uses the term “solitary confinement,” though DAJD adopted the term “restrictive housing,” which previously had been used by the Adult Division. The Ordinance makes clear that its mandates apply regardless of the terminology used (e.g., room confinement, segregated housing, restrictive housing, etc.). RCW 13.22.010 (HB2277) introduces another taxonomy of terms related to solitary confinement.

<sup>5</sup> The King County Signature Report, December 12, 2017, Ordinance 18637, provides a list of explanations for enacting Ordinance 18637, including reference to 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.

<sup>6</sup> The former juvenile detention facility, the Youth Services Center (YSC), closed in early 2020 and juvenile detainees were moved to the CFJC. Thus, though the Ordinance and early reports use the term “YSC” in reference to the juvenile detention facility, this report uses “CFJC.”

<sup>7</sup> The DAJD Adult Division and prior monitoring reports initially referred to AAOs as “Juvenile Ordinance Inmates (JOIs).”



County Executive to engage an independent monitor to assess and report on DAJD's implementation of the Ordinance.<sup>8</sup>

## B. Methodology

Evaluation of DAJD's policy implementation and use of restrictive housing during the period July 1, 2021 – March 31, 2022, was conducted through a review of relevant documents; data analyses; observation of detention center practices, staff training, and Juvenile Division Multi-Discipline Team meetings; interviews with detained youth, Adult Age-Outs, Juvenile Detention and Correctional Officers, and professional staff; and meetings with the King county Juvenile Detention Guild, Juvenile Division Director Allen Nance, Adults Divisions Commander Todd Clark (prior to his recent retirement), and others. Access to DAJD's facilities due to COVID restrictions was intermittently limited, and video conferencing and telephone calls were used for some interviews and meetings.

While by no means a complete list, examples of documents reviewed for the restrictive housing monitoring process since July 2019 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*

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<sup>8</sup> The independent monitoring team was engaged to evaluate whether DAJD's Adult and Juvenile Divisions meet the criteria required by King County law and policy regarding restrictive housing, including: (1) DAJD's reporting on the number of times, and for how long, restrictive housing, as defined in County policy, was used during the evaluation. (2) DAJD's reporting on each incident that warranted restrictive housing. (3) DAJD's documented use of restrictive housing as defined under the policy, and whether such use complied with applicable policy, including: (a) whether the initial placement, and any subsequent decision to continue placement, was clearly documented and necessary to prevent imminent and significant physical harm to the juvenile or adult age out, or other and less restrictive alternatives were unsuccessful; (b) an evaluation of whether required supervisory reviews provided sufficient information and met the policy criteria; and (c) an evaluation of whether required medical and mental health reviews occurred; (4) evaluation of the level of programming provided to youth in juvenile and adult facilities, including interviews with program providers; (5) evaluation whether youth had full access to education as required by law, including interviews with educational providers; (6) evaluation whether youth had reasonable access to the defense bar, probation counselors and social service providers in a timely manner, consistent with appropriate security measures and maintaining public safety as required by and defined in county policy, including interviews with providers; (7) consult with representatives of the King County Juvenile Detention Guild (Department of Adult and Juvenile Detention – Juvenile Detention) representing employees in the Department of Adult and Juvenile Detention Juvenile Division on any issues with implementation; and (8) an assessment of the progress by DAJD's Juvenile Division on implementing the prior monitor recommendations selected to be implemented in the Monitoring reports issued in September 2018 and January 2019.

*and Isolation in Juvenile Facilities*, developed by the Washington State Department of Children, Youth & Families; DAJD policies on restrictive housing and Adult Age-Out Inmates, including recent revisions; DAJD organizational charts; prior monitor's reports on Ordinance 18637; informational handbooks for detainees in DAJD Juvenile and Adult Divisions; quarterly self-monitoring reports on restrictive housing for 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; CFJC detainee intake and screening documents; Youth Accountability Checklists; health clinic youth monitoring forms; CFJC Restrictive Housing Assessment forms; Behavior Response forms; sample *Carey Guides* worksheets; 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 current on research and best practices in this area, including regular review of Juvenile Detention Alternatives Initiative (JDAI) standards, reports, and related documents; publications concerning room confinement issues generally and with regards to approaches used in other detention facilities; and research on the use of restrictive housing, restorative practices, and evidence-based alternative behavior response approaches.

## II. WASHINGTON STATE LEGISLATION ON JUVENILE SOLITARY CONFINEMENT, ROOM CONFINEMENT, AND ISOLATION AND DAJD'S REVISED POLICIES AND PROTOCOLS IN RESPONSE

In addition to the King County Ordinance on restrictive housing, Washington State enacted legislation in 2020 that further regulates the use of confinement and isolation of youth in detention facilities and institutions. The Second Substitute House Bill 2277 Concerning Youth Solitary Confinement (HB2277) mandated that, as of June 11, 2020, separating youth and confining them as a punishment or retaliation is prohibited. Pursuant to HB2277 (codified in Chapter 13.22 RCW), the Department of Children, Youth, and Families (DCYF) was required to develop a model policy prohibiting the use of solitary confinement and limiting the use and duration of room confinement and isolation. Detention facilities were required to adopt the model policy or notify DCYF of the reasons for not doing so and how the facility's policies and procedures differed from the model policy.<sup>9</sup>

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<sup>9</sup> *Model Policy for Reducing Confinement and Isolation in Juvenile Facilities*: <https://www.dcyf.wa.gov/sites/default/files/pdf/reports/ModelPolicy-ReducingConfinementIsolation-JuvenileFacilities2021.pdf>

"Solitary confinement" under the new Washington law, "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."<sup>10</sup> As is made clear regarding restrictive housing under the Ordinance, different terminology does not exempt the practice from being "solitary confinement" under Washington law (RCW 13.22.010).

"Room confinement" is 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."<sup>11</sup> Room confinement can be used 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.

"Isolation" is defined to mean "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."<sup>12</sup> Isolation can be used 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; or, in response to an escape attempt.

Paraphrasing the statutory language, important considerations for room confinement and isolation include:

- Room confinement or isolation is limited to four (4) hours in any 24-hour period and only permissible if:
  - Youth are checked at least every 15 minutes.
  - Staff attend to the youth's needs, evaluating and encouraging the youth to meet goals set allowing for a release from confinement.

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<sup>10</sup> RCW 13.22.010

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

- Staff provide access to clothing, mattress and bedding, medication, toilet and sink at least hourly, mental health services, and reading, writing, and treatment material.
- Youth are released from confinement or isolation 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.
- Staff document each incident.
- 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 physical needs and mental health professionals evaluate mental health needs and develop a plan to prevent self-harm.
  - An individualized plan is established for reintegration of the youth.
  - The agency head provides documented authorization if exceeding 24 hours.

DAJD adopted policies addressing restrictive housing in the Juvenile and Adult Divisions in April and May 2019. As required by Ordinance 18637, the policies provide that the placement of youth or AAOs into restrictive housing is prohibited unless, based on the youth or AAO's behavior, it is necessary to prevent imminent and significant physical harm to them or others, and there are no less restrictive alternatives. Both policies state that restrictive housing is not to be used for disciplinary purposes, similar to the state law prohibiting the use of solitary confinement for punitive purposes.

The new Washington law mandates on use of confinement and isolation with detained youth required the Juvenile Division to undertake a major project to bring its restrictive housing policies and practices into compliance, since the Washington statute provides limits on the use of room confinement that extend beyond the mandates of the Ordinance. For example, requiring that a youth stay in their room for a short "Time Out" or a "Cool Down" period lasting up to two (2) hours did not constitute restrictive housing under the Juvenile Division's original approach to regulating restrictive housing practices. Under the state statute, the term "confinement" includes both room confinement and isolation as defined above and means when a youth is separated from the population and placed in a locked room for longer than 15 minutes. The Juvenile Division's revised policy on restrictive housing, effective 12/1/2021, does not include the "Time Out" or "Cool Down" options previously available before involuntary room assignment counted for

restrictive housing purposes, and does not provide for the initial 15-minute buffer included under state law.

To come into compliance with Washington law, the Juvenile Division also continued to refine its behavioral response approach, working to identify evidence-based, therapeutic alternatives to use to avoid assigning youth to restrictive housing and protocols for reintegrating youth as they transition from restrictive housing back into routine activities in their living hall. Juvenile Division staff and others, with the assistance of an outside facilitator, devoted considerable thought to developing the revised restrictive housing policy and protocols, including an in-depth review of staff roles, responsibilities, and communication expectations. Staff representing all corners of the Juvenile Division and with a range of different types of expertise were involved in the process, with a scheduled review of the new protocols after the initial implementation to allow for refinement, as needed.

A significant change necessitated by the new state law involved doing away with Restoration Hall, an approach that had been used since May 2019, before the Juvenile Division moved into the CFJC facility in early 2020. Rather than confining a youth presenting a risk of imminent and significant physical harm to their room, the youth could be reassigned 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 need for confinement. Ideally, they would be with other juveniles and if not, could engage in one-on-one programming with staff until they were self-regulated and could return to their living hall. However, DAJD determined that a youth assigned to Restoration Hall would be in "isolation," as the term is defined under the statute, since they would be in a room other than the room assigned to them for sleeping. Room confinement is preferred over isolation to address behavior, if one of the two interventions are deemed appropriate.

Also, although the Juvenile Division was documenting youth activities every fifteen (15) minutes and compiling information related to restrictive housing before the Washington law on room confinement and isolation became effective, the new data collection and reporting requirements had to be synced with the former practices, which was made more complicated, at least initially, by the transition to electronic record-keeping with JMS. The state statute requires that DCYF and county detention facilities such as CFJC compile and publish data on the use of confinement or isolation in excess of one hour, including the number of times confinement or isolation were used, circumstances leading to room confinement or isolation, 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.<sup>13</sup>

The statute also requires that DCYF and county detention facilities such as CFJC compile and publish data on the use of confinement or isolation in excess of one hour, including the number of times confinement or isolation were used, circumstances leading to room confinement or isolation, 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.<sup>14</sup> The 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.<sup>15</sup>

A youth who voluntarily requests to spend time in their assigned room is excepted from 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 previously recommended that the Ordinance distinguish voluntary youth requests for time in their room from involuntary confinement due to behavioral issues. Such a distinction is important for building legitimacy in the overall Ordinance among those who must follow its mandates.

