

# Juvenile Detention Alternatives Initiative in Washington State

## 2020-2021 Report



**WASHINGTON STATE CENTER  
FOR COURT RESEARCH**

**WASHINGTON STATE  
PARTNERSHIP COUNCIL ON  
JUVENILE JUSTICE**  

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**WA-PCJJ**

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# **Juvenile Detention Alternatives Initiative (JDAI)**

## ***2020-2021 Report***

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Note: results in this report differ from those published in other statewide or local reports due to differences in how admissions are counted. Please see page 2 for more information.

### **Produced by the Washington State Center for Court Research (WSCCR)**

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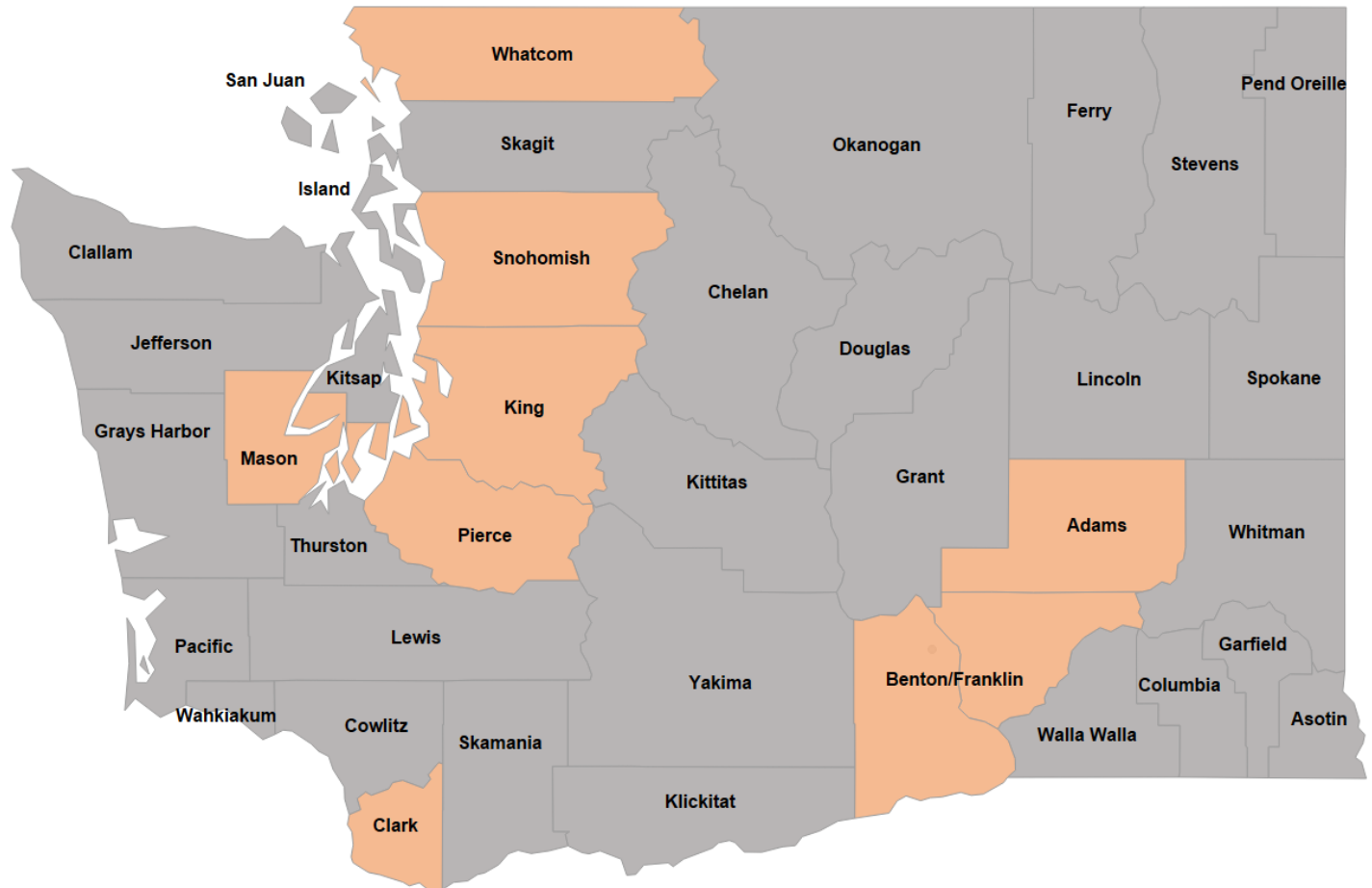
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## Overview of JDAI in Washington State

According to the Annie E. Casey Foundation the Juvenile Detention Alternatives Initiative (JDAI), known as a “change model,” was first piloted in the 1990s in an effort to reduce local jurisdictions’ over-reliance on juvenile detention.<sup>1</sup> JDAI operates in over 300 jurisdictions across the country, and in 2020-2021 eight jurisdictions in Washington State participated (see Figure 1).<sup>2</sup> Many of Washington State’s most populous counties are JDAI sites, and as a result, in 2020 over 66% of Washington State youth lived in a JDAI jurisdiction.

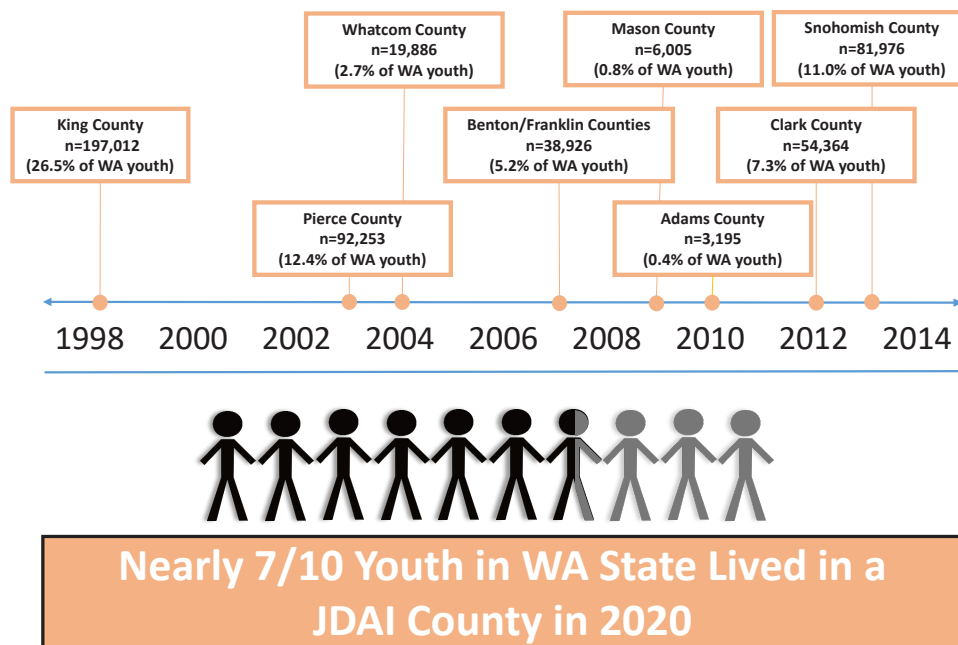
Figure 1. Location of JDAI Sites (in Orange) in Washington State in 2020 and 2021



<sup>1</sup> The Annie E. Casey Foundation. (2017). JDAI at 25: Insights from the Annual Results Reports. Baltimore, MD: The Annie E. Casey Foundation. Retrieved from <https://www.aecf.org/m/resourcedoc/aecf-jdaiat25-2017.pdf>.

<sup>2</sup> Benton/Franklin juvenile court ceased participation in JDAI in late 2021. They are included as a JDAI jurisdiction in this report, but will not be in future reports.

Figure 2. Timeline of JDAI Adoption and Youth Population by Jurisdiction<sup>3</sup>



## The Current Report

This JDAI Report is a product of the Washington State JDAI Data Work Group, a subcommittee of the JDAI Steering Committee comprised of representatives from the Washington State Administrative Office of the Courts (AOC), the Washington State Office of Juvenile Justice (OJJ), and several of the participating JDAI jurisdictions. The purpose of the report is to assess various aspects of the use of detention, both among JDAI sites and statewide, in order to gain a better understanding of how detention is being used. While this report does not cover all aspects of the detention experience, it serves as a starting place for describing how juvenile detention is used differently across the state and by JDAI sites. This report includes all data elements we felt confident were being consistently reported across sites. We are hopeful that future reports will be expanded to include other important detention topics that are not currently covered.

It is important to note that numbers in this report differ from those reported in other publications, such as the Washington State Juvenile Detention Annual Reports for 2020 and 2021.<sup>4</sup> The Data Work Group agreed that this JDAI Report should exclude detention admissions involving youth not under the jurisdiction of the juvenile court. Thus, **admissions involving holds for out-of-state jurisdictions, tribal courts, adult superior and district/municipal courts, family court, and Juvenile Rehabilitation are excluded from analyses. In addition, this report uses the Annie E. Casey definition of detention, which includes admissions that last at least four hours. Episodes where the youth was screened and released and episodes lasting less than four hours, are excluded.**

The JDAI Data Work Group initially produced three internal reports, covering the calendar years 2016 through 2018. These reports were intended to help JDAI jurisdictions self-assess their use of juvenile detention and facilitate improved decision making. The 2019 JDAI Report, published in 2020, was the first to be publicly available. In 2021 the Work Group decided that, due to the unprecedented

<sup>3</sup> Population data adapted from: Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojdp.gov/ojstatbb/ezapop/>. Population estimates for 2021 were not available at the time of publication. Thus, we use 2020 population data throughout the report.

<sup>4</sup> Annual reports available online (2021 report is forthcoming): [https://www.courts.wa.gov/index.cfm?fa=home\\_sub&org=wscrr&page=juvenileCourts&layout=2&parent=committee&tab=JuvenileCourts&sublink=det](https://www.courts.wa.gov/index.cfm?fa=home_sub&org=wscrr&page=juvenileCourts&layout=2&parent=committee&tab=JuvenileCourts&sublink=det).

disruptions caused by the Covid-19 pandemic, we would delay the 2020 annual report and publish a single report that covered the 2020 and 2021 calendar years. Thus, data from both years are presented in this report.

## ***Events of 2020 and 2021***

There were several factors that made 2020 and 2021 highly unusual years with regard to the use of juvenile detention both nationally and locally in Washington State. First, the impact of the pandemic on juvenile courts was substantial. In Washington, the pandemic resulted in an estimated 54% reduction in detention admissions statewide in the ten months following the onset of the pandemic.<sup>5</sup> JDAI jurisdictions, though their pre-pandemic detention rates were lower than non-JDAI sites, still saw significant reductions in detention admission in 2020 and into 2021, as shown in this report. One of the mediating factors contributing to the decline in detention admissions in Washington following the onset of the pandemic was the enactment of Juvenile Court Rule 7.16, which quashed all existing warrants for youth who had violated a court order or who had failed to appear for court unless there was a recorded serious threat to public safety. It also placed the same restrictions on new warrants.

