

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

**INDEPENDENT
MONITORING TEAM REPORT**

**IMPLEMENTATION OF ORDINANCE 18637
RESTRICTIVE HOUSING**

**REPORTING PERIOD:
JULY – DECEMBER 2019**

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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 – December 2019**

Executive Summary

This report assesses progress by the King County Department of Adult and Juvenile Detention (DAJD) to implement Council Ordinance 18637, which restricts the use of juvenile detainee solitary confinement, referred to as “restrictive housing” by DAJD.

Restrictive housing is prohibited for disciplinary purposes and only can be used when necessary to prevent imminent and significant physical harm to the juvenile or others and less restrictive alternatives were unsuccessful. The Ordinance applies to youth detained in DAJD’s juvenile detention facility, youth who turn 18 (Age Out) while in juvenile detention and are transferred to an adult facility, and those over the age of 18 who are in a DAJD adult facility on a juvenile probation/parole matter.

The independent monitoring team reviewed steps DAJD made in 2019 to enhance the organizational infrastructure necessary to support a trauma-informed approach to juvenile detention and reduce the use of restrictive housing, including policies and procedures, the Behavior Management System, and restorative alternatives.

The Juvenile and Adult Divisions have developed processes to track and evaluate whether policy requirements for placement, review, and assessment of each instance of restrictive housing were met. Under a settlement with Columbia Legal Services, this information is shared quarterly. Records for the last two quarterly reports were reviewed to confirm that the information reported appeared to accurately summarize all restrictive housing events and note any irregularities.

This monitoring team report includes numerous recommendations, including: use of the term “room confinement” instead of “solitary confinement” or “restrictive housing” and to provide exceptions for youth in their rooms voluntarily or engaging in one-on-one programming; enhancements to data analytics and forms for tracking youth activities and restrictive housing assessments; process suggestions that there is an explicit plan for how you exit restrictive housing and that medical and mental health professionals and staff meet to jointly discuss assessments; and, consideration whether to integrate restrictive housing policies and practices with the Behavior Management System and whether to structure Juvenile Division organizational efforts around a central principle more clearly linked to the mission.

**KING COUNTY
DEPARTMENT OF ADULT AND JUVENILE DETENTION
INDEPENDENT MONITORING TEAM REPORT
IMPLEMENTATION OF ORDINANCE 18637 - RESTRICTIVE HOUSING
JULY 1, 2019 - DECEMBER 31, 2019**

I. INTRODUCTION

This is the first report from the independent monitoring team¹ 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 restrictions on the use of restrictive housing for juveniles detained in DAJD facilities, as defined below. This monitoring report covers aspects of implementation explored during the period July to December 2019, and follows up on two earlier reports by the prior monitor on initial efforts by DAJD during July to December 2018.

At the outset, it is important to recognize the challenges involved for any agency seeking to reduce the use of room confinement as a means of controlling the behavior of detained youth. In 2015, a coalition of national organizations supporting the Stop Solitary for Kids campaign collaborated with stakeholders to develop a toolkit of core strategies for reducing room confinement. When agency directors raised questions about how to move towards reduction of room confinement while keeping youth and staff safe and secure, the Campaign published a report in June 2019 identifying real-world examples of implementation strategies successfully used by four agencies operating youth detention facilities.² The agencies varied in size, were at different stages of implementation, and faced different challenges in the process and continuing issues to surmount. However, common strategies and lessons learned were identified and the overriding message was that there are practical approaches, many of which DAJD is following, to reducing room confinement while keeping youth and staff safe. Bearing in mind the complex issues implicated with changing a culture that has historically relied on room confinement to manage detained youth, and the unique challenges for DAJD, the monitoring team found that the Department has made significant strides in altering policy and operations to support a reduction in room confinement and a trauma-informed

¹ Independent monitoring team members are Kathryn Olson, Bob Scales, and Kate Eaves. The monitoring team has deep and broad background and expertise in law; the criminal justice system;

² Jennifer Lutz, Mark Soler, and Jeremy Kittredge, *Not In Isolation: How to Reduce Room Confinement While Increasing Safety in Youth Facilities* (Washington, DC: Center for Children's Law and Policy and the Justice Policy Institute, May/June 2019).

approach to working with detained youth. This report both recognizes those changes and suggests other ways DAJD can continue making system improvements.

A. Ordinance 18637 and Prior Monitoring Reports

In December 2017, the King County Council passed Ordinance 18637 (the Ordinance) which prohibits the restrictive housing³ of certain youth/juveniles in King County Department of Adult and Juvenile Detention (DAJD) 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. Among the explanations listed for enacting Ordinance 18637, the Council noted that 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."⁴

The Ordinance defines "juvenile" to include a person currently confined in a King County detention facility for a charge that was filed in juvenile court or based on conduct that occurred before the person's 18th birthday where confinement begins before the person's 18th birthday. Thus, the Ordinance applies to: (a) all juveniles held at the Juvenile Detention Center/Youth Service Center (YSC); (b) youth who turn 18 (Age Out) and are transferred to an adult facility; and, (c) youth who are older than 18 and are booked on a juvenile probation/parole matter (the latter two categories are identified by DAJD as Adult Age Outs (AAOs)).⁵

Restrictive housing under the Ordinance is defined as, "the placement of an incarcerated person in a locked room or cell alone with minimal or no contact with persons other than guards, correctional facility staff, and attorneys." The Ordinance prohibits the use of restrictive housing of youth for disciplinary or punishment purposes, though permits "short-term placement of youth in individual cells for

³ 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.). See the discussion and recommendations made under Section II regarding use of the term "restrictive housing."

⁴ King County, Signature Report, December 12, 2017, Ordinance 18637. King County's Zero Youth Detention Road Map also has an objective of ensuring that detained youth receive trauma-informed care and services. In support of this approach with juvenile detainees, the County participates in the Juvenile Detention Alternatives Initiative (JDAI) and uses JDAI standards for its programs and detention.

⁵ The DAJD Adult Division and prior monitoring reports initially referred to AAOs as "Juvenile Ordinance Inmates (JOIs)."

purposes of facility or living unit security issues or for other short-term facility physical plan safety and maintenance issues.” DAJD refers to such short-term placements as “Time Outs” or “Cool Downs.” Juveniles detained in any 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 County Executive to engage an independent monitor to assess and report on DAJD’s implementation of the Ordinance.

The prior monitor issued two reports covering the period July – December 2018, with the first report dated August 2018 and the second January 2019. The first report focused on restrictive housing issues in July 2018. At the Youth Services Center (YSC), restrictive housing was studied in the context of a system of Program Modifications used to respond to juvenile infractions and misbehavior (which has since been eliminated). The report identified issues at YSC with the proper documentation supporting use of restrictive housing, inconsistencies in how restrictive housing was applied, and difficulty in determining how long youth were in restrictive housing in some instances. The report noted that YSC juvenile detainees indicated they had access to health and mental health professionals, probation officers, attorneys, and visitors. The prior monitor also considered DAJD’s initial steps toward implementation of a new trauma-informed Behavior Management System (BMS) at YSC and noted that the BMS appeared to align with best practices.

The prior monitor’s first report also considered restrictive housing matters at DAJD adult facilities, the King County Correctional Facility (KCCF) and Maleng Regional Justice Center (MRJC). The report found widespread use of restrictive housing of youth at KCCF and MRJC based on the risk assessment classification received at booking, as well as during placement into restrictive housing. The prior monitor noted that the classification system at the adult facilities does not align well with that used by YSC. Some of the recommendations made include: policy revisions to implement mandates under the Ordinance, monthly tracking of restrictive housing data, reconsideration of the inmate classification scheme, and distribution to appropriate staff of a list of adult facility detainees who fall under the Ordinance.

In January 2019, the prior monitor concluded that DAJD had made “substantial policy changes which reflect the requirements of the Ordinance and the concerns brought forth” by the monitor. She indicated that leaders from all DAJD facilities appeared to be invested in improvements and engaged in discussions with staff about changing procedures and addressing operational challenges. However, the

prior monitor noted that data collection and analysis continued to be challenging, particularly with regards to instances of restrictive housing reported for AAOs detained in KCCF or MRJC. While finding that YSC's programming and educational services generally met or exceeded JDAI standards, the monitor was critical of access to programming and education for AAOs transferred to KCCF and MRJC.

Assessments by the prior monitor provides a backdrop for the work of the independent monitoring team evaluating DAJD's ongoing efforts related to implementation of Ordinance 18637. The current report covers the period July to December 2019, while a second report will address the period of January to June 2020.

B. Restrictive Housing Issues Evaluated July – December 2019

The monitoring team was engaged to review and evaluate whether the Adult and Juvenile Divisions of DAJD met 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:
 - 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.
 - An evaluation of whether required supervisory reviews provided sufficient information and met the policy criteria.
 - 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.
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.

The current report covering the period July – December 2019 addresses all of the issues outlined above at all three DAJD facilities, with a concentration on evaluation of YSC policies and procedures. The monitoring team’s second report also will address the same issues at all detention facilities, though with more in-depth reporting regarding KCCF and MRJC operations with AAOs. This approach was used to provide the team with a thorough understanding of current Juvenile Division systems at YSC before the move to the Children and Family Justice Center (CFJC) in February 2020, allowing for before and after comparisons and a clearer appreciation as to how the move and other anticipated changes impact the goals of implementing Ordinance 18637.

C. Methodology

In conducting the evaluation of DAJD’s policy implementation and use of restrictive housing during the period July – December 2019, the independent monitoring team conducted site visits to DAJD detention facilities, documentation reviews, data analyses, observation of detention center practices, interviews, and meetings.

While by no means a complete list, examples of documents reviewed during the monitoring team’s assessment include: King County Council Ordinance 18637 and other related legislation; DAJD policies on restrictive housing and Adult Age-Out Inmates; 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; YSC and adult facility behavior management forms and reference

documents; King County Executive Orders and reports on Auto Declines, juvenile justice services, and related matters; YSC detainee intake and screening documents; Youth Accountability Checklists completed during the period July – December 2019; health clinic youth monitoring forms for period July – December 2019; Monthly Log Books for each YSC hall for period July – December 2019; YSC Restrictive Housing Assessment forms completed during the period July – December 2019; Juvenile Detention Alternatives Initiative standards, reports, and related documents; and, publications concerning room confinement issues generally and with regards to other detention facilities.

Individuals with whom the monitoring team held meetings, interviewed, or observed include: DAJD administrators, supervisors and staff (including juvenile Detention Officers), the defense bar, social service providers, school teachers working with YSC youth, program providers, representatives of the King County Juvenile Detention Guild, and juvenile detainees. Members of the monitoring team also observed numerous detainees on-site engaging in a variety of educational, programming, and other activities at the YSC, KCCF, and MRJC.

