

THE IMPACT OF COVID-19 ON JUVENILE DETENTION IN WASHINGTON STATE



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INTRODUCTION

The Covid-19 pandemic disrupted court operations in Washington State at every level, including juvenile court. One area that is of particular concern is juvenile detention, as these residential facilities were tasked with balancing the need for youth rehabilitation, public safety, and the youth's physical and mental health. To date, only one study has been published in Washington examining the statewide effect of the pandemic on juvenile detention (Gilman & Sanford, 2020a), finding that during the Governor's "Stay Home – Stay Healthy" order, detention admissions dropped by as much as two thirds compared to periods earlier in the year.

The purpose of this report is to provide a more comprehensive study of the impact of the Covid-19 pandemic on juvenile detention in Washington State. The report is organized into three parts, each of which answers an important research question. In Part 1 we examine descriptively how the detention population changed following the onset of the pandemic, by comparing detention admissions from April-December of 2020 to the same nine-month period in 2019. We present detention admissions by youth demographics, primary admission reason, and length of stay. To provide context to the admission numbers, we also present changes in juvenile court referrals over the same periods. In Part 2 we estimate the isolated impact of the pandemic on detention admissions by accounting for both historical and seasonal trends in the data. Specifically, we use historical statewide data and Seasonal Auto-Regressive Integrated Moving Average (SARIMA) modeling with forecasting to estimate the monthly number of admissions we would have observed absent the pandemic and compare these estimates with the observed monthly admissions. In Part 3 we explore qualitatively how juvenile courts adapted to the pandemic through changes in policies and practices by analyzing data collected through surveys of juvenile courts. In the Conclusion section we outline the limitations of the study, summarize the main findings, and briefly discuss the implications of the results.

PART 1: JUVENILE DETENTION ADMISSIONS BEFORE AND AFTER THE ONSET OF THE PANDEMIC

In this first section of the report, we address the following research question: what were the differences in juvenile detention populations in the nine months after the onset of the pandemic (April-December, 2020) compared to the same nine-month period from the previous year (April-December 2019)? Specifically, we examine overall admissions, admissions by individual demographics (gender, race/ethnicity, and age) as well as the intersectionality of gender and race/ethnicity, admissions by primary reason/offense, admissions by reason for non-offenders, and length of stay. In addition, we examine juvenile court referrals during these same pre-pandemic and post-pandemic-onset periods to provide context for the detention data.

METHOD

Data and Measures

Data for this study were drawn from the Court Contact and Recidivism Database (CCRD), housed at the Administrative Office of the Courts (AOC). The CCRD includes demographic data and court referral data for all counties statewide as well as juvenile detention data for all counties except King County. We received additional juvenile detention data from the King County Department of Adult and Juvenile Detention (DAJD) to complete this report. All measures used in this descriptive study are defined below.

Detention Admissions

For this study, we included all formal admissions of youth who were processed through a Washington State court regardless of the length of stay or facility type (county-operated, in-state private, or out-of-state contracted). Thus, we excluded: screen and release episodes, holds for out-of-state jurisdictions, and holds for Native Tribes.

Gender

Currently, court data management systems only include a binary option for gender: male or female. We recognize that these labels are not inclusive of all possible gender identities, and many youths will not fit into one of these two categories. This is a limitation of the current study.

Race/Ethnicity

Court data management systems allow users to choose one racial category from the following list: American Indian/Alaska Native; Asian; Black/African American; Pacific Islander; White; Multi-Racial; Other; and Unknown/Refused. In addition, the user can choose an ethnicity from the following options: Hispanic; Non-Hispanic; and Unknown/Refused. From these race and ethnicity options, we created the following categories: American Indian/Alaska Native (our label: Native American); Asian or Pacific Islander (Asian/PI); Black or African American (Black); Hispanic (Latinx, including all youth who are identified as Hispanic, regardless of race); White; and Multi-Racial, Other or Unknown (Other/Unknown). As with gender, there are limitations to these categorizations, namely, that not all youth will identify with one of these labels.

Age

The youth's age (in years) was calculated at the time of admission based on the date of birth available in the court record.

Admission Reason/Offense Seriousness

If two or more admission reasons were identified at the time of the detention admission, the reasons were ranked as follows from most serious to least serious: new felony offense; new misdemeanor offense; new criminal infraction (traffic or non-traffic);¹ violation of a court order (offender); and violation of a court order (non-offender). Additionally, some jurisdictions only record that the youth was admitted as a hold for another jurisdiction without information about the referral or case. These, as well as other episodes where the admission reason was unclear, were categorized as "other/unknown."

Non-Offender Admission Reason

In the data we examined, there were four primary reasons why a youth could be admitted to detention for a non-offender matter (i.e., the youth was not being admitted as a result of an alleged or adjudicated criminal offense, criminal infraction, or a violation of a court order stemming from a criminal offense). These reasons included: At-Risk-Youth (ARY) petition; Child in Need of Services (CHINS) petition; Truancy petition; and an open Dependency case. During the study period, non-offender youth could only be admitted to detention if there was a violation of a valid court order (VCO).² For example, if, as a result of an approved ARY petition, the court ordered the youth to abide by a curfew and the youth did not follow that order, then the judge could find that youth in contempt and order the youth to detention.

Length of Stay

The mean and median length of stay in detention were calculated based on the youth who were released during the study period, so as to ensure that we were capturing the full length of stay for each episode. Thus, the total number of observations is different from the number of admissions during the study period. Length of stay excludes any time the youth was out of the facility on furlough or temporary leave.

Juvenile Court Referral

We counted all new referrals to juvenile court during the study period for criminal and non-criminal matters. Because Dependency petitions fall outside the jurisdiction of juvenile court, they are not included in the count of juvenile court referrals. However, as noted above, it is important to keep in mind that during the study period, youth were admitted to detention as a result of a violation tied to a Dependency case.

RESULTS

Tables 1.1–1.6 present the results of the descriptive analyses we conducted examining the change in detention admissions from pre-pandemic to post-pandemic onset, as well as the change in the detention population and reasons for detention. Tables 1.7–1.10 present the results of the analyses we conducted examining the change in referrals from pre-pandemic to post-pandemic onset as well as the change in the referred population and reasons for referral.

¹ Examples of infractions include: graffiti, driving without a license, fire alarm/equipment tampering, and disclosing intimate images.

² Per ESSSB 5290, beginning in July 2020, courts were no longer allowed to order detention for youth who had violated a court order related to their dependency case or Child in Need of Services petition.

Detention Admissions

There were 60% fewer detention admission in April-December 2020 compared to the same nine-month period in 2019.

From April 1 to December 31, 2019 (pre-pandemic period) there were 7,866 admissions to juvenile detention; from April 1 to December 31, 2020 (post-pandemic-onset period) there were 3,131 admissions, representing a 60% decrease. This is a substantial change. However, it is important to note that we have observed decreases in detention admissions in each year since we began tracking in 2016. For comparison, there was a 6% decrease in admissions from 2016 to 2017 (Gilman & Sanford, 2019a), a 7% decrease between 2017 and 2018 (Gilman & Sanford, 2019b), and a 9% decrease between 2018 and 2019 (Gilman & Sanford, 2020b). Thus, it is likely that the reduction in detention admissions reported here is not due exclusively to the pandemic. Please see Part 2 of this report where we present estimates of the isolated impact of the pandemic on juvenile detention admissions.

Detention Admission by Demographic Variables

Population-based disproportionality decreased slightly for Black and Latinx youth in the post-pandemic-onset period compared to the pre-pandemic period.