Another issue that the monitoring team has raised previously concerns the fact that neither the Juvenile nor Adult Divisions' policies set a limit on using restrictive housing for no more than 4 hours within 24 hours, as provided in the Ordinance. The new Washington law provides that a juvenile may only be placed in room confinement or isolation (as defined under RCW 13.22.010) if the total time is limited to 4 hours within a 24 hour period, unless a longer period is necessary due to subsequent or multiple incidents, and if the reason is documented, there is an individualized plan for reintegration, and the facility superintendent authorizes each 4 hour extension.<sup>16</sup> The state law requirement that there be an individualized plan

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> RCW 13.22.020(2)(a)(i).

for reintegration of a youth in restrictive housing,<sup>17</sup> also is in line with the monitoring team's earlier recommendation on this point. The Juvenile Division's revised policy on restrictive housing now details the assessments that are to take place at different intervals when a youth is placed in restrictive housing and provides that 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.

### III. JUVENILE DIVISION BEHAVIOR MANAGEMENT SYSTEM AND TOOLS TO AVOID USE OF RESTRICTIVE HOUSING

As discussed above, the state law on room confinement and isolation of youth in juvenile facilities became effective December 1, 2021, requiring that the Juvenile Division revise its restrictive housing policy, alter some workflow processes, no longer use the Restoration Hall location, update forms used to facilitate restrictive housing documentation, and develop reintegration plans for some youth in restrictive housing. An overview of these changes was provided in training for staff and observed by a member of the monitoring team.

While certain Juvenile Division restrictive housing policy revisions and eradication of Restoration Hall were addressed in the previous section of the report, there were other important changes that occurred in the behavior response system as a result of the new state law on juvenile confinement. First, instead of using a system of 4 behavior levels, inappropriate behavior is classified as requiring a Minor or Major response. A new Behavior Response form was developed to help staff work through how a behavior should be classified and the range of responses available, including demotion in CFJC's behavior incentive honor's program. Behavior responses no longer include Programming Days, determined to be too generalized under the new system that stresses an individualized approach to responding to unacceptable behavior. The Youth Accountability Checklist that is used by JDOs to record each detained youth's activities every 15 minutes would continue to be used, at least until JMS was well established. If a youth is in restrictive housing, however, the JDO is to communicate the goals and objectives of confinement to the youth during each 15-minute check, per the Juvenile Division revised policy. A reintegration plan is to be developed for any youth in restrictive housing four (4) hours or longer. The plan is intended to be individualized and includes the goals and objectives to be met to transition the youth into the general population, as required by the state law on juvenile confinement.

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<sup>17</sup> RCW 13.22.020(2)(a)(i)(B).

A Multidisciplinary Team (MDT) at CFJC has been created to assist in the process of evaluating problematic youth behavior and considering alternative responses. The MDT is comprised of subject matter experts (SMEs) who meet daily to assess emerging issues experienced by youths and behavior requiring a response, and to develop an individualized plan to address the situation. The MDT meeting usually includes Juvenile Division staff, JDOs and supervisors, and one or more mental health and medical professionals. Other SMEs, such as teachers, are included as needed. After this review, there is a discussion about any youth in restrictive housing or doing restorative work in response to inappropriate behavior, to assess their level of engagement with the material and readiness to return to regular programming. The youth and JDO are both involved when the MDT reviews the youth's progress. A member of the monitoring team observed several MDT meetings and found the discussion to be focused, informative, and respectful of different perceptions of the challenges involved with a specific youth.

The implementation of the MDT and use of a case management approach to oversee behavioral responses that reduce the use of room confinement and best support youth in the care of DAJD will be assisted by the hiring of a second Restorative Justice Coordinator. The Juvenile Division reclassified the previous role of Orientation and Assessment Specialist to a PPM II / Restorative Justice Coordinator. The Division will operate with two Restorative Justice Coordinators (RJC)s who will be responsible for conducting initial assessments of youth upon admission to detention and developing support plans. The second RJC will allow the Division to have 7-day per week coverage for the detention admission assessment process, as well as RJC participation in the daily MDT meetings to ensure that responses to youth behavior are individualized, collaborative, and coordinated with the Mental Health team.

The monitoring team has stressed repeatedly the importance of identifying the specific behavior(s) leading to restrictive housing and explaining how the behavior creates a risk of imminent and significant physical harm. Earlier and revised Behavior Response forms ask for specifics about the behavior involved and JDOs, supervisors, and other staff assessing the youth continue to improve in providing more detail about the events resulting in restrictive housing. Detailing the specifics about the youth's behavior and how it amounts to a risk of imminent and significant physical harm is crucial to determining if placement in restrictive housing meets the requirements of the Ordinance and DAJD policy, along with assuring that DAJD can



provide the details required in reports to the DCYF under the state law on juvenile confinement.<sup>18</sup>

A final process improvement to acknowledge is the Juvenile Division's rollout of *The Carey Guides*, a set of handbooks and work pages for JDOs to use as they work with detained youth to address skill deficits and develop more successful coping strategies. The *Guides* rely on evidence-based practices such as cognitive behavioral interventions, social learning theory, and risk reduction strategies to address topics such as antisocial thinking, antisocial associates, problem solving, motivation, impulse control, and substance abuse.<sup>19</sup> The tool is specifically designed for correctional professionals, does not require a high level of training to administer, and has shown promising results in at least two research studies cited by the publisher.<sup>20</sup> Sample work pages from the *Carey Guides* were used for role playing during the staff training mentioned above and seemed easy to implement and a good resource for use with at least some of the behavioral issues encountered at CFJC. However, it was reported to the monitoring team that some of the scenarios included are not age-appropriate, referring to a spouse, experiences not yet encountered by youth under the age of 18, or activities of no interest to these detained youth or their peer group. With JDO involvement, these types of deficiencies can be addressed by helping the youth consider more pertinent examples within the context of the worksheet and behavior at issue. It is unfortunate that copyright obligations prevent DAJD from customizing such material to better suit the youth population detained at the CFJC. If it has not already been arranged, a research study to assess the effectiveness of the *Carey Guides* in helping youth understand and address even small aspects of unacceptable behavior during their time detained at CFJC is recommended and the monitoring team can assist in identifying local resources in conducting such research.

#### IV. RESTRICTIVE HOUSING DATA TRACKING

Up until the past year, both the Juvenile and Adult Divisions relied on handwritten entries on various forms to record and track restrictive housing, with supervisors and administrative personnel reviewing and confirming the documentation, along with counseling staff when information was incorrect or missing. DAJD staff also analyzed the data from various perspectives to inform and improve restrictive housing record-keeping and overall operations. The paper tracking system has been very time consuming, with JDOs, COs, supervisors, and staff from throughout the Adult and

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<sup>18</sup> Providing such detail will also help reduce the inordinate amount of time spent by staff after the fact ascertaining information about the event from other sources for reporting and other purposes.

<sup>19</sup> <https://careygrouppublishing.com/FAQ-About-the-Carey-Guides-and-BITS.pdf> (citations omitted).

<sup>20</sup> Id.

Juvenile Divisions involved in entering and reviewing information and managing the process.

In August 2021, DAJD implemented an electronic Jail Management System (JMS), with new functions gradually added over the past ten months. While unexpected issues continue to be addressed and staff are moving through the learning curve on data entry and reporting functions, the Department will greatly benefit from the JMS's electronic framework to record, measure, and track key performance indicators related to restrictive housing.

A. Juvenile Division: Tracking Restrictive Housing

In the Juvenile Division, youth are assigned to a living hall based on an assessment of numerous factors when they first enter detention and throughout their stay. Hall assignment considerations include CFJC's fluctuating daily population, gender identification, the need to separate youth discovered to have outside affiliations or who engage in conflict inside the CFJC, the requirement under the Prison Rape Elimination Act (PREA) to identify and protect youth at risk of victimization, the need to isolate youth potentially exposed to COVID or experiencing COVID symptoms or other medical conditions, and other factors.

A single hall in CFJC can accommodate one to sixteen youth, with each detained youth assigned to an individual room. Each hall has its own common area where youth gather for meals, watch TV, play cards or board games, or engage in other social activities, and a small outdoor courtyard for playing ball or other games. There is also a classroom for school and other programming located in each hall, along with smaller rooms for private meetings, such as with a CFJC mental health professional, and for phone calls or video conferencing with family or counsel.<sup>21</sup> There are regularly scheduled activities outside of a youth's assigned hall in CFJC's gym and library, along with visits to the Health Clinic or Juvenile Court located in the same building.

Two Juvenile Detention Officers (JDOs) are assigned to each hall, with other officers serving as "rovers" to relieve JDOs as needed, during work breaks, to escort a youth to the Health Clinic or for court appearances, or for other purposes. The JDO supervisors' office is located on the same floor as the living halls, with supervisors routinely visiting each hall and able to quickly respond to any urgent issue that arises.

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<sup>21</sup> In-person visits in a centralized area of the CFJC were limited due to COVID restrictions, though now are allowed by appointment. Video visitation is still being encouraged as an alternative. <https://kingcounty.gov/depts/jails/juvenile-detention/visiting-juvenile-detention.aspx>.

JDOs check on each youth every 15 minutes, recording each youth's activity at the time of the check.<sup>22</sup> Up until the transition to the JMS electronic system, a hardcopy form called the Youth Accountability checklist (YA Checklist) was used to record individual youth activities at each 15-minute check. The YA Checklist form uses a system of 17 codes to record the range of activities and programs in which a youth might be involved, and includes behavioral response codes for a time out, cool down, or restrictive housing, all of which require a written explanation. If a youth is in the Health Clinic, a separate monitoring checklist is used, which later is attached to the corresponding daily YA Checklist for each hall. Checklists for each of three shifts for each of the halls are collated daily, with supervisors and the Chief of Operations reviewing the forms for accuracy and to provide feedback as needed.<sup>23</sup>

Data related to each instance of restrictive housing was collated and summarized for quarterly reports submitted to Columbia Legal Services, per a settlement agreement for a lawsuit involving related issues, with the final report required under the agreement covering 4th Quarter 2021. The reports provide details about restrictive housing events, one-on-one programming, and situations when a youth was in restrictive housing for reasons unrelated to behavior, such as for COVID quarantine.