II. DAJD RESTRICTIVE HOUSING POLICIES, JUVENILE DIVISION BEHAVIOR MANAGEMENT SYSTEM, AND APPROACHES TO AVOID USE OF RESTRICTIVE HOUSING

A. DAJD Restrictive Housing Policies

DAJD adopted new policies addressing restrictive housing in the Adult Divisions in April 2019 and in the Juvenile Division in June of 2019.⁶ 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.⁷

⁶ While the prior monitor favorably reviewed draft changes to Adult Divisions Policy 6.03.011 - Inmate Classification and Discipline, the final policies on restrictive housing for both the Adult and Juvenile Divisions were not adopted until after the monitor's January 2019 report. Policy changes largely reflect policy related recommendations that had been made by the prior monitor.

⁷ Note a slight difference in how restrictive housing is defined under the two policies: the Adult Divisions define it as "The placement of an AAO in a locked room or cell, alone, with minimal or no contact with others – other than corrections, program or medical staff, and attorney of record," while the Juvenile Division uses the definition, "The placement of a youth in a locked room or cell, alone, with minimal or no contact with people other than detention staff or attorneys."

Under the Juvenile and Adult Divisions policies, a youth/AAO is deemed to pose a risk justifying restrictive housing if their behavior creates a risk of imminent and significant physical harm to the youth/AAO or others. Both policies identify typical behaviors that may lead to a determination that the youth/AAO creates a risk of physical harm including threats to staff or others, physically aggressive behavior, or a major destruction of property or facility disturbance if such behavior creates a risk of imminent and significant physical harm to the youth/AAO or others.

An exception to the definition of restrictive housing under the two policies include placing a youth/AAO whose behavior presents a security issue in an individual room or cell for no more than two hours (Cool Down Period). Though not included in the policy, the Juvenile Division also uses Time Outs, which involve a shorter (10 or 15 minutes) placement of youth in their room to interrupt inappropriate behavior and when the youth can more quickly self-regulate.

Other exceptions to the definition of restrictive housing included in both Adult and Juvenile Division policies and in alignment with the Ordinance include:

- Placing a youth/AAO in an individual room or cell during ordinary sleeping or rest periods.
- Allowing a youth/AAO to remain in their room or cell alone when they voluntarily choose to do so.
- Placing a youth/AAO in a cell or room for a short period of time to address security, maintenance, or facility emergency issues (e.g. a flood, fire, facility disturbance/riot, etc.) not based on the youth/AAO's behavior.

While not specifically addressed in the Ordinance, policies for both Divisions also provide an exception to restrictive housing for the processing of a youth/AAO through the booking, intake, and assessment process during which they may be placed in a single cell or room.⁸

In addition to the exceptions noted above, the Juvenile Division defines restrictive housing to not include the following exceptions that are not specifically covered by the Ordinance:

⁸ The prior monitor was critical about time spent in isolation during the intake, assessment, and orientation stage. The issue of regulating the amount of time a youth is in a cell or room alone at the intake stage is complicated. Youth are booked at all hours of the day and night, and resources for moving a youth through the process might be limited at times. The youth must be assessed for PREA and other risk factors before being classified and placed with other youth. In some cases, a youth arrives under the influence and needs to sleep or be medically evaluated before a reliable assessment can be conducted. In other cases, youth need time to talk with a mental health professional in a position to then provide input into the intake assessment and advise about a housing assignment.

- Placing a youth in the Health Clinic under Medical or Mental Health observation.
- Placing a youth in a single room or cell to maintain compliance with PREA during court breaks while at an adult facility or juvenile detention for the purpose of attending a trial or other court hearing.
- Keeping youth detained under RCW Chapter 13.32A (the BECCA bill) or under a material witness warrant separated from youth detained on criminal charges.⁹

Adult Division Policy 6.03.011 includes the following restrictive housing exceptions not identified in the Juvenile Division policy nor identified in the Ordinance:

- Placing an AAO in a single cell during routine security checks, headcounts, inspections, and other scheduled unit activities as outlined in unit post orders.
- Placing an AAO in a single cell for court, triage, medical or dental visits.

There are operational explanations for the various exceptions that are not addressed in the Ordinance. For example, given the much larger population of detainees at the adult facilities, routine headcounts might require that AAOs be in a single cell to ensure thoroughness and accuracy. In contrast, and barring a security, maintenance, or emergency issue, the small number of youth assigned to a hall at YSC allows the JDO to more easily track the presence and activities of individual juveniles without the need to separate them into their rooms.

Neither the Juvenile nor Adult Divisions policies set a limit of using restrictive housing for 4 hours within 24 hours, as recommended in the Ordinance. However, the Juvenile Division policy requires that a youth be assessed by a supervisor every four hours after an initial assessment resulting in restrictive housing, except during normal sleeping periods, and must be completed prior to 0800, prior to 1200, and prior to 1600 hours if the restrictive housing continues into a subsequent calendar day.¹⁰ The policy also requires that youth held in restrictive housing:

- Be evaluated by a medical professional as soon as available, but no more than four hours after placement or immediately prior to an ordinary sleep period, to assess the well being of the youth.

⁹ Though not an explicit exception in the Juvenile Division restrictive housing policy, youth are sometimes confined to their rooms during JDO shift changes, officer breaks, or between programming activities. There will be two JDOs assigned to each hall in the new juvenile facility, reducing the need to move youth to their rooms for officer breaks and between programming activities, though restrictive housing will still be necessary during JDO shift changes.

¹⁰ Juvenile Division supervisors recently have raised questions concerning application of the term "subsequent calendar day." Any policy clarification will be addressed in the next report.

- If the youth is in restrictive housing more than twenty-four hours, a medical professional is to assess the well being of the youth at least once a day.
- If a mental health professional (MHP) is on duty, within eight hours of being placed in restrictive housing, or immediately prior to an ordinary sleep period, the youth must be seen by an MHP to assess whether continued use of restrictive housing is detrimental to the youth's mental health.
- If no MHP is on duty, the assessment must be completed by detention nursing staff. The MHP or nursing staff may direct that the youth be transferred to the infirmary for medical or mental health observation.
- If a youth is in restrictive housing for more than twenty-four hours, the youth must be seen by a MHP within one business day and the MHP must conduct another evaluation every five days the youth remains in restrictive housing.
- The Chief of Operations/Security must approve a decision to keep a youth in restrictive housing beyond 24 hours and this must be documented every twenty-four hours.
- The placement of juveniles in restrictive housing must be reviewed at the daily meetings of YSC staff, supervisors, and mental health providers.
- A safety and security check shall be performed four times per hour between 0700 - 2300 hours, three times per hour between 2300 - 0700 hours, or as otherwise specified (e.g., for a youth on mental health observation).

These various levels of review have been incorporated into a Restrictive Housing Assessment Checklist, which is discussed below in the context of data tracking.

As noted in the Introduction, the Ordinance uses the term "solitary confinement," while DAJD uses "restrictive housing" in referring to the prohibition of placing a detainee in a locked room or cell alone with minimal contact with persons other than guards, correctional facility staff, and attorneys. The monitoring team was informed that DAJD's use of "restrictive housing" is based, at least in part, on the Adult Division's use of the term predating the Ordinance. While it is understandable that extending use of "restrictive housing" terminology to practices in the Juvenile Division as DAJD worked to make changes in policy and practice might somewhat simplify the overall process, the monitoring team has concerns related to the continuing use of the term "restrictive housing," because the phrase is used more broadly by the Adult Division, as described below.

The Inmate Information Handbook used by KCCF, MRJC, and the Community Corrections Division uses "Restrictive Housing" as one of four kinds of classification housing, stating that it includes Disciplinary Housing (Those serving a sanction for a

rule violation), Pre-Hearing Housing (Those accused of violating serious rules), Clinical Housing (Medical or psychiatric placements), and Protective Housing (Group and Restrictive).¹¹ While focused on needs for working with adult detainees, this explanation of what constitutes restrictive housing contradicts DAJD's Adult Divisions policy 6.03.011 regarding AAOs at adult facilities which prohibits the use of restrictive housing for disciplinary purposes and conflates the use of restrictive housing for security purposes with housing needs of detainees requiring medical, psychiatric or protective placements. The Adult Divisions implemented a new policy on Inmate Classification and Discipline - Restrictive Housing in October 2019. Policy 6.03.001 defines six categories of restrictive housing and identifies unique issues for AAOs covered by Ordinance 18637. However, this policy and the Inmate Handbook also have conflicting language. Failure to update the Handbook could cause confusion among detainees and jail staff and perpetuate a view within the organizational culture that restrictive housing is an acceptable disciplinary response.

Regarding DAJD restrictive housing policies and related materials, the monitoring team recommends that DAJD:

- 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. In light of the relatively few AAOs among adult detainees, 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.
- 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. In addition to aligning terminology with other JDAI standards that have been adopted by DAJD, use of a new term to replace that of "restrictive housing" would help facilitate a cultural shift in Departmental thinking about the very limited acceptable uses of the practice for youth/AAOs.

¹¹ Inmate Information Handbook, p. 11.

B. Behavior Management System and Approaches to Avoid Use of Restrictive Housing

The DAJD Juvenile Division has replaced the Program Modifications (PMs) system of responding to youth behavior with an approach that is trauma informed, emphasizes incentives and rewards for desired behavior, and integrates theoretical approaches such as cognitive behavior and dialectical behavior therapy. The new Behavior Management System (BMS) was developed by a team of staff and external experts and implemented in three phases, between August 2018 and May 2019. Phase 1 introduced the incentive approach, using stars linked to behavior expectations and a tracking system. Phase 2 presented the new level system and incentives connected to each level. Finally, the new accountability grid and Restoration Hall programming that provides alternatives to the use of restrictive housing when youth engage in behavior presenting a security risk for themselves or others was initiated during Phase 3.

As the prior monitor noted in the January 2019 report, the BMS is designed to be easily understood by youth and includes meaningful incentives and privileges such as increased library and recreation time, access to music, and extended bedtimes, and “strives to ground disciplinary responses in a social environment of empowerment toward adolescent development achievements.”¹² DAJD indicated that it is committed to implementing a related approach after the move to the Children and Family Justice Center called the “Merit Center.” Based on a teen recreation center concept, it will be outfitted with living room style furnishings, rugs, beanbag chairs, video games, foosball, Ping-Pong, board games, and other teen activities. The Merit Center is designed to further incentivize good behavior by motivating youth to participate in school, have positive peer interactions, and follow directions from staff in order to spend time in the center. The goal is to continue developing a proactive, motivation based approach to positively influence behavior, as the Juvenile Division continues to shift away from a more traditional reactive, punitive system of negative consequences and restrictions.¹³

A Behavior Management Group comprised of volunteer Juvenile Detention Officers, supervisors, and civilian staff helped to implement the new BMS, developed and assisted with training, and provided trouble shooting as the different phases rolled

¹² Monitoring King County Facilities under Ordinance 18637: A Report to the King County Executive – January 2019; p. 15.