In addition to the pandemic, Washington's Engrossed Second Substitute Senate Bill (ESSSB) 5290 went into effect in July 2020 and phased out the lawful use of detention for youth who violate a valid court order related to a non-offender matter. In previous years, non-offender youth accounted for as much as 20% of detention admissions in some JDAI jurisdictions. Finally, while this has not been measured directly in Washington State, it is very likely that the social unrest and increased scrutiny around law enforcement and criminal and juvenile justice systems resulting from the murder of George Floyd in 2020 affected juvenile detention admissions. It is important to keep all of these factors in mind while interpreting the information provided in this report.

## ***What is New in this Report?***

In addition to this report covering two years instead of one, there are two important changes to note. First, we are happy to include, for the first time, data regarding the primary reason for detention. Second, with the aim of highlighting racial/ethnic disproportionality in juvenile courts, in the 2019 report we included a table that summarized representation in the youth population, representation in court contacts, and representation in juvenile detention admissions for each racial/ethnic group. For this report, we were unable to include this table. The primary reason was that the quality of demographic information in court contact data decreased substantially in 2020 and 2021, resulting in a high percentage of cases with missing data. This is potentially due to the nature of court contacts during the pandemic, which were less likely to be in-person. We did not observe the same issues with demographic information in detention data. We are hopeful that data quality will resume to pre-pandemic levels.

## **JDAI Jurisdiction Sizes and Juvenile Detention Rates**

To provide context to each topic covered in this report with regard to the difference in jurisdiction size across JDAI sites, Table 1 shows the number of youths residing in each jurisdiction in 2020<sup>6</sup> and the number of admissions to detention, as defined above, in 2020 and in 2021. Each of the JDAI jurisdictions is designated as large, mid-sized, or small, based on the youth population.

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<sup>5</sup> Gilman and Sanford, forthcoming.

<sup>6</sup> Population data adapted from: Puzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojdp.gov/ojstatbb/ezapop/>. Population estimates for 2021 were not available at the time of publication. Thus, we use 2020 population data throughout the report.

Table 1. Youth Population and Detention Admissions by Jurisdiction in 2020 and 2021

Jurisdiction	Size Designation (Youth Population Range)	Youth Population Aged 10-17 <sup>s</sup>	2020 Detention Admissions	2021 Detention Admissions
King	Large (≥100,00)	197,012	462	258
Pierce	Mid-sized (50,000-99,999)	92,253	360	162
Snohomish	Mid-sized (50,000-99,999)	81,976	244	118
Clark	Mid-sized (50,000-99,999)	54,364	225	121
Benton/Franklin	Small (<50,000)	38,926	441	265
Whatcom	Small (<50,000)	19,886	159	110
Mason	Small (<50,000)	6,005	50	54
Adams	Small (<50,000)	3,195	17	35
All JDAI	-	493,617	1,958	1,123
All Non-JDAI	-	250,465	3,016	1,966
Total	-	744,082	4,974	3,089

Figure 3 shows the raw number of detention admissions, as defined above, from 2016 through 2021 for seven of the eight JDAI jurisdictions (complete historic data from Adams County are not available). Detention admissions steadily decreased in JDAI jurisdictions between 2016 and 2019, and there was a more substantial drop in 2020 as a result of the pandemic and other factors discussed above. Detention admissions further decreased for most jurisdictions in 2021. Across these seven JDAI jurisdictions, there was an 82% decrease in detention admissions from 2016 to 2021.

Figure 3. Juvenile Detention Admissions 2016-2021

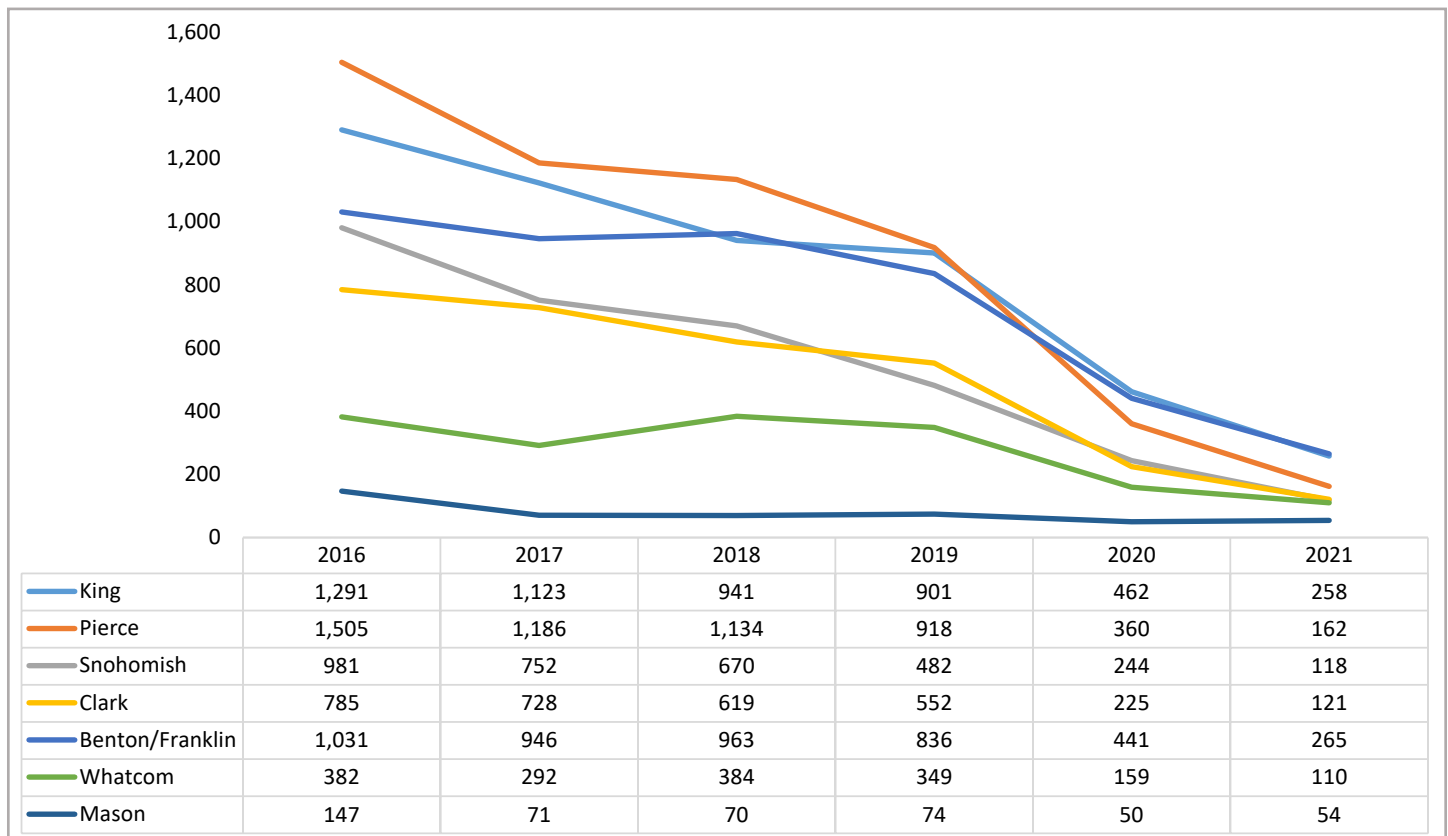
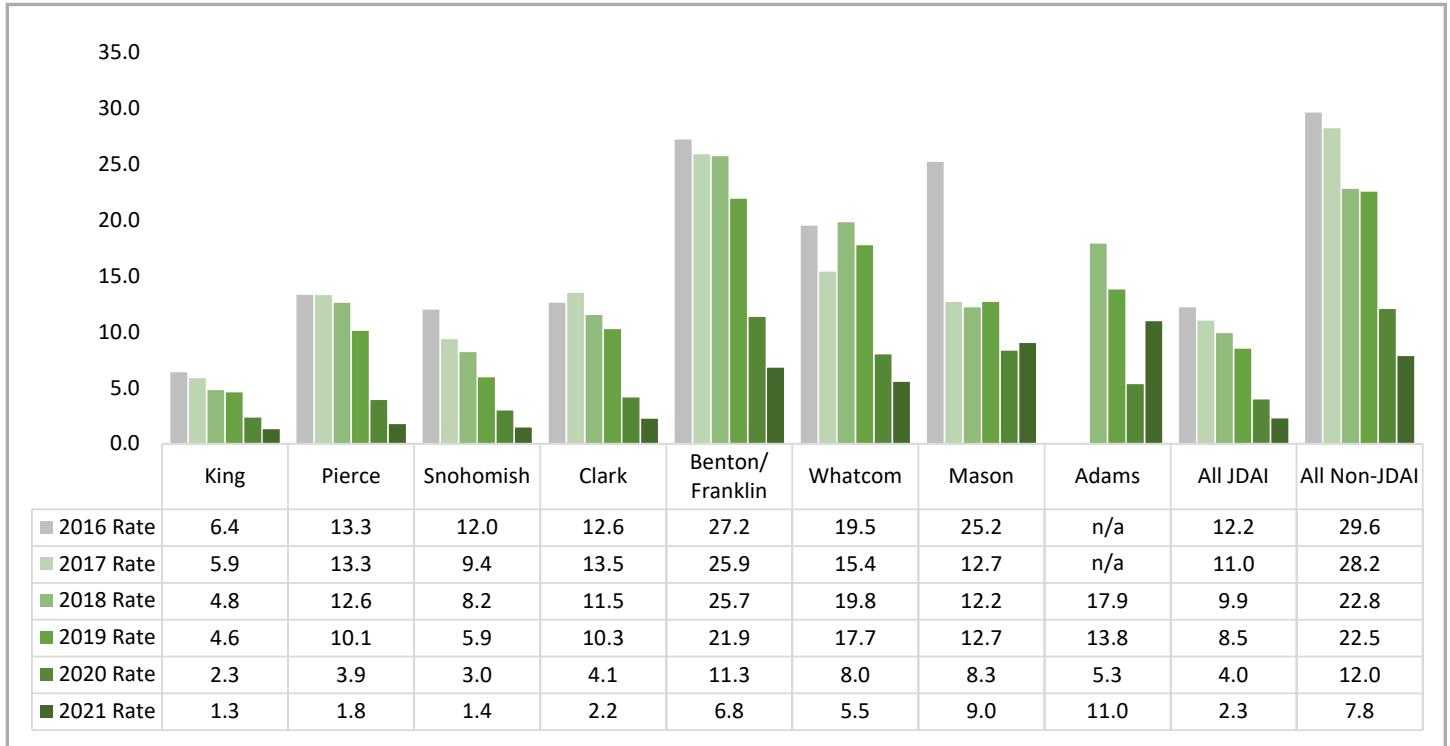


Figure 4 shows the population-based detention admission rates (per 1,000 youth age 10-17) for each of the eight JDAI jurisdictions from 2016 to 2021 (2018-2021 for Adams county), for all JDAI jurisdictions combined, and for all non-JDAI jurisdictions in Washington State combined.<sup>7</sup> King County has consistently had the lowest detention rates of the JDAI jurisdictions, though in 2021 three jurisdictions (King, Pierce, and Snohomish) all had detention rates below 2.0. The state's group of non-JDAI jurisdictions has seen similar patterns in detention admission reductions, though rates for the group of JDAI jurisdictions are consistently lower.