As shown in Table 1.1, in the pre-pandemic period, 72.2% of detention admissions were accounted for by boys. In the post-pandemic-onset period, that dropped slightly to 70.9%. We observed a modest change in the racial and ethnic composition of youth being admitted to detention: White youth represented 47.5% of admissions pre-pandemic and 50.0% post-pandemic-onset, while representation of Latinx youth changed from 28.3% to 26.6% and Black youth changed from 15.1% to 13.3%. Representation of Native American and Asian/PI youth remained fairly consistent (4.8% to 5.1% and 3.1% to 2.9%, respectively). The average age at admission in the pre-pandemic period (16.0) was roughly the same as in the post-pandemic-onset period (15.9).

Table 1.1 Detention admissions by demographics, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=7,866)		Post-pandemic-onset (n=3,131)	
	n (%)	M (sd)	n (%)	M (sd)
Gender (male)	5,678 (72.2)		2,220 (70.9)	
Race/ethnicity				
White	3,736 (47.5)		1,567 (50.0)	
Latinx	2,230 (28.3)		833 (26.6)	
Black	1,186 (15.1)		416 (13.3)	
Native American	374 (4.8)		160 (5.1)	
Asian/PI	243 (3.1)		91 (2.9)	
Other/Unknown	97 (1.2)		64 (2.0)	
Age		15.9 (1.4)		16.0 (1.4)

Note: percent totals may not add to 100 due to rounding.

To provide context to the changes observed in the racial and ethnic makeup of youth in detention, Table 1.2 shows, for each racial/ethnic group, representation in the general youth population (age 12–17), representation in detention admissions, and the admission-level

detention rate per 1,000 youth in the population during the pre-pandemic and post-pandemic-onset periods. All groups showed a sizable reduction in the population-based rate of detention. In the pre-pandemic period, Black youth had a detention rate (47.6 admissions per 1,000 youth) that was four times the rate of White youth (11.6); the rate for Native American youth (44.7) was nearly four times higher than the rate for White youth; the rate for Latinx youth (19.9) was 1.7 times higher than the rate for White youth. In the post-pandemic-onset period, these disparities for Black and Latinx youth decreased: the rate for Black youth was 3.3 times higher than the rate for White youth and the rate for Latinx youth was 1.5 times higher. The disparity for Native youth remained consistent.

Table 1.2 Racial/ethnic representation and detention rates, pre-pandemic and post-pandemic-onset periods

		Native American	Asian/Pacific Islander	Black	Latinx	White	Other/Unknown
Pre-pandemic	% of population	1.5	7.9	4.4	20.0	57.3	7.9
	% of admissions	4.8	3.1	15.1	28.3	47.5	1.2
	Rate per 1,000	44.7	5.5	47.6	19.9	11.6	2.2
Post-pandemic-onset	% of population	1.5	8.2	4.5	20.3	56.5	8.0
	% of admissions	5.1	2.9	13.3	26.6	50.0	2.0
	Rate per 1,000	18.9	1.9	16.1	7.2	4.9	1.4

Note: percent totals may not add to 100 due to rounding.

Table 1.3 shows detention admissions by both race and gender, pre-pandemic and post-pandemic-onset. The most pronounced difference was for White girls, who made up 13.9% of admissions pre-pandemic and 16.7% in the post-pandemic-onset period. There was almost no change for White boys. Black boys, Black girls, Latinx boys, Latinx girls, and Native American girls all showed a modest decrease in representation in the detention population.

Table 1.3 Detention admissions by race/ethnicity and gender, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=7,861)	Post-pandemic-onset (n=3,131)
	n (%)	n (%)
Race/Ethnicity x Gender		
White boys	2,639 (33.6)	1,043 (33.3)
Latinx boys	1,644 (20.9)	615 (19.6)
Black boys	891 (11.3)	321 (10.3)
Native American boys	246 (3.1)	118 (3.8)
Asian/PI boys	193 (2.5)	76 (2.4)
Other/Unknown boys	65 (0.8)	47 (1.5)
White girls	1,095 (13.9)	524 (16.7)
Latinx girls	586 (7.5)	218 (7.0)
Black girls	294 (3.7)	95 (3.0)
Native American girls	128 (1.6)	42 (1.3)
Asian/PI girls	50 (0.6)	15 (0.5)
Other/Unknown girls	30 (0.4)	17 (0.5)

Note: percent totals may not add to 100 due to rounding.

Detention Admissions by Primary Reason

A higher percentage of admissions during the post-pandemic-onset period were the result of a felony offense compared to the pre-pandemic period.

Another important aspect to examine is the primary reason for detention. Table 1.4 presents the most serious offense/reason tied to the admission. In the pre-pandemic period, the percent of admissions due to an alleged or adjudicated felony offense or an alleged or adjudicated misdemeanor offense were comparable (38.6% versus 35.6%). In the post-pandemic-onset period, the share of admissions due to a felony offense rose to 48.7% and the share of admissions due to a misdemeanor dropped to 32.7%. Also notable was the change in admissions due to a violation of a court order. For offender violations (primarily probation violations), the percentage dropped from 13.1 to 10.8, and for non-offender violations (primarily tied to Becca petitions), the percentage dropped from 8.3 to 2.3.

Table 1.4 Detention admissions by primary reason, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=7,866)	Post-pandemic-onset (n=3,131)
	n (%)	n (%)
Offense Seriousness		
Felony	3,037 (38.6)	1,524 (48.7)
Misdemeanor	2,802 (35.6)	1,025 (32.7)
Infraction	24 (0.3)	11 (0.4)
VCO-Offender	1,033 (13.1)	337 (10.8)
VCO-Nonoffender	652 (8.3)	72 (2.3)
Other/Unknown	318 (4.0)	162 (5.2)

Note: percent totals may not add to 100 due to rounding.

It is also important to examine admissions for non-offender matters on their own. In the one-day snapshot of youth in detention during the Governor’s “Stay Home – Stay Healthy” order, there were no youth in detention where the primary reason was a non-offender matter (Gilman & Sanford, 2020a). From April 1 to December 31, 2019 there were 652 detention admissions where the most serious reason was a violation of a court order tied to a non-offender matter (Becca petitions, Dependency cases, or other non-criminal matters); from April 1 to December 31, 2020 there were 72 such admissions, representing an 89% decrease. As shown in Table 1.5, in the pre-pandemic period, just over half (52.4%) of the non-offender admissions were due to an At-Risk-Youth (ARY) petition, and 38.9% were due to a truancy petition. In the post-pandemic-onset period, 66 of the 72 admissions (91.7%) were due to an ARY petition. Admissions related to a truancy petition and admissions related to a dependency matter fell to almost zero during the pandemic. This is not surprising, given that: 1. the Office of the Superintendent of Public Instruction (OSPI) placed a moratorium on truancy petition filings following the onset of the pandemic, and 2. SB 5290 outlawed the use of detention in Dependency matters beginning on July 1, 2020.

Table 1.5 Non-offender detention admission reason, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=652)	Post-pandemic-onset (n=72)
	n (%)	n (%)
Non-offender Reason		
ARY	341 (52.3)	66 (91.7)
CHINS	4 (0.6)	0 (0.0)
Truancy	253 (38.8)	4 (5.6)
Dependency	45 (6.9)	2 (2.8)
Other	9 (1.4)	0 (0.0)

Detention Admissions by Length of Stay

The median length of stay in detention increased from the pre-pandemic to the post-pandemic-onset period.