¹³ The description of the Merit Center and its purpose is paraphrased from an overview provided by Allen Nance, the new Juvenile Division Director, who indicated he successfully implemented the approach in a San Francisco juvenile facility.

out. The group revamped the incentive level system and devised more specific awards and incentives as the BMS was put to use and feedback was received. The group continues to meet to address issues as they arise, including a review of the question discussed below concerning youth who refuse to attend school. A Behavior Response form was developed to facilitate documentation of the new approach, with a checkbox system to record problematic behaviors, responses involving restorative practices or Restoration Hall, and programming days and times when a youth is in Restoration Hall. Staff can also note any security precautions. The Behavior Response form's relevance to tracking restrictive housing is discussed further below.

As youth earn stars and move through different incentive levels, they earn the right to have a later bedtime and privileges such as extra recreational activities, access to a MP3 Player, an extra library visit, or a take-out meal. Where an egregious incident occurs, such as a staff assault or security breach, there is a drop to a lower incentive level, resulting in a loss of privileges.

While the Juvenile Division's approach to managing behavior of detainees leads with an incentive based approach, it also provides for a response progression to help youth regulate behavior and hold them accountable for conduct that presents a security issue. The intent of the response progression scale is to use the smallest intervention necessary to regulate behavior, while recognizing that a particular incident may require an immediate response that bypasses some or all of the initial steps. The following was adapted from a more detailed schematic being used.

Progressive Response to Unsafe Behavior



The scale provides for initial attempts to interrupt problematic behavior through a verbal intervention, Time Out (up to 30 minutes), and Cool Down (up to 2 hours). If the youth's behavior is still not regulated, they might lose certain privileges or be required to engage in a range of restorative activities, either in their own living unit or through Restoration Hall.

Examples of restorative activities JDOs and other staff might require of youth include an apology plan, a skills building class, individual sessions of motivational interviewing, life skills training, or circle/group participation. Under this scheme,

youth continue with school, gym, and other programming, working on restorative programming outside these regular activities. While there is a goal to facilitate relationship building between JDOs and youth assigned to a particular living unit, it is recognized that some JDOs are still building their own understanding and skills working with restorative interventions and more restorative practices will take place on the unit as opposed to in Restoration Hall as staff become more accustomed to the BMS. Also, youth may develop a trusting relationship with a particular JDO, supervisor, or other staff member who, at least in some cases, is brought into the living unit to assist with an intervention.

The following illustrates the complexity of issues involved in shaping a consistent, effective behavior response system. During this monitoring period, a meeting of the Behavior Management Group was observed, during which the issue of youth refusing to attend school was discussed. Group members were very engaged as they considered different approaches to responding to the issue, discussed whether consequences or incentives would be more effective in encouraging school attendance, and acknowledged, since many youth report not attending school when outside detention, the larger concern of building internal motivation and a sense of valuing education. The group also noted that, if the JDO does not need to attend to the larger group of youth participating in school, they could have a conversation with the youth refusing to attend and perhaps help develop a relationship that can serve other restorative practice purposes.¹⁴ Finally, a youth who is voluntarily in their room refusing to attend school meets the definition of restrictive housing under Ordinance 18637, creating a potential auxiliary concern as DAJD strives to avoid having any youth alone while others are engaging in regular programming.

The DAJD YSC Juvenile Detention Guild expressed in writing a number of concerns about Restoration Hall and restorative practices directed to Juvenile Division management during 4th Quarter 2019. Management provided a written response and met with the Guild Executive Board to discuss the issues raised. Guild Executive Board members raised some of the same concerns in a meeting during the July - December 2019 monitoring period. A number of issues raised by Guild members grow out of the fact that Restoration Hall is relatively new (implemented May 2019) and related procedures and skill building exercises for youth are still evolving. The SOP has not been finalized and some of the JDO staff has not received training or coaching on working in Restoration Hall. DAJD indicated that training in cognitive

¹⁴ Once in the new facility, two JDOs will be assigned to each hall, allowing one to focus on this sort of issue with an individual youth, while the other officer attends to the rest of the group.

behavior therapy based practices such as Collaborative Problem-Solving has been put on the 2020 Juvenile Division Training Plan.

The initial hope was that outside volunteers or other providers would provide the majority of the Restoration Hall programming with JDO support, though that approach has become more complicated for a variety of reasons. There are currently a handful of volunteers facilitating programs in the Restoration Hall alongside the Juvenile JDOs. The monitoring team was informed that the Juvenile Division continues to actively pursue community partnerships to support the Restoration Hall programming.

Sometimes it is expected that restoration work will be completed in the unit where the youth is assigned, as an alternative to moving the youth to Restoration Hall. Guild representatives noted that it is challenging for a juvenile to do meaningful work in a common area while other youth are engaged in a range of other activities, some of which could be noisy or distracting. DAJD acknowledged this can be a problem and said that extra training could help and that the Behavior Management Group and Restoration Hall Team continue to work on process improvements (and clarified the scope of responsibility for the two groups). The Behavior Response Form rolled out on November 1st is designed to provide more consistency as to when a youth can do restoration work in the unit and when they should be moved to Restoration Hall.

The Guild Executive Board asked about whether the success of the new approach is being measured, including tracking whether certain youth are referred repeatedly yet not progressing. DAJD responded that Restoration Hall is “a work in progress” and will involve “continuous process improvements” overseen by the Restoration Hall Team that regularly meets to review feedback. There is a white board called a “Tier Board” in a common room available to all staff where information on the average daily population of detainees and number of JDOs is recorded on a monthly basis, along with certain data points such as the number of use of force incidents, staff injuries, behavioral responses (as compared to the old system of Program Modifications), and referrals to restorative practices. A staff data analyst has reviewed some of this data with Guild representatives, but cautioned that it is still too early in the change process to draw any reliable conclusions from the data being gathered. There is also concern that there has been so much change in the Juvenile Division over the past year that it is difficult to identify which factor(s) are influencing any trends observed. The Guild was invited to suggest data points useful to study over time.

When the Juvenile Division relocates to the CFJC facility in February 2020, there will be two JDOs assigned to each living unit. This change offers a number of benefits, one of which is that if a youth is engaging in problematic behavior, one officer can respond while the other officer continues programming with the larger group. It is hoped that this approach will contribute to a reduction in the use of restrictive housing.

The monitoring team agrees with DAJD, the Restoration Hall Team and Behavior Management Group, the Guild Executive Board, and others that determining reliable methods to evaluate the impact of the Behavior Management System and Restoration Hall/restorative practices on detained youth and staff is vitally important. DAJD is working towards a transformative change in how staff interact with and respond to youth to facilitate a trauma-informed, problem solving, incentive based approach to replace the traditional punitive model familiar to many JDOs. Staff members understandably seek reassurance about the efficacy of the new system, though more data needs to be collected to allow for meaningful analysis. Even then, because of the many other changes taking place, it still may be difficult to conclude the Behavior Management System and Restoration Hall resulted in specific impacts, though the approach is evidence-based. Recommendations related to the BMS are discussed towards the end of the report in Section VII.

III. RESTRICTIVE HOUSING DATA TRACKING

The process for tracking incidents of restrictive housing for youth/AAOs is different for the Juvenile and Adult Divisions, largely due to the drastic difference in the numbers of youth and adult detainees. As noted in the prior monitor's January 2019 report, DAJD has assigned analysts to work on data collection tools, has adopted an internal review process, and is working on producing more reliable information. These steps have made review of specific instances of restrictive housing somewhat easier, though electronic tracking is the ultimate goal. DAJD is working to put a new Jail Management System (JMS) in place, providing an electronic framework to measure and track key performance indicators related to restrictive housing, with a goal to have the JMS in operation by 2021.

Pursuant to a settlement of a restrictive housing related lawsuit, DAJD provides quarterly self-monitoring reports to Columbia Legal Services on restrictive housing data and other relevant developments. The sections below outline how restrictive housing data is tracked and reviewed in the Juvenile and Adult Divisions and describe the steps taken by the monitoring team to check the information reported to Columbia Legal Services during the 3rd and 4th quarters of 2019. In addition,

graphs present information on restrictive housing data trends based on data reported over all four quarters of 2019.

A. Juvenile Division – Youth Services Center: Tracking Restrictive Housing

At the Juvenile Division's YSC, youth are assigned to one of eight halls. A single hall may have anywhere from one to ten youth assigned, each with their own room or cell. Each hall has a common area where youth gather for school, programming, meals, and other purposes. Youth are assigned to a particular hall based on an initial assessment conducted when first detained and taking into account other factors that change over time, such as the total number of youth detained or rival gang members entering or leaving the detention facility.

The Juvenile Detention Officer (JDO) working in the hall conducts checks of each youth approximately every 15 minutes during daytime hours and every 20 minutes during regular sleeping periods, noting on the Youth Accountability Checklist (Checklist) form each youth's activities at the time of the check. The Checklist form uses a system of 21 separate codes to record the range of activities and programs in which a youth could be involved, and includes codes for youth assigned for a Time Out, Cool Down, or Restrictive Housing. If a youth is listed as spending time in a Time Out or Cool Down, or is voluntarily in their room (as opposed to in the room for a regular rest period), the Checklist form requires that the JDO provide an explanation on the back of the form. If a youth assigned to a particular hall is in the health clinic for any period of time, a copy of the health clinic's accountability checklist is attached to the daily Youth Accountability Checklists. Checklists for each of three shifts for each of the eight halls are collated on a daily basis, with supervisors and the Chief of Operations reviewing the forms at least weekly.

In addition to the Checklists completed every 15 minutes for all youth (or every 20 minutes during sleeping hours), JDOs also maintain daily log sheets that are bound into Log Books organized by month and hall, in which entries record the number of youth assigned, summarize activities for a particular shift, and note any significant issues. The Log Books sometimes include mention of youth who earned incentives or had behavioral problems and the staff response. In addition, forms are maintained that document JDOs working each shift and other assignment details.