Prior to implementation of JMS, youth activities and behavior responses were tracked through handwritten entries on the Youth Accountability Checklist, the Restrictive Housing Checklist, and other forms, making evaluation of the reasoning, timing, and required assessments for each instance of restrictive housing very labor intensive, involving many hundreds of pages of information each month. Scores of different handwriting samples from JDOs, supervisors, and staff are represented in the hard copy paperwork related to restrictive housing, and the review process is challenging at times. However, documentation was sampled to confirm the data DAJD reported to Columbia Legal Services for July - December 2021, through the final 4th Quarter

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<sup>22</sup> Previously, checks were conducted every 20 minutes during regular sleeping periods, though this was changed to 15-minute intervals for all shifts as of April 2021, to align with JDAI best practice recommendations. See e.g., <https://www.cclp.org/wp-content/uploads/2016/06/JDAI-Detention-Facility-Assessment-Standards.pdf>

<sup>23</sup> JDOs also maintained daily log sheets that are bound into Logbooks organized by month and hall, in which a variety of entries are made, such as the number of youths assigned to a unit, significant incidents that occurred during a shift, or information about incentives earned or behavioral issues for an individual youth. Other forms, such as Roster Notes, provide a means for supervisors to communicate across shifts concerning behavioral responses with specific youth or other important information, document which JDOs worked each shift, and provide other details. It is not clear at the time of this report whether all information gathered through these forms is now being entered through JMS.

report. The Juvenile Division continued to document, collate, and analyze restrictive housing related data in hard copy through the 1st Quarter 2022, though a report to Columbia Legal Services was not required. First Quarter 2022 documentation also was sampled and analyzed by the monitoring team. It appears that DAJD accurately summarizes and reports restrictive housing instances as originally documented or as later clarified during the internal review process.<sup>24</sup>

The Juvenile Division organizes restrictive housing information into three categories: (1) instances when a youth presented a significant and imminent risk of harm to self or others (barring allowed exceptions); (2) instances when youth engaged in one-on-one programming with JDOs, outside their room, including time when other youth are not present; and, (3) instances when the reasons youth were in restrictive housing were not behavior related and were not preceded by a cool down period. The following sections describe trends observed with the Juvenile Division restrictive housing data in each of these three categories.

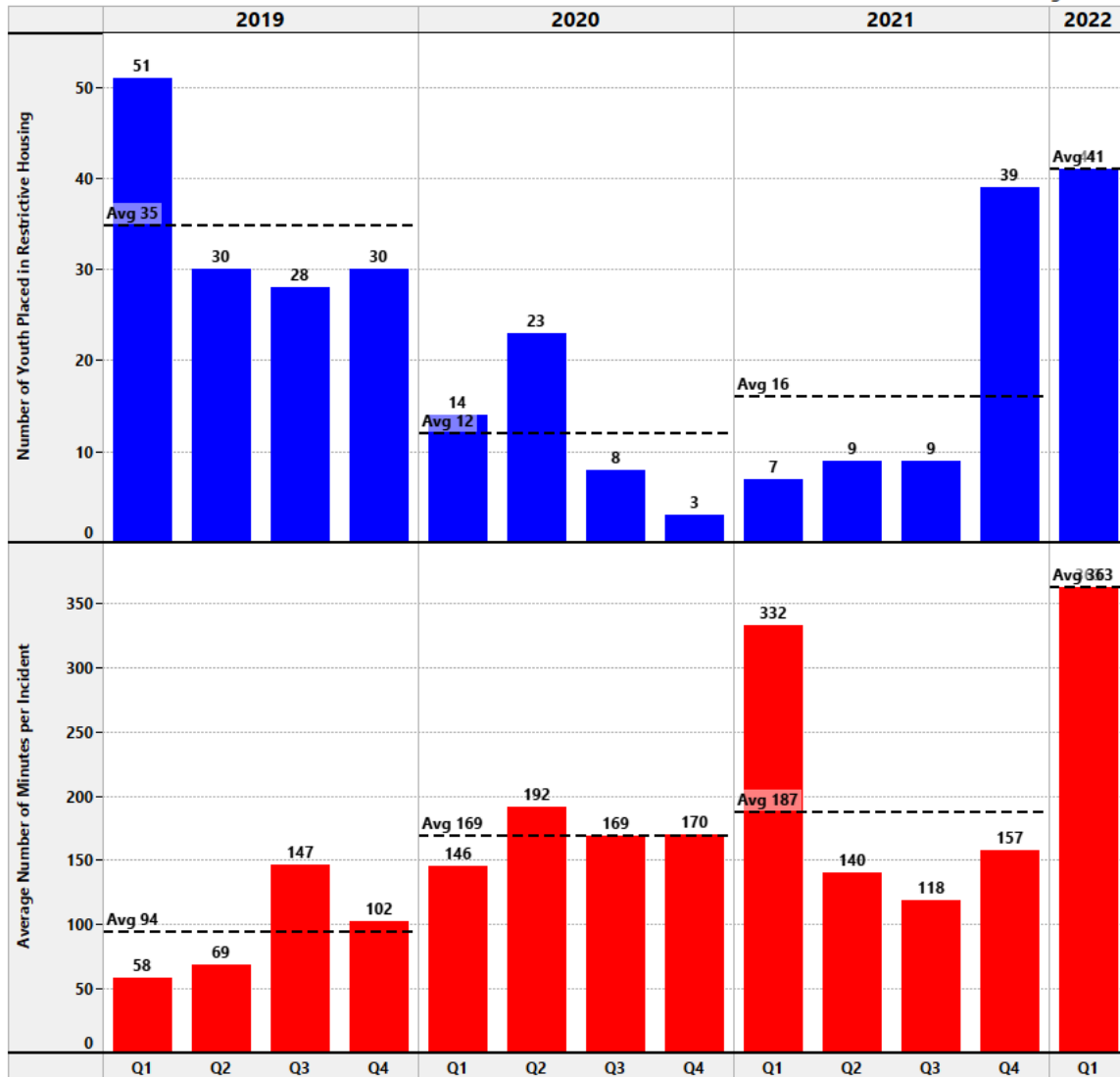
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<sup>24</sup> Because the minutes in restrictive housing as reported excludes periods of time outside the definition of restrictive housing, such as short-term facility maintenance or shift changes, the precise amount of time a youth was confined to their room was not always easily verified, though any differences should have been relatively minor.

### 1.1 Restrictive Housing in DAJD Juvenile Division 2019, 2020, 2021, and 1st Quarter 2022

Number of Restrictive Housing Incidents and Average Number of Minutes  
Based on Risk of Imminent and Significant Physical Harm



Ordinance 18637 provides that restrictive housing is permitted when it is necessary to prevent imminent and significant physical harm to the youth or others and less restrictive alternatives were unsuccessful. As illustrated in graph 1.1, the trend in the total and average number of Juvenile Division restrictive housing events related to the imminent and significant risk of physical harm generally demonstrated an overall downward trend from 2019, when the data was first analyzed and reported by the monitoring team, through 2020, and the first three quarters of 2021. However, in the 4th Quarter 2021 and 1st Quarter 2022, there was a significant increase in the number of restrictive housing events. The 39 and 41 restrictive housing incidents in

4th Quarter 2021 and 1st Quarter 2022 was significantly higher than the total number of incidents for the previous five quarters. The totals for the last two quarters reported also are much higher than the average number of restrictive housing events reported in 2020 and 2021.

In addition to tallying the number of times youth are assigned to restrictive housing, DAJD tracks the amount of time involved for each incident. For example, in 4th Quarter 2021, youth were in restrictive housing for as short a time as 15 minutes and as long as 465 minutes,<sup>25</sup> for an average of 157 minutes across the 39 reported incidents. The average number of minutes youth are in restrictive housing across each year has increased from 94 in 2019, to 169 in 2020, to 187 minutes in 2021.

Because the average number of minutes youth were in restrictive housing in Q1 of 2021 (an average of 332 minutes) was significantly higher than the average observed in any other quarter on which data is reported for the three-year period 2019 - 2021, the average for all of 2021 is higher than seen in 2020 or 2019.

There are several factors potentially contributing to the increase in restrictive housing events based on the risk of imminent and significant physical harm and the increase in the average amount of time spent in restrictive housing observed in 2021 and early 2022. An example from the 4th Quarter data involved four (4) youths conspiring to assault another youth in the facility. Each of the four spent five (5) hours in restrictive housing until he was able to self-regulate to the point he could engage in problem-solving, and the threat of the physical assault was no longer present. Events involving multiple youth raised the overall number of incidents and the average for 2021, and greatly contributed to an increase in the average time spent in restrictive housing, for the 1st Quarter 2021 and for the year overall. In 1st Quarter 2022, there were 41 restrictive housing incidents, as compared to seven a year earlier, though in line with the number of incidents from 4th Quarter 2021.