In the pre-pandemic period, the average length of stay in detention was 9.7 days, while the median length of stay was 3.1 days (i.e., half of all detention admissions were shorter than 3.1 days and half were longer). In the post-pandemic-onset period, the average length of stay increased to 13.5 days, while the median length of stay shifted to 3.8 days. This is not surprising, given, as discussed above, that detention admissions were more likely to be tied to a felony offense and less likely to be tied to a misdemeanor offense or a violation of a court order in the post-pandemic-onset period.

Table 1.6 Length of stay in detention, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=7,946)	Post-pandemic-onset (n=3,185)
	Days	Days
Mean LOS	9.7	13.5
Median LOS	3.1	3.8

Note: LOS is calculated using the number of detention admissions that ended during the reported period.

Juvenile Court Referrals

Juvenile court referrals dropped by the same magnitude (61%) as juvenile detention admissions from the pre-pandemic to the post-pandemic-onset period.

We examined the extent to which the flow of cases into juvenile court changed during the pandemic, as this could be a major contributing factor to the decline in detention admissions. We assessed new juvenile court referrals (for both offender and non-offender matters) during the same nine-month periods (April-December) pre-pandemic and post-pandemic-onset (2019 and 2020). We found that referrals to juvenile court dropped by roughly the same magnitude as detention admissions across these two periods. From April 1 to December 31, 2019 there were 19,578 new referrals to juvenile court; from April 1 to December 31, 2020 there were 7,715 referrals, representing a 61% decrease.

Juvenile Court Referrals by Demographics

White youth made up a larger percentage of juvenile court referrals in the post-pandemic-onset period compared to the pre-pandemic period.

The demographic breakdown of youth accounting for juvenile court referrals is presented in Table 1.7. In the pre-pandemic period, boys made up 64.0% of juvenile court referrals. During the pandemic, this increased to nearly 70%. This is interesting, as we saw the opposite shift in detention, where girls made up a larger share of detention admissions in the post-pandemic-onset period. Similar to changes observed in detention admissions, White youth made up a larger share of referrals in the post-pandemic-onset period. Latinx youth showed the largest decrease – they made up 25.6% of referrals pre-pandemic and 22.4% post-pandemic-onset. Unlike detention, where we saw that Black youth made up a smaller share of detention admissions in the post-pandemic-onset period, the share of referrals accounted for by Black youth stayed roughly the same. The average age at referrals shifted slightly from 15.3 to 15.7.

Table 1.7 Juvenile court referrals by demographics, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=19,578)		Post-pandemic-onset (n=7,715)	
	n (%)	M (sd)	n (%)	M (sd)
Gender (male)	12,531 (64.0)		5,372 (69.6)	
Race/ethnicity				
White	9,600 (49.0)		4,135 (53.6)	
Latinx	5,014 (25.6)		1,730 (22.4)	
Black	2,327 (11.9)		940 (12.2)	
Native American	682 (3.5)		255 (3.3)	
Asian/PI	819 (4.2)		239 (3.1)	
Other/Unknown	1,136 (5.8)		416 (5.4)	
Age	15.3(1.8)		15.7(1.6)	

Notes: 1. percent totals may not add to 100 due to rounding;

2. 53 admissions from the pre-pandemic period and 22 admissions from the post-pandemic-onset period were missing gender data.

As shown in Table 1.8, the decrease in the share of referrals accounted for by Latinx youth is observed for girls, but not for boys. On the other hand, the increase in the share of referrals accounted for by White youth is observed only for White boys. Other groups showed minimal shifts in representation.

Table 1.8 Juvenile court referrals by race and gender, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=19,578)	Post-pandemic-onset (n=7,715)
	n (%)	n (%)
Race/Ethnicity x Gender		
White boys	6,090 (31.1)	2,786 (36.1)
Latinx boys	3,263 (16.7)	1,270 (16.5)
Black boys	1,593 (8.1)	693 (9.0)
Native American boys	431 (2.2)	169 (2.2)
Asian/PI boys	539 (2.8)	190 (2.5)
Other/Unknown boys	615 (3.1)	264 (3.4)
White girls	3,505 (18.0)	1,342 (17.4)
Latinx girls	1,746 (8.9)	460 (6.0)
Black girls	728 (3.7)	245 (3.2)
Native American girls	250 (1.3)	84 (1.1)
Asian/PI girls	277 (1.4)	49 (0.6)
Other/Unknown girls	488 (2.5)	141 (1.8)
Unknown Gender	53 (0.3)	22 (0.3)

Note: percent totals may not add to 100 due to rounding.

Juvenile Court Referrals by Offense/Reason

The percentage of juvenile court referrals for non-offender matters dropped substantially from the pre-pandemic period to the post-pandemic-onset period.

As shown in Table 1.9, prior to the pandemic, 60.0% of referrals to juvenile court were due to an alleged felony, misdemeanor, or other criminal infraction.^{3,4} In the post-pandemic-onset period, that increased to 82.0%. Specifically, felony offenses went from 17.0% of all referrals to 28.7%, while misdemeanors went from 41.3% to 50.6%. Becca petitions accounted for over one-third of all juvenile court referrals prior to the pandemic (36.6%). In the post-pandemic-onset period, that shifted to 11.8%.

Table 1.9 Juvenile court referrals by primary reason, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=19,578)	Post-pandemic-onset (n=7,715)
	n (%)	n (%)
Offense/Reason		
Felony	3,337 (17.0)	2,218 (28.7)
Misdemeanor	8,080 (41.3)	3,904 (50.6)
Infraction	332 (1.7)	209 (2.7)
Becca Petition	7,169 (36.6)	912 (11.8)
Unknown	660 (3.4)	472 (6.1)

Note: percent totals may not add to 100 due to rounding.

³ Examples of infractions include: graffiti, driving without a license, fire alarm/equipment tampering, and disclosing intimate images.

⁴ Examples of “unknown referrals” include: referrals where no reason/law was recorded and referrals recorded as “non-charge.”

Table 1.10 presents Becca petition referrals only. From April 1 to December 31, 2019 there were 7,169 new referrals to juvenile court involving Becca petitions; from April 1 to December 31, 2020 there were 912 such referrals, representing an 87.3% decrease. In the pre-pandemic period Truancy petitions represented 88.5% of all Becca petitions, but only 55.5% in the post-pandemic-onset period.

Table 1.10 Referrals for Becca petitions, pre-pandemic and post-pandemic-onset periods

	Pre-pandemic (n=7,169)	Post-pandemic- onset (n=912)
	n (%)	n (%)
Becca Petition Type		
ARY	589 (8.2)	247 (27.1)
CHINS	177 (2.5)	117 (12.8)
Truancy	6,342 (88.5)	515 (56.5)
Other	61 (0.9)	33 (3.6)

Note: percent totals may not add to 100 due to rounding.

DISCUSSION

In 2020, the snapshot report showed that detention admissions had decreased by approximately two-thirds during the Governor’s “Stay Home – Stay Healthy” order, compared to the period directly preceding the order. In our current report we have found that these drastic decreases persisted. In the nine months following the “Stay Home – Stay Healthy” order, detention admissions were 60% lower than the same nine-month period in 2019.

All demographic groups saw large reductions in detention admissions. When observing representation in the detention population during the pre-pandemic and post-pandemic-onset periods, we saw a modest decrease in representation of Black youth and Latinx youth, for both girls and boys. Consequently, we saw an increase of representation of White girls (but not White boys). However, it is vital to note that Black and Latinx youth, along with Native American youth, remained overrepresented in the detention population in the post-pandemic-onset period, and White youth, along with Asian/PI youth, remained underrepresented.

