

# King County Juvenile Justice System Assessment

“For these are all our children, we will all profit by or pay for what they become.”

— James Baldwin

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## Introduction

This System Assessment was initiated by the King County Executive, County Council and Superior Court to “re-start” the Juvenile Detention Alternatives Initiative (JDAI) to:

- Decrease the over-representation of youth of color in the King County Juvenile Justice System
- Reduce unnecessary youth incarceration consistent with public safety and liability interests
- Promote the use of community-based alternative programs in lieu of secure detention

The purpose of this report is to describe how King County’s juvenile justice system currently functions and to provide leaders and stakeholders within the formal juvenile justice system and in the community a set of recommendations. If implemented, these recommendations will further reduce reliance on incarceration, increase use of alternatives, speed case processing and make the system fairer and more equitable for all youth. King County has stated “when we identify opportunities to take immediate action that will prevent even one youth of color from going to detention when an alternative would be better, we commit to taking immediate action on those items” (Race and Social Justice Action Plan Interim Report 2015, page 10).

King County Juvenile Court began implementing JDAI strategies in 1998 and became a formal JDAI site in 2004 joining nine other WA State jurisdictions. In spite of safely and significantly reducing the detention population by 70% from an average of 200 youth per day to 60 per day currently (one of the lowest incarceration rates in the nation) the percentage of youth of color over-representation is increasing in law enforcement referrals, prosecutor filings and detention average daily population. To date, no juvenile court in America has been able to both reduce the number of youth and the percentage of youth of color incarcerated. There are significantly fewer youth of color incarcerated today, but the percentage of youth of color at referral, filing and detention, compared to the general youth population, has been increasing.

2014	General Population	Referred by Police	Filled by Prosecutor	Detention Population
White	57.4%	35.3%	24.8%	24.3%
Black	9.8%	42.1%	50.1%	50.7%
Asian	18.0%	7.0%	6.4%	4.8%
Hispanic	13.8%	10.8%	14.0%	13.1%
Native American	1.0%	3.1%	4.5%	7.0%

Other juvenile courts that have been long-term JDAI sites and have made significant progress, but lost their focus through leadership changes and shifting priorities have benefited by re-starting JDAI to make deeper and more productive system improvements. This JDAI System Assessment is intended to reinvigorate the momentum and renew the focus of the King County juvenile justice system through a specific plan that emphasizes fully implementing JDAI strategies.

King County is undergoing many leadership transitions at the Juvenile Court; the long-serving Juvenile Court Director and two Managers retired. A new Juvenile Court Director and Probation Manager have been hired and one Manager Position is vacant. Leadership transitions have the potential to interfere with organizations pursuing system improvements, yet transitions can offer opportunities to re-evaluate current operations and create new vision and enthusiasm.

The recommendations of this report, related technical assistance from the Burns Institute and the Annie E. Casey Foundation, local resources and national best practices should be combined to create a work plan that will guide the implementation of improvements and result in substantially fewer youth admitted to detention, reduced time in detention for youth needing to be incarcerated for public safety reasons, and to redirect resources to address the over-representation of youth of color in the juvenile justice system.

King County is launching a concurrent effort through the Juvenile Justice Equity Steering Committee to better understand and address the underlying and complex causes that contribute to youth of color entering the juvenile justice system at a disproportionate rate. This report focuses on adopting new policies and practices within the Juvenile Court to further reduce use of detention and decrease the over-representation of youth of color in detention. Both approaches (system and community reforms) are important and should support each other.

Liability concerns will need to be resolved in order to make progress in continuing to reduce incarceration and Youth of Color over-representation. Solutions that reduce King County's liability exposure and allow for the recommendations in this report need to be explored.

## Assessment Methodology

The JDAI System Assessment process is designed to evaluate how well JDAI's best practices have been implemented, and to identify adjustments and improvements that could have significant impacts in achieving better outcomes. The system assessment team comprised of national and state JDAI consultants as well as local leaders, analyzed outcome data and policies, conducted interviews with a wide-range of system and community stakeholders to better understand the philosophy, practice and culture of King County's juvenile justice system, and compiled this summary report with recommendations using the JDAI system assessment tool.

The report is organized based upon the eight strategies of JDAI and provides observations, analyses and recommendations meant to assist King County in achieving a fair and effective juvenile justice system.