If a youth is placed in restrictive housing, staff must fill out the Restrictive Housing Assessment Checklist. The form instructs that youth causing a security issue may be

returned to the their room for a Cool Down period for up to two hours.¹⁵ If at the end of the two hours, the youth poses a risk of imminent and significant physical harm to self or others, as determined by the JDO and supervisor, the youth is placed into restrictive housing. The JDO must describe the security issue requiring Cool Down, noting the date and time it started and ended. When the supervisor and JDO confer on whether the youth can be reintegrated with other youth or should be placed in restrictive housing, the supervisor is required to document “observed behaviors, statements, or conditions that indicate an imminent and significant threat of physical harm to the your or others,” and again note the date and time. The Restrictive Housing Assessment Checklist then lists the various kinds and timing of reviews required by policy (i.e., supervisor, Chief of Operations, mental health professional, and medical professional), with space provided for a signature and the time of each assessment.

Thus, if a youth is placed in restrictive housing, the Youth Accountability Checklist and Restrictive Housing Assessment Checklist should provide documentation supporting the reasoning and timing for the decision to move the youth to their room for a Cool Down or longer placement, along with details as to reviews that occurred. The Juvenile Division Business Analyst reviews these documents weekly and if information is missing or the events leading up to restrictive housing are not clearly described, will check Log Books or other forms for information that could be relevant or seek clarification with the involved supervisor. Juvenile Division and DAJD management also then review the documents.

Ultimately, information related to each instance of restrictive housing are collated on spreadsheets and included in quarterly reports to Columbia Legal Services per settlement of a lawsuit related to matters addressed in Ordinance 18637. These quarterly reports provide details about instances of restrictive housing, instances when a youth was engaged in one-on-one programming with a JDO, and instances when the Youth Accountability Checklist indicates youth were in restrictive housing, but there is no information documenting a security issue or there was a staff shortage or shift change leading to a short period of room confinement.

¹⁵ After one hour, the JDO notifies the supervisor that a youth is in a Cool Down, so that the supervisor can confer with the JDO and document the need for restrictive housing before the two-hour limit for a Cool Down is reached. During the monitoring review process, there were many instances where staff began filling out the Restrictive Housing Assessment Checklist form during a youth’s Cool Down, but the remainder of the form was not completed because the youth was reintegrated into their living unit without the need for restrictive housing. These incomplete forms were compared with the Youth Accountability Checklists to confirm that the youth moved into regular programming rather than restrictive housing. Comparing documentation helped to corroborate the information on restrictive housing reported by DAJD to Columbia Legal Services.

Because youth activities and behavior responses are tracked by paper, evaluating the daily Youth Accountability Checklists and the reasoning, timing, and review for each instance of restrictive housing is very labor intensive, involving many hundreds of pages of detailed, handwritten information each month. The monitoring team initially attempted to scan a sample of documents to use OCR (optical character recognition) software to convert information from the documents into a database that could be electronically analyzed. However, the software could not read the handwritten entries and in some instances, it was difficult for the monitoring team to understand what was written.

In addition to challenges in tracking data through handwritten documentation, there was a lack of consistency in how clearly and thoroughly JDOs, supervisors, and reviewers explained behavior or other contextual details that led to Cool Downs or restrictive housing. Juvenile Division JDOs and supervisors were still familiarizing themselves with the new Behavior Management System, along with new codes on the Youth Accountability Checklist and the Restrictive Housing Assessment Checklist form. Though training took place, each of the new processes can best be mastered through experience, and that takes time and requires regular feedback and coaching, which DAJD reports is occurring. Meanwhile, a great deal of Juvenile Division staff time goes into tracking down or clarifying information to ensure proper documentation and an effort was made to confirm the restrictive housing data reported during the monitoring period.

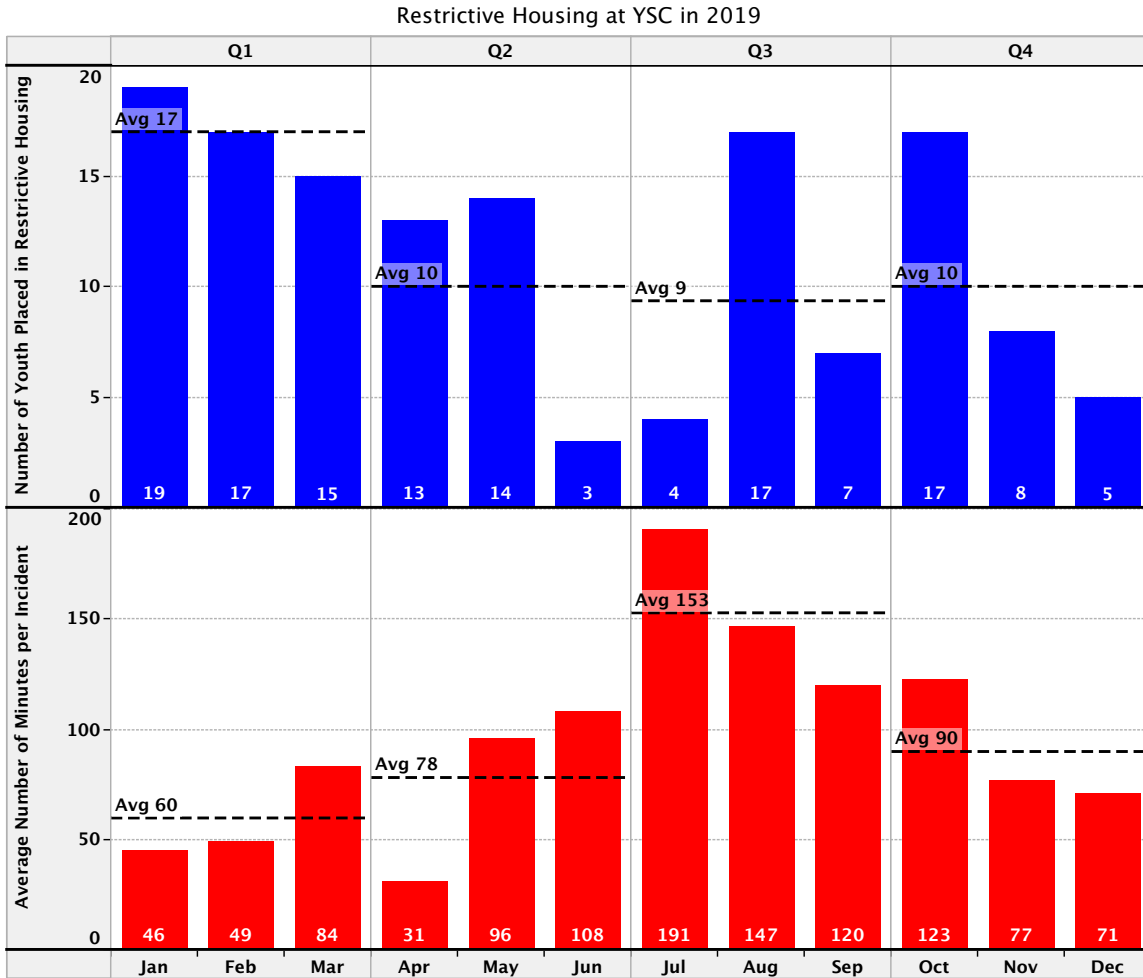
During the July – December 2019 monitoring period, all of the documentation described above was available and reviewed to confirm the information reported to Columbia Legal Services, including the number of times and for how long youth were placed in restrictive housing, along with explanations provided for the need for restrictive housing, and whether the required reviews occurred. The monitoring team corroborated that the information reported to Columbia Legal Services appeared to accurately summarize instances of restrictive housing as documented or as later clarified during the internal review process.¹⁶ Spot checks of the Youth Accountability Checklists also were conducted, to determine if youth were coded as having been in their room voluntarily without explanation (outside regular sleep or rest periods), coded as in Cool Downs lasting longer than two hours, in which case there should be associated Restrictive Housing Assessment Checklists, and other irregularities. There were no periods of time discovered that should have been

¹⁶ Because the minutes in restrictive housing as reported take into account periods of time excepted from the definition, such as short term facility maintenance or emergency situations, it was not always possible to confirm the precise amount of time a youth was confined to their room, though any differences would have been relatively minor (e.g., 5 or 10 minutes).

coded as restrictive housing that had not been previously identified by staff reviewing the checklists and subsequently included on reports to Columbia Legal Services.

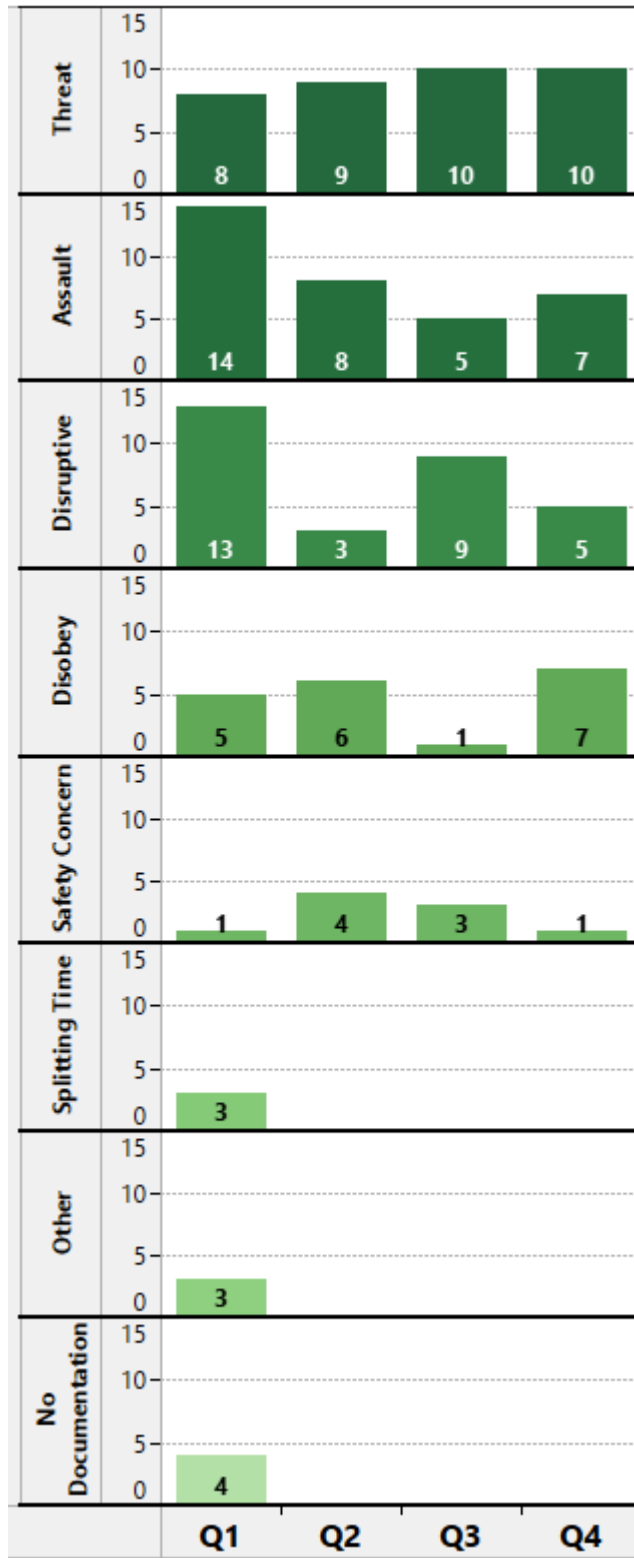
While the monitoring team focused on confirming the restrictive housing data reported to Columbia Legal Services during 2019 3rd and 4th quarters, the data reported for all four quarters of 2019 also was considered to look for any trends in the larger data set. In its reports to Columbia Legal Services, the Juvenile Division data includes three categories of restrictive housing information: (1) instances when youth were in their room alone because they 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 outside their room, including time alone in Restoration Hall after that program became available; and, (3) instances when the reasons youth were in restrictive housing are unknown (but not a result of behavior and are not preceded by a Cool Down) or because the youth was the only female in the facility. The graphs below present the Juvenile Division 2019 data using these same three categories, though some data initially was limited or unavailable, before DAJD refined its documentation and tracking processes.