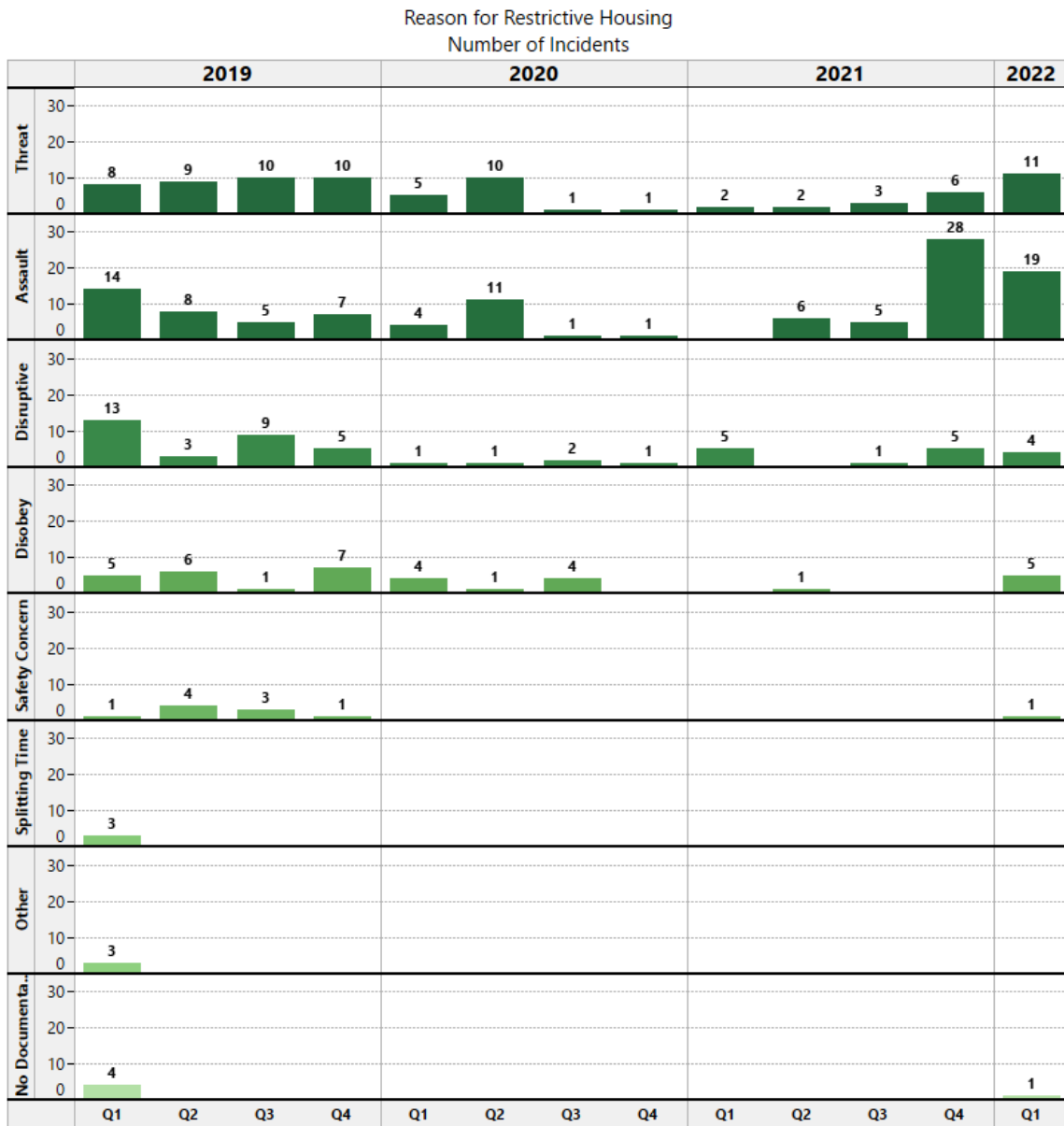
Another factor that likely contributes to the increase in the average number of restrictive housing events and/or the average length of time a youth spent in restrictive housing relates to the increase in the daily population of youth detained in the CFJC. The ADP rose to an average of 26 in 4th Quarter 2021, as compared to an average of 19 youth per day a year earlier. Further, many of the youth currently detained at CFJC face the most serious of criminal charges, including Class A felonies. Simultaneously, CFJC has continued to experience high staff turnover and periods of significant staff shortages. An increase in the ADP combined with a reduced staff, with

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<sup>25</sup> The youth assigned to restrictive housing for a total of 465 minutes had physically assaulted three DAJD staff members and refused to follow staff directives. He remained in his room until he was able to self-regulate and it was determined it was safe for him to participate in group programming.

many of the available staff being new and less experienced, impacts the skill level of JDOs to problem-solve and the amount of time available for individualized attention with detained youth, including the de-escalation of threatening or assaultive behavior before it becomes problematic.

**1.2 Restrictive Housing in DAJD Juvenile Division  
2019, 2020, 2021, and 1st Quarter 2022  
Reasons Documented for Restrictive Housing Incidents  
Based on Risk of Imminent and Significant Physical Harm**



As illustrated in graph 1.2, there was an increase in threatening and assaultive behavior as primary reasons documented for the need to place youth in restrictive housing in 2021 and 1st Quarter 2022.<sup>26</sup> The 47 incidents of assault reported for the past two quarters represent a fourfold increase as compared to the previous two quarters. One detainee included in graph 1.2, was placed in restrictive housing twice during the 2<sup>nd</sup> Quarter of 2021, first for verbally threatening staff with bodily harm and then ten days later, for refusing to follow directions and then throwing a shoe at a staff member after attempting to throw a chair at them.

The five incidents of disruptive behavior were all tied to an event on March 29, 2021, in which five youth refused to return to their dorms after being dismissed from a school class and refused to follow staff directives, with escalating tensions making restrictive housing necessary to prevent imminent and significant physical harm to the youth or others, as determined by the staff involved. As previously discussed, when multiple youth are involved in a behavioral event creating actual or imminent and significant physical harm to youth or others, there might not be the staff resources to provide one-on-one programming, more immediate individualized problem solving, or alternative interventions to avoid placement of the youth in restrictive housing.

**1.3 Restrictive Housing in DAJD Juvenile Division**  
**2019, 2020, 2021, and 1st Quarter 2022**  
**Reasons Documented for Restrictive Housing Incidents**  
**Assaults/Threats with Risk of Imminent and Significant Physical Harm**

|                 | Assaults |       | Threats |       |      |
|-----------------|----------|-------|---------|-------|------|
|                 | Peer     | Staff | Peer    | Staff | Self |
| 2019<br>Q1 - Q4 | 27       | 7     | 15      | 21    | 1    |
| 2020<br>Q1 - Q4 | 15       | 2     | 11      | 6     | 0    |
| 2021<br>Q1 - Q4 | 32       | 7     | 1       | 12    | 0    |
| 2022 - Q1       | 18       | 1     | 7       | 4     | 1    |

<sup>26</sup> Note that the categories of behavior included in graph 1.2 were created by the monitoring team based on the description of events involved as a means of analyzing instances of restrictive housing. Distinction between disruptive and disobedient youth behavior might not be so clearly delineated by Juvenile Division staff in completing restrictive housing assessments.



In considering the data reported in 1.3, peer and staff assaults that resulted in restrictive housing increased dramatically in 2021 as compared to 2020 and are closer to the number of assaults seen in 2019. This might be explained in part by the higher ADP for youth in detention in 2019 and 2021, which can contribute to assaults, threats, and other unacceptable behavior as discussed above.

It is important to bear in mind that the number of assaultive or threatening behavior incidents is much higher than represented above, because 1.3 only includes assaultive/threatening behavior associated with restrictive housing. For example, considering all assaultive/threatening behavior incidents during 1st Quarter 2022, regardless of whether restrictive housing was involved, the Juvenile Division determined there were 22 staff assaults, 18 threats to staff, 37 peer assaults, and 8 threats to peers, as presented in 1.4 below. Staff analyzed Behavior Response forms completed during the 1st Quarter, which document the specific behavior at issue and the JDO's response. Depending on the nature of the unacceptable behavior, responses range from relatively mild, such as not earning an extended bedtime, through more involved restorative problem solving, to major responses encompassing a loss of time accumulated at a previously earned level of the tiered behavior incentive system or demotion to a lower level. Restrictive housing could be necessary along with such responses when the youth's behavior creates a risk of imminent and significant physical harm.

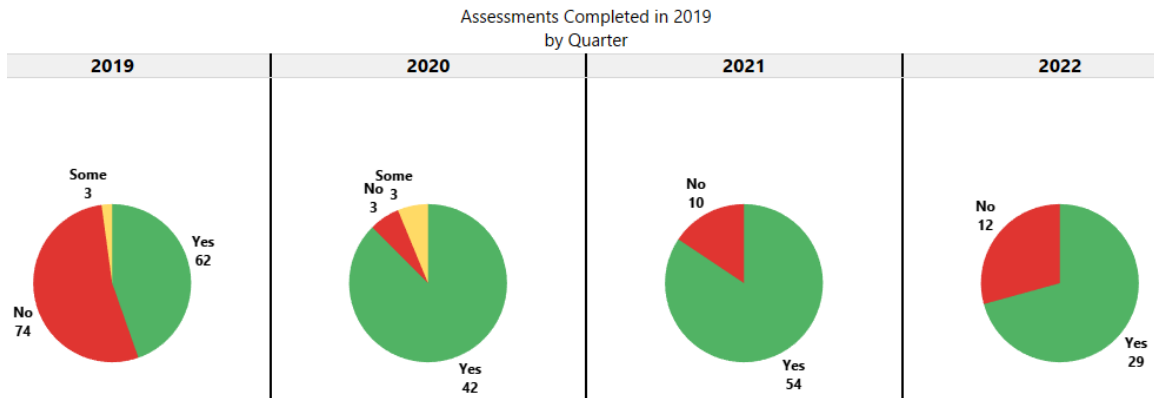
**1.4 Restrictive Housing in DAJD Juvenile Division  
1st Quarter 2022  
Restrictive Housing Incidents Associated with Assaults/Threats  
Compared to Total Number of Assaults/Threats**

|  | Assaults |       | Threats |       |      |
|--|----------|-------|---------|-------|------|
|  | Peer     | Staff | Peer    | Staff | Self |
| All Assault/Threat Incidents                           | 37       | 22    | 8       | 18    | 1    |
| Assault/Threat Incidents Involving Restrictive Housing | 18       | 1     | 7       | 4     | 1    |

JDOs and others have expressed concern about the increase in assaults on staff, though even a single assault is unacceptable. The increase in assaults on staff in 2021

combined with the higher number of threats against staff during the same period help explain the perception among many JDOs that there is a heightened security risk involved. While DAJD is to be commended for developing a variety of behavioral responses in most incidents involving assaults/threats that do not also involve restrictive housing, the total number of such incidents is concerning and requires further study.