Figure 4. Admission-Level Population-Based Detention Rates (per 1,000 Youth), 2016-2021

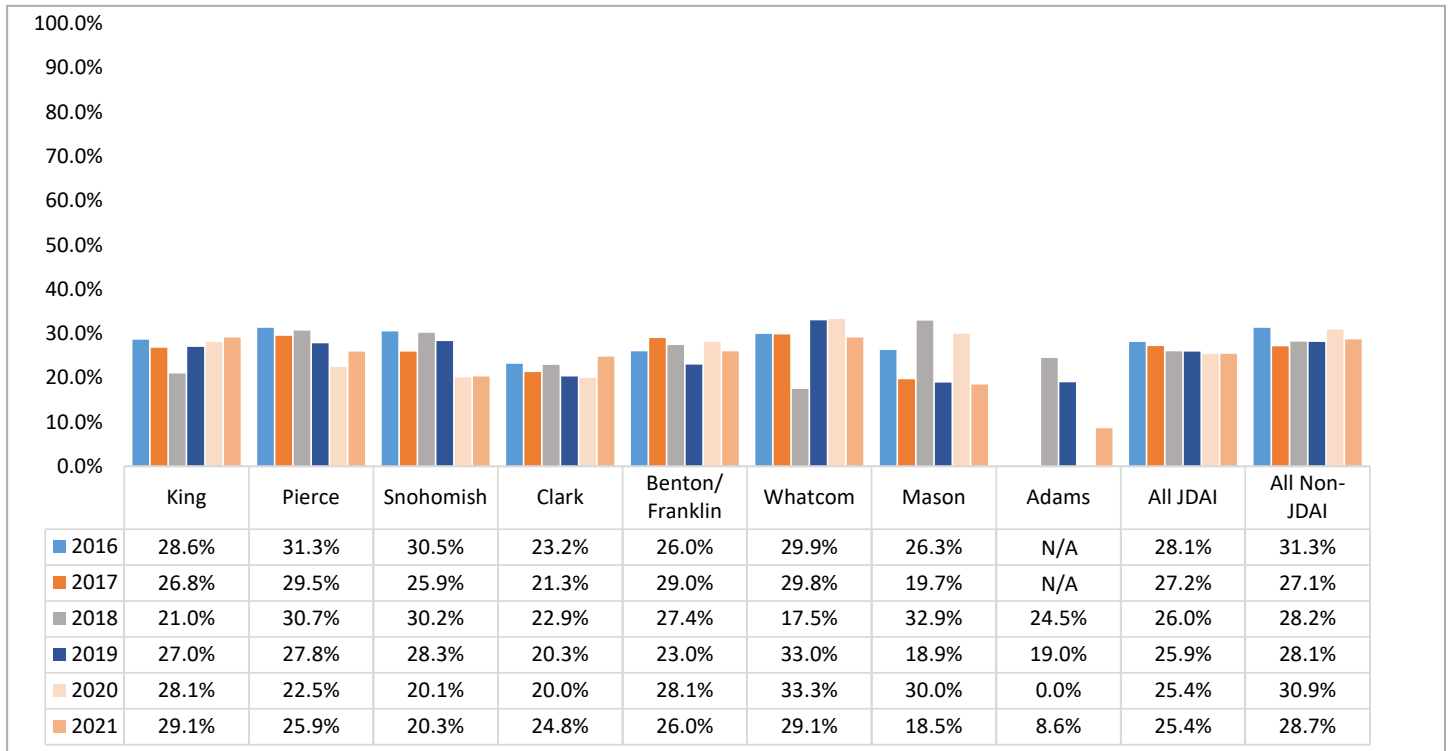


<sup>7</sup> It is important to note that the composition of the All JDAI and All Non-JDAI groups has changed over the years. Adams County is not included in the All JDAI rate calculations in 2016 and 2017, when data were not available, but is included in the calculation of the All JDAI rate from 2018 through 2021. Spokane County ceased participation in JDAI beginning in 2019, and thus, is included in the calculation of the All JDAI rate in 2016, 2017, and 2018, but is included in the calculation of the All Non-JDAI group rate in 2019, 2020, and 2021.

## Demographic Characteristics of Juveniles in Detention

Figure 5 shows the percent of detention admissions accounted for by girls in the years from 2016 through 2021.<sup>8</sup> For 2020 and 2021 in most JDAI jurisdictions, girls accounted for between 20% and 30% of admissions. In Adams and Mason Counties percentages were lower, and in Whatcom County the percentage was higher in 2020. It is important to remember that these counties are designated as “small jurisdictions”, and percentages in these jurisdictions are based on a small number of youths. Individual counties showed some changes in the gender composition of youth admitted to detention between 2016 and 2021. Across all JDAI jurisdictions combined there was a slight downward trend in the percentage of admissions accounted for by girls across these years from 28.1% in 2016 to 25.4% in 2021.<sup>9</sup>

Figure 5. Percent of Admission to Detention Accounted for by Girls, 2016-2021



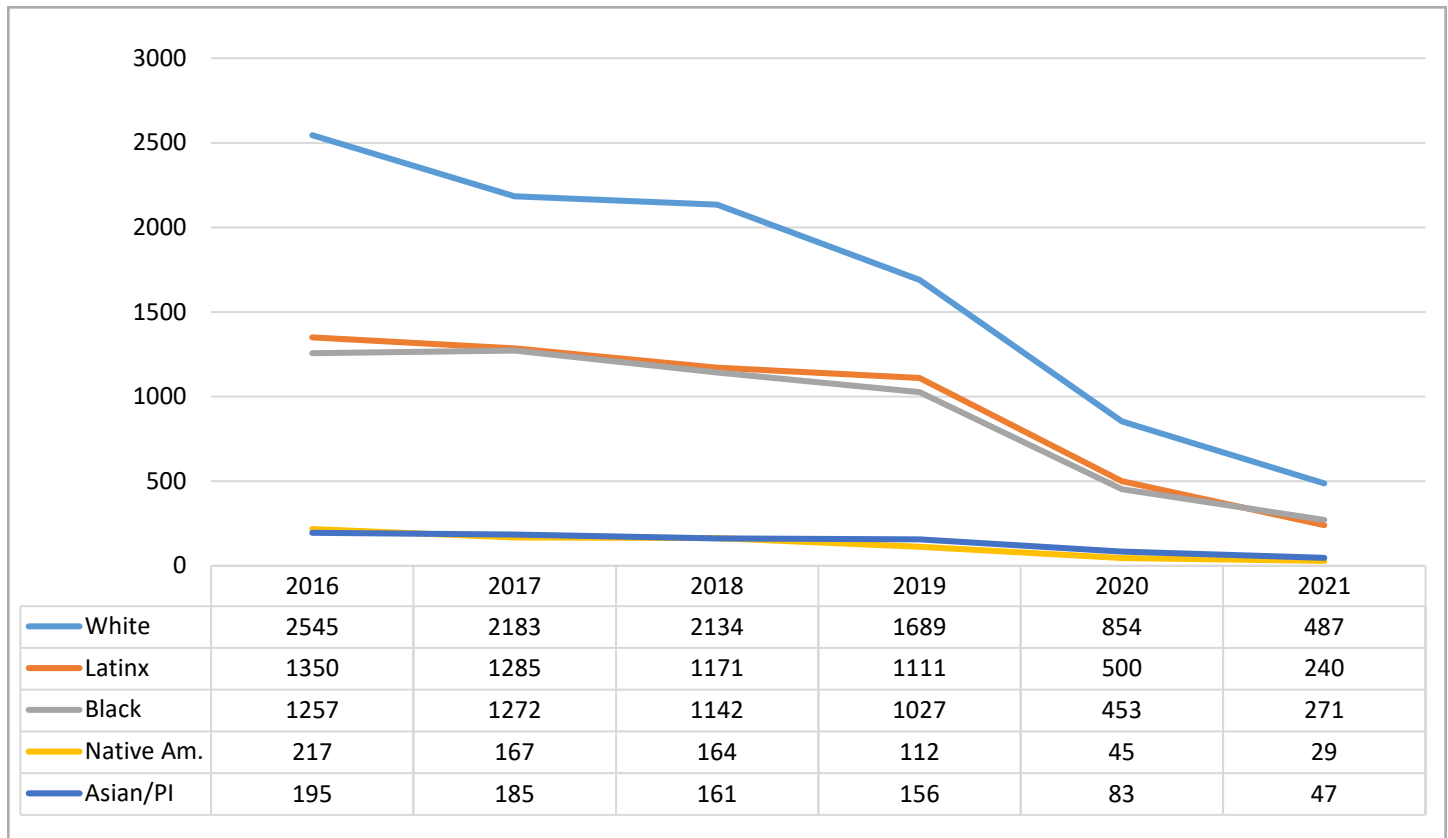
<sup>8</sup> Data management systems only allow for a binary indicator of gender (male or female). We recognize this as a significant limitation of the data currently available.

<sup>9</sup> As noted above, the composition of the All JDAI and All Non-JDAI groups has changed over the years.



Figure 6 shows the raw number of combined detention admissions by youth race/ethnicity from 2016 through 2021 for the seven JDAI jurisdictions for which we have complete data: King, Pierce, Snohomish, Clark, Benton/Franklin, Whatcom, and Mason.<sup>10</sup> Detention admissions decreased for all racial/ethnic groups over the five-year period. From 2016 to 2019, White and Native American youth had the greatest decreases (-34% and -48%, respectively). From 2019 to 2021, all racial/ethnic groups showed decreases in admissions of at least 70%, and the greatest decreases were for Latinx, Native American, and Black youth (-78%, -74%, and -74%, respectively). This is an important finding, as it is the first time we have observed higher decreases in detention admissions for youth of color than for White youth.