1.1 Restrictive Housing in DAJD Juvenile Division – 2019 Number of Instances and Average Number of Minutes Involving Significant and Imminent Risk of Harm



As seen in graph 1.1 above, there was an overall decline between the 1st and 4th quarters in the total number of instances of restrictive housing for the Juvenile Division, though large upticks for the numbers reported in August and October. The average amount of time youth spent in restrictive housing actually increased from 60 to 90 minutes between the 1st and 4th quarters, though there was a significant drop from the 3rd quarter average of 153 minutes. It is important to emphasize that with the new Behavior Management System, a new restrictive housing tracking form, and the hiring of 14 new officers, along with other variables, it is not easy to determine what caused or influenced a specific change in the 2019 data reported.

1.2 Restrictive Housing in DAJD Juvenile Division – 2019 Reasons Documented for Instances Involving Significant and Imminent Risk of Harm



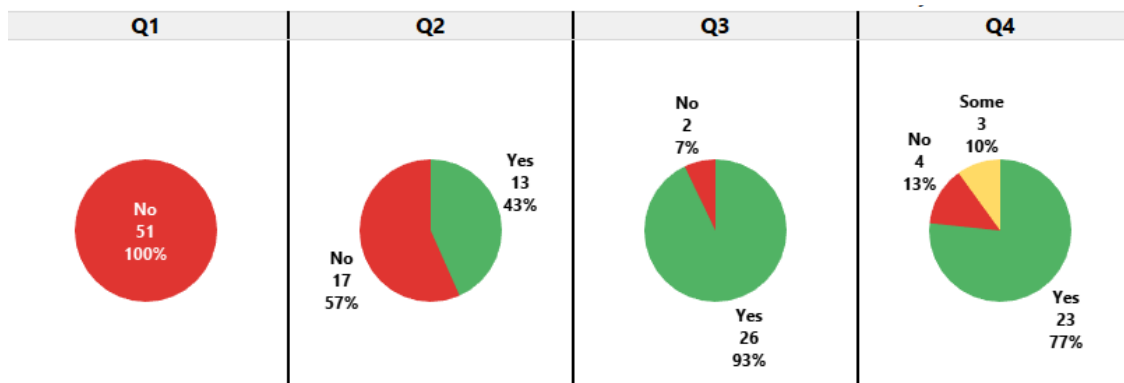
As indicated in graph 1.2, the three top reasons documented for the need to place youth in restrictive housing during 2019 involved threats, assaults, or disruptive behavior. Further, the most common reason given for restrictive housing during the 3rd and 4th quarters was based on threats made to peers or staff.

1.3 Restrictive Housing in DAJD Juvenile Division – 2019 Reasons Documented for Instances Involving Significant and Imminent Risk of Harm Assaults and Threats

Assaults		Threats		
Peer	Staff	Peer	Staff	Self
27	7	15	21	1

Considering all instances reported in 2019 involving the two categories of assaults and threats provided as reasons for restrictive housing, the data reported in table 1.3 above indicates that most assaults are peer-to-peer, whereas threats leading to restrictive housing more often involve threats against Juvenile Division staff.

1.4 Restrictive Housing in DAJD Juvenile Division – 2019 Whether Assessments Completed for Instances Involving Significant and Imminent Risk of Harm



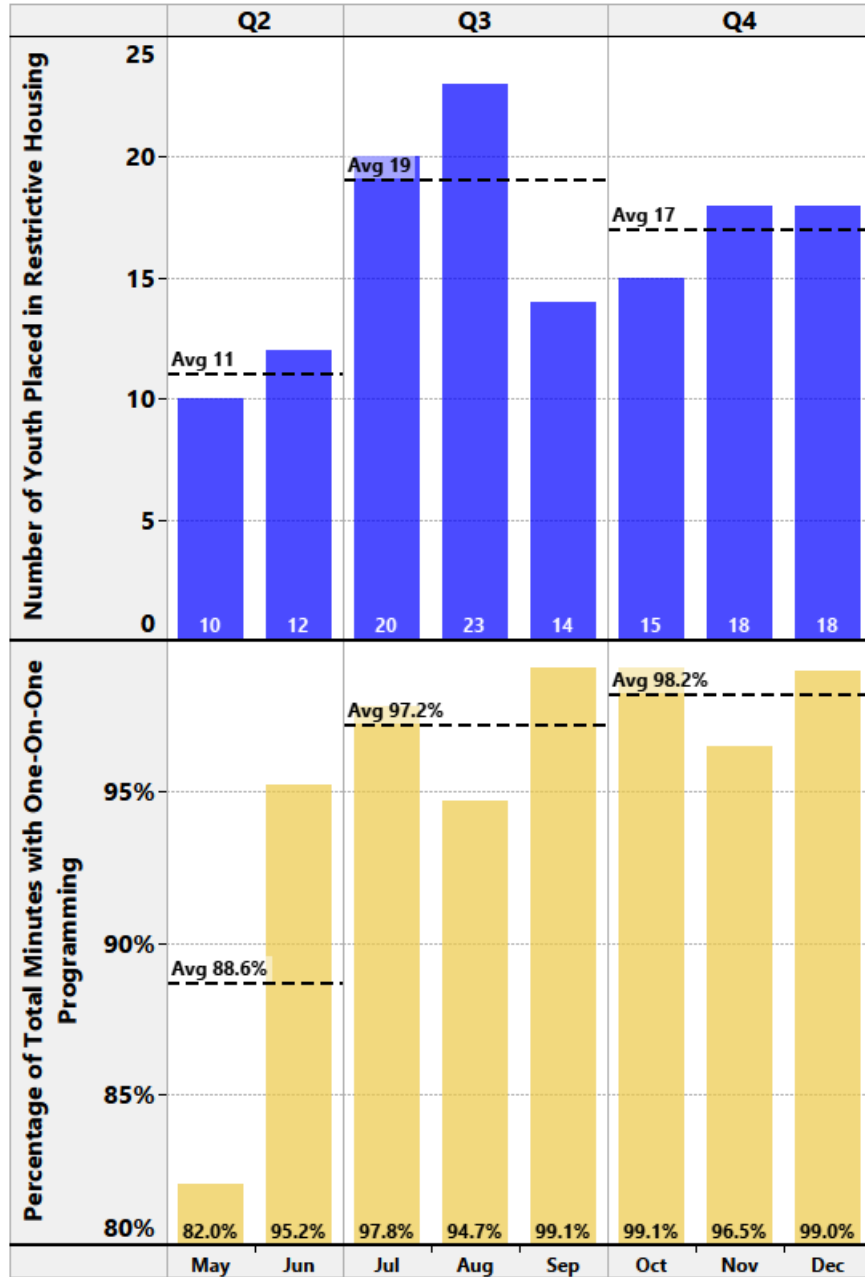
DAJD noted in its 2nd quarter report to Columbia Legal Services that updated documentation was introduced to staff in May 2019, to better track the time a youth is in restrictive housing and the various assessment milestones required by policy. While 93% of restrictive housing instances had the associated assessment documentation completed in the 3rd quarter, that figure dropped to 77% in the 4th quarter, with another 10% offering partial documentation. DAJD explained this change in assessment completion rate as a function of hiring and training 14 new

Juvenile Detention Officers in the 3rd and 4th quarters. DAJD reported that it has made adjustments in how quickly individual staff receive feedback when documentation is incomplete or inaccurate, and anticipates that documentation will improve moving forward.

As seen below in graph 2.1, DAJD reports on instances of one-on-one programming with youth, when a JDO is working alone with a detainee. There are a variety of reasons for one-on-one programming, such as: the youth has an IEP that requires focused learning, the youth cannot be housed with rival gang members who are also in detention and that limits housing options at times, or the youth has been referred to Restoration Hall at a time when there are no other juveniles assigned for restorative work. The definition of restrictive housing under the Ordinance does not take into consideration these organizational and youth needs. However, because individual situations result in the need for one-on-one programming that falls under the technical definition of restrictive housing, DAJD separately reports such data.