During the pandemic, youth were more likely to be in detention as a result of a more serious matter, compared to the pre-pandemic period. A higher proportion of admissions were due to a new alleged or adjudicated felony offense, and a lower proportion were due to a misdemeanor offense or a violation of a court order. Given that youth were in detention for more serious matters, it is also not surprising that the average length of stay increased in the post-pandemic-onset period.

A somewhat surprising finding was that referrals to juvenile court decreased by the same magnitude as detention admissions. Referrals to juvenile court for all matters saw a decrease. This gives some indication that one driving force for the reduction in juvenile detention admissions during the pandemic was changes in the community prior to any court involvement. Part 3 of this report addresses this research question in depth.

PART 2: ESTIMATING THE EFFECTS OF THE PANDEMIC ON JUVENILE DETENTION ADMISSIONS

In Part 1 of this report, we examined the differences in juvenile detention admissions and detention populations during two periods: the nine months following the Governor’s “Stay Home – Stay Healthy” order resulting from the Covid-19 pandemic (April-December 2020) and the same nine-month period in the previous year (April-December 2019). These analyses provided a general understanding of how juvenile detention admissions changed following the onset of the pandemic. We chose the same nine-month period from the previous year to account for the seasonal changes observed in detention admissions, which tend to align with the school calendar (i.e., detention admissions drop during school holidays). However, the descriptive analyses presented in Part 1 are not intended to provide an accurate estimate of the isolated effect of the pandemic on juvenile detention admissions. Specifically, those analyses, while accounting for seasonal changes in detention admissions, do not consider the overall trend we have observed over the past several years. That is, given that juvenile detention admissions have decreased each year for several years, we would expect that admissions would have been lower in 2020 compared to 2019, even absent the pandemic. The purpose of Part 2 of the current report is to estimate the specific effect of the pandemic on juvenile detention admissions overall and also for White youth and for youth of color, separately.

Understanding the effect of the pandemic on admissions of youth of color specifically is important, as historically, reductions in the populations of incarcerated youth have resulted in increased racial/ethnic disproportionality. Nationally, the number of youths in residential placement has decreased substantially over the last two decades for all racial/ethnic groups. However, between 1997 and 2019, White youth experienced the largest decrease (-69%). Black youth saw a 64% reduction, Latinx youth saw a 62% reduction, and youth of other races saw a 54% reduction (Hockenberry, 2022). Although access to accurate historical data is limited in Washington State, the trends for the four years between 2016 and 2019 were similar to those observed nation-wide. While there was a 21% reduction in detention admissions overall, White youth saw the largest decrease (-27%), followed by Latinx youth (-18%), Black youth (-17%), Native youth (-9%), and Asian/Pacific Islander youth (-8%) (Gilman, 2022).

In order to estimate the isolated effect of the pandemic on juvenile detention admissions in Washington State, we used historic monthly admissions to forecast what monthly admissions would have been in 2020, absent the pandemic. We then compared these forecasts with observed data to obtain an estimate of the impact. This method accounted for both seasonal and historical trends. The process was repeated with monthly admissions of White youth and then for admissions of youth of color.

METHOD

Data and Measures

As with Part 1, for the current set of analyses we used detention admission and youth race/ethnicity data from the Court Contact and Recidivism Database (CCRD) housed at the Administrative Office of the Courts (AOC) as well as data received directly from the King County Department of Adult and Juvenile Detention (DAJD). Specifically, we used monthly juvenile detention admissions from January 2016 through December 2020.

Detention Admission

We defined a detention admission in the same manner as above, with one exception. As in Part 1, for this study we included all formal admissions of youth who were processed through a Washington State court regardless of the length of stay or facility type (county-operated, in-state private, or out-of-state contracted). Thus, we exclude: screen and release episodes, holds for out-of-state jurisdictions, and holds for Native Tribes. Because our aim was to isolate the effect of the pandemic on detention admissions, we also excluded admissions that were affected by Engrossed Second Substitute Senate Bill (ESSSB) 5290. This bill was passed in Washington State in 2019 and phased out the use of juvenile detention for youth found in contempt relating to a non-offender matter (i.e., a Truancy, At-Risk Youth [ARY], or Child in Need of Services [CHINS] petition or a Dependency case). In July 2020 it became unlawful to admit a youth to juvenile detention in relation to a Dependency case or CHINS petition. Thus, we excluded all detention admissions from 2016 through 2020 for Dependency and CHINS matters in the analyses.

Race/Ethnicity

We estimated models separate for White youth and youth of color. Court data management systems allow users to choose one racial category from the following list: American Indian/Alaska Native; Asian; Black/African American; Pacific Islander; White; Multi-Racial; Other; and Unknown/Refused. In addition, the user can choose an ethnicity from the following options: Hispanic; Non-Hispanic; and Unknown/Refused. From these race and ethnicity options, we created the following categories: American Indian/Alaska Native (our label: Native American); Asian or Pacific Islander (Asian/PI); Black or African American (Black); Hispanic (Latinx, including all youth who are identified as Hispanic, regardless of race); White; and Multi-Racial, Other or Unknown (Other/Unknown). There are limitations to these categorizations, namely, that not all youth will identify with one of these labels.

For the current analyses, Native American, Asian/PI, Black, and Latinx youth were combined into “youth of color.” We made this decision for two reasons. First, data were aggregated by month for the current analyses; some racial/ethnic groups had very low monthly admission numbers (i.e., <10), especially in the post-pandemic-onset period, making it difficult to create meaningful estimates of the impact of the pandemic. Second, with the exception of Native American youth, who had a similar decrease in admissions to White youth in the post-pandemic-onset period, all non-White groups had reductions that were greater than White youth.

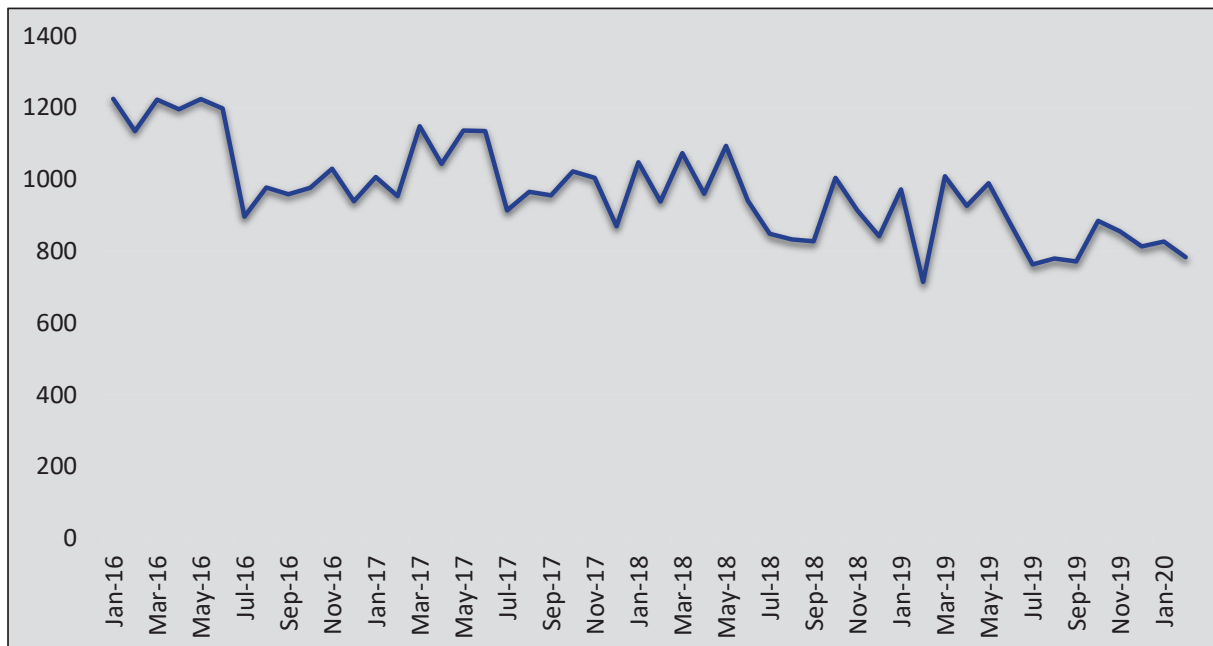
Analysis

The goal of the current analyses was to estimate the isolated impact of the pandemic on juvenile detention admissions. To accomplish this goal, we chose to model trends in monthly detention admissions in the pre-pandemic period and use that model to forecast monthly admissions after the onset of the pandemic to estimate the monthly admission totals we would have observed absent the pandemic. We then compared observed monthly admissions with predicted admissions to estimate the impact of the pandemic.