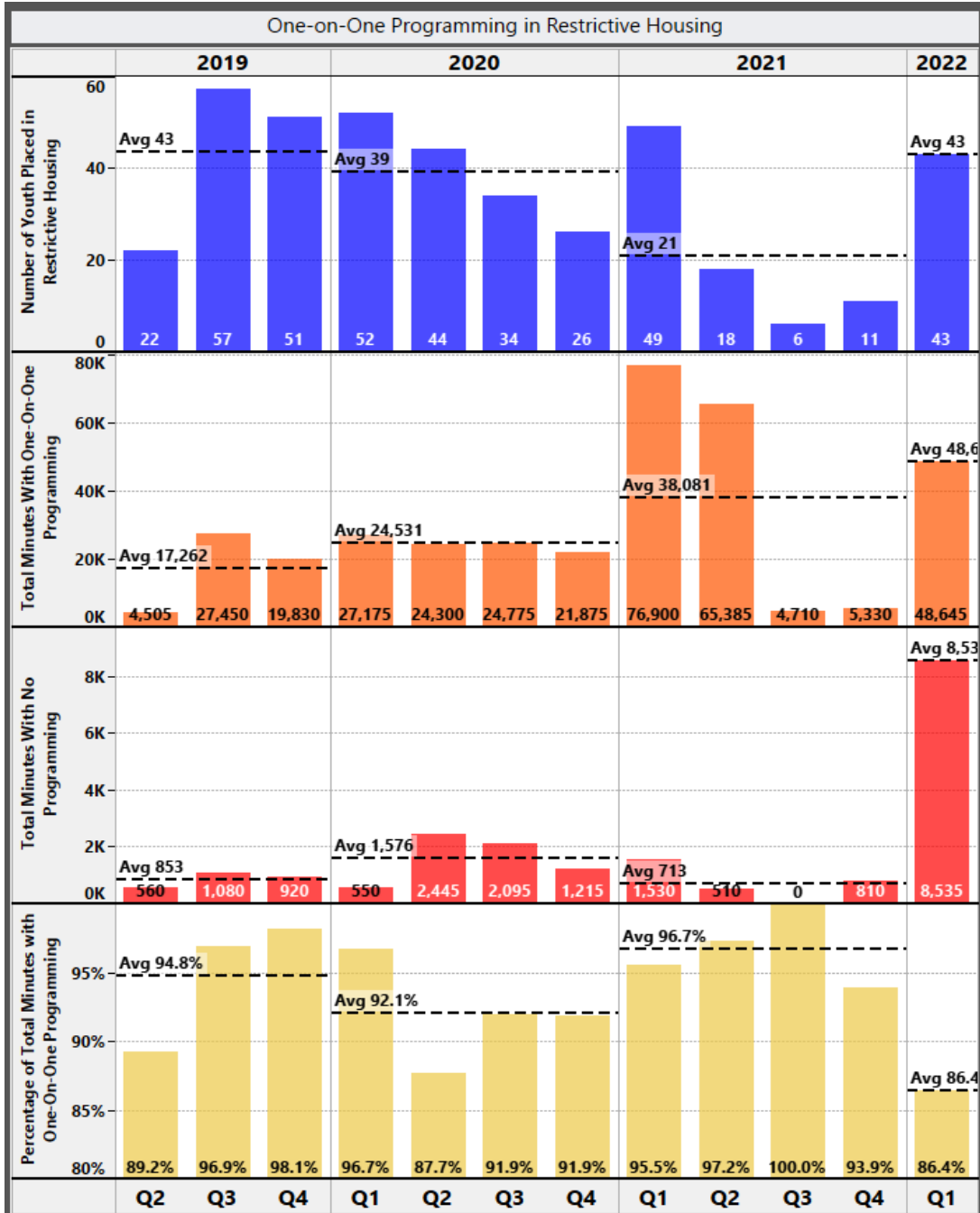
**1.5 Restrictive Housing in DAJD Juvenile Division**  
**2019, 2020, 2021, and 1st Quarter 2022**  
**Whether Assessments Completed for Restrictive Housing Incidents**  
**Based on Risk of Imminent and Significant Physical Harm**



Supervisors are reviewing restrictive housing documentation closer in time to the underlying event and are counseling JDOs if mistakes are made, with the Chief of Operations also involved in reviewing the entire process and making more immediate corrections, where necessary. In reviewing and confirming the circumstances surrounding restrictive housing events related to both a risk of physical harm and one-on-one programming, the monitoring team noted that the level of detail continues to improve. The move to electronic data entry and tracking through JMS is expected to make the process of completing restrictive housing documentation all the easier.

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2.1 Restrictive Housing in DAJD Juvenile Division  
 2019, 2020, 2021, and 1st Quarter 2022  
 Number of Incidents and Average Minutes Involved  
 One-On-One Programming<sup>27</sup>



<sup>27</sup> The graphs presented throughout rely on data reported by DAJD. Because some data was not captured initially in 2019, as DAJD developed its restrictive housing policy, procedures, and tracking forms, information from the 1<sup>st</sup> Quarter and April 2019 regarding one-on-one programming is not represented in graph 2.1.

DAJD has used one-on-one programming as a tool for staff to engage with youth working on restorative assignments, helping them understand their personal behavioral triggers and to self-regulate after a disruptive incident, or to support youth experiencing strong emotions related to family issues, court proceedings, or other matters outside the CFJC environment. One-on-one programming might also be necessary because of factors unrelated to a youth's behavior, such as when there is court-ordered separation of youth detained in the facility or when there is a single female detainee who cannot program with male detainees. However, even if one-on-one programming helps develop trusting relationships, would be therapeutic, or facilitate learning for the youth, it meets the definition of restrictive housing under the Ordinance and must be documented and assessed through the same process as events involving risk of physical harm.<sup>28</sup>

As with instances of restrictive housing, the number of one-on-one incidents and average amount of time in one-on-one programming increased in 1st Quarter 2022. The factors contributing to an increase in restrictive housing based on the risk of imminent and significant physical harm also underly the increase in one-on-one programming, as it is used to avoid the need to place a youth in restrictive housing. Reviewing incident descriptions underlying one-on-one programming for 2021 and 1st Quarter 2022, there were several events that resulted in an unusually high amount of time spent in one-on-one or split programming. These events involved multiple juveniles engaged in peer-to-peer altercations, making plans to attack a peer, or making other bodily threats. DAJD invested significant time and resources to developing alternative approaches to intervene with two of the youth involved, who also assaulted and threatened staff members.

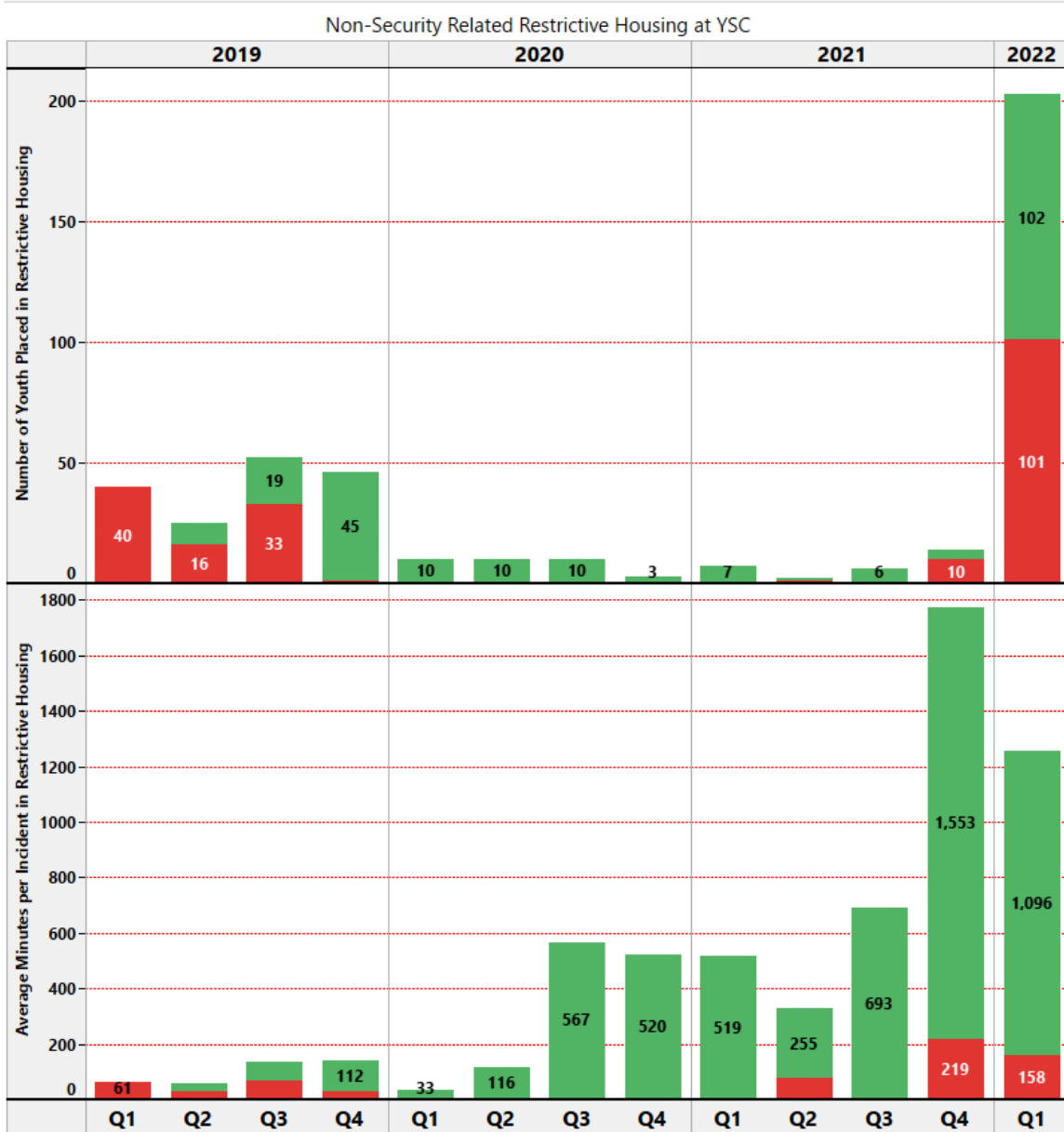
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<sup>28</sup> Like the situation involving lone female detainees who are deemed to be in restrictive housing despite the lack of any other females with whom they could socialize some staff are frustrated with restrictive housing paperwork for one-on-one programming that helps youth build trusting relationships with staff.

### 3.1 Restrictive Housing in DAJD Juvenile Division 2019, 2020, 2021, and 1st Quarter 2022

Number of Restrictive Housing Incidents and Average Number of Minutes Based on Operational/Facility Hold (Reasons Unrelated to Youth's Behavior)



*\*\*The portion of the bars in red denotes staffing shortage related data, while that in green indicates primarily COVID related incidents.*

In addition to reporting restrictive housing incidents based on a youth's risk of imminent and significant risk of physical harm and incidents tied to one-on-one programming, the Juvenile Division tracks organizational/facility holds that result in

restrictive housing of youth. The data in graph 3.1 represents restrictive housing incidents related to operational needs, including facility or living unit security issues or for other short-term safety and maintenance purposes, which are permitted under the Ordinance. Specific explanations provided in DAJD restrictive housing documentation include factors such as staff shortages, COVID quarantines, a search for contraband, a youth's upcoming release from detention, and response to a fire alarm.