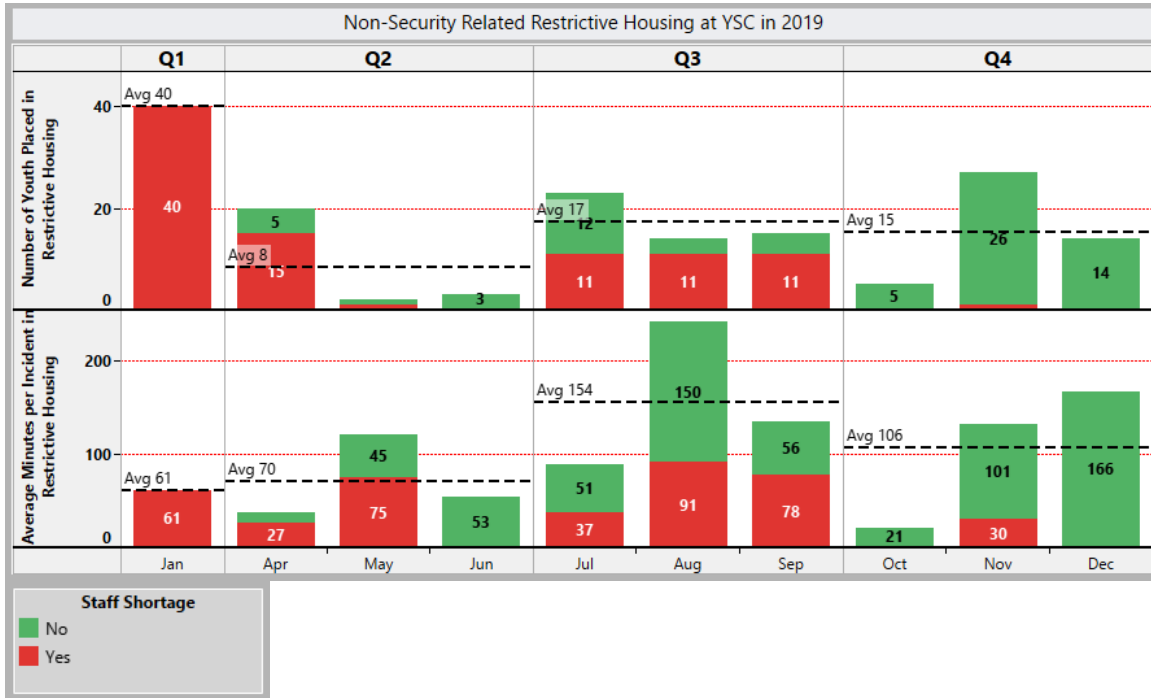
While graph 2.1 below indicates a small drop in the number of instances of one-on-one programming between the 3rd and 4th quarters, its significance is questionable in light of some reasons for one-on-one programming that could continue indefinitely (e.g., periods when there is only one female detainee in the facility or when rival gang members under detention cannot engage in group programming together). Graph 2.1 also indicates that when youth were in one-on-one programming during the last two quarters of 2019, they were engaged with staff 97.2 – 98.2 % of the time, versus alone in their room or cell. Because data was not available for the 1st quarter or April 2019, as new policies and tracking procedures were instituted, it is difficult to interpret or put into context the lower percentage of time youth spent in one-on-one programming during the month of May.

2.1 Restrictive Housing in DAJD Juvenile Division – 2019 Number of Instances and Minutes Involved One-On-One Programming¹⁷



¹⁷ Note that the monitoring team is relying on data reported by DAJD for 2019. Because some data was not captured initially, as DAJD developed its restrictive housing policy, procedures, and tracking forms, information from the 1st quarter and April 2019 regarding one-on-one programming is not presented in the graph.

3.1 Restrictive Housing in DAJD Juvenile Division – 2019 Number of Instances and Minutes Involved Non-Security Reasons



3.2 Restrictive Housing in DAJD Juvenile Division – 2019 Instances Involving Non-Security Reasons Explanations Where Possible to Determine

Staff Shortage	78
No Documentation	42
Conflicting or Illegible D..	12
One Female Youth	9
Teacher Meeting	6
Likely Voluntary	6
Search for Contraband	5
Breakfast In	5

Considering graphs 3.1 and 3.2 above, it appears that hiring 14 new Juvenile Detention Officers in the 3rd and 4th quarters of 2019 likely reduced the role of staff shortages in restrictive housing. However, DAJD concluded in its report to Columbia Legal Services that documentation in the 4th quarter was impacted as new staff received on-the-job training, as discussed above regarding assessment completion

rates. While there are few if any female detainees in the Juvenile Division at any given time, there were nine instances in the 4th quarter when a single female was in the juvenile facility. Because they must be housed separately from males, a single detained female may experience more frequent times of being alone in their room or engaged in one-on-one programming, when they cannot engage in programming with male detainees. Under these circumstances, each instance must be reported as restrictive housing as there is no exception under the Ordinance for the single female detainee situation. As with other operational or individual needs for one-on-one programming which are not excluded under the definition of restrictive housing, the lack of an exception for lone female detainees perpetuates a sense among some officers and staff that issues involved with restrictive housing reduction are being over-simplified.

B. Adult Divisions - KCCF and MRJC: Tracking Restrictive Housing

The DAJD Adult Divisions use a different process for tracking restrictive housing for AAOs. First, KCCF and MRJC use a system of publishing daily lists of AAOs, including those who initially were detained at YSC and transferred to an adult facility after turning 18 and those who are 18 through 24 years old and returning to detention for a probation or parole violation related to a juvenile offense. The daily lists also provide booking information, jail location, and other brief details about the detainee and the lists are distributed to supervisors and managers at the adult facilities.

If an AAO is placed in restrictive housing, an AAO Restrictive Housing Monitoring Checklist (AAO Checklist) is used for documentation. Similar to the form used by YSC for restrictive housing, the AAO Checklist has space to indicate the date, time, and security issue for placing an AAO in a Cool Down, not to exceed two hours. If the AAO's status changes to restrictive housing, the date, time, and reason for placement is to be entered on the form, and a Sergeant and Shift Commander must be consulted, with an immediate request for a medical evaluation from Jail Health Services (JHS) and a psychiatric evaluation, if necessary. The form states that restrictive housing must be in response to behavior that creates a risk of imminent and significant physical harm and has a space to indicate the reasons for placement and uses a key that includes threats to staff, threats towards others, physically aggressive, and destructive behavior.

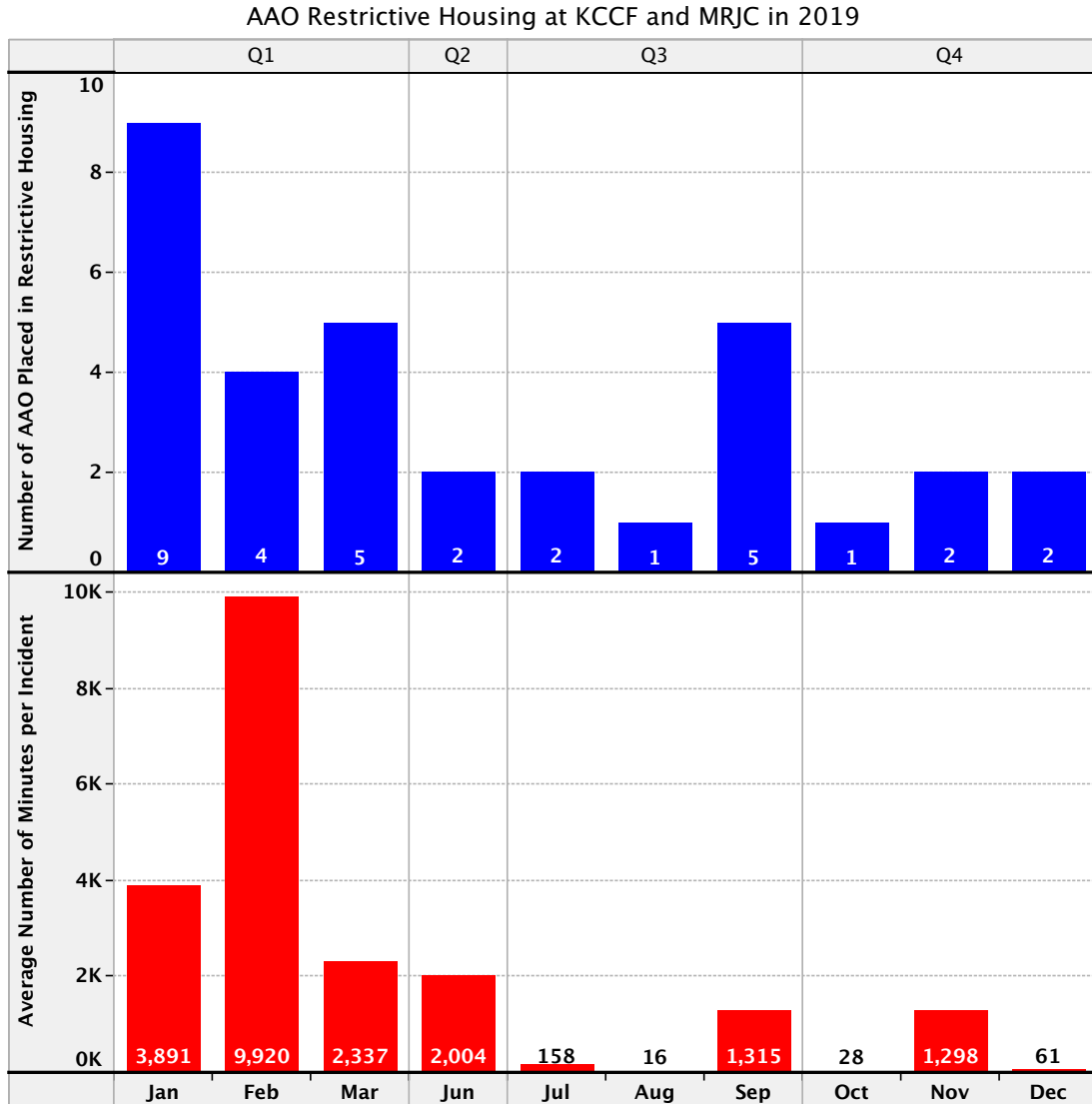
A chart is used to note time for entry into restrictive housing and all required checks, along with columns to indicate whether the AAO presents a continued risk, the time of the medical assessment (which is required daily) and any psychiatric evaluation, which is required after eight hours of restrictive housing. If the AAO remains in restrictive housing for 16 hours, the AAO Checklist requires that the duty

Sergeant, JHS, and Classification Staff must consult to develop a Behavioral Management Plan.

In comparison to the Juvenile Division, adult facilities have relatively few instances of restrictive housing for AAOs. AAOs comprise a very small percentage of the overall adult facility detainee population and only a subsection of this group experience restrictive housing. However, it is important to recognize that KCCF and MRJC have difficulty tracking all of the AAOs who are booked on parole or probation violations. Usually, these individuals are arrested for other charges in addition to violation of parole/probation. If they are charged with new crimes committed after turning 18 years of age, they do not fall under the Ordinance. However, if they end up only being charged with a parole/probation violation involving an earlier juvenile offense, they meet the Ordinance and policy definition of AAO. This uncertain and changing status makes it difficult to determine whether there are AAOs in the adult facilities who are placed in restrictive housing without the protections afforded youth and AAOs in DAJD. This is an issue that will be studied more thoroughly during the monitoring team's second reporting period, January – June 2020.

The monitoring team was informed that an unintended consequence of the Ordinance and DAJD Adult Divisions policy on restrictive housing is that some AAOs are used by regular adult detainees to engage in activities outside the rules, such as fighting on behalf of the adult detainee, because they know the AAO will not be subject to the same sort of discipline, including disciplinary restrictive housing, as the adult detainee would face. It is not clear how pervasive a problem this is at KCCF or MRJC, but this is another area that will be explored further in the January – June 2020 reporting period.