Figure 6. Number of Youth Admitted to Detention in JDAI Jurisdictions by Race/Ethnicity, 2016-2021



<sup>10</sup> Admissions of youth whose racial/ethnic identity was coded as multi-racial, other, or unknown were excluded from these analyses. Thus, the admission totals in this graph differ from the admission totals in Table 1. In 2021, less than 2% of admissions across JDAI jurisdictions are excluded for this reason.

Table 2 shows the admission-level Relative Rate Index (RRI) for African American/Black, Asian/Pacific Islander, Native American/Alaska Native, and Hispanic/Latinx youth compared to Caucasian/White youth in each year from 2016 through 2021 for all JDAI jurisdictions combined and all non-JDAI jurisdictions combined.<sup>11,12</sup> The RRI is the population-based detention rate for a racial/ethnic minority group divided by the population-based detention rate for Caucasian/White youth.<sup>13</sup> Thus, an RRI of 2.0 would indicate that the detention rate for the minority group was two times the rate for Caucasian/White youth. For the calculations in Table 2, each detention episode is counted once, while individual youth may be counted multiple times.

The RRIs for JDAI jurisdictions combined and non-JDAI jurisdictions combined for Asian/Pacific Islander versus Caucasian/White youth were less than one across all six years, indicating that their detention rates were lower than the rate for Caucasian/White youth. All other youth of color had rates that exceeded the rates for Caucasian/White youth across all years. While this was the case for both groups (JDAI and Non-JDAI), the RRIs tended to be higher in JDAI jurisdictions than in non-JDAI jurisdictions. This trend of higher RRIs for JDAI jurisdictions continued into 2020 and 2021 (e.g., 3.9 versus 2.1 for African American/Black youth; 2.9 versus 2.2 for American Indian/Alaskan Native youth; and 1.6 versus 1.2 for Hispanic/Latinx youth in 2021). In all JDAI jurisdictions combined, RRIs for all groups showing overrepresentation decreased modestly between 2019 and 2021.

Table 2. Admission-Level Detention Relative Rate Indexes, 2016-2021

	Black v. White		Asian/PI v. White		Native v. White		Latinx v. White	
	JDAI	Non-JDAI	JDAI	Non-JDAI	JDAI	Non-JDAI	JDAI	Non-JDAI
2016	3.8	2.3	0.4	0.3	4.3	2.0	1.9	1.1
2017	4.4	2.5	0.4	0.4	4.2	2.2	2.0	1.2
2018	3.9	2.7	0.3	0.5	3.7	2.2	1.8	1.4
2019	4.4	2.7	0.4	0.9	3.2	2.7	2.0	1.4
2020	3.8	2.9	0.4	0.8	2.6	3.2	1.7	1.3
2021	3.9	2.1	0.4	0.7	2.9	2.2	1.6	1.2

## Detention Admissions by Primary Offense

Figures 7 and 8 show the primary reason for detention admissions, as defined above, in each JDAI jurisdiction, for all JDAI jurisdictions combined, and for all non-JDAI jurisdictions combined in 2020 and 2021. “Violation of court order” refers to a violation of an order related to an offender matter (e.g., a probation violation, a violation of detention release conditions, or a violation of the conditions of a suspended sentence). The “Non-offender” category refers to youth who were placed in detention as a result of a violation of court order related to a non-offender matter. As stated earlier, only ARY, CHINS, and Truancy petitions are included in these analyses; dependency matters are not counted, as they fall outside the purview of the juvenile court, though prior to July 2020 youth were held in detention on a dependency matter on occasion. The “Other/Unknown” category often includes detention admissions that are holds for other juvenile courts, where the primary reason is not recorded.

<sup>11</sup> As noted above, the composition of the All JDAI and All Non-JDAI groups has changed over the years.

<sup>12</sup> As noted above, admissions of youth whose racial/ethnic identity was coded as multi-racial, other, or unknown were excluded from these analyses.

<sup>13</sup> Office of Juvenile Justice and Delinquency Prevention (n.d.). What is an RRI? Retrieved from: <https://www.ojjdp.gov/ojstatbb/dmcd/asp/whatis.asp>.

In most of the JDAI jurisdictions the most common reason for detention was an alleged or adjudicated felony offense in both 2020 and 2021.<sup>14</sup> In all JDAI jurisdictions combined, 58% of admissions were due to a felony offense in 2021, compared to 43% in all non-JDAI jurisdictions combined. The JDAI jurisdictions had a lower percentage of admissions due to a misdemeanor offense or a non-offender matter, and JDAI jurisdictions showed a higher percentage of admissions due to a violation of a court order. However, it is important to note, as discussed above, that some of these admissions are due to a violation of conditions tied to a suspended sentence, so the original offense may be quite serious.

Figure 7. Detention Admissions by Primary Offense, 2020

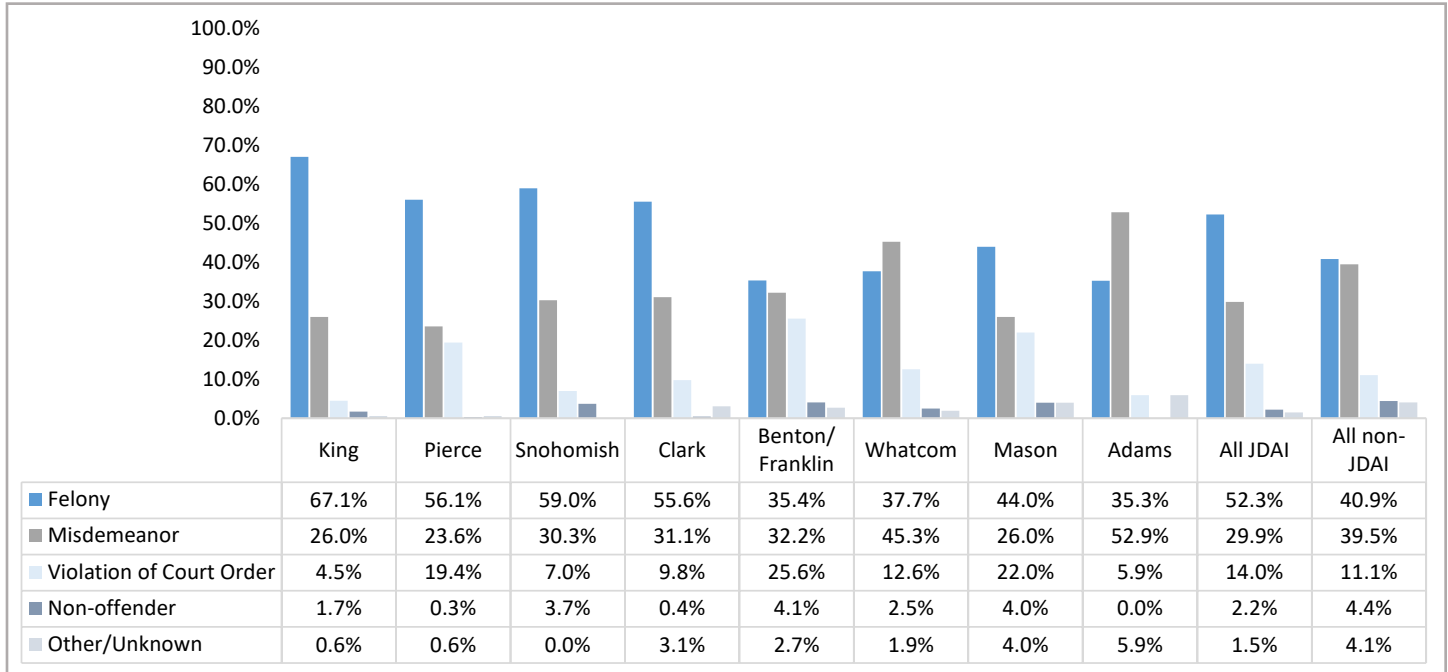
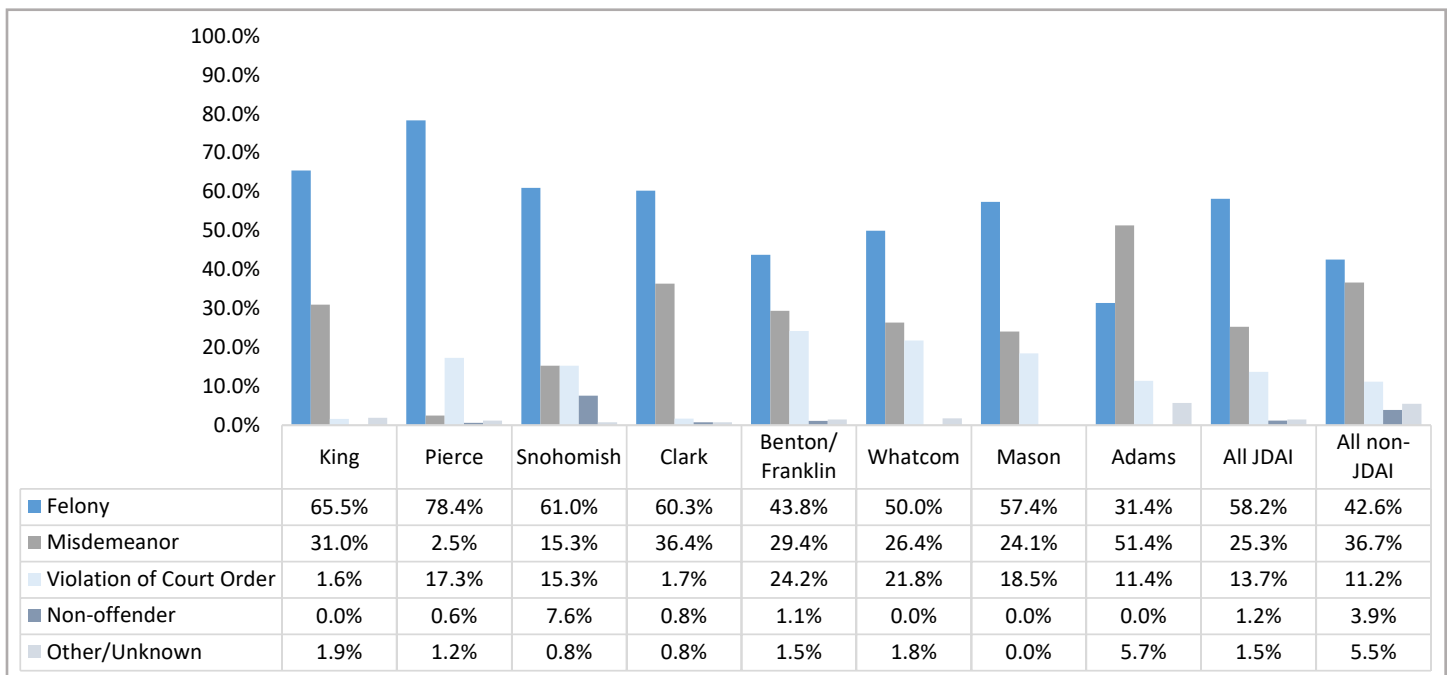