For analyses, we started the post-pandemic-onset period on March 1, 2020, the day after the Washington State Governor’s state of emergency declaration. While the full impact of the pandemic on juvenile detention admissions was not observed until the Governor announced the “Stay Home – Stay Healthy” order in late March, after which there was a sharp drop in detention admissions, admissions had already begun to decrease in the first few weeks of March (Gilman & Sanford, 2020a). Thus, we defined the period from January 2016 through February 2020 as the pre-pandemic period.

Because statewide juvenile detention admission tracking has only recently been developed in Washington, we were limited to 50 months of pre-pandemic data. However, we observed meaningful trends over this period. Figure 2.1 shows monthly detention admissions during the pre-pandemic period, where we see both an overall downward trend over the 50-month period as well as seasonal trends that align with the academic calendar – detention admissions tend to decrease temporarily during the summer and winter holiday months. Given these trends, we used a Seasonal Auto-Regressive Integrated Moving Average (SARIMA) model with the pre-pandemic monthly admission data, which accounts for both historical and seasonal trends in the data. The best fitting SARIMA model was then used to forecast monthly admissions in the post-pandemic-onset period, and we compared these forecasted values with observed monthly admissions. The steps were repeated for admissions of White youth and then again for admissions of youth of color.

Figure 2.1 Monthly statewide juvenile detention admissions, Jan 2016 – Feb 2020



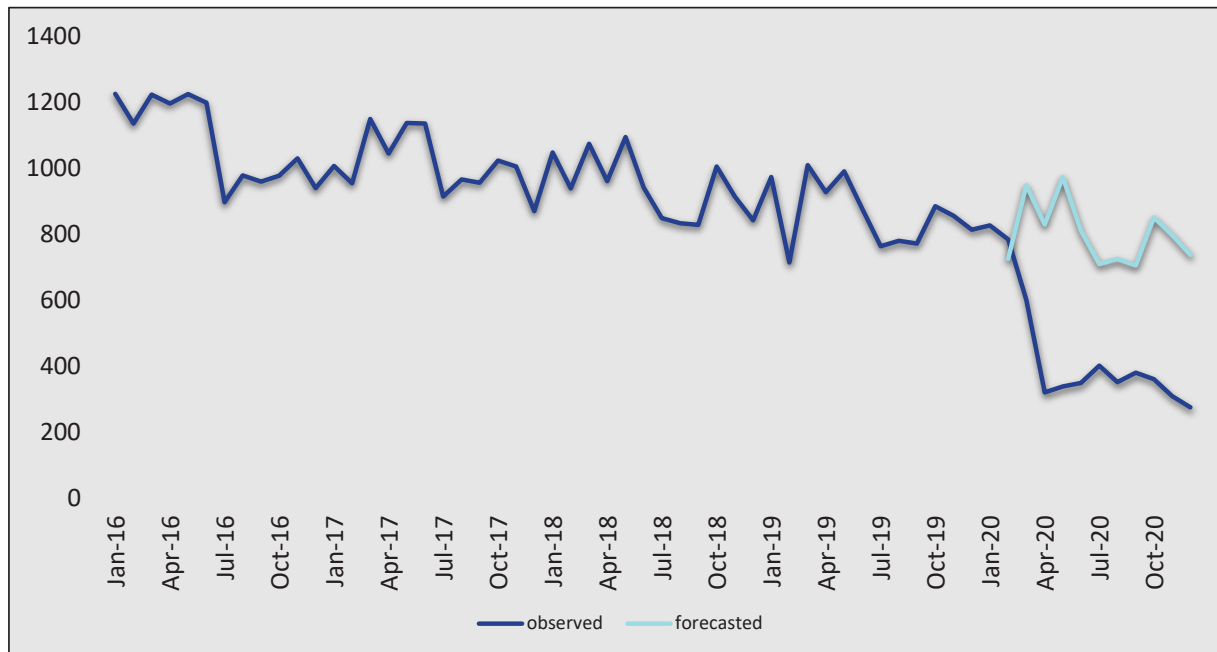
RESULTS

Overall Detention Admissions

The pandemic resulted in an estimated 54% reduction in juvenile detention admissions in the 10 months following the Governor’s state of emergency declaration.

For analyses using all detention admissions, the best fitting model⁵ forecasted monthly admissions that ranged from a low of 706 in September 2020 to a high of 973 in May 2020. As shown in Figure 2.2, the observed monthly admissions during the post-pandemic-onset period (March – December 2020) ranged from 37% to 65% lower than the values forecasted by the model (i.e., the number of monthly admissions we would have expected to observe absent the pandemic). Note that the 37% reduction was in March 2020, after the Governor’s state of emergency announcement but before the “Stay Home – Stay Healthy” order. Overall, admissions across the 10-month period were 54.4% lower than was forecasted. That is, we estimate that the pandemic resulted in a 54.4% reduction in juvenile detention admissions, accounting for historical and seasonal trends.

Figure 2.2 Monthly statewide juvenile detention admissions, observed (Jan 2016 – Dec 2020) and forecasted (Mar 2020 – Dec 2020)