4.1 Restrictive Housing in DAJD Adult Divisions – 2019 Number of Instances and Average Number of Minutes Involving Adult Age Outs (AAOs)



As graph 4.1 illustrates, instances of AAOs placed in restrictive housing at DAJD adult facilities declined significantly between 1st quarter and 4th quarter 2019, similar to what was observed in the Juvenile Division. Also, AAO instances of restrictive housing involved, on average, much less time by the 4th quarter. Though the data is not presented in the graph, the most common reason for placing an AAO in restrictive housing is for an assault. An AAO threat to staff was listed as the reason for restrictive housing only one time in 2019, as compared to the more frequent youth threats to staff provided as reasoning for restrictive housing in the juvenile facility. See table 1.3.

C. Observations and Recommendations on Restrictive Housing
Data Tracking: July – December 2019

The monitoring team offers the following observations and recommendations concerning the tracking of restrictive housing data:

- New codes were added to the Youth Accountability Checklist on the recommendation of the prior monitor, in an effort to more specifically identify the range of youth activities and programs, along with whether a youth was placed in Time Out, a Cool Down, or Restrictive Housing. However, DAJD should consider whether the current list of 21 codes is so detailed that it creates confusion for Juvenile Division JDOs.
- The Restrictive Housing Assessment Checklist used at YSC is somewhat confusing, though includes space for all of the different levels of review. It would be useful to include a bar graph or some other visual representation of the review steps involved, similar to that developed for the Adult Divisions. The Juvenile Division's checklist requirement for medical and mental health professional assessments do not provide space for an explanation or comment, and it's not clear what information they are provided about the need for restrictive housing. 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 (separate from the recommendation below for development of a plan to help the youth reintegrate into the general population).
- 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. For example, instead of a simple statement that the youth threatened to assault a peer, the rationale might state an assault appeared imminent and significant based on observations of the youth's physical stance, proximity to the peer, and initial actions towards the peer, all of which should be specifically described. Often greater detail is available in supporting documentation in the Juvenile Division, but should be explicitly included on restrictive housing checklists, as other documentation is not necessarily readily available or considered by those conducting reviews and assessments.¹⁸

¹⁸ Without this level of detail, it can sometimes appear as if the restrictive housing placement is a disciplinary action, which is prohibited by DAJD policy, Ordinance 18637, and JDAI standards.

- 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. For example, if it is determined that a particular restorative approach is appropriate, but the youth has refused to participate, a plan for reintroducing the approach should be made or an alternative approach considered. Similarly, if the youth had been experiencing gains through counseling, there might be a plan to bring in the mental health professional working with the youth earlier than mandated by policy, assuming availability. 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.
- If a youth is placed in restrictive housing, data is tracked as to whether the move was preceded by a Cool Down. However, Cool Down coding data is not collected otherwise on the frequency and length of Cool Down periods that did not lead to restrictive housing. 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. Collecting more data on the length of Cool Downs might also inform policy as to whether two hours is longer than generally necessary for youth to self-regulate and the two-hour limit could be reduced.
- While the Juvenile and Adult Divisions policies provide exceptions for youth or AAOs who are voluntarily in their rooms, the Ordinance does not exempt those voluntarily in rooms. JDAI standards define restrictive housing based on the **involuntary** placement of youth in a cell or room alone in response to behavior that threatens immediate harm to the youth or others. Where youth voluntarily wish to spend time in their room to rest or for other purposes (e.g., they have received bad news regarding their court case and desire time alone to process feelings), and there is no trend of consistently avoiding school or programming activities, youth should be allowed to occasionally voluntarily choose to stay in their room for short periods of time. It is recommended that DAJD explore the feasibility of advocating this perspective with the King County Council and stakeholders.

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

The prior monitor indicated in earlier reports that YSC juvenile detainees indicated they had access to health and mental health professionals, probation officers, attorneys, and visitors. While finding that YSC's programming and educational services generally met or exceeded JDAI standards, the monitor was critical of access to programming and education for AAOs transferred to KCCF and RJC.

The monitoring team met with the Juvenile Division educational staff and internal and external program providers, along with a representative of the defense bar. There was no indication from the providers' perspective that youth access to these services was a concern. As one staff person commented, access to attorneys, probation counselors, and other resources help facilitate case processing and the goal of moving youth out of detention. Though the monitoring team was not able to scan Youth Accountability Checklists to analyze the data with OCR software, reviewing the Checklists during the evaluation of restrictive housing documentation allowed for an informal observation that youth regularly were coded as participating in programming activities and having meetings with visitors and legal counsel. Once the JMS is operational, it will be useful to track activities for individual youth and overall.

Both in-house and contract service providers spoke enthusiastically about their work with youth at YSC. Each person interviewed spoke about ways their program contributes to the well being of youth detained at YSC, whether through recreational opportunities, by supporting the mental health needs of youth, or by expanding skills, career perspectives, and job opportunities once released from detention.

Though adult facilities reportedly provide AAOs access to education and programs in accordance with state law, the prior monitor made a recommendation to improve the variety and volume of programming to reflect adolescent development and national standards. This was a recommendation that DAJD initially prioritized, though more recently concluded, "It is DAJD's assessment that providing similar programming and services to the adult age-out population currently housed in adult facilities would require substantial investments in new or expanded facilities and staff."¹⁹ During the January - June 2020 monitoring period, the monitoring team will review more specific information about programs and educational

¹⁹ Report of Changes to Detention Policies, Procedures, and Practices Consistent with Ordinance 18637 - December 2019; p. 10.

opportunities for AAOs in the adult facilities in order to better understand and report on what is available and any challenges involved with expansion.

V. PROCEDURES FOR TRANSFERRING AAOS TO ADULT FACILITIES

When a youth turns 18 years old, they are transferred to one of the two King County adult detention facilities, KCCF or MRJC. Restrictive housing mandates under Ordinance 18637 apply to such youth, who are referred to as Adult Age Outs (AAOs). The prior monitor made a number of recommendations related to the transfer process that appear to have been implemented by DAJD, including:

- Develop a consistent trauma-informed approach for the transfer of youth from YSC to an adult facility.
- At least a week prior to the move from YS to an adult facility, a CO should meet face-to-face with the youth and family.
- Transmit basic information from YSC to the adult facility to help inform classification assignments.
- Provide a copy of the adult facility handbook and review facility rules.
- Provide any necessary/appropriate mental health services during transfer from YSC to the adult facility.²⁰

DAJD Adult Divisions Policy 6.03.011 (approved April 30, 2019) addresses issues related to restrictive housing of AAOs, AAO booking/transfer procedures, and Adult Division Sergeant responsibilities when an AAO is transferred from the Juvenile Division, and takes into account the prior monitor's recommendations. Policy 6.03.011 provides, "In order to build a rapport, and ease the transition with the AAO transferring into the Adult Division, while reducing fear and anxiety in the AAO," the Adult Division Sergeant, among other requirements, is to meet with the AAO face-to-face prior to transfer to discuss topics related to the transition.²¹

A transition meeting with an Adult Divisions Sergeant, YSC staff member, and a youth turning 18 later the same week was observed by a monitoring team member. Based on information reported, a psychologist from the Adult Division met with the youth privately prior to the transition meeting to address mental health concerns and help coordinate services after the transfer. The youth requested that a specific

²⁰ "Monitoring King County Facilities under Ordinance 18637: A Report to the King County Executive," January 2019; p. 13.

²¹ Though the prior monitor recommended that the transition meeting occur at least a week prior to the move, scheduling conflicts often result in the meeting being arranged with limited notice to the youth and Juvenile Division and within days of the youth's transfer.

YSC staff member and probation counselor attend the transition meeting, though apparently the probation counselor was not available. Also, it was reported that several days before the transition meeting, the YSC staff member provided the youth with a copy of the Inmate Information Handbook to read and so that any questions could be raised at the meeting.

The transition meeting addressed the various topics identified in Policy 6.03.011. For example, information was provided about the daily schedule; recreation; housing; the commissary schedule; the process of making requests for information, medical/dental services, or to attend jail programs (using different colored forms called "kites"); what to do if there is a medical emergency, if feeling suicidal, or if bullied; the discipline and grievance process; and, other procedural issues. The Sergeant explained how to respond if there is an emergency code and noted that failure to follow instructions can result in use of force (pepper spray through lethal). The youth was asked about their support network and indicated a preference for going to the MRJC because it would be easier for family to continue visiting there. Because the youth does not have a trial date or upcoming court appearance, they were told it could be more likely placement will at least start out at KCCF, though was advised to raise the issue during classification. The visiting schedule and video chat option were explained.

The youth was asked about their educational history, interest in continuing towards a high school diploma or GED, and ultimate career focus. The youth was told that a teacher from YSC would coordinate with teaching staff at the adult facility, the Sergeant stressed, "Schooling is important," and advice was given on how to maximize educational opportunities after transfer. The youth acknowledged a gang affiliation and was advised to be truthful about it when classified. The youth asked questions and appeared engaged in the discussion throughout the process. The Adult Division Sergeant suggested that the youth request a meeting with the Sergeant if there were questions or concerns once transferred. The youth agreed to meet with the monitoring team a month or two after the transfer to share their experience as an AAO in an Adult Divisions facility.

DAJD identified two other recommendations related to AAO transfers from the prior monitor's reports that it intends to pursue, both of which still need to be developed:

- It was recommended that DAJD determine how privileges and points earned at YSC could be transferred to the jail (to cover phone calls, commissary purchases, etc.). The Juvenile and Adult Divisions must work together to explore the feasibility of a program allowing for the transfer of incentives and privileges and DAJD has not prioritized the issue in light of other changes

in progress. The Juvenile Division has identified two people responsible for overseeing implementation of this recommendation, though DAJD should name one or two individuals from the Adult Division to work with those from the Juvenile Division. It is also recommended that DAJD set target start and completion dates for the team working on this issue.

- The prior monitor recommended that a youth's family be invited to attend the face-to-face meeting that takes place prior to the youth turning 18 and transferring as an AAO to an adult facility. Juvenile Division staff involved in the transition process indicated interest in exploring the option and suggested rooms in the YSC that could accommodate a larger group. Though information concerning a youth who will be turning 18 is provided to the Adult Division well in advance of any transfer, often the transition meeting is not scheduled in enough time to include family and often has been held first thing in the morning, not necessarily a convenient time for family members. It is recommended that DAJD appoint individuals from both Adult and Juvenile Divisions to explore how family members might more readily be accommodated in the transition process, and set target dates for starting and completing a review of the issue.