Figure 8. Detention Admissions by Primary Offense, 2021

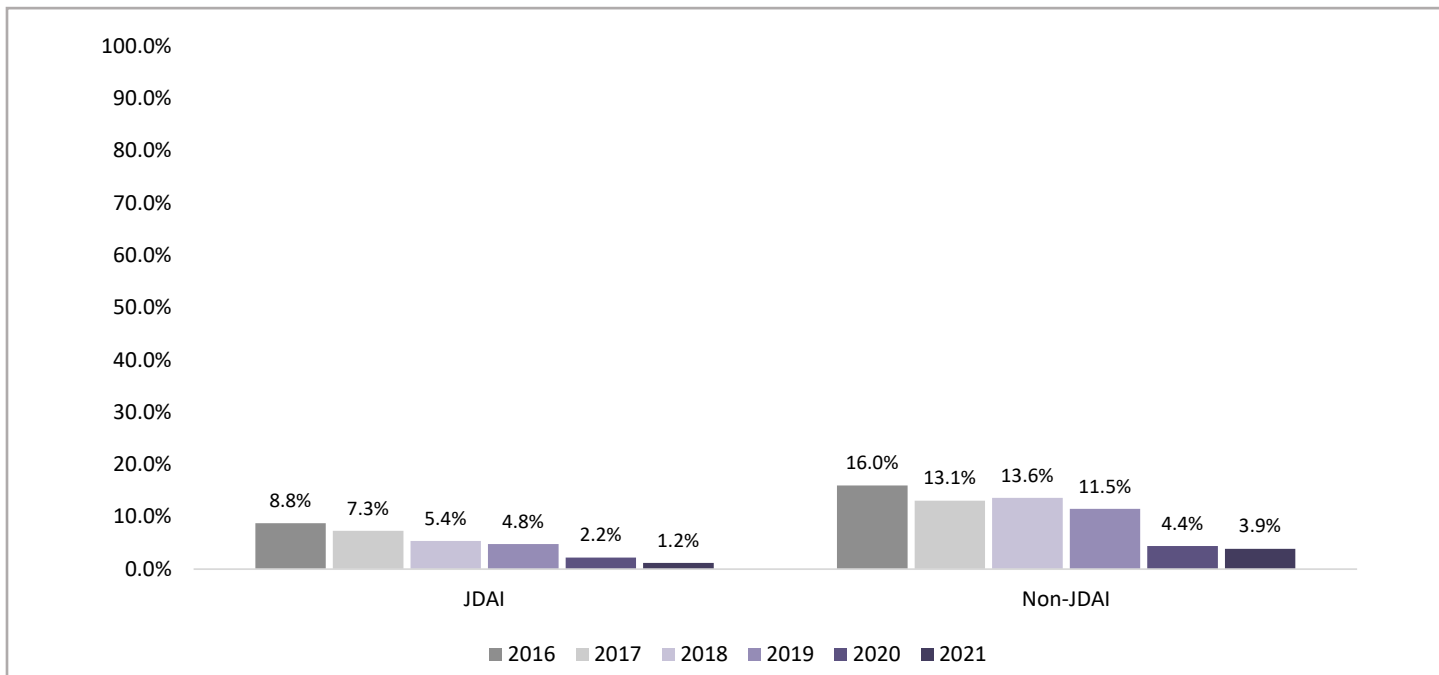


<sup>14</sup> Detention reason was measured at the time of admission. If multiple reasons were recorded at the time of admission, the most serious offense/violation was used as the primary reason. A new offense was considered more serious than a probation violation, and anything tied to an offender matter was considered more serious than a non-offender matter.

## Detention for Non-Offender Matters

Of particular interest to juvenile court stakeholders is the use of juvenile detention for non-offender matters. Figure 9 shows the percent of detention admissions due to a non-offender matter between 2016 and 2021 for all JDAI jurisdictions combined and all non-JDAI jurisdictions combined.<sup>15</sup> Both JDAI and non-JDAI jurisdictions have seen a steady decline in the percent of detention admissions accounted for by non-offender youth over the six-year period.

Figure 9. Percent of Total Detention Admissions due to a Non-Offender Matter, 2016-2021



## Detention Length of Stay

Figures 10 and 11 show the median and mean length of stay (LOS) in detention for each JDAI site in 2020 and 2021. The median LOS is a more accurate measure of a typical detention stay, whereas the mean can be skewed by outliers. The median LOS for all JDAI jurisdictions combined was 3.0 days in 2020, indicating that half of detention stays were shorter than three days and half were longer. In 2021 the median length of stay for all JDAI jurisdictions combined rose to 3.6 days. As a whole, JDAI sites had a lower median LOS than non-JDAI sites in both 2020 and 2021, though there was a lot of variability across sites. Figure 12 shows the median LOS for all JDAI jurisdictions combined and all non-JDAI jurisdictions combined from 2016 to 2021.<sup>16</sup> The median LOS for JDAI jurisdictions remained fairly stable between 2016 and 2020, but rose by about half a day in 2021. This is not surprising, given that a higher proportion of admissions were due to felony offenses and a lower proportion were due to less serious offenses and non-offender matters.

<sup>15</sup> As noted above, the composition of the All JDAI and All Non-JDAI groups has changed over the years.

<sup>16</sup> See footnote 15.