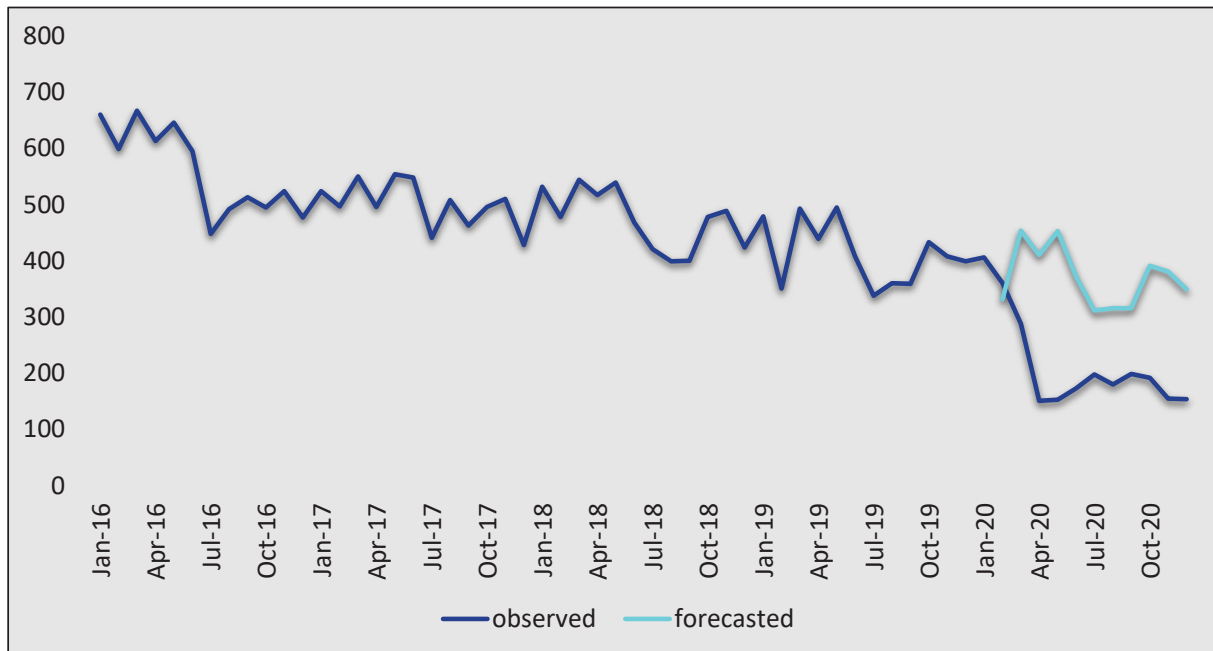
⁵ SARIMA (2,1,0)(1,1,0)₁₂

Detention Admissions of White Youth and Youth of Color, Respectively

The pandemic resulted in an estimated 51% reduction in juvenile detention admissions of White youth and a 57% reduction in admissions for youth of color in the ten months following the Governor’s state of emergency declaration.

For analyses using detention admissions of White youth, the best fitting model⁶ forecasted monthly admissions that ranged from a low of 312 in July 2020 to a high of 454 in March 2020. As shown in Figure 2.3, the observed monthly admissions during the post-pandemic-onset period ranged from 37% to 66% lower than the values forecasted by the model. Overall, admissions of White youth across the 10-month period were 50.9% lower than was forecasted. That is, we estimate that the pandemic resulted in a 50.9% reduction in juvenile detention admissions of White youth, accounting for historical and seasonal trends.

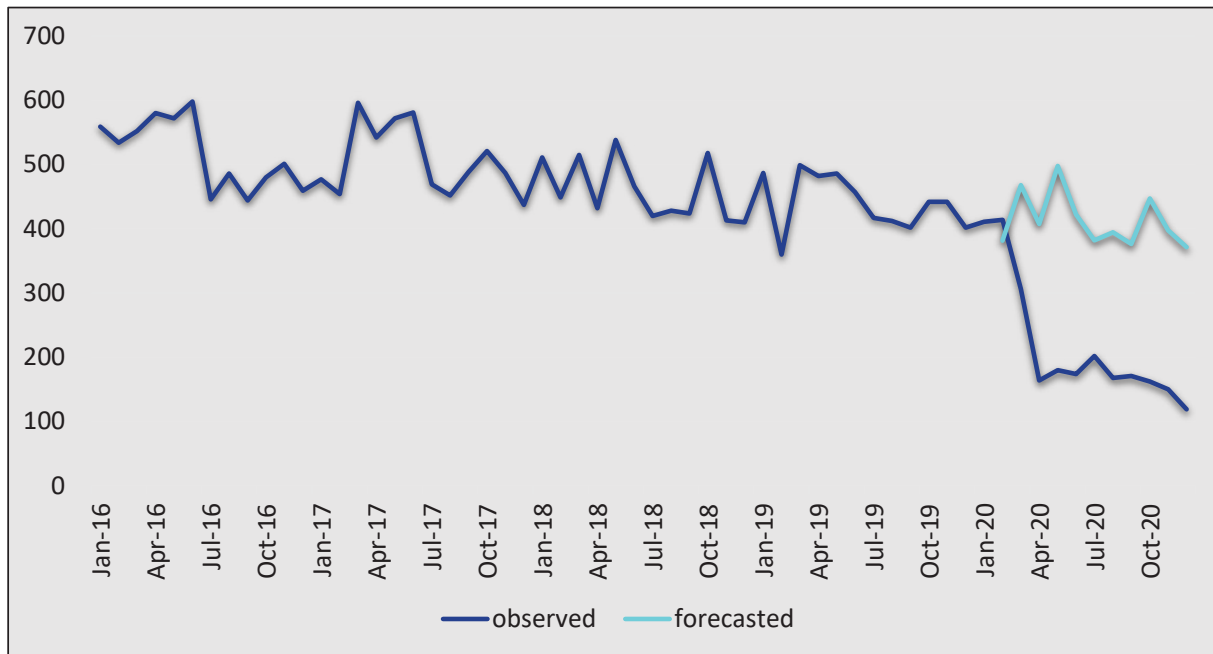
Figure 2.3 Monthly statewide juvenile detention admissions of White youth, observed (Jan 2016 – Dec 2020) and forecasted (Mar 2020 – Dec 2020)



⁶ SARIMA (0,1,1)(1,1,0)₁₂

For analyses using detention admissions of youth of color, the best fitting model⁷ forecasted monthly admissions that ranged from a low of 371 in December 2020 to a high of 498 in May 2020. As shown in Figure 2.4, the observed monthly admissions during the post-pandemic-onset period ranged from 35% to 68% lower than the values forecasted by the model. Overall, admissions of youth of color across the 10-month period were 56.9% lower than was forecasted.

Figure 2.4 Monthly statewide juvenile detention admissions of youth of color, observed (Jan 2016 – Dec 2020) and forecasted (Mar 2020 – Dec 2020)



DISCUSSION

Analyses using SARIMA modeling and forecasting showed that the Covid-19 pandemic resulted in an estimated 54% reduction in detention admissions in the 10-month period following the Governor’s state of emergency declaration. These analyses also confirmed what we had observed in the descriptive analyses in Part 1: there was a greater decrease in detention admissions for youth of color than for White youth. These final results are important, as this phenomenon has not been previously observed in Washington State or on a national level.

⁷ SARIMA (2,1,0)(1,1,0)₁₂

PART 3: EXAMINING THE EFFECTS OF THE PANDEMIC ON JUVENILE COURT AND JUVENILE DETENTION POLICIES AND PRACTICES

Parts 1 and 2 of this report showed that the juvenile detention population decreased substantially in the months following the onset of the pandemic. One aim of Part 3 of the report is to identify the mechanisms of change, i.e., the policies and practices implemented in the juvenile courts as a result of the pandemic that may have led to a reduction in detention populations. A second aim is to gain a better understanding of how juvenile courts adapted to the pandemic and which changes they anticipate making permanent. To address these research questions, we designed and administered a mixed-methods survey for juvenile courts, the results of which are presented here.

METHOD

Data Collection

In 2021 we created a survey and sent it to all 33 juvenile courts in the state. We asked that, if possible, the Juvenile Court Administrator (JCA), the Juvenile Probation Manager (JPM), and (if applicable) the Juvenile Detention Manager (JDM) complete the survey together. The reasoning for this request was two-fold. First, different positions would be better suited to complete different portions of the survey. For example, JDMs would know more about programming within the detention facility, while JCAs and JPMs would know more about alternatives to detention. However, there is substantial overlap in responsibilities for court operations, and we wanted to avoid creating separate surveys for each position based on possible erroneous assumptions about who would be most knowledgeable about each aspect. Second, we hoped that asking respondents to complete the survey together would create a focus group effect, where JCAs, JPMs, and JDMs would discuss the questions, drawing on their individual and collective knowledge to provide the most informed and complete answers. Both courts that do and do not have their own county-operated detention facility were asked to complete the survey, as all courts use juvenile detention and could answer questions regarding policies and practices.