VI. IMPLEMENTATION OF RECOMMENDATIONS FROM THE PRIOR MONITOR'S REPORTS

In addition to recommendations made by the prior monitor that are discussed in several sections above, the monitoring team requested a status update on recommendations prioritized for implementation by DAJD. In the following list, a summary statement of the recommendation is underlined and followed by DAJD's status report:

- Collaborate with King County Court to improve case processing times: DAJD reports that case processing has been evaluated on multiple occasions, is a core JDAI strategy, and will continue to be a component of discussions related to juvenile justice reform.
- Develop reporting abilities that are consistent between YSC and the adult facilities: The Adult and Juvenile Divisions have implemented documentation processes that are similar yet align with each Divisions' operational and technological tools. The implementation of the new Jail Management System (JMS) will result in increasingly similar reporting abilities across Divisions.
- Develop a division-wide evaluation framework and designate someone to review and report on behalf of DAJD: Analysts from the Juvenile and Adult

Divisions communicate and collaborate on the development of aggregate reports.

- Review at least one established evaluation framework (such as PbS): The Juvenile Division evaluated the potential impact of joining the Performance Based Strategy (PbS) data network. Following discussion with representatives from PbS, and other leaders in the field of juvenile justice, the Division has determined that many benefits of joining PbS are already produced through other avenues (such as JDAI). There is a significant financial burden to join an additional initiative.
- Determine implementation date for total elimination of Program Modifications (PMs): Program Modifications were eliminated with the start of the full Behavior Management System (BMS) in May 2019.
- Continue to track PMs monthly: A data collection process is in place and reporting capabilities will improve once the JMS project is launched.
- Provide staff training on managing youth behavior using prevention and alternative approaches: The updated BMS that was fully implemented in May 2019 includes a behavior response progression tool to implement the progressive response model and staff were trained in alternative approaches to managing youth behavior. Additionally, a team of Juvenile Division staff attended Collaborative Problem Solving training in January 2019. The Juvenile Division is currently assessing its 2020 training plan that will expand upon staff trainings in trauma-informed care and adolescent brain science.
- Incentivize staff behavior when alternatives to PMs are used appropriately: Supervisors provide constructive and positive feedback to staff who are engaging with youth and responding to youth behaviors. There is a need to continue to formalize this process and explore what could be considered incentives for staff.
- Track staff utilization of PMs and review staff performance. Correct staff behavior when necessary: BMS documentation is frequently reviewed and staff members are provided timely feedback and opportunities for coaching in order to improve performance. Staff names are included in the behavior response data collection process, allowing for the analysis of behavior tool utilization by individual staff members.
- Establish a formal process to assess whether or not a youth can safely rejoin general programming: Policy establishes the process by which supervisors, medical and mental health professionals, and others assess whether or not a youth can reintegrate with the general population. The Restrictive Housing

Assessment Checklist lists each staff role involved and milestones for each assessment.

- Consider the implementation of more targeted behavioral health and psycho-educational groups: The Juvenile Division Director reported that, in partnership with the Department of Health, a program manager will be hired to serve as the liaison between DAJD and Public Health in the adoption of a public health framework within the juvenile detention facility.
- Complete a full JDAI facility assessment: King County is a JDAI site and has previously completed full JDAI assessments. As JDAI assessments are time intensive and require significant investment from community partners, system stakeholders, and internal staff, the need for another assessment will be re-evaluated after the transition to the Children and Family Justice Center.

Where implementation of recommendations is still in progress, DAJD has identified target dates, the staff person(s) responsible for overseeing consideration of each recommendation, and whether review is Division specific or entails collaboration between Divisions. The monitoring team will follow up on the status of each pending recommendation during the January – June 2020 reporting period.

VII. FINAL OBSERVATIONS AND RECOMMENDATIONS FOR JULY – DECEMBER 2019 REPORTING PERIOD

It is important to note that during this period of review, the DAJD was undergoing multiple organizational transitions, while also continuing to move through the process of implementing Ordinance 18637. The DAJD Juvenile Division had an Interim Director for approximately nine months until December 1, 2019, when Allen Nance was appointed the permanent position. Also, during the third and fourth quarters of 2019, 14 new Juvenile Detention Officers (JDOs) were hired, representing nearly 20% of all JDOs. The Department's preparations for moving into the new juvenile detention facility accelerated during the monitoring period, particularly towards the end of 2019. Some managerial staff devoted significant time to overseeing final preparations for the move and training of all Division staff on the CFJC facility security system and other operational features. Despite all of this change in the Juvenile Division during the six-month reviewing period, DAJD continued to take significant steps in implementing the Ordinance and make other improvements to a system of trauma-informed care for detained youth in all of its facilities.

While recognizing there are on-going transitions, challenges, and priorities for DAJD, the monitoring team makes the following observations and recommendations for the Department's consideration:

- After spending six months reviewing the status of the new Behavior Management System (BMS) and restrictive housing at YSC, it appears that many treat the BMS as a process completely separate from restrictive housing as a potentially necessary, though not preferred, response to problematic behavior. The Behavior Response form lists a variety of types of behaviors that would call for different levels of response, from a low level loss of an incentive to moving the youth to Restoration Hall for an increasing number of programming periods at Level 4. Examples of behaviors listed at Level 4 include arson, physical assault, and major breach of security, all of which are behaviors that could create a risk of imminent and significant physical harm to support a decision to place an offending youth in restrictive housing. Again, though the restrictive housing option is not preferred, it may be the most appropriate response in some circumstances. Similarly, the Restrictive Housing Assessment Checklist does not list any less restrictive alternatives other than the Cool Down. Review of documentation often established that a series of other steps were taken with a youth, including trying to engage them in restorative practices, but those efforts are not readily available on the Assessment Form for consideration by those conducting reviews and assessments. An explicit integration of restrictive housing into the larger BMS system would more accurately reflect behavior response practices in use at YSC.
- While the monitoring process confirmed that DAJD has developed policies and procedures to record, review, analyze and track instances of restrictive housing, with the assistance of dedicated data analysts, there are limited resources available to provide a similar level of support for analyzing responses to problematic behavior under the new Behavior Management System. Behavior Response forms are collected and collated, but could be evaluated more thoroughly as a means to understand how the new system is working. Because of obligations under the Ordinance and the settlement of the Columbia Legal Services lawsuit related to restrictive housing, DAJD understandably is focused on analyzing restrictive housing incidents to ensure they meet legal and policy expectations. However, the organization would greatly benefit from the opportunity to learn more about how the BMS and various restorative practices are working as an alternative to restrictive housing in the face of problematic behavior. Developing ways to measure the impacts of the program also would be responsive to criticism from the Guild

about restorative practices and help foster culture change. Regardless of whether there is a more formal integration of restrictive housing in the behavior system, it is advised that the DAJD seek ways to do more data analysis of alternative behavior responses.

- 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.²² For example, in the Juvenile Division, where youth are legally required to attend school, there is on-going dialogue (discussed above in Section II.B.) about how to motivate those who do not attend school regularly outside of detention and resist attending while inside. If DAJD adopted a central mission to foster education and personal growth of youth detained in its facilities, the restrictive housing policies and procedures for furthering behavior management would be grounded in how they serve to educate youth. While skills building (educational) exercises are included in BMS restorative practices, the Juvenile Division would need to articulate how restrictive housing serves the education process. If there was a requirement to create an exit plan or behavior contract for any youth held in restrictive housing, the educational opportunities involved might become more apparent. Again, using youth education as a central principle is only one option if DAJD moves in the direction of identifying an approach that connects all policies and practices, including those involving restrictive housing.

VIII. AREAS OF MONITORING FOCUS DURING SECOND REPORTING PERIOD: JANUARY – JUNE 2020

During the January - June reporting period, the monitoring team will continue to evaluate the use of restrictive housing, access to education and programming, access to the defense bar, probation counselors, and social services, and implementation of the prior monitor's prioritized recommendations at all three DAJD detention facilities. However, as stated previously, the team will devote more time than was possible during the initial reporting period in evaluating these issues for AAOs at the KCCF and MRJC facilities. After the move to CFJC, the monitoring team also will consider how procedures and operations in the new juvenile facility compare to those discussed in this report.

²² This is an approach discussed in more detail in the June 2019 "Not In Isolation" report. See discussion in the Introduction.

In continuing with the work of monitoring, the team also is interested in exploring:

- Ways to study the behavior resulting in restrictive housing aside from how it is documented. For example, a review of a sample of video recordings capturing events leading up to the decision to place a youth on a Cool Down or into restrictive housing might better demonstrate factors contributing to the decision. While audio is not available and this might limit analysis of behavior responses other than confinement, sample video recordings could still provide an initial basis for understanding alternative approaches. Study of select videos also might provide opportunities for scenario-based training and a means to recognize staff demonstrating effective handling of challenging behaviors.
- How the staff review and assessment process unfolds in addition to how it is documented. While continuing to review all documentation related to restrictive housing, the monitoring team plans to observe and/or interview the range of staff involved in a sample of specific instances, to better understand and report on the various perspectives and contributions made by staff in different roles over time, regarding the decision as to whether or not a youth should remain in restrictive housing.
- Whether it would be useful to convene a panel of experts on restorative practices to help the Juvenile Division further develop and assess approaches being used in the context of the new Behavior Management System. The program benefited from outside expertise when first formulated and as DAJD approaches the one-year mark since BMS was implemented, it would be a good time for an assessment.
- Whether the issue of suicidal youth detained in DAJD facilities is of enough concern to explore consideration of adopting JDAI's standards for this population.
- As more data is available for analysis, whether the new Behavior Management System has changed the frequency and level of use of force and staff injuries.

In conclusion, the monitoring team appreciates the opportunity to work with DAJD as it continues in its efforts to reduce restrictive housing and implement trauma-informed youth detention practices.

Appendix A

KING COUNTY DEPARTMENT OF ADULT AND JUVENILE DETENTION INDEPENDENT MONITORING TEAM REPORT IMPLEMENTATION OF ORDINANCE 18637 - RESTRICTIVE HOUSING JULY 1, 2019 - DECEMBER 31, 2019 SUMMARY OF RECOMMENDATIONS

The following is a summary of the recommendations made by the independent monitoring team, highlighted and discussed in more detail in the July - December 2019 report:

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.
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.
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.
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.
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.

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.
 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.
 8. Ordinance 18637's prohibitions on restrictive housing apply when a juvenile is voluntarily or involuntarily in their room. Standards under the Juvenile Detention Alternative Initiative define restrictive housing based on the **involuntary** placement of youth in a cell or room alone in response to behavior that threatens immediate harm to the youth or others. It is recommended that DAJD explore the feasibility of advocating this perspective with the King County Council and stakeholders.
 9. As the DAJD considers the prior monitor's recommendation to determine how privileges and points earned at YSC 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.
 10. 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 a juvenile turns 18 and is transferred to an adult facility, and set target start and completion dates for the review.
 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.
 12. To the extent current resource 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.
 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.
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