Figure 10. Median and Mean Length of Stay (LOS) in Detention in 2020, in Days

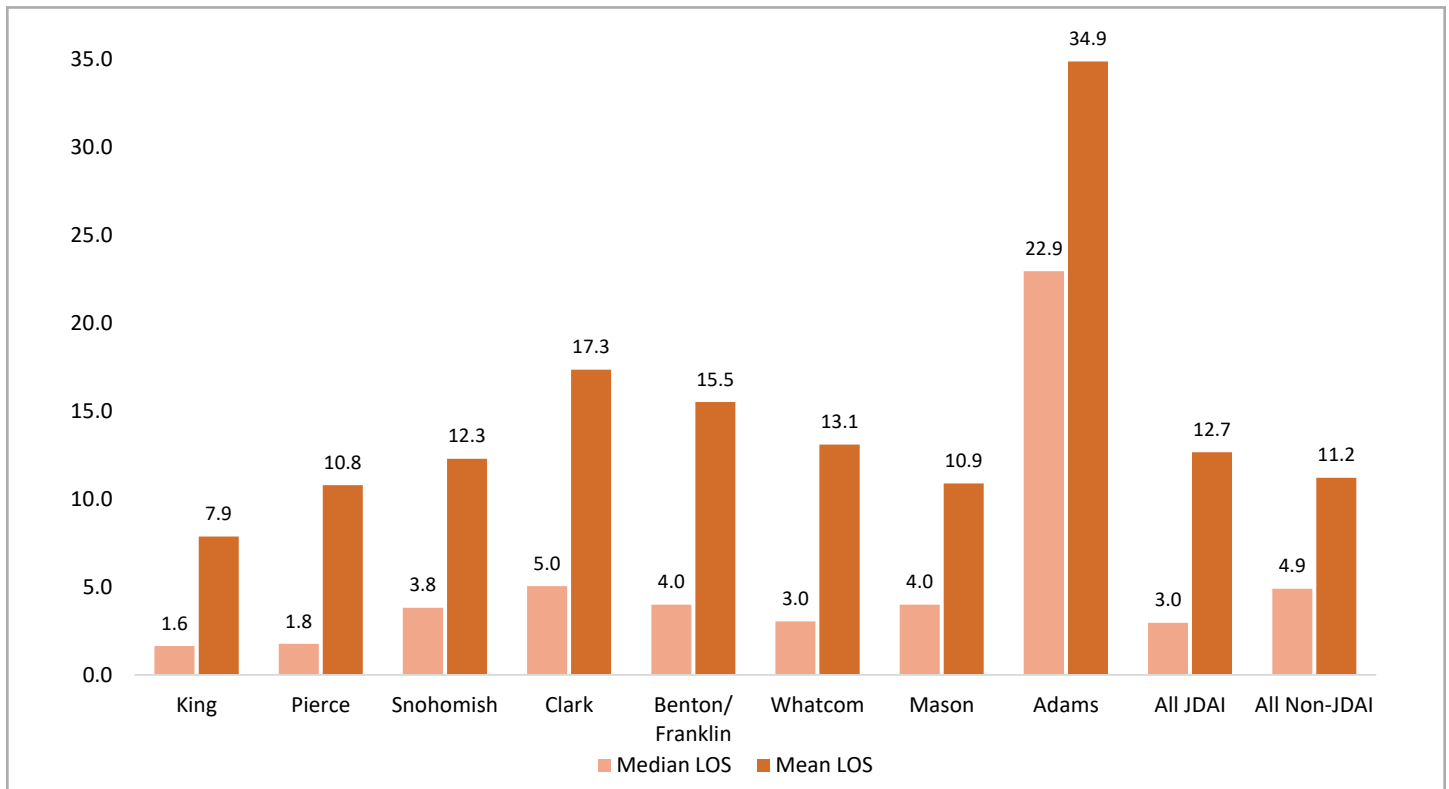


Figure 11. Median and Mean Length of Stay (LOS) in Detention in 2021, in Days

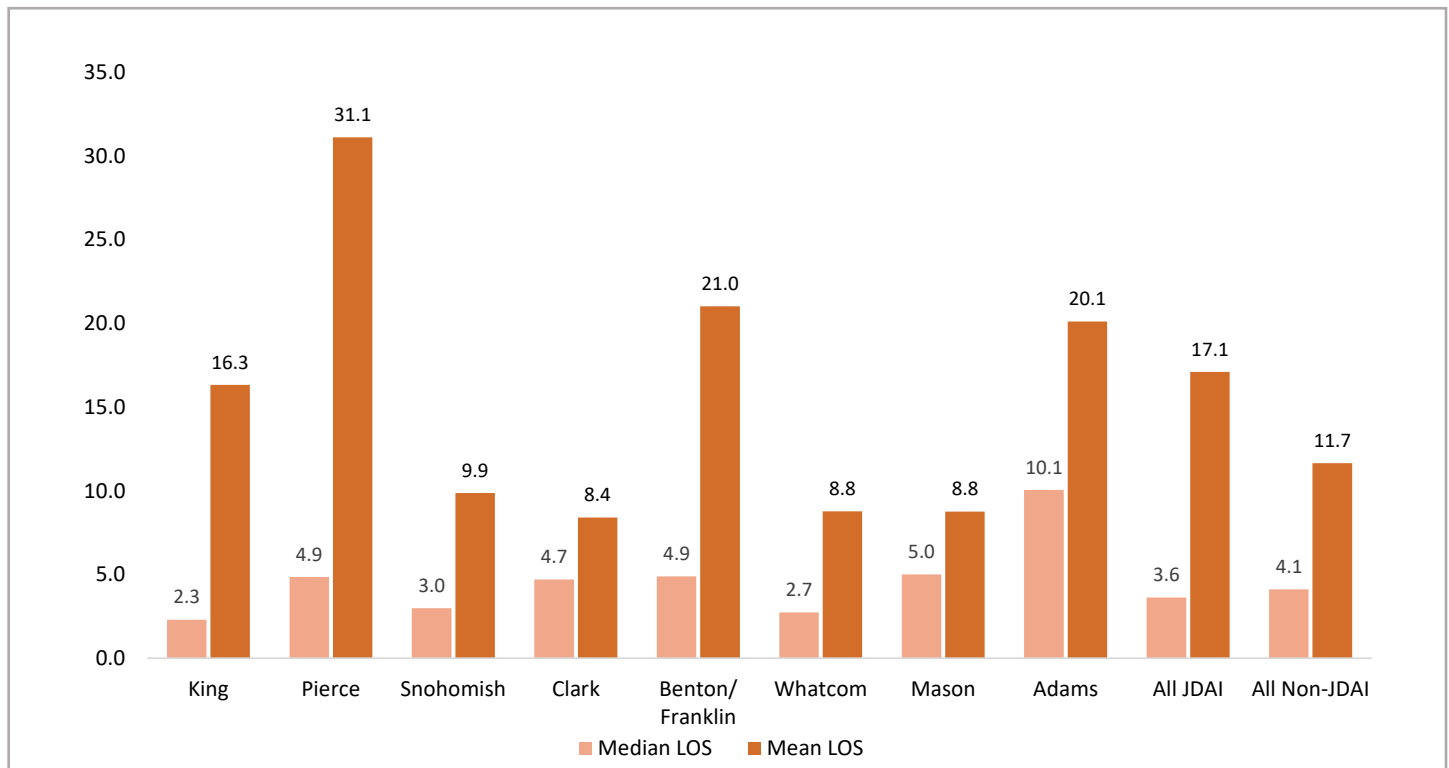
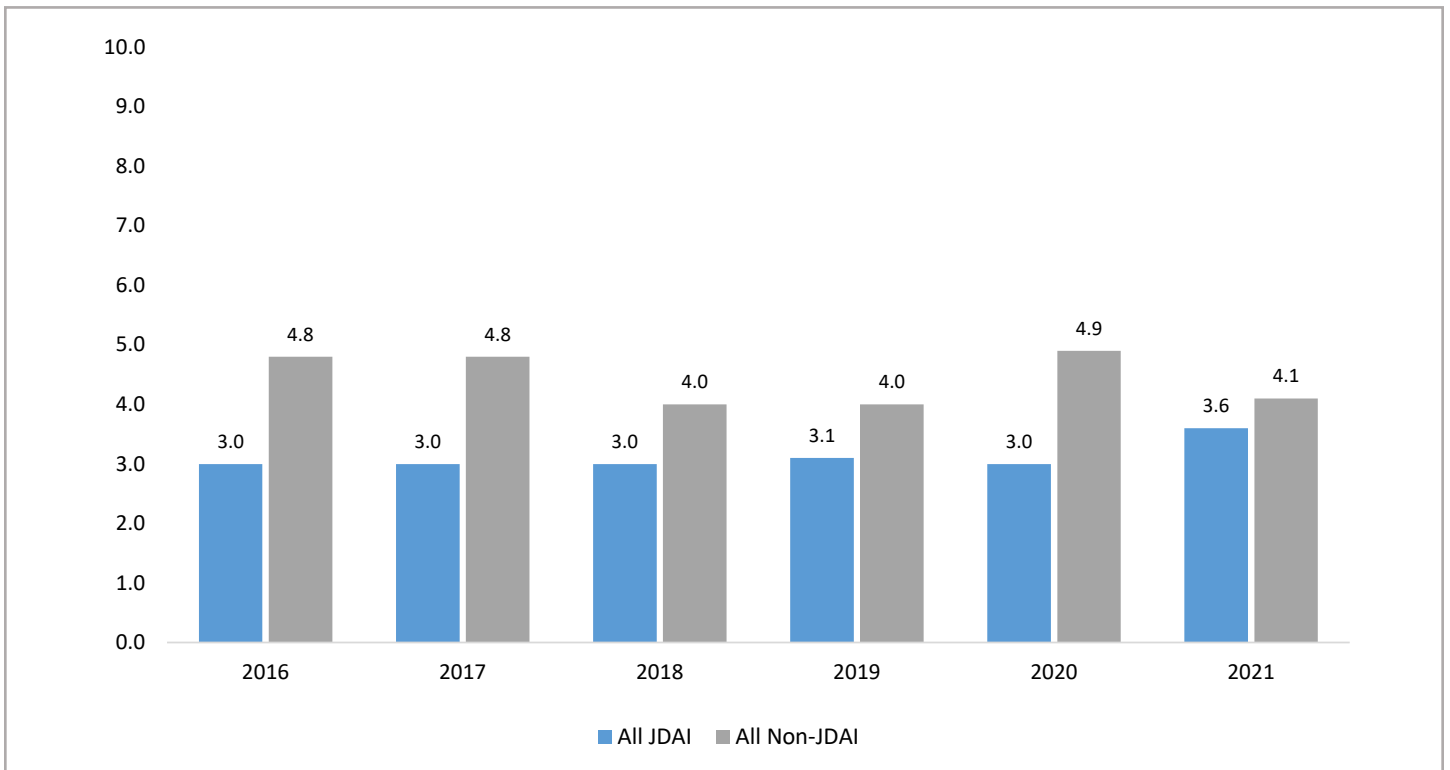


Figure 12. Median Length of Stay in Detention 2016-2021



## Data Summary

This brief report examined several aspects of juvenile detention use in the eight jurisdictions in Washington State implementing JDAI in 2020 and 2021, including population-based rates, gender composition, racial/ethnic disparities, primary admission reason, and length of stay. We found that there was substantial variability across sites with regard to all of these measures, but that, as a whole, JDAI sites had lower population-based rates of detention, a lower proportion of admissions for minor offense and non-offender matters, and shorter median length of stays than non-JDAI sites. However, this report also showed that racial and ethnic disproportionality persists in most JDAI jurisdictions, despite reductions in overall detention populations in recent years.

# JDAI's Eight Core Strategies in Washington's JDAI Sites

In the following pages, six JDAI jurisdictions in Washington State provide insight into the unique implementation of one of the core strategies in their jurisdiction.<sup>17</sup> The core strategies were randomly assigned to jurisdictions for the purposes of this report. However, it is important to note that all seven jurisdictions are implementing all eight core strategies. The implementation of JDAI is not like choosing items off the a la carte menu; however, each strategy can and is implemented uniquely in each jurisdiction based on the strengths, needs, resources, values, and partners in each community.

## Core Strategy #1: Collaboration and Leadership

Because the juvenile justice system involves the interaction of multiple systems, improvements require that all of those systems work together to: guide the reform process; analyze problems and recommend solutions; design changes to policies, practices and programs; and monitor impact. This requires a commitment to joint planning, shared responsibility, and mutual accountability.

For these reasons, all JDAI sites begin their work by creating a collaborative steering committee and governance structure that includes system and community representatives who have the authority to make decisions on behalf of their agencies or groups. To ensure continued momentum and accountability, the collaborative should be chaired or co-chaired by influential leaders committed to quality pretrial justice for juveniles. JDAI collaboratives should be formally empowered to address detention reform, including racial and ethnic disparities. This may happen through a formal county resolution establishing the collaborative or through a memorandum of understanding signed by the collaborative's key members.

### Clark County & Collaboration and Leadership

Collaboration and Leadership is the foundational core strategy for JDAI implementation. Both are essential in implementing system wide reform within a court. Clark County became a JDAI site in 2012 and held it's first JDAI Steering Committee meeting in August of that year. Collaboration has been a strong value in Clark County even prior to joining the initiative which allowed us to develop a multi-system team very quickly. The court administrator and management team met with elected officials and system leaders to educate them on the core strategies and extended an invitation to join. The committee is comprised of two Superior Court Judges, the Elected Prosecutor, two Chiefs of Police, the County Sherriff, a County Councilor, Indigent Defense, DCYF Area Administrator, a WSU researcher, and the Superintendents from three of our larger school districts.

The Steering Committee convenes every other month and is facilitated by the courts JDAI Coordinator and the Court Administrator. The committee elects a chair or co-chairs every two years. In the early days the committee worked to establish goals and guiding principals of detention and the purpose of secure confinement. The committee was the oversight and approving body for all planning and implementation sub-committees and provided input and feedback to each sub-committee on topics ranging from data collection, detention alternative programming, conditions of secure confinement and case processing.

<sup>17</sup> Benton/Franklin was included in the data sections of this report as a JDAI jurisdiction, given that they participated in JDAI throughout almost all of the 2020 and 2021 calendar years. However, given that they have ceased participation, they did not provide a Core Strategies narrative. In addition, due to unforeseen circumstances, Adams County was unable to provide a narrative. The implementation of Core Strategies #2 and #3 are addressed at a statewide level.

## **Clark County & Collaboration and Leadership Continued**

Over the years the committee has monitored data and outcomes pertaining to the core strategies and the resulting programs. The committee assesses trends and problem solves programmatic issues as needed. An example of this is the work the team did focusing on school-based arrest. The group started by educating themselves on the harmful impacts of arrests for low level offenses in schools and worked together to develop a goal statement advocating for informal responses to non-violent misdemeanor offenses in schools. This statement was signed by school superintendents, two chiefs of police and the county prosecutor. Individual committee members were able to leverage their system to support efforts to create informal responses to drug and alcohol related offenses occurring in schools. Both mental health and SUD service providers were embedded in schools in collaboration with the local Educational School District (112). School staff, district and school resource officers were trained on adolescent brain development, trauma, and mediation and restorative practices. These efforts resulted in a decrease of arrest rates in our high schools.

In 2018 the committee rebranded itself to be the Juvenile Justice Council. The committee felt that the work of the committee should continue to be uphold the core strategies of JDAI while advocating and supporting all forms of system enhancement and reform. The committee has worked the past two years to monitor and assess the impacts of the pandemic and is working to expand its membership to include youth and family voice.

## **Core Strategy #2: Data Driven Decisions**

JDAI depends upon objective data analysis to inform the development and oversight of policy, practice and programs. Data on detention population, utilization and operations is collected to provide a portrait of who is being detained and why, and to monitor the impacts of policies and practices. As a results-based initiative, JDAI establishes and tracks multiple performance measures; however, the primary data points are Admissions to Detention and Alternatives, Average Length of Stay in Detention and Alternatives, Average Daily Population in Detention and Alternatives, as well as Re-offense and Failure to Appear Rates for youth on Alternatives. All data is disaggregated by Race, Ethnicity, Gender, Geography, and Offense (REGGO) to monitor disparities in the system.