- **COLLABORATION** - system & community stakeholders develop trust, a shared vision and agree to work together to effectively implement JDAI philosophy & strategies to reduce unnecessary incarceration and racial and ethnic disparities.
- **DATA-DRIVEN** – data is analyzed to inform policy & practice revisions and to monitor progress that is shared with all stakeholders regularly.
- **OBJECTIVE DETENTION POLICIES** – stakeholders agree on the purpose for detention and use an objective detention risk assessment to guide detention admission/release decisions that ensure consistency/fairness for all youth while maintaining public safety.
- **ALTERNATIVES TO INCARCERATION** – a comprehensive continuum of alternatives to incarceration is developed that allow youth to safely remain in the community while waiting court proceedings and to constructively respond to violations of court orders.
- **EXPEDITE CASE PROCESSING** – stakeholders adopt new methods to expedite cases through the court process, consistent with due process, to avoid unnecessary delays and long stay in detention.
- **PROBATION VIOLATIONS & WARRANT REDUCTION** – reduce use of detention by adopting new practices and policies that hold youth accountable and offer skill-building and services to help youth achieve success on probation and to improve appearing for court hearings which decreases the need for warrants.
- **REDUCING RACIAL & ETHNIC DISPARITIES** – stakeholders are committed to policies and practices that are fair and equitable for all youth by continually evaluating progress in reducing racial and ethnic disparities in the juvenile justice system.
- **IMPROVE CONDITIONS OF CONFINEMENT** – the highest standards are maintained in the operation of detention facilities for youth that need to be incarcerated. On-going inspections of the facility are conducted and needed improvements to facility or policies occur as necessary.

## Reducing Racial and Ethnic Disparities

While there are many factors beyond the scope of the juvenile justice system that influences the disparate detention rates for youth of color; the decisions to arrest, charge and detain remain significant entry points into deeper penetration into the system. Other system-related causes of disparities include youth of color having lower access to and completion of diversion, long stays in detention due to slow case processing, high failure to appear at court hearings leading to warrants and probation policies and practices that rely on use of detention.

A fundamental principle of equity is that system stakeholders take responsibility to actively address racial/ethnic disparities and disproportionality over those decision points within the juvenile justice system for which they are accountable and have control. Structural racism has a long history within the juvenile justice system and it is imperative that policies and practices that negatively impact youth of color be identified and reformed with urgency (Bell et al 2015; Holman & Ziedenberg). There is a perception that youth of color are more delinquent and dangerous when compared to White youth which has resulted in harsher punishments for youth of color, the effects of this unfair treatment has lasting detrimental effects on the immediate and long term well-being of these young people (Alexander 2012, Bell et al 2015; Holman & Ziedenberg 2006).

Nationally, jurisdictions intent on reducing use of detention have also seen the percentage of youth of color in detention increase, mirroring what has happened in King County. Reducing the detention population by 70% and having one of the lowest rates of detention in the country are successes worth acknowledging, but the work of reducing racial and ethnic disparities is much more difficult and will require a strong commitment from all stakeholders and the use of many different approaches both within the formal juvenile justice system and also in the community.

Efforts to reduce racial and ethnic disparities are very complex and it is important to understand that improving one outcome measurement may move another in an undesired direction. For example, because most youth in detention are youth of color (75%) implementing these recommendations is likely to significantly reduce the number of youth of color incarcerated but may also increase the percentage of youth of color in the detention population creating a difficult position for stakeholders. Safely removing as many youth of color from detention with new policies, practices and programs should be the first order of business. As the number of incarcerated youth of color drops, greater resources can be freed-up and directed to innovative solutions to further reduce the number of youth of color remaining in detention.

**Engaging juvenile justice-involved youth of color in specific programming, run by stakeholders from their own racial and ethnic background(s), and by grass-root, locally administered providers has proven successful in supporting youth of color and their families in navigating probation, reducing recidivism and increasing positive life outcomes.**

### Observations:

- All stakeholders interviewed agreed that increasing racial and ethnic disparities are a significant problem in the King County juvenile justice system, particularly for African American youth.
- Sufficient data is available to identify where disparities for African American youth occur within the juvenile justice system. African American youth represent 9.8% of King County's youth population but represents 42.1% of law enforcement referrals, 50.2% of filings and 50.7% of the detention population.

- There have been considerable objections from community advocacy groups opposing the building of a new juvenile detention facility because of a belief this will lead to youth of color continuing to be locked up at disproportionate rates and better results would be achieved if the construction funding were directed to programs and services for youth in the community.
- The workforce composition of the juvenile justice system and agencies contracted with to provide programming do not reflect the youth and families that are served and some stakeholders indicated there is a “racial divide” and lack of understanding of underlying racial and ethnic issues that affect how system professionals work with youth and families of color.
- King County has several committees (the DMC Work Group and the recently established Juvenile Justice Equity Steering Committee) to address racial/ethnic equity across the county.