Of major note is the significant rise in restrictive housing incidents related to staff shortages in 1st Quarter 2022. While there were 10 organizational/facility holds caused by staff shortages during 4th Quarter 2021, there were 101 restrictive housing incidents in which staff shortages played a primary role in 1st Quarter 2022. Of the remaining 102 events in 1st Quarter 2022, COVID impacts contributed to 93 incidents of restrictive housing, while there was a total of only 29 COVID related incidents during the seven preceding quarters (2nd Quarter 2020 - 4th Quarter 2021).

The average number of minutes for restrictive housing incidents related to COVID impacts increased beginning 3rd Quarter 2021, more than doubled in 4th Quarter 2021 (from an average of 693 minutes to 1,553 minutes), and then dropped in the 1st Quarter 2022 to an average of 1,096 minutes/incident. As was observed during the last reporting period, the uptick in time spent in restrictive housing related to COVID generally involved intake quarantine for newly admitted youth lasting longer than the usual 72-hours, due to non-COVID factors such as the need to alternate time youth are out of their rooms to avoid contact between male and female detainees.

For the 111 incidents involving staff shortages in the last two quarters reported, the average amount of time in restrictive housing was 219 minutes in 4th Quarter 2021 and 158 minutes in 1st Quarter 2022, significantly less than for COVID impact holds. It is possible that staff shortages also impacted options available for youth hall assignments and programming when COVID exposure was a concern, during intake or otherwise. Also, as reported by youth who were interviewed, staff shortages have significant impacts on education and programming opportunities - youth confined to their rooms for an average of 158 minutes, as occurred in 1st Quarter 2022, lost an average of 2.6 hours attending class or engaged in other activities.

#### B. Adult Divisions - Adult Age-Outs and Tracking Restrictive Housing

The DAJD Adult Divisions tracking of restrictive housing for Adult Age Outs (AAOs) differs than that in the Juvenile Division. The adult jails use a system of publishing a daily list in hard copy of AAOs, with booking information, jail location, and other brief

details about the detainee which are distributed to facility supervisors and managers. During the last reporting period (July 2020 - June 2021), there was an average daily population (ADP) of 4 or 5 AAOs in total at KCCF and MRJC. Just as the ADP at the CFJC increased during the past year, the Adult Divisions also saw an increase in the average number of AAOs detained in the jails. For example, during one of the monitor's visits to the KCCF to interview AAOs in early May 2022, there were nine AAOs being held at the facility, twice the number seen a year earlier.

Up until recently, the Adult Divisions had reported relatively few instances of restrictive housing for AAOs during the three years the current team has been monitoring the issue. For example, during the reporting period July 2020 - June 2021, one instance of AAO restrictive housing, lasting 3 minutes, was reported for 3rd Quarter 2020 and two instances were reported during 1st Quarter 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 in the last report was an instance of a severe staffing shortage at KCCF in June 2021, resulting in all individuals on four floors of the facility (including AAOs) being assigned to their cells for approximately four hours. Though the event was reported, it would not constitute prohibited restrictive housing under the Ordinance.

However, during 4th Quarter 2021, the DAJD Adult Divisions discovered previously unreported instances of cell confinement that could be classified as restrictive housing involving AAOs between 2019 and 2021. The events fall into two categories: On-Site Sanctions and Group Max. While the monitoring team was provided access to documentation related to these incidents, there was relatively little detail or explanation, particularly in comparison to the comprehensive data tracked in the Juvenile Division.

#### 1. On-Site Sanctions

In the Adult Divisions jails, when a unit officer witnesses an inmate committing an infraction, the officer can respond immediately by issuing an on-site sanction. The on-site sanction usually means returning the inmate to their cell for two to four hours, but no longer than until shift change. The inmate does not change housing location, which typically happens when an individual is placed in restrictive housing. DAJD explained that since there was no reassignment to restrictive housing outside the AAO's assigned housing, some instances of on-site sanctions were not reported as restrictive housing, though they 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."

In DAJD's 4th Quarter 2021 report to Columbia Legal Services, the Department listed 30 previously unreported instances of on-site sanctions involving 13 AAO's between January 22, 2019, and September 26, 2021. The information has been slightly reformatted and is presented in graph 4.1., in chronological order though with all incidents experienced by a single AAO listed together.

The reasons documented for the on-site sanction did not provide sufficient detail to determine if restrictive housing was necessary to prevent imminent and significant physical harm to the AAO or others, and there were no less restrictive alternatives, as required by the Ordinance and DAJD policy.<sup>29</sup> Several of the rationales listed, such as not making bed or unauthorized hanging of pictures, seem unlikely to involve a risk of imminent and significant physical harm. However, because these AAO on-site sanctions initially were not equated with restrictive housing, the high standard required to support assignment to restrictive housing likely was not considered.

The length of time the AAO spent in restrictive housing could not be determined for five (5) of the thirty (30) total incidents, though seventeen (17) were documented as lasting two (2) hours or less. DAJD policy provides that placing an AAO whose behavior presents a security issue in a locked room or cell, alone and with minimal contact with others, for a Cool Down period not to exceed two (2) hours does not constitute restrictive housing.<sup>30</sup> Thus, if the documented on-site sanctions were not preceded by a Cool Down period, then up to 17 of the incidents identified might not equate with restrictive housing.

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<sup>29</sup> Department of Adult and Juvenile Detention, Adult Divisions, General Policy Manual, 6.03.011, Adult Age-Out Inmates (Adult Divisions Policy 6.03.011).

<sup>30</sup> Ibid.



#### 4.1 Restrictive Housing in DAJD Adult Divisions - 2019, 2020, and 2021 On-Site Sanctions for Adult Age Outs (AAOs)

| Inmate ID <sup>31</sup> | Quarter/Year | Reason for Sanction              | Time in Restrictive Housing by Hours |
|-------------------------|--------------|----------------------------------|--------------------------------------|
| 3                       | Q1 2019      | Refusing orders                  | 4                                    |
| 12                      | Q1 2019      | Not making bed                   | 2                                    |
| 13                      | Q1 2019      | Refusing orders                  | 2                                    |
| 13                      | Q2 2019      | Possessing mixed medication      | 2                                    |
| 4                       | Q2 0019      | Damaging County property         | Unknown                              |
| 4                       | Q3 2019      | Not making bed                   | 2                                    |
| 4                       | Q4 2019      | Inmate to inmate                 | 4                                    |
| 4                       | Q4 2019      | Using sheet as curtain           | 2                                    |
| 8                       | Q3 2019      | Refusing orders                  | Unknown                              |
| 8                       | Q4 2019      | Disruptive behavior              | 4                                    |
| 2                       | Q4 2019      | Extra towels                     | 2                                    |
| 2                       | Q4 2019      | Unauthorized handing of pictures | 2                                    |
| 2                       | Q4 2019      | Verbal abuse to inmate           | 4                                    |
| 11                      | Q4 2019      | Refusing orders                  | 2                                    |
| 11                      | Q1 2020      | Contraband                       | 1.5                                  |
| 6                       | Q1 2020      | Contraband                       | 5 (split over 3 timeframes)          |
| 7                       | Q1 2020      | Destruction of property          | 2                                    |
| 1                       | Q2 2020      | Disruptive behavior              | 2                                    |
| 1                       | Q2 2020      | Disruptive behavior              | 2                                    |
| 1                       | Q2 2020      | Verbal/staff                     | 6                                    |
| 10                      | Q3 2020      | Refusing orders                  | 1                                    |
| 10                      | Q3 2020      | Assault                          | 4                                    |
| 9                       | Q1 2020      | Group demonstration              | Unknown                              |
| 9                       | Q3 2020      | Contraband                       | 4                                    |
| 9                       | Q3 2020      | Refusing orders                  | Unknown                              |
| 9                       | Q3 2020      | Unauthorized hanging of pictures | 2                                    |
| 9                       | Q1 2021      | Contraband                       | Unknown                              |
| 5                       | Q3 2021      | Interfering w/ count             | 2                                    |
| 5                       | Q3 2021      | Refusing orders                  | 2                                    |
| 5                       | Q3 2021      | Interfering w/ count             | 2                                    |

<sup>31</sup> The original data reported in DAJD's 4th Quarter 2021 report to Columbia Legal Services provided the on-site sanction date by Inmate ID, numbered 1 - 13, while the information is presented chronologically in graph 4.1, and is the reason why the Inmate IDs are not in numbered order.

DAJD indicated that Adult Divisions staff have been reminded that on-site sanctions must be used in compliance with DAJD's AAO policy.<sup>32</sup>

## 2. Group Max

In April 2019, approximately nine months after the Ordinance became effective for AAOs in the Adult Divisions jails, DAJD created "Group Max" housing. As explained in its 4th Quarter report to Columbia Legal Services, "Group Max was created specifically to provide more time-out-of-cell to adult inmates who would otherwise be housed in Restrictive Housing, as defined by the Department of Justice (i.e., the placement of an inmate in a locked room or cell for the vast majority of the day, typically 22 hours or more)."<sup>33</sup> AAOs and others in Group Max are permitted outside of their cells for more than two hours per day and, thus, Group Max is not considered restrictive housing under the Department of Justice definition. Group Max was created to provide inmates 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.

Like the on-site sanctions involving AAOs discussed above, In DAJD's 4th Quarter 2021 report to Columbia Legal Services, the Department listed 30 previously unreported instances of Group Max involving 16 AAO's between 1st Quarter 2019 and 4th Quarter 2021. The information has been slightly reformatted and is presented in graph 4.2, in chronological order though with all incidents experienced by a single AAO listed together.

The documentation for the infractions resulting in an AAO being assigned to Group Max did not provide sufficient detail to determine if it was necessary to prevent imminent and significant physical harm to the AAO or others, and there were no less restrictive alternatives, as required by the Ordinance and DAJD policy.<sup>34</sup> And as seen with on-site sanctions, it was difficult to understand how some infractions, such as refusing placement or refusing orders, would involve a risk of imminent and significant physical harm. Because these Group Max assignments, like the on-site

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<sup>32</sup> Adult Divisions Policy 6.03.011.