### **Statewide Data Driven Work**

All JDAI jurisdictions in the state are asked to compile the data points outlined above on a quarterly basis and send the resulting reports to the statewide coordinator. While helpful and informative, these local reports often differ with regard to the metrics that are available and how they are being measured. This statewide report was created in an effort to standardize reporting across sites, and we are proud to be able to present many, but not all, important data points for all jurisdictions, individually and collectively, as well as compare JDAI sites with non-JDAI sites. In 2020, the Data Work Group began creating a set of juvenile detention data guidelines. The resulting document defines each relevant data point and specifies how each should be measured, tracked, and reported. The guidelines have been adopted by the JDAI Steering Committee.



## **Statewide Data Driven Work Continued**

The Data Work Group is currently focusing on implementing the guidelines, which entails advocating for changes in statewide data management systems, education of court and detention line staff who enter data, and updating data analyses. The end goal is to standardize and streamline data reporting across all JDAI jurisdictions, to ensure accurate, timely, and easily interpretable information on the use of juvenile detention and alternatives.

## **Core Strategy #3: Reducing Racial and Ethnic Disparities**

Reducing racial disparities requires specific strategies aimed at eliminating bias and ensuring a level playing field for youth of color. Racial and ethnic disparities are the most stubborn aspect of detention reform. Real lasting change in this arena requires committed leadership, on-going policy analysis and targeted policies and programming. Every core strategy should always include a review of the issues from the perspective of race and ethnicity. Every decision point in the system should be examined through the data by disaggregation by race and ethnicity.

### **Statewide Work to Reduce Racial and Ethnic Disparities**

In support of the seven local JDAI sites formally implementing the JDAI model, the JDAI State Steering Committee with the support of the JDAI State Coordinator ensure that strategies and activities in support of reducing racial and ethnic disparities are a primary focus of the state level work. Funds from the general fund allocated to JDAI are used to contract with AOC for biennial data analysis of JDAI Site outcomes as well as work on a statewide data dictionary to ensure accuracy and consistency across the state in data entry.

Additionally, funds were used in 2021 to enter into a yearlong contract with Cultures Connecting, LLC to provide foundational training to probation and court staff across all JDAI sites who wished to access the training. The training focused on increasing personal awareness, expanding knowledge of diverse groups, developing skills to effectively work across cultures, and taking action to create a culture of response and promote justice. After completion of the one year contract a total of 194 professionals across the seven JDAI sites were trained. Additionally, several JDAI sites have entered into their own contracts with Cultures Connecting and/or other training organizations to move even deeper into their local equity work.

Finally, as part of the standard practice for providing funds to each JDAI site from the state proviso dollars allocated for JDAI implementation, sites are required to provide a biennial implementation plan with a focus on reducing racial and ethnic disparities in their local systems. Site coordinators prepare an application which includes detention admissions for the past four years disaggregated by race and ethnicity and detention reason. This analysis supports sites in identifying what policy areas are most impacting the overrepresentation of youth of color in their systems which then prompts a focus in those policy areas for the next two years of continuous system improvement efforts.

## **Core Strategy #4: Objective Admissions**

Detention admissions policies and practices must distinguish between the youth who are more likely to flee or commit new crimes and those who are less likely. JDAI sites develop Detention Risk Assessment Instruments to objectively screen youth to determine which youth can be safely supervised in the community. Absent an objective approach, high-risk offenders may be released and low-risk offenders detained.

### **Whatcom County & Objective Admissions**

Whatcom County joined the Juvenile Detention Alternative Initiative in 2004. We began using our Detention Risk Assessment Instrument (DRAI) shortly thereafter. It was initially completed by detention staff upon intake, though it is completed by probation officers currently. In Whatcom County, the DRAI is used as a piece of information rather than a final determination regarding whether a youth is detained. Whatcom County relies heavily on field screening by law enforcement prior to any referral to detention.

The Detention Risk Assessment Instrument looks at four areas: Offense (only the most serious instant offense), Prior Offense History, Aggravating Factors and Mitigating Factors. The combined total of the first three categories, minus the mitigating factors, results in the total risk score. It also contains a list of special considerations such as domestic violence or use of a firearm, that would indicate a mandatory hold regardless of total risk score. Additionally, the DRAI accounts for detention override if applicable.

Prior to an initial court hearing, Probation Officers complete the DRAI and speak with parents/guardians and may potentially contact collateral sources, depending on the youth's circumstances. They obtain information regarding a youth's social history, school participation, substance abuse concerns, runaway behavior, current participation in services, how they do at home following rules/expectations and any protective factors. This information, along with the information from the risk assessment, is provided to the court work group (prosecutor and defense counsel) prior to the detention hearing.

At the detention hearing, probation provides recommendations to the court regarding whether to release, release with conditions or detain the youth. The recommendation is based upon the information obtained via the parent/guardian interview and the DRAI. The court weighs this recommendation along with information from the prosecutor and youth's defense counsel and determines whether the youth remains in custody on bail or is released from detention. The court also utilizes this information to determine conditions of release.

While Whatcom County has never used the Detention Risk Assessment Instrument as the final determination for accepting a youth in detention, overtime it has shaped our detention policies. We continually work to ensure we are keeping the right kids in detention for the right reasons.

## Core Strategy #5: Alternatives to Detention

New or enhanced non-secure alternatives to detention (ATD) programs increase the options available for arrested youth by providing supervision, structure and accountability. Detention alternative programs target only those youth who would otherwise be detained, and typically include: electronic monitoring, house arrest, community monitoring, day or evening reporting centers, and shelter beds for youth who cannot return home. The most effective juvenile justice systems have a program continuum that both responds to the legal status of youth and ensures that they can also be safely supervised in the community.

The supervision of pre-adjudicated youth should be linked to their level of risk of Failure-to-Appear or re-arrest; post-adjudication programming should be linked to the dispositional purposes the court seeks to accomplish (i.e., sanctions or rehabilitative goals). Programs should also be able to respond to compliance failures by increasing contact and case management activities instead of automatically terminating participation for noncompliance. Whether pre-adjudication or post-adjudication, ATDs should be grounded in an understanding of adolescent development and behavior, and program activities should reflect youths' needs, cultures and traditions.

### Mason County & Alternative to Secure Detention

Sanction Grid for Probation Violations: In 2019 Mason County created and implemented a sanction grid for probation violations. It has been used since late 2019. Probation violations are categorized as minor risk, medium risk, and serious risk. JPC's have the option of not filing first or second violations that are minor risk, and a first violation that is of medium risk. The interventions increase with increase of seriousness and accumulation of violations. This approach has eliminated lengthy court dockets full of minor violations and kept youth who do not need court to address their behaviors out of court. Additionally online classes regarding shoplifting, anger management, and other subjects have been implemented as sanctions.

House Arrest and/or Electronic Home Monitoring: Youth in Mason County are often released after arrest on court ordered conditions of release including house arrest. House arrest requires the youth to be at home, school, or in the company of a parent at all times. In more serious cases with concerns for community safety, the court orders electronic home monitoring, which is arranged with a third party monitoring service.

Mason County is in the process of developing a policy for electronic home monitoring to be hooked up and monitored by Juvenile Court staff. Both probation and detention staff would be able to monitor the youth's whereabouts through computer software. JPC's would have faster notification of youth leaving a designated perimeter. Both house arrest and EHM enable the youth to remain engaged in community resources while under close supervision of the Juvenile Probation Department.

Daily Check-Ins: The Court has been ordering high risk youth awaiting treatment to check in with probation daily, rather than wait in detention. Daily check-ins have also been ordered for pre-trial release on felony charges.

Incentive Based Probation: Moderate and High risk youth are given a snack at in person probation appointments. They also earn points for completion of court ordered tasks like assessments and community service. Points can be redeemed for gift cards at local stores and restaurants.

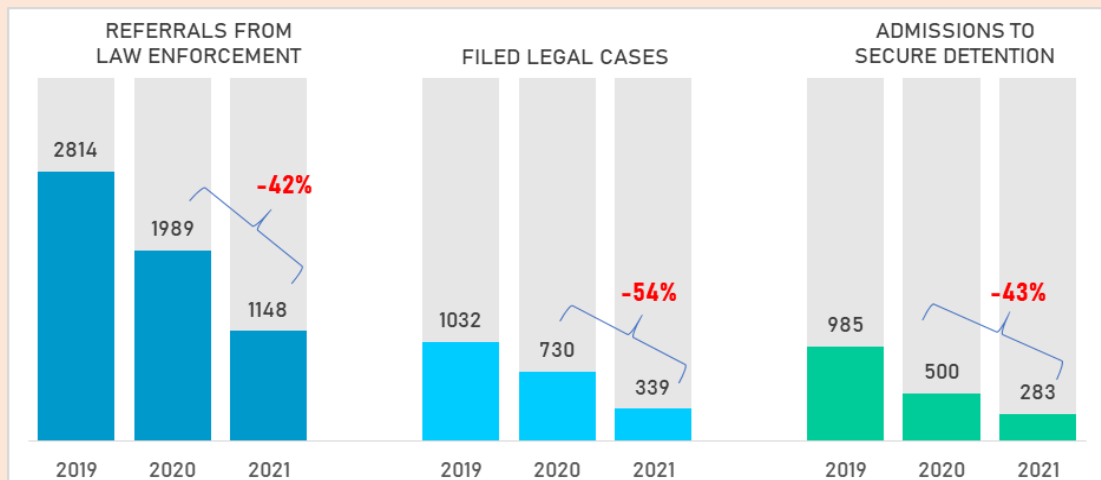
## Core Strategy #6: Case Processing Reforms

Modifications of juvenile court procedures accelerate the movement of delinquency cases, streamline case processing and reduce unnecessary delay. Case processing reforms are introduced to expedite the flow of cases through the system. These changes reduce lengths of stay in custody, expand the availability of non-secure program slots and ensure that interventions with youth are timely and appropriate. Case Processing times for youth who are detained and those released on ATDs should strive to be as similar as possible due to the understanding that an ATD should be short term. The longer a youth is supervised on an ATD the more likely he or she is to violate the release conditions and therefore drive up potential detention admissions and/or slow down the case process even further.

### King County & Case Processing Reforms<sup>18</sup>

Since King County became a JDAI site in 1998, referrals from law enforcement, legal filings, and secure detention admissions have continued to decline. Like most other jurisdictions across the country, at the beginning of the COVID-19 pandemic in 2020, the declines became steep and unprecedented. The early pandemic declines reflected shifting law enforcement priorities, health protocols implemented by court and detention facilities to mitigate transmission of COVID-19, and the addition of new prosecution diversion processes in King County. These steep declines continued into 2021.