Of the 33 juvenile courts, at least one representative from 28 courts responded to the survey (85%). Most courts (n=23) opted to have the JCA complete the survey alone. In four courts the JCA and at least one other team member completed the survey. In the final court the JPM and a programs manager completed the survey. Analyses for the current study were conducted at the juvenile court level and at the facility level. We used descriptive statistics to analyze the survey data. For the qualitative, open-ended questions we coded answers into thematic groupings and report the number of courts who fall into each category.

Measures

The online survey was designed to take approximately 30 minutes to complete and asked about changes resulting from the pandemic in the following areas: admission and release criteria; use of alternatives to detention; juvenile court diversion practices; and court attendance. In addition, we asked about perceived reasons for decreases in detention admissions; the impacts of the pandemic on detention staff; how statewide policy changes enacted during the pandemic affected court processes; and positive takeaways from 2020.

RESULTS

Changes to Release and Admission Criteria

The majority of juvenile courts made changes to their detention admission and/or release criteria as a result of the pandemic, and the most common change related to stricter admission criteria based on the presenting offense. Most courts do not plan to keep these changes in place moving forward.

Respondents were asked about their court’s formal and informal changes to release criteria as well as their formal and informal changes to admission criteria in response to the pandemic in 2020. A total of 21 courts reported at least one such change that, in our estimation, would have affected the number of youth being admitted to and/or released from detention, but one of these courts did not explain the changes they had made. All but one of the 20 courts indicated that they coordinated with law enforcement regarding the changes they made to admission criteria. Three additional courts answered that they had made changes to release and/or admission criteria, but the responses only described changes in procedures, which likely would not affect the detention population levels. For example, one court responded: “We implemented health screening procedures specific to Covid-19 including questions, rapid testing, temperature, masks, and medical housing procedure for exposed/positive clients.” While it is important to note that courts made such changes, these procedure-only responses are not included in the analysis as this question was focused specifically on understanding the reasons why detention populations were lower during the pandemic.

Courts described the changes they made to release and admission criteria in open-ended questions. We categorized these responses into two types of changes: 1. stricter criteria for admitting and/or keeping youth in detention based on the offense or reason for admission; and 2. stricter criteria for admitting and/or keeping youth in detention based on the youth’s health status. Table 3.1 provides examples of the two types of changes and reports the number of courts who implemented each type as a result of the pandemic.

Table 3.1 Juvenile courts’ changes to detention admission and release criteria during the pandemic

Change Type	Examples	Number of Courts Reporting
Stricter criteria - offense	<p>“[Law enforcement officers] were advised not to bring youth arrested for misdemeanor offenses”</p> <p>“Court was not referring youth to detention for violations.”</p>	17/28
Stricter criteria - health	<p>“[We] release if youth...is ill, in need of doctor’s attention”</p> <p>“Youth were screened and if there were COVID symptoms they could not be booked into detention.”</p>	5/28
No change, unknown change, or procedural change only		8/28

Note: two courts endorsed both types of changes.

Of the 17 courts who reported stricter criteria for being admitted and/or remaining in detention based on presenting offense, 16 specifically identified changes in admission criteria (as opposed to release criteria) as a result of the pandemic. We were especially interested in this group of courts that implemented stricter detention admission criteria based on the youth's offense and whether these changes would remain in effect moving forward. When these 16 courts were asked if they planned on keeping these changes to admission criteria in place indefinitely, three indicated that they would keep the changes in place, nine said they would not keep the changes in place, and four were unsure.

Perceived Reasons for Reductions in Detention Admissions

Juvenile courts believe that the factors most contributing to the statewide decline in detention admissions during the pandemic were: a reduction in the number of warrants being issued and law enforcement being less likely to arrest and refer youth.

In addition to the above questions about changes in release and admission criteria, we asked respondents the following question: "Statewide, admissions to juvenile detention have decreased substantially during the pandemic. From your perspective, why is that?" They were then asked to indicate the degree to which several factors contributed to the decrease, based on their professional experience. These factors and the responses are summarized in Table 3.2. The number of courts responding to this question varied between 23 and 25 depending on the factor.

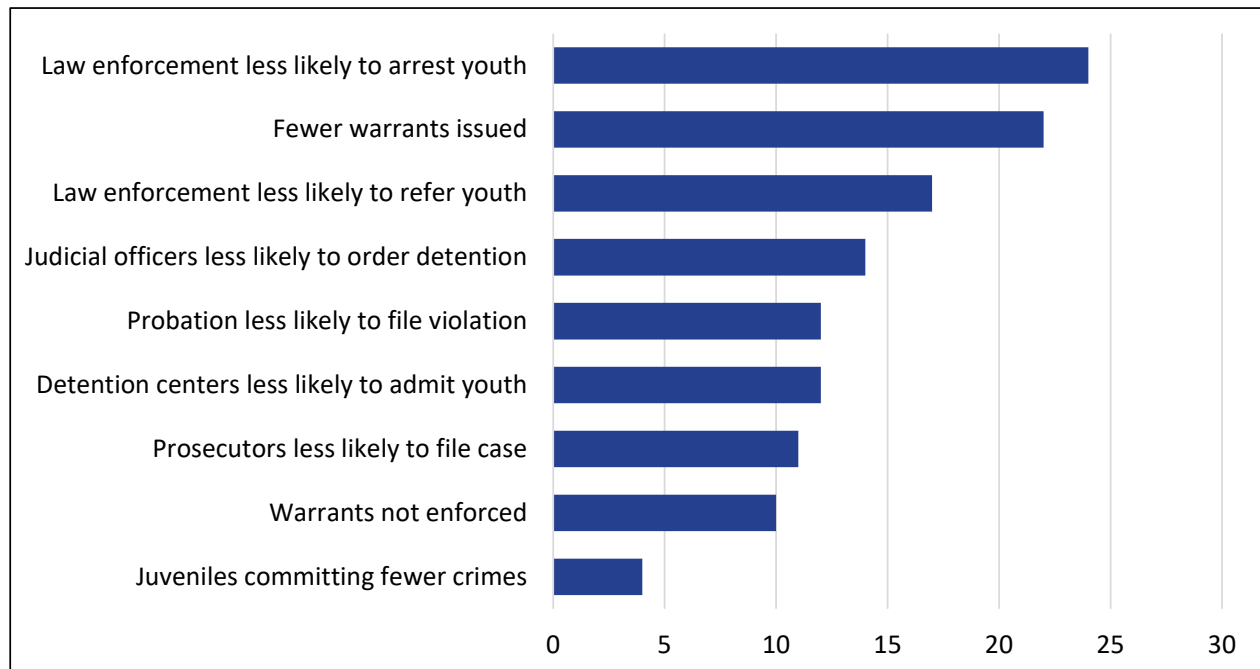
Figure 3.1 consolidates this information further by showing the number of courts that indicated each factor "somewhat" or "very much" contributed to the decrease in detention admissions. It is clear from the responses to this question that juvenile courts feel that law enforcement practices (namely changes in arrests and referrals to juvenile court) and the change in the number of warrants being issued by the courts were the most important factors affecting detention admissions. Interestingly, court representatives generally did not feel that youth in the community were actually committing fewer crimes, just that the response to those crimes, especially on the part of law enforcement, had changed.

It is important to note here that the State Supreme Court enacted Juvenile Court Rule (JuCR) 7.16 in response to the Covid-19 pandemic, 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 being issued. The change in court rule was enacted early in the pandemic, but did not include an end date. From the perspective of the juvenile courts, JuCR 7.16 had a significant impact, as a reduction in warrants was identified as one of the factors most affecting juvenile detention admissions during the pandemic.