Recommendations:

1. **Create an over-arching and comprehensive racial and equity disparities reduction agenda that directs reforms in both the formal juvenile justice system and in the community.** Identify target populations, collect baseline data, establish goals and describe the policy, practice change or new program that is intended to achieve the desired outcome (for example: reducing the length of stay for youth of color held in detention from an average of X days to Y days by adopting revised detention admission policies and expedited case processing reforms).
2. Rethinking the philosophy and structure of diversion practices is currently under review and should be revised to increase the number of youth referred to and completing diversions. This is critical to reduce youth of color penetrating deeper into the juvenile justice system, being filed on, and to avoid unnecessary detention. WA State Law now allows for up to three diversions, and the system should restructure responses for each diversion so that the response is appropriately measured and informed by evaluation data.

Requirements for youth referred to diversion should be geared for youth to successfully complete and to avoid a formal filing pulling youth deeper into the system. Diversion should move along a continuum from light to moderate to heavier responses and should not exceed the requirements for probation. Examine other informal and formal diversion models like Multnomah County’s structured diversion responses, the Prosecutor’s 180 program and law enforcement diversion programs.

3. **Seek training for Law Enforcement Officers and School Resource Officers to increase skills for interacting with youth, especially youth of color.** Examine multiple trainings including Strategies for Youth, a nationally acclaimed training.
4. **Partner with Schools to increase their ability to deal with discipline issues “in house”.** Coordinate efforts in reducing racial and ethnic disparities and develop agreements that will help the broader system achieve goals related to suspension, expulsion, arrest and graduation rates to increase success for school-aged youth of color. Include school-based stakeholders in reform committees and work groups. Request regular discipline data from schools disproportionately referring youth of color to the juvenile justice system.

Research known as the “school to prison pipeline” identifies a correlation between school suspensions and expulsions with juvenile justice system involvement (Kang-Brown, Trone, Fratello & Daftary-Kapur 2013). Youth not in school are generally unsupervised and more likely to enter the juvenile justice system and be incarcerated. Collaboration with schools to keep youth in school, even during suspensions, or to develop community-based alternatives to supervise youth while they not allowed in school and to continue their academic standings is critical.

5. **Develop a sustainable communications plan to more effectively outreach and partner with community advocates and resources.** Establish a specific juvenile court position(s) to reach out to the community to provide juvenile justice education and outcome data and be the “juvenile justice contact person” for the community. This person(s) should have a direct relationship to the communities overrepresented in the King County juvenile justice system.
6. **Increase the resourcing of locally headquartered culturally specific organizations, run by stakeholders from communities of color to support youth of color and their families.**
  - Use local data to identify key offenses, dynamics, policies and practices contributing to disproportionately (such as Parental Refusal) that result in the unnecessary detention of youth of color. Utilize this information as a road map to identify community-based organizations to engage in providing strategic interventions and services to target populations of youth of color.
  - **Establish standards and evaluate the performance of community-based contracting and procurement processes to allow for non-traditional stakeholders to participate in providing services to youth of color. Provide training to community based organizations so they are clear on partnership requirements.**
  - Examine and consider revisions for programs with low referral and success rates for youth of color.
7. **Increase family engagement. Families currently have very little involvement in juvenile assessments, case planning, service selection, placement decisions or being invited to participate in work groups and committees to reduce racial and ethnic disparities.**
8. Explore hiring practices and trainings to achieve a more culturally competent workforce and to learn how to more effectively work with youth and families of color and the community.
9. **Consider the use of flex hours for staff working with youth and families to more effectively build relationships with and meet the needs of families of color, especially working class families.**

## Collaboration

Collaboration among system and community stakeholders is the starting point for meaningful reform. Stakeholders, who prioritize different goals, do not trust each other or are unwilling to work together will not be able to begin meaningful change or system improvement.

JDAI sites form a governance structure comprised of an Executive-level Steering Committee and Work Groups whose members are key leaders with policy-making authority and typically includes representation from: County Council, Superior Court, Prosecutor, Public Defense, Probation, Detention, Law Enforcement, Schools, Service Providers, Youth & Minority Advocacy Groups, the Faith-based Community and System-Involved Youth and Parents.

A JDAI Coordinator and Data Analyst typically support these committees; they are essential in organizing and coordinating the work of the committees and work groups, scheduling meetings, creating meeting agendas, and analyzing data to inform discussions and measure progress. These functions keep the reform process moving and avoid unnecessary delays.