<sup>33</sup> *Report and Recommendations Concerning the Use of Restrictive Housing - Executive Summary* (Updated March 13, 2017), U.S. Department of Justice Archives: <https://www.justice.gov/archives/dag/report-and-recommendations-concerning-use-restrictive-housing>

<sup>34</sup> Adult Divisions Policy 6.03.011.



## 4.2 Restrictive Housing in DAJD Adult Divisions - 2019, 2020, and 2021

### Group Max Placements for Adult Age Outs (AAOs)

| <b>Inmate ID<sup>35</sup></b> | <b>Quarter/Year</b> | <b>Basis of Infraction</b>  | <b>Time in Group Max Housing</b> |
|-------------------------------|---------------------|---|----------------------------------|
| 5                             | Q1 2019             | Fighting  | 13 hours 24 min                  |
| 7                             | Q1 2019             | Per Major Clark: remain in RH due to severity of assault; determined to be a continued safety and security risk to the facility; additional charges filed | 228 hours 11 min                 |
| 9                             | Q1 2019             | Refused to rack back  | 21 hours 21 min                  |
| 10                            | Q1 2019             | Demanded unnecessary med stat   | 23 hours 13 min                  |
| 13                            | Q1 2019             | Refusing placement  | 4 hours 14 min                   |
| 4                             | Q2 2019             | Assault   | 5 hours 25 min                   |
| 4                             | Q3 2019             | Class review; multiple infractions  | 4 hours 9 min                    |
| 4                             | Q3 2019             | Class review; multiple infractions  | 573 hours 45 min                 |
| 4                             | Q4 2019             | Class review: multiple threats to fight   | 445 hours 49 min                 |
| 15                            | Q3 2019             | Inciting riot   | 117 hours 59 min                 |
| 11                            | Q3 2019             | Reclass due to behavior   | 77 hours 14 min                  |
| 11                            | Q4 2019             | Storage and/or manufacture of alcohol in jail   | 10 hours 19 min                  |
| 11                            | Q4 2019             | Storage and/or manufacture of alcohol in jail   | 64 hours 18 min                  |
| 6                             | Q1 2019             | Fighting  | 35 hours 58 min                  |
| 6                             | Q1 2020             | Moved due to threats by other inmates   | 30 hours 30 min                  |
| 8                             | Q1 2019             | Refusing orders   | 2 hours 42 min                   |
| 8                             | Q3 2020             | Fighting  | 146 hours 50 min                 |
| 8                             | Q3 2020             | Fighting  | 523 hours 04 min                 |
| 8                             | Q1 2021             | Storage and/or manufacture of alcohol in jail   | 187 hours 21 min                 |
| 14                            | Q1 2020             | Assault   | 871 hours 37 min                 |
| 3                             | Q3 2020             | Fighting  | 456 hours 19 min                 |
| 3                             | Q1 2021             | Moved to RH location while awaiting transport to MRJC for droplet precaution housing  | 5 hours 46 min                   |
| 12                            | Q4 2020             | Reclass due to behavior   | 146 hours 35 min                 |
| 12                            | Q1 2021             | Moved to an RH location while awaiting transport to MRJC for droplet precaution housing   | 4 hours 33 min                   |
| 12                            | Q2 2021             | Fighting  | 163 hours 38 min                 |
| 1                             | Q3 2021             | Fighting  | 4 hours 41 min                   |
| 1                             | Q3 2021             | Fighting  | 100 hours 20 min                 |
| 1                             | Q3 2021             | Fighting  | 79 hours 56 min                  |
| 2                             | Q3 2021             | Fighting  | 47 hours 20 min                  |
| 16                            | Q4 2021             | Fighting  | 246 hours 1 min                  |

<sup>35</sup> As with on-site sanctions, the original data reported in DAJD's 4th Quarter 2021 report to Columbia Legal Services provided the group max information by Inmate ID, numbered 1 - 16, while the information is presented chronologically in graph 4.2, so Inmate IDs are not in numbered order.

While there is disagreement as to whether placement of AAOs in Group Max triggers the Ordinance's and DAJD's AAO policy requirements involving restrictive housing, as of January 13, 2022, the Department determined to only house AAOs in Group Max in accordance with its AAO policy.

Since 2020, the Adult Divisions has maintained a Multi-disciplinary Team (MDT) comprised of a Sergeant, a Corrections Program Specialist (Classification), and a Psychiatric Evaluation Specialist, to conduct on-going reviews of inmates in long-term restrictive housing and maximum security to assist in reintegrating them into the least restrictive housing appropriate while maintaining safety and security of staff, inmates, and communities. Given the relatively low number of AAOs confined in one of the two adult jails and the infrequency of AAOs being assigned to restrictive housing, most of the MDT's assessments focus on the jails' general population. However, the MDT Sergeant is also responsible for general monitoring of the AAOs and helps facilitate their transfer from the juvenile facility when they turn 18 years old and responds to AAOs' requests for assistance, such as with a medical issue or if there are housing assignment concerns.

When the MDT was initially convened, there was a goal to offer broad evidence-based programming, services, and treatment to inmates in long-term restrictive housing and maximum security, including AAOs. Grant-based funding provided for security desks and chairs to be used in the initiative, and after a series of delays due to COVID-19, they were delivered in fall of 2021. As of late April 2022, KCCF was waiting for assistance from Maintenance to retrofit the area where the desks and chairs will be located. Other requested personnel and materials to support MDT's programming, services, and treatment goals have not been funded.

#### V. PROGRAMMING AND ACCESS TO EDUCATION, DEFENSE BAR, PROBATION COUNSELORS, AND SOCIAL SERVICE PROVIDERS

While recognizing disruptions due to COVID impacts and other transitory issues, the monitoring team has previously recognized that programming and educational services in the Juvenile Division are varied and generally available to all youths. Earlier reports also have acknowledged that DAJD considers it cost prohibitive to provide a similar level of programming and educational opportunities for AAOs in the

adult jail facilities.<sup>36</sup> Youths, AAO's, and staff in the Juvenile and Adult Divisions generally indicate that those covered by the Ordinance have access to their attorneys, probation officers when assigned, and visitors, in-person or by phone or video conferencing.

A. Education, Programming, and Social Services in the Juvenile Division

As described in earlier reports, the Juvenile Division was able to respond more quickly than the Adult Divisions to COVID-related restrictions on education and programming opportunities. Grant support was received to acquire webcams and microphones, so that the classroom in each living unit at the CFJC could be equipped for remote academic instruction and programming. However, from the perspective of Juvenile Division staff, it still has been challenging to have significantly more responsibility in meeting programmatic and educational goals without the same number and variety of external resources that were available pre-COVID.

Youth at CFJC who were recently interviewed complained that due to reoccurring staff shortages, they frequently have missed most classes on a regularly scheduled school day, as documented in graph 4.1 above. Typically, most or all youth meet throughout a school day in the classroom located in each hall. Youth in different halls study subjects on a rotating basis, as teachers move from hall to hall. However, with the more frequent staff shortages, there were not enough JDOs available to facilitate the educational process and other programming activities, with youth spending much of the day confined to their rooms. When youth missed in-person instruction, teachers did provide instructional packets for them to work on while in their rooms. The issue of educational impacts from staff shortages was particularly evident in data reported for 1st Quarter 2022 and will need to be monitored closely.

Detailed information was provided in the monitoring team's last report about both on-going and unique nonrecurring programs offered at the CFJC during the second half of 2020 and/or first two quarters of 2021. The July 2020 - June 2021 report highlighted a two-day virtual workshop facilitated through the NPR KUOW *RadioActive* podcast at the CFJC in April 2021, during which seven youth produced three audio stories about their experiences in detention.<sup>37</sup>

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<sup>36</sup> See the Independent Monitoring Team Restrictive Housing Report covering the period January – June 2020 for a short summary of frustrations youth and AAOs experience in waiting for callbacks from defense counsel.

<sup>37</sup> Audio recordings of the three sessions can be found at: <https://www.kuow.org/stories/three-stories-from-youth-in-detention>

During the current reporting period, the Juvenile Division continued to provide educational opportunities and to make available programs listed in the last report, along with offering some special, time limited activities for detained youths. Holidays and each detained youth's birthday are celebrated, along with monthly take-in dinners to recognize juveniles who achieve the behavioral honors level. During 2nd Quarter 2022, the Seattle Children's Theater (SCT) worked with youth to demonstrate and engage youths in the process involved in producing a live play, including a staged reading by cast members. SCT highlighted its partnership with DAJD and similar programs offered in the past on its website.<sup>38</sup> KUOW also returned in 2nd Quarter for another podcasting workshop, similar to that reported above for April 2021, working with youth in two different living halls during spring break.

The first three days from a sample weekly program schedule is reproduced below, including the school class rotation timetable. The week happens to include Easter Sunday and CFJC offered a Christian service for anyone wanting to celebrate their belief in the significance of the holiday. Also, there was a modified Easter egg hunt activity open to all youth, during which they selected plastic eggs filled with small treats, with a few including a "golden ticket" allowing them to select a bigger treat from the options available. Activities scheduled for the remainder of the week but not represented in the sample schedule include, though are not limited to, an AA meeting, Choose 180, Muslim study, and Pongo Poetry.