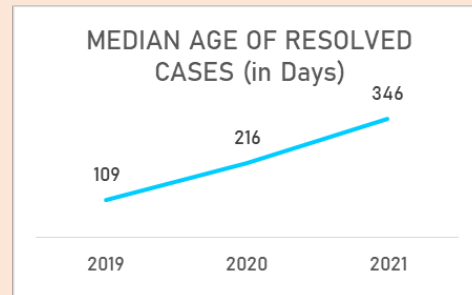
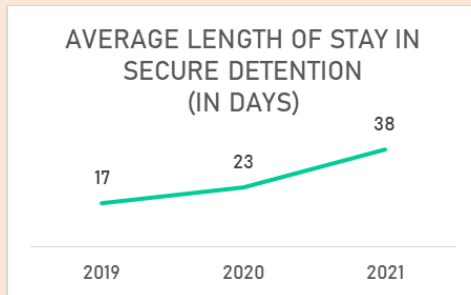
In 2021, the fewest youth ever were involved in the juvenile legal system in King County, with more referrals to diversion programs than legal cases filed. Compared to 2020, there was a 42% decrease in referrals, a 54% decrease in filed legal cases, and a 43% decrease in admissions to secure detention. The cases that remained filed in 2021 continued to be only the most serious offenses. In 2021, 66% of cases filed were for felony offenses.



<sup>18</sup> Data in this narrative includes some cases that are excluded in the state-wide analysis, as described on page 2. At the local level, King County is counting all admissions to best understand and decrease the use of secure detention.

## King County & Case Processing Reforms Continued

Because of the seriousness of cases before the Court, time to resolution and length of stay in juvenile detention increased. Between 2019, and 2021, the median age of resolved cases increased by 217%, from 109 days to 346 days. And while detention admissions were the lowest they had ever been, the average length of stay increased. These lengths of stay include youth who are charged for serious offenses as adults in King County Superior Court, which is experiencing its own pandemic-related delays in case processing. These increases reflect the seriousness of the issues before the court and the strategies used by defense and prosecution to effectively prepare for and negotiate cases.



King County made modifications to address case processing delays and reduce length of stay in custody in 2021. These included:

- Assigning Juvenile Probation Counselors to youth as soon as they present to detention to improve coordination of assessments, services, and reports to the court to potentially expedite case processing.
- Implementation of universal behavioral health screening for all youth at time of presentation to improve access to assessments and supports, regardless of adjudicatory outcome.
- Close monitoring and auditing of detention cases to identify long lengths of stay to ensure parties are coordinating for timely resolution.
- Expansion of geographic boundaries for youth on Electronic Home Monitoring so youth can access services and strategies that support positive behavior, making new charges or remand to detention less likely.
- Implementation of a program to provide community-based supports to youth on Electronic Home Monitoring through two contracted community agencies to help youth and families access interventions that are therapeutic, restorative, strengths-based, racially and ethnically affirming and founded on culturally appropriate practices.
- A cross-system Time to Resolution workgroup, comprised of representatives from the Department of Public Defense, Juvenile Court, and the Prosecuting Attorney's Office, continued to meet to review existing policies and procedures and strategize new approaches.

Pending case volume remains historically low, and a resulting downtrend in time to resolution for the small number of cases resolved is emerging for 2022. King County will continue to review and modify court procedures to reduce delays.

## **Core Strategy #7: Special Detention Cases**

“Special detention cases” are those cases that commonly represent large percentages of inappropriate or unnecessary stays in detention. Data analysis typically directs jurisdictions to focus on those youth detained on warrants, for probation violations, or pending dispositional placement. Addressing these cases can have immediate and significant impact on safely reducing detention populations. Best practices have identified two-tiered warrants, incentives and sanctions grids, and updating standard probation rules as effective responses to reduce special detention cases.

### **Pierce County & Special Detention Cases**

As Pierce County Juvenile Court (PCJC) continues to look for opportunities to improve the system, we have made special detention cases a priority. This is to ensure we are appropriately responding to challenging behaviors and detention is only being utilized for the most serious cases who pose a community safety risk. Special detention cases consist of Alternative Detention Services (ADS)/Electronic Home Monitoring (EHM) failures, Active Runaway or Escapes, a PCJC Bench Warrant, Probation Violations or Warrants, Transfers, or Holds for other jurisdictions.

In both 2020 and 2021, special detention cases made up around 20% of all the admissions to detention. Given that nearly 1 in 5 admissions to detention are a special detention case, it is important that we take a hard look at what is happening. Similar to our Detention Risk Assessment Instrument (DRAI), which creates objective admissions to detention, we have a grid that assists staff on how to proceed when a youth on their caseload is booked into detention under a special detention category.

Since the onset of covid we have been especially mindful of managing special detention cases. In 2020, we quashed all outstanding warrants and only re-issued them if the youth posed a serious threat to public safety. Because of the significant impact the quashing and limited re-issuing of warrants had on reducing detention admissions we made the limited use of warrants a permanent policy change. This change has led to a significant drop in the number of youth admitted to detention that fall in the category of a special detention case. This also means that the cases that are being admitted to detention are more serious in nature and has led to an uptick in the average length of stay (ALOS) for special detention cases.

As we move forward in our reform journey the increase in ALOS is a new challenge that we are ready to face head on. We are excited that our efforts and specifically our focus on managing special detention cases have had a positive impact on reducing how many youth are admitted into detention. This success is encouraging as we work to reduce these numbers in the future.

## Core Strategy #8: Conditions of Confinement

Since its inception, JDAI has emphasized the importance of maintaining safe and humane conditions of confinement in juvenile detention facilities. The JDAI juvenile detention facility standards, originally published in 2004 and revised in 2014, represent the most comprehensive and demanding set of publicly available standards for juvenile detention facilities. Officials in JDAI sites have used these standards and JDAI facility assessment process to improve policies and practices and ensure that their facilities reflect evolving standards of practice in the field. Sites are encouraged to conduct a facility self-assessment every 2 to 3 years in order to ensure regular review and continuous improvement.

### **Snohomish County & Conditions of Confinement**

These past 3 years, COVID-19 has caused challenges and opportunities when it comes to juvenile detention operations. Snohomish County juvenile detention across the board has emphasized the importance of maintaining safe and humane conditions of confinement specifically with COVID-19. The court has implemented daily meetings every morning via zoom with juvenile court staff and leadership to ensure there is streamlined communications to address those specific challenges and to share the successes of the youth in the care of detention. Since becoming a JDAI court in 2013, there has been a collaborative approach to examine and review detention policies and practices for the betterment of youth that enter detention and adhere to the conditions of confinement. When interviewing various detention staff and classification counselors in how COVID-19 has impacted detention operations and conditions, they highlighted the following:

- No programming for 2 years due to COVID-19
- Increasing technology capacity to have youth utilize zoom for visitations and other needs
- Ensuring all continue to adhere to COVID-19 safety and health protocols
- Education was provided via zoom to ensure all youth had access to education services
- Managing stress and finding healthy outlets for staff and youth
- Creative solutions to address appropriate staffing to maintain 24/7 detention operations
- Implement judicial oversight with the Detention Risk Assessment Instrument (DRAI)
- Partner with local medical/hospital professionals to ensure there is oversight

There is an exceptional appreciation for detention staff for their relentless work and commitment to show up each day and keep the youth safe during these times.

Snohomish County Superior Court created a volunteer staff position in 2021 to display a strong commitment to address efforts around programming and capacity for outreach to the community as youth transition back to the community. The volunteer position has assisted, collaborated, and spearheaded programming back to Juvenile Court in which has helped immensely to bring back programming which was lost due to COVID-19 and simultaneously improve conditions of confinement. This was accomplished by having focus groups, survey's and conducting multi-disciplinary meetings with various stakeholders that has

## **Snohomish County & Conditions of Confinement Continued**

included community. This specific commitment is in part to provide the highest level of care and services to all youth despite the challenges COVID-19 has presented. Some of those programs are:

- Farmer Frog, provides gardening/horticulture sessions
- Arts with a Purpose in providing 1:1 or group art mentoring sessions
- Chaplains once a week
- Yoga behind Bars in March to provide meditation and Yoga
- Juvenile detention staff leading cooking classes that will help build skills
- Zoom mentoring through Project Girl
- All education programs returned to in-person

The latest effort was supporting detention staff with the incentive programming in the continued efforts to reduce the use of room confinement. The detention leadership has created incentive-based programming centered around the youth's voice via feedback and what is important to them. The incentive programming encompasses a leveling system to support behavior change and for youth to engage with programming. Further, staff have attended training relevant to their programs thus resulting in changing the culture and improving conditions of confinement by listening to the youth when providing the appropriate care and cultural supports. That support varies with the diverse youth and will continue to be a priority. Some of those examples include assuring that youth have their bibles or prayer mats and access to materials in different languages. These efforts have been led by detention staff, whereby creating an environment around feedback and genuinely listening to improve and reduce the use of room confinement. The leadership (Juvenile Court Administrator and Manager) are on statewide committees to improve policies and practices within programming, education and the use of room confinement which has helped expedite the importance of empowering youth and creating a safe, nurtured environment for youth to transition back to the community.

Being a JDAI court, Snohomish County has steadily reduced the number of youths in secure detention. The JDAI quarter reports that have been submitted regularly, data has shown the decline. In 2016, there were 981 admissions to detention. In 2021, there were 118 admissions to detention, resulting in an 88% reduction in admissions. Within the data structure, Snohomish County juvenile court hired a data case flow coordinator to assist and help with the data by making informed decision with multiple stakeholders in juvenile court.

When youth enter secure detention, they are immediate assessed for physical and mental health needs. This work is guided by the detention and classification staff to bridge the care from Providence Hospital to our nurses and medical protocols. In addition, there is a Mental Health Community Support Specialist in detention that is contracted through Snohomish County Behavior Health that supports and guides with the physical and mental health needs in detention. This is a priority and has been a priority during COVID-19. This practice leads to more appropriate and targeted service referrals and community-based service connections upon re-entry.



## **Snohomish County & Conditions of Confinement Continued**

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In 2021-2022, Snohomish County Superior Court, which also includes detention, began the process to become a restorative and trauma-informed organization. Six Juvenile Court Employees will be part of the Trauma-Informed Leadership Teams (TILT). The cohort learning will begin in January 2023 and last into April with the goal to train and learn together to lead with trauma-informed and restorative principles and practices within Superior Court and its employees.

Lastly, in conducting the interviews and generating the report. Would like to greatly thank detention staff for their dedication and hard work during these times as they have displayed care, respect, and partnership for the youth in detention during this challenging time while being creative to provide the best programming that could be offered.