### Observations:

- Among the stakeholders interviewed, knowledge of JDAI, and the purpose and objectives of detention reform, was generally adequate. Although stakeholders did not necessarily understand the eight strategies of JDAI they did support a philosophy of reducing incarceration consistent with public safety and stakeholders are invested in reducing the over-representation of youth of color in detention. There was no expressed opposition to or lack of support for these views.
- King County and its juvenile justice system are committed to pursuing many system improvement initiatives and have numerous committees and work groups operating, but these efforts do not appear to be well coordinated. Many stakeholders suggested “we meet, we discuss issues, but this often does not lead to significant changes in policy or practice”.
- There appears to be a lack of understanding, communication and trust between system decision-makers (judicial officers, prosecutors, defense, probation, detention, alternative programs). This was also evident with other juvenile justice system stakeholders including law enforcement, service providers, schools, and particularly with the community. King County is a very large and complex jurisdiction which contributes to collaboration challenges.
- The willingness to partner with local organizations involved in juvenile justice advocacy was noted by community and system stakeholders as an important step working toward common purpose, building trust and reducing racial and ethnic disparities. In an environment that asks grassroots organizations of color and juvenile justice practitioners to stretch in new ways, training will be essential to (and accelerate) establishing successful working partnerships to reduce racial and ethnic disparities.

### Recommendations:

1. In order to be successful in implementing improvements, intentional and on-going efforts to bring all stakeholders together and to develop a shared vision and cooperation, must occur.
2. Redevelop or re-align the collaborative governance structure to ensure that interconnected coordination and oversight of juvenile justice policies and reform is an organizational norm. The new collaborative governance structure then should clarify key priorities and goals for King County’s Juvenile Justice System.
3. Recommendations for needed resources and policy revisions should be made to the County Executive and Superior Court Judges.
4. Recruit appropriate membership on the new governance structure to ensure a diverse representation from the system and community.
5. Assign a full time JDAI Coordinator and a full time Data Analyst to be part of the core team to guide improvements and provide support to the committees and work groups.
6. Develop and implement a communications plan that identifies goals, associated activities, timelines, and internal and external communications targets to increase collaboration between system stakeholders and the community and as a mechanism to promote success and progress.

7. Develop a training plan to support the re-start of JDAI. System and Community Stakeholders should understand how the system currently operates; why improvement is necessary, the goals, timelines and their roles. The plan should include:
  - Discussion and planning session for policy-level stakeholders to review and discuss the recommendations of this assessment and develop a shared vision and commitment to “restart” JDAI.
  - Conduct a facilitated Purpose of Detention exercise to update King County’s Guiding Principles for the use of Detention Policy which was last revised in 2009.
  - Build relationships, trust and the ability to address racial and ethnic disparities by training community-based organizations. For example, system stakeholders reported community groups struggle to produce and report data. These data issues have resulted in a “lack of confidence in these programs”, while community members expressed a burden of “unrealistic expectations or feeling a lack of trust to work with our own youth.” Specific training needs include: data and data compliance, geographic information system (GIS) mapping and case studies of jurisdictions that have reduced racial and ethnic disparities.
  - Send teams to a Burns Institute Community Engagement Model Site visit and a JDAI Model Site visit to Multnomah County Juvenile Court (Portland, OR). Model Site visits are excellent methods of training stakeholders in learning how to implement strategies to reduce racial and ethnic disparities and to achieve better outcomes.

## Using Data

JDAI is a data driven initiative, which means data is used to inform changes in and the development of policies and practices as well as system management. Meaningful dialog and commitment to improve the juvenile justice system cannot occur without using data for stakeholders to understand how the “system” currently operates and its outcomes and then to work together to develop goals for improvements and methods to realize those goals.

Effective collaboration brings stakeholders together to begin and sustain the reform process; the use of data provides the context to analyze problems, formulate solutions and measure progress.

### Observations:

- Data strengths include King County being “data rich” in its capacity to quantify what happens to youth in the juvenile justice system (referrals, filings, diversions, detentions, alternatives, probations, warrants, violations, etc.) and the data is disaggregated by age, gender, race/ethnicity, risk level, reason for referral and where youth live.
- Data reports are not shared and analyzed with all stakeholders. System professionals may or may not know outcomes for their unit of operation, and generally do not understand system-wide outcomes. Reports exist that are unknown to many stakeholders. The community seems to have little knowledge of what is happening at the juvenile court or how to ask for information.
- While there is access to general data, there is a need to develop new reporting formats that provide deeper analysis to help stakeholders better understand and address the impact of current policies and practices on youth (for example: the relationship between the detention risk assessment recommendation and the judicial decision to release or detain youth).

- Data resources are stretched too thin. Juvenile Court does not have its own Data Analyst, but relies on Data Analysts from other county departments. Because of multiple demands, Data Analysts cannot provide the needed data support for a comprehensive reform effort.