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<sup>38</sup> <https://www.sct.org/education-programs/sct-in-your-community/social-impact-programming/>

Juvenile Detention Weekly Program Schedule  
Sample from Week of April 17 - 24, 2022<sup>39</sup>

|                    |                       | Sun, Apr 17 and Apr 24  | Monday, Apr 18   | Tuesday, Apr 19  |
|--------------------|-----------------------|---|--|--|
| <b>DAYSHIFT</b>    | <b>Supervisors</b>    | Randy, Harry  | Randy, Harry   | Randy, Harry   |
|                    | 8:25am-9:25am         |   | Gym: Rimrock JDO<br>ELA: Seattle JDO<br>Math: Kubota JDO<br>Science: Baker JDO<br>Social Studies: Adams JDO                                  | Gym: Rimrock JDO<br>ELA: Seattle JDO<br>Math: Kubota JDO<br>Science: Baker JDO<br>Social Studies: Adams JDO                                  |
|                    | 9:35am-10:35am        | Gym: Rimrock JDO  | Gym: Kubota JDO<br>ELA: Puget JDO<br>Math: Seattle JDO<br>Online Life Skills: Baker JDO<br>Science: Adams JDO<br>Social Studies: Rimrock JDO | Gym: Kubota JDO<br>ELA: Puget JDO<br>Math: Seattle JDO<br>Online Life Skills: Baker JDO<br>Science: Adams JDO<br>Social Studies: Rimrock JDO |
|                    | 10:45am-11:45am       | Gym: Kubota JDO   | Gym: Adams JDO<br>ELA: Kubota JDO<br>Math: Puget JDO<br>Online Life Skills: Seattle JDO<br>Science: Rimrock JDO<br>Social Studies: Baker JDO | Gym: Adams JDO<br>ELA: Kubota JDO<br>Math: Puget JDO<br>Online Life Skills: Seattle JDO<br>Science: Rimrock JDO<br>Social Studies: Baker JDO |
|                    | Lunch 11:45am-12:05pm |   |  |  |
|                    | 12:35pm-1:35pm        | Gym: Adams JDO<br>Library: Baker JDO  | Gym: Seattle JDO<br>ELA: Rimrock JDO<br>Math: Baker JDO<br>Online Life Skills: Adams JDO<br>Science: Puget JDO<br>Social Studies: Kubota JDO | Gym: Seattle JDO<br>ELA: Rimrock JDO<br>Math: Baker JDO<br>Online Life Skills: Adams JDO<br>Science: Puget JDO<br>Social Studies: Kubota JDO |
|                    | 1:45pm-2:45pm         | Gym: Seattle JDO<br>Library: Rimrock JDO  | Gym: Baker JDO<br>ELA: Adams JDO<br>Math: Rimrock JDO<br>Online Life Skills: Kubota JDO<br>Science: Seattle JDO<br>Social Studies: Puget JDO | Gym: Baker JDO<br>ELA: Adams JDO<br>Math: Rimrock JDO<br>Online Life Skills: Kubota JDO<br>Science: Seattle JDO<br>Social Studies: Puget JDO |
| <b>SWING SHIFT</b> | <b>Supervisors</b>    | Jasmine, Vanessa  | Jasmine, Vanessa   | Jasmine, Vanessa   |
|                    | <b>Shaving</b>        | Seattle   | Rimrock  | Kubota/Baker   |
|                    | 3:45pm-4:45pm         | Gym: Baker JDO<br>Library: Adams JDO  | Gym: Puget JDO<br>Library: Seattle JDO<br>Spa Day: Adams Unna<br>Chaplain Visit: Baker JDO   | Gym: Puget JDO<br>Library: Adams JDO<br>Chaplain Visit: Seattle JDO  |
|                    | Dinner 5:00-5:45pm    |   | Chaplain Visit: Adams JDO  | Chaplain Visit: Rimrock JDO  |
|                    | 5:45pm-6:45pm         | Gym: Puget JDO<br>Library: Puget JDO  | Library: Kubota JDO<br>Spa Day: Puget Unna<br>Chaplain Visit: Rimrock JDO<br>Xtra Gym: Baker JDO   | Library: Puget JDO<br>Xtra Gym: Adams JDO<br>Chess Club: Seattle JDO<br>Chaplain Visit: Kubota JDO   |
|                    | 7:00pm-8:00pm         | Easter Eggs All Halls<br>Unna<br>Christian Service JDO<br>Xtra Gym: Rimrock JDO | Spa Day: Seattle Unna<br>Chaplain Visit: Kubota JDO<br>Xtra Gym: Puget JDO   | Library: Baker JDO<br>Xtra Gym: Kubota JDO<br>Chess Club: Adams JDO  |
|                    | 8:00pm-9:00pm         |   | Merit Hall: Baker JDO  | Chess Club: Rimrock JDO  |
|                    | 9:00pm-10:00pm        | Merit Hall: Kubota JDO  | Merit Hall: Adams JDO  | Merit Hall: Seattle JDO  |

<sup>39</sup> Minor formatting changes were made to the schedule to facilitate reproduction of the sample of activities for this report.



## B. Education, Programming, and Social Services in the Adult Divisions

AAOs constitute a very small group in the overall adult population in King County jails, though the number of AAOs has increased, from about 4-5 in the previous reporting period to 9 AAOs as of May 2022. DAJD does not consider it feasible to provide AAOs with education, programming, and services at the level available to youth detained at CFJC, given the substantial investments in new or expanded facilities and staff that would be required.

The Independent Monitor Team Report for July 2020 - June 2021, noted the roles played by the Seattle Public Schools in providing a GED program for AAOs at the downtown jail facility, Kent School District in providing instructional plans for AAOs at the MRJC, and the Seattle Central College in offering GED instruction and testing. The report also addressed the impact of COVID restrictions on AAO educational opportunities. With group classes and one-on-one independent study options suspended, AAOs wanting to continue with their high school education can indicate their interest using the "kite" system, a process built around different colored forms ("kites") for various non-emergency services available at the jails. AAOs receive instruction packets and work on their assignments on their own, with limited contact with teachers or tutors.

The last report noted that staff had indicated that the inability of staff, teachers, and providers to engage more directly had been discouraging for everyone, particularly the AAOs. However, all nine AAOs who were interviewed indicated they had already earned their GED or diploma, or that they were working to complete any missing credits. Though group classes might be preferred, the AAOs appeared motivated to finish the schoolwork required for a high school degree. One noted that he thinks he's completed all required credits, but is continuing to work on individualized packets because the material is interesting and said, "Why not?" Several AAOs mentioned looking forward to a graduation ceremony with their families present, with one saying he wants to "make my family proud."

Aside from working on high school credits, AAOs have limited access to programming activities, in comparison to what is available to youth detained at the CFJC, with COVID restrictions continuing to limit in-person programming.<sup>40</sup> As with pursuing educational opportunities, AAOs can indicate their interest in general categories of programs by filling out a kite, with a response expected within three business days.

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<sup>40</sup> Sample programs available at the KCCF and MRJC were listed in the Independent Monitoring Team Report for July 2020 - June 2021.

## VI. AAOS TRANSITIONING FROM JUVENILE TO ADULT FACILITIES

Earlier reports describe the transfer process involved when a youth turns 18 years old ('ages out") and leaves the CFJC to move to the adult jail, along with process improvement recommendations. Eight of the nine AAOs interviewed for the current report had been at CFJC when they turned 18, while one was arrested on his 18th birthday and went straight to the jail. The eight AAOs who had been detained at the CFJC all attended a transition meeting before the move, with family members involved when available (based on an earlier recommendation), during which they were provided basic information about jail detention. The AAOs all said that they learned what it means to be an AAO in the context of restrictive housing from another AAO at the jail, rather than during the transition meeting. However, as recommended by the monitoring team, DAJD revised its handbook in January 2021 to support an AAO's transition to an adult jail, including expectations regarding restrictive housing.

As a result of another recommendation, DAJD devised a system of transferring honors points earned at CFJC to be used as credits in the jail commissary. Several AAOs expressed pride in having reached the behavior related honors level while at CFJC and appreciation for the meals from the outside and other privileges that result, with one saying it was "cool to have something to work for." They appreciated the commissary credit available to them at the jail, though one staff person noted that some older inmates manipulate AAOs to buy products for themselves using the AAO's credit. This assertion is in line with concerns expressed by Adult Divisions staff and officers as previously reported that older jail inmates involve AAOs in drug transactions or other illegal activity inside the facility to shield the older inmate and since AAOs do not risk the same level of restrictive housing sanctions if caught. Even if some AAOs are manipulated in these ways, the process of allowing AAOs to transfer benefits earned at the CFJC provides an incentive for juveniles to engage in appropriate behavior and is an overall positive program to have in place.

## VII. CONCLUSION

During an interview in April 2021, Allen Nance, Director of the DAJD Juvenile Division, identified five major objectives for the Juvenile Division as it moved through 2021 and into 2022. Three of the organizational goals relate to recommendations the monitoring team has made in earlier reports: (1) development of a case management model that includes formal assessments of each detained youth and individual treatment plans; (2) rethinking resource allocation to allow for more clinical support, particularly for African American males; and (3) expansion of evidence-based intervention practices. In a follow-up interview in April 2022, Director Nance was

commended for the significant progress made towards meeting these three objectives, which have been addressed in this report. While DAJD faces challenges in addressing staff shortages and low morale, the higher average daily population of youth at CFJC, the number of juveniles in detention who are charged with serious crimes, including Class A felonies, and the many with complicated mental health problems, it is important to keep in mind that process improvements are occurring.

The Adult Divisions has continued to make use of its MDT for the general jail population and to monitor the unique needs of AAOs. After negative feedback received during the last reporting period, the monitoring team was reassured that AAOs are continuing to pursue educational opportunities, despite limitations in the jail facilities due to COVID restrictions.

Finally, attached is a list of recommendations made by the monitoring team previously, with status update notes concerning each recommendation. Some recommendations have been implemented, some are no longer relevant, and DAJD disagreed about the advisability of adopting others.

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|    | A   | B   | C   |
|----|---|---|---|
| 1  | <b>STATUS OF RESTRICTIVE HOUSING MONITORING RECOMMENDATIONS</b> |   |   |
| 2  | <b>Report</b>   | <b>Recommendation</b>   | <b>Status</b>   |
| 3  | July-December 2019  |   |   |
| 4  | 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. | 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.   |
| 5  | 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.   | 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.  |
| 6  | 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.   | Completed. 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.  |
| 7  | 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.                                      | 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.   |
| 8  | 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.  | 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 ongoing reviews to improve documentation and processes. |
| 9  | 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.   |
| 10 | 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.  |
| 11 | 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 <b>involuntary</b> 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.  |
| 12 | 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.   |

|    | A                   | B  | C   |
|----|---------------------|--|---|
| 13 | 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. |
| 14 | 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.  |
| 15 | 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.   |
| 16 | 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.   |
| 17 | January - June 2020 | <b>Recommendations re: DAJD Restrictive Housing Polices and Related Materials</b>  |   |
| 18 | 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.  |
| 19 | 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 exits 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.   |
| 20 |                     | <b>Recommendations re: the Juvenile Division's Behavior Management System</b>  |   |
| 21 | 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.  |
| 22 | 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.   |
| 23 |                     | <b>Recommendations re: the Tracking of Restrictive Housing Data</b>  |   |

|    | A   | B   | C  |
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| 24 | 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.   |
| 25 |     | <b>Recommendations re: Adults Divisions' Programming and Access to Education and Services</b>   |  |
| 26 | 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. |
| 27 | 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.   |
| 28 | 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.   |

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