#### Recommendations:

1. Provide resources to support a full time Data Analyst to Juvenile Court to provide needed outcome reporting, data analysis and research.
2. Utilize race/ethnicity, gender, geography and offense data to identify target populations of youth of color in detention that could be safely served and held accountable in the community. These target populations and related data sets will inform which community members, community-based institutions and interventions are most strategic to engage in working to eliminate racial and ethnic disparities.
3. Establish methods of sharing relevant data with system and community stakeholders and the work groups on a regular basis to better understand outcomes and to cultivate an appetite for using data to lead discussions and make improvements.
4. Develop a mechanism and educate system and community stakeholders on what types of juvenile justice data is available and how to gain access. Confidentiality issues to protect youth-specific information must be in place.
5. Develop a JDAI quality assurance plan that establishes baselines and on-going measurements. JDAI tools like the System Assessment and regular evaluation of detention, detention alternatives, the DRAI and other youth-based outcomes should be part of routine evaluation that whenever possible seek to incorporate youth and parent feedback into program planning, implementation, and evaluation.

## Objective Detention Screening Admissions

A detention risk assessment instrument (DRAI) is the central component of a quality pretrial justice system and is used by counties and states across the country to protect public safety and assist courts in detention release decisions. Utilized properly and in combination with criteria that guides law enforcement, 24/7 screening and release practices, the DRAI objectively measures a youth's risk of failing to appear for court or re-offending prior to adjudication. Seriousness of the offense, offense history, court status and warrant history get scored to produce a recommendation indicating the youth's suitability for release to a guardian without conditions or release with the support of a detention alternative program.

As part of quality assurance and overall public safety strategies, jurisdictions monitor the efficacy of the DRAI, regularly report on failure to appear and re-offense rates of those released, and routinely evaluate whether decisions are fair and consistent for all youth across race, ethnicity and gender.

#### Observations:

- The King County detention admission/release process has several components:
  - Intake criteria inform law enforcement which youth can be transported to detention, which generally includes felony offenses and warrants. Law Enforcement is encouraged to call Detention Screening which operates 24/7 to be sure a youth meets intake criteria prior to transporting.

- The DRAI is administered and scored by detention screening staff, but release decisions are not made at the time of intake. (The DRAI scale is: 0 – 7 Release, 8 – 15 Eligible for Alternative Programs, 16 and above Secure Detention).
- A detention hearing called First Appearance Hearing occurs the next court day (except weekends and holidays) meaning youth must stay in detention from 1 to 4 days awaiting the hearing. The DRAI score and recommendations by the prosecutor, defense, probation and alternative programs staff are considered by the Judicial Officer who makes the final decision of releasing the youth, referring the youth to the Alternative Programs Unit or continuing to detain in secure detention.
- The policy to hold youth in detention who have scored for release is contrary to JDAI principles and the practices of hundreds of jurisdictions across the country that use a DRAI. King County's liability concerns is a contributing factor that require youth to wait in detention from 1 to 4 days to see a judge for a First Appearance Hearing and to be released with judicial immunity protections.
- Some youth are not screened using the DRAI. Youth arrested on warrants are not scored, nor are youth who are held for other agencies. These cases are considered automatic holds and account for approximately 25% of all youth admitted to detention.
- Many stakeholders have little faith in the DRAI and believe additional review by Prosecutors, Defense, Alternative Programs Staff and the Judicial Officer is necessary to make detention admission/release decisions that protect the community. The DRAI is currently being evaluated by an experienced consultant to verify satisfactory re-arrest and FTA rates are achieved with the DRAI.

Recommendations:

1. Establish a Detention Risk Assessment Instrument (DRAI) work group of relevant stakeholders to develop a plan to implement recommendations.
2. Administer a DRAI to every youth admitted to detention including those youth admitted for reasons other than a new offense including warrants and sentenced youth. This would provide more information about these cases such as the reason for detention, risk level, gender, race and ethnicity, and where the youth resides. This information could guide policy changes that may have a positive effect on racial and ethnic disproportionality.
3. Change policies to release youth immediately at screening that score for release on the DRAI and meet established public safety criteria rather than waiting until the First Appearance Hearing by using technology to contact a judicial officer for a release decision or developing a Superior Court order to authorize new release practices.

This policy change will reduce the number of youth detained and the detention average daily population. An analysis using 2014 has been done to attempt to predict the impact of this policy change. If youth scoring "release" on the DRAI had not been detained, the following would have occurred in 2014:

- 635 fewer detention admissions (Youth of Color would have benefited more with 427 fewer admissions compared to 208 for White Youth).
- Decreasing the detention ADP by 6 youth per day from 57.4 to 51.2 (4.12 decrease for Youth of Color compared to 1.83 decrease for White Youth).
- However, these changes will leave a larger proportion/percentage of Youth of Color in detention causing a slight increase in disproportionality (Youth of Color representation would have increased from an average of 75.6% to 76.3% for the year 2014; on any given day, Youth of Color representation could be higher or lower).

As well, the number of First Appearance hearings would also be reduced which would free up time for pre-hearing staffings described in the next recommendation.

4. Implement pre-hearing staffings prior to the First Appearance Hearings where representatives from prosecutor, defense, alternative programs and community providers share information that will confirm options for release and the availability of alternative programs, alert stakeholders to new developments and clearly focus the court on those elements of the case related to pretrial public safety. Recommendations from staffings are presented at the First Appearance Hearings. This practice can significantly reduce the use of detention by providing the court with more accurate, consistently prepared information and can expedite releases from detention and into alternative programs.
5. Build confidence in the DRAI through the evaluation of the instrument for public safety and racial disparity outcomes, analyze the correlation between the DRAI score and judicial decisions and make modifications to the DRAI that address stakeholder concerns.

## Alternatives to Detention

The purpose of detention alternatives is to provide alternative forms of supervision to youth who would otherwise be detained. Alternative to secure detention (ASD) for pre-adjudication youth must ensure that youth appear in court at required hearings and remain arrest free during their release. Post- adjudication detention alternatives are intended to hold youth accountable for violations of court orders, provide increased supervision and to teach skills to help youth be successful while under the court's jurisdiction.

Utilizing alternative programs operated by juvenile justice and community is important because:

- Fewer youth in general and Youth of Color in particular will be incarcerated avoiding the many negative impacts of detention.
- Comparative studies have found that incarcerated youth recidivate at a much higher rate than youth diverted or placed in community programs (Holman & Zeidenber; Mendal 2011).
- Detention removes young people from all the things critically important to healthy psychological development in adolescence – family, peer group, neighborhoods (Steinberg, Cauffman & Mohahan 2015; NRC 2013).
- Youth who are confined are more likely to go deeper into the system compared to non-detained youth (Holman & Zeidenberg).
- Alternatives to detention have a long track record in jurisdictions across America in maintaining public safety.

### Observations:

- Alternatives to Secure Detention (ASD) are under-utilized. ASD is primarily used for pre-adjudicated youth, and much less for post-adjudicated youth (probation violations).
- Alternative programs currently available are Electronic Monitoring, Group Care (4 beds), Work Crew that is available 2 weekends (Saturday & Sunday) per month and Weekend Program that operates on one weekend (Saturday & Sunday) per month. Given the size of King County this is a very limited menu of ASDs compared to other JDAI sites in WA State, particularly for the programs that are available only once or twice per month.
- Alternative programs are operated by the Department of Adult and Juvenile Detention, separate from the Juvenile Court, and the four probation offices. This design presents communication and coordination challenges requiring additional efforts by stakeholders to increase use of alternative programs, particularly for post-adjudication youth.

- Currently all alternative programs are operated by the ASD Unit from a location adjacent the detention facility. There are no alternative programs operated in areas outside downtown Seattle, such as South King County or alternative programs operated by community providers. However, a van provides transportation for youth residing in South King County, as well as , bus tokens, cab fare and reminder calls are provided by Alternatives to Secure Detention staff.
- There is an interest in developing a residential Assessment Center in South King County, but there have been problems siting a facility due to local restrictions.

Recommendations:

1. **Increasing the number of ASD programs operated by the Department of Adult and Juvenile Detention and community providers and the full utilization of ASDs will reduce the number of youth (and Youth of Color in particular) incarcerated and should therefore be a priority and will likely require additional resources.**
2. **Establish a Work Group to redesign alternative programs using a racial equity lens** to:
  - Increase the number of alternative programs and the number of youth served by ASD.
  - Develop alternative programs located where youth of color reside (South King County).
  - Increase data capacity to measure efficacy of alternative programs for youth of color.
  - Develop new alternative programs operated by community providers possibly in conjunction with the four probation offices.
  - Communicate daily program availability to all stakeholders to increase utilization.
  - Conduct regular meetings between ASD, probation and other stakeholders to promote full use of alternative programs.
3. **Identify and resolve barriers to full utilization of alternative programs:**
  - Youth should not be denied access to alternative programs due to inability to meet financial requirements. Continue to use options to ensure youth who do not have a telephone can fully participate in alternative programs.
  - Locate programs proximate to where youth live to increase program participation.
  - Reduce program failures by providing transportation, bus tokens, reminder calls, etc.
  - Ensure programs are culturally appropriate and meet the needs of youth of color by analyzing utilization and failure rates to determine causes of failures and make modifications to encourage success.
  - Conduct surveys with youth to learn if programs could be improved to better meet their needs.
4. **Develop special alternative programs for youth eligible for release but held in detention because their parents refuse to accept custody.** This may include additional levels of intensive supervision, support and services for youth and families from ASD.
5. Continue to explore siting an Assessment Center in South King County. There are two options: residential and non-residential 24/7 programs. Assessment Centers allow law enforcement an alternative to detention for youth not presenting a risk to public safety and can also serve youth who cannot reside at home for a variety of reasons.

## Expediting Case Processing

Reducing unnecessary delays in case processing is essential to limiting lengths of stay in detention, ensuring efficient use of non-secure alternatives, and achieving good failure-to-appear and re-arrest rates. There are specific court processing practices and policies that are directly relevant to detention reform goals, but also serve to establish a culture of efficiency, timeliness and accountability.

### Observations:

- A significant number of youth charged with serious offenses serve longer stays in detention. Of these youth, the majority are youth of color which is a contributing factor to over-representation of youth of color in detention.
- Stakeholders suggested there are a number of reasons for long stays for youth facing serious charges (felony robbery, rape, child molestation, weapons and assault charges):
  - Defense attorneys are working on developing mitigation packages and global resolution (combining all outstanding charges) to reduce the impact of long stays in JRA facilities and juvenile records that could lead to more serious adult sentencing.
  - Some stakeholders indicated a reluctance to have youth serve sentences in a Juvenile Rehabilitation Administration (JRA) facility which is likely to be a contributor to long stays in detention and racial and ethnic disparities.
  - Delays are sometimes the result of waiting for evaluations or placements.
- Reports are available noting youth staying longer than 14 days in detention, but the reports are not circulated to all stakeholders in an effort to identify and expedite stalled cases.
- There is a Court Expeditor in the Alternative Programs Unit, but the position is not utilized to expedite serious cases with long detention stays.
- Weekly in-person review hearings are not required for youth held in the detention facility for 14 days or longer.

### Recommendations:

1. Reducing long stays in detention needs to be a top priority and responsibility for all stakeholders and reforms to reduce the length of stay, particularly for youth of color, should include:
  - Frequent reports to stakeholders identifying all detained cases 14 days and longer.
  - Conducting weekly in-person judicial reviews for all cases longer than 7 days.
  - Reducing continuances with new policies and strong judicial court process management.
  - Using a Court Expeditor to problem-solve and expedite delayed or stalled cases such as long waits for evaluations or placements. Defense client confidentiality concerns will need to be resolved.
2. Defense, Prosecutor, Probation and Judicial Officers should meet to discuss how case processing could be expedited while also meeting the goals of the different professionals. An example would be how reports from law enforcement can be expedited to the Prosecutor to consolidate all pending charges to in turn expedite case resolution.

3. The Case Processing Committee should include the recommendations of this report in its agenda and move recommendations for implementation forward to policymakers quickly.
4. Provide information and make visits to JRA facilities to increase knowledge of services, living conditions, parental visitation, etc. for stakeholders to make informed decisions concerning youth serving long sentences in the King County Detention Facility or JRA facilities.

## Probation Violations and Warrant Reduction

Technical violations of probation and warrants are usually the result of youth breaking rules without posing a risk to public safety. Experience has shown that many of these youth have very complex problems and needs.

Effective population management involves policy and program innovations that safely reduce the presence of these cases in secure detention facilities while holding youth accountable and offering services to help youth better comply with court orders and address problems that bring youth to the juvenile justice system.

### Observations:

- On a typical day, approximately 5-10 youth of the 60 total youth held in detention are detained for probation violations. Given there are 450 youth on probation supervision, this would indicate Probation Counselors are using many other methods of motivating youth to comply with court ordered conditions.
- Alternative programs are rarely used for probation violations as a means of holding youth accountable for probation infractions.
- A Work Group is updating the Probation Violations Response and Incentives Grid used to determine how to respond to probation violations based on risk level and will include using incentives to encourage compliance with court ordered conditions.
- A two-tiered warrant policy is available that allows low-risk youth to avoid being detained for failure to attend a court hearing by rescheduling another hearing date.

### Recommendations:

1. Probation practices should be based on building strong relationships with youth, engaging youth and parents in cooperatively developing the probation plan, addressing the underlying causes that brought the youth to the juvenile justice system and to help the youth achieve success.
2. Review standard court ordered conditions of probation to ensure youth are not being set-up-for-failure with too many requirements or ordered conditions beyond their ability and resources to complete. Judicial Officers, Probation, Prosecutors and Defense should all participate in this review process.
3. Finalize updates to the Probation Violation Response and Incentives Grid to include increased use of alternative programs, services and incentives. Detention should be used as a last resort when a youth's behavior presents a risk to public safety or in rare instances when a youth is a danger to themselves or others and no other options are available. Detention should be used only long enough to reduce the risk to public safety.

4. Continue to reduce the need to issue warrants by improving notification practices such as: addressing language barriers, providing reminder notifications by telephone, texting, in-person by juvenile court staff and using community representatives to communicate with families to avoid failures to appear at court hearings. Identify why youth fail to appear at hearings and develop methods to increase attendance such as solving transportation problems and better education to explain the consequences of a warrant being issued for failure to attend hearings.
5. Where appropriate, use the non-custodial option of the two-tiered warrant process for probation violation of court orders and for low-risk cases.

## Conditions of Confinement

While much of JDAI focuses on reducing unnecessary detention of young people, these reforms would be hollow if systems reduced detention use but continued to hold youth in facilities with poor conditions. Therefore, detention reform also calls for sites to adopt certain core values regarding conditions of confinement for youth who are detained.

One of those values is that children who are detained must be held in conditions that meet constitutional and statutory legal requirements, and professional standards of practice.

JDAI offers jurisdictions a set of “best practice” standards for the safe and humane operation of detention facilities and recommends each facility conduct a self-inspection using these standards every two years by a team comprised of system and community representatives. The inspection process identifies policies, practices and facility conditions needing improvement through a detailed plan.

### Observations:

- The juvenile detention facility is operated by the King County Department of Adult and Juvenile Detention (DAJD) on the grounds adjacent to the Juvenile Court located near downtown Seattle.
- Voters have approved the construction of a new \$210 million detention facility “because the current facility is outdated, unsafe and unfit to continue to house youth”. The new facility will have approximately 50% fewer beds than the current facility, space for community providers, alternative schools, new court rooms and probation offices.
- Given the poor condition of the detention facility, extra care needs to be taken to ensure youth are housed in a safe and humane manner while the new facility is constructed.
- The last Detention Self Inspection occurred in 2010 and subsequent inspections have been put-off due to efforts to plan and design the new facility. Avoiding self-inspections of a detention facility deemed unsafe and inhumane invites poor treatment and confinement conditions for youth and potential liability.

### Recommendations:

1. Establish a team to participate in the JDAI sponsored facilities self-inspection training. The composition of the team and curriculum for training is available in the *Guidelines for the JDAI Self-Inspection: Planning, Conducting and Reporting*. (Accessible at [www.jdaihelpdesk.com](http://www.jdaihelpdesk.com).)
2. No delays should occur in completing the facility self-inspection and a date for completing should be established.

- The findings of the facility self-inspection and recommendations for policy and practice improvements should be developed into a plan to be shared with the County Executive and Council and all stakeholders.

## Stakeholders & Organizations Interviewed

American Friends Service Committee	Representatives
County Council	Dow Constaine, County Executive
Department of Adult and Juvenile Detention	David Gistarb, Supervisor
Department of Adult and Juvenile Detention	Pam Jones, Director of Juvenile Detention and Alternative Programs
Department of Adult and Juvenile Detention	Lisa Hymes-Davis, Supervisor
Department of Public Defense	Elinor Cromwell, Supervisor
Department of Public Defense	Katie Hurley, Supervisor
Eliminating the Prison Industrial Complex	Representatives
Executive's Office	Marcus Stubblefield, Systems Integration Coordinator
Executive's Office	Dave Chapman, Justice Improvement Manager
Executive's Office	Elizabeth Haumann, Data Analyst
Garfield High School	Brad Westering, Vice Principal
Juvenile Court	Dan Baxter, Intake and Diversion Supervisor
Juvenile Court	Lea Ennis, Director of Juvenile Court
Juvenile Court	Crista Johnson, JDAI Coordinator
Juvenile Court	JoeAnne Taylor, Probation Unit Supervisor
Juvenile Court	Mark Wirschem, Manager Juvenile Treatment Services
Juvenile Court	Paul Daniels, Probation Unit Supervisor
Juvenile Court	Staci Delgado, Screening Unit Supervisor
Juvenile Court	Steve Noble, Supervisor Community Programs
Juvenile Court	Melissa Sprague, Probation Unit Supervisor
Kent Youth & Family Services	Mike Heinsch, Executive Director
Mental Health & Chemical Dependency Services	Brad Finegood, Assistant Division Director
Prosecutor's Office - Juvenile	Jimmy Hung, Senior Deputy Prosecuting Attorney
Seattle Police Department	Adrian Diaz, Sergeant
Seattle Women of Color Collective	Representatives
Seattle Young Peoples Project	Representatives
Sheriff's Department	Jim Pugel, Chief Deputy
Superior Court	Susan Craighead, Presiding Judge
Superior Court	Wesley Saint Clair, Chief Juvenile Judge
Superior Court	LeTania Severe, Data Analyst
Superior Court	Paul Sherfey, Chief Administrative Officer
TeamChild	Caedmon Cahill, Attorney
TeamChild	Dave Huneryager, Attorney
TeamChild	Anne Lee, Director
TeamChild	George Yeannakis, Attorney
YMCA Alive and Free Program	Jovi Catena, Senior Director

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Mass Incarceration: The Silence of the Judges

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Re-Examining Juvenile Incarceration

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