Table 3.2 Juvenile courts’ perceptions of factors contributing to the statewide drop in juvenile detention admissions during the pandemic

	Not at all	A little	Somewhat	Very Much	Total
Juveniles have been committing fewer crimes	11	8	3	1	23
Law enforcement has been less likely to arrest youth	1	0	6	18	25
Law enforcement has been less likely to refer youth to juvenile court	3	3	8	9	23
Detention centers have been less likely to admit youth	7	4	8	4	23
Prosecutors have been less likely to file cases	4	8	5	6	23
Judicial officers have been less likely to order detention	4	7	11	3	25
There has been a reduction in the number of warrants issued	0	3	6	16	25
Warrants are less likely to be enforced	10	3	4	6	23
Probation counselors have been less likely to file probation violations	5	8	9	3	25

Figure 3.1 The number of juvenile courts reporting that each factor contributed somewhat or very much to the statewide drop in juvenile detention admissions



Changes to Alternatives to Secure Detention

Most juvenile courts use at least one alternative to secure detention program. In general, detention alternative practices did not change significantly during the pandemic.

In an effort to understand how courts supervised youth who would have otherwise been admitted to detention were it not for the pandemic, we asked courts about their use of alternatives to detention. It is important to note that juvenile courts have not yet adopted a statewide definition for detention alternatives, and thus, there is no centralized list of programs and services that fall under this definition. When asking questions about detention alternatives we did not provide a definition, and instead, let the respondent interpret the question. This was purposeful, as we wanted courts to include any programs or services they consider alternatives to detention in their answers.

All but six of the courts reported that they use at least one detention alternative. The most common alternatives used were electronic home monitoring or some other form of house arrest (n=16); work crew or other forms of community service (n=9); and various forms of community- or court-based treatment and programming (n=6). Interestingly, only one court indicated that they added any detention alternatives as a result of the pandemic and only six courts indicated that they changed the way they monitor youth who are in alternatives to secure detention programs. Most of the reported changes related to reducing the risk of exposure to Covid (e.g., social distancing, moving to remote and virtual programming, and health screening).

Changes to Court Diversion Practices

Juvenile courts report that diversion practices were not significantly affected by the pandemic beyond moving to virtual platforms.

Of the 27 courts that responded to the questions about diversion, 20 indicated that they had made any formal or informal changes to their court diversion practices in 2020 as a result of the pandemic. Courts described the changes they made to diversion practices in open-ended questions. We categorized these responses into five types of changes: 1. moving to virtual platforms; 2. being more flexible with the requirements of the diversion agreement; 3. ceasing or limiting volunteer involvement; 4. changes in diversion caseloads; and 5. other changes. Table 3.3 provides examples of the five types of changes and presents the number of courts who reported implementing each type as a result of the pandemic. The most common response to this question was that diversion proceedings moved to a virtual platform. Interestingly, only one court reported that a higher proportion of cases were being diverted during the pandemic.

Table 3.3 Changes made by juvenile courts to diversion practices as a result of the pandemic

Change Type	Examples	Number of Courts Reporting
Moving to virtual platforms	<p>“We transferred to using zoom and electronic paperwork processes if the youth and family were willing and able.”</p> <p>“Many of our diversion programs began holding their services remotely via Zoom or other platforms.”</p>	12/27
Flexibility with diversion agreement requirements	<p>“Due to community services sites not in operation due to covid, staff had to be creative with getting kids to do community service.”</p> <p>“We allowed some community service that would not meet our usual standard. Making dinner for the family, writing book reports etc.”</p>	5/27
Ceasing or limiting volunteer involvement	<p>“We were not allowing anyone in the court building, so all diversions were being done by staff rather than volunteers.”</p> <p>“No community accountability boards were held.”</p>	5/27
Changes in diversion caseloads	<p>“Prosecutor referred more cases for diversion as a percentage of all cases referred to our court.”</p> <p>“We had a large downturn in diversions during 2020.”</p>	2/27
Other	<p>“Court staff started home visits for youth we lost contact with.”</p>	1/27
No change		7/27

Note: many courts reported more than one type of change.

Changes in Court Hearing Practices

All responding juvenile courts offered remote hearings during the pandemic, and the majority of courts implemented additional strategies to help youth and families access and participate in court hearings. Many juvenile courts were unsure as to whether they will continue to offer remote hearings moving forward.

One function of juvenile detention during the pre-adjudication phase of court involvement is to ensure that youth will appear at subsequent court hearings. Given the decline in detention admissions during the pandemic, we were interested in the extent to which court attendance was also affected. We asked survey participants to “describe youth and family court hearing attendance during the pandemic” with three available options. Of the 24 courts that answered this question, the majority (n=13) responded that court attendance was about the same as it was prior to the pandemic. A smaller number of courts (n=8) responded that court attendance was lower. Four courts responded that court attendance was higher.

We asked courts about the use of remote court hearings (via audio and/or video). All of the 26 courts that answered the question reported they held remote hearings during the pandemic in 2020. Of the 25 courts that answered the follow-up question regarding their plans for the future, 11 reported remote hearings would remain an option for at least some youth indefinitely; four reported that remote hearings would not be an option moving forward; and the remaining 10 were unsure.

We also asked about the adoption of new strategies to help youth and families attend and participate in court during the pandemic. The majority of the 26 responding courts (21) reported that they employed additional strategies beyond transitioning to a virtual platform to increase court participation. Courts described the strategies in open-ended questions, and these strategies were categorized into three types: 1. education and technical assistance; 2. outreach to youth and families; and 3. other strategies. Table 3.4 provides examples of the three types of strategies and presents the number of courts who reported implementing each type as a result of the pandemic.

Table 3.4 Strategies used by juvenile courts to increase court hearing participation during the pandemic beyond moving to a virtual platform

Strategy Type	Examples	Number of Courts Reporting
Education and technical assistance	<p>“We’ve created a Zoom FAQ and Courtroom Expectations flyer that is mailed with all Notice and Summons and have included that info on our website.”</p> <p>“If they did not have access to a computer or phone, we helped them to find a location from where they could connect.”</p>	20/26
Outreach to youth and families	<p>“Increased communication – emailing all families or using text and telephone calls to remind of court and provide Zoom information.”</p> <p>“We have tried to utilize motivational interviewing and other techniques to encourage youth to attend their court hearings.”</p>	5/26
Other strategies	“Flexibility around electronic document delivery and signature collection.”	2/26
No additional strategies		5/26

Note: several courts reported more than one type of strategy.

Effect of JuCR 7.16 on Court Processes

About half of juvenile courts believe that JuCR 7.16 had a negative effect on their court processes.

In open-ended questions throughout the survey, many of the respondents commented on the effect of Juvenile Court Rule (JuCR) 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 being issued. The change in court rule was enacted as a response to the pandemic, but did not include an end date. It was clear from comments throughout the survey regarding JuCR 7.16 that some courts had strong feelings about the change in court rule (e.g., “Unfortunately, due to juCR 7.16, court has become somewhat voluntary and now this information is known to youth and oftentimes provided to them by their Public Defender”).

We asked survey respondents specifically to describe how the policy change affected their court processes. The open-ended responses to the question, which was answered by 23 courts, were categorized into two groups: negative effects and neutral effects. Table 3.5 provides examples of the two types of responses and summarizes the number of courts who reported each type of effect. Consistently, the neutral effects pertained to the decrease in the number of warrants issued by the courts and the negative effects pertained to perceived decreased accountability for youth.

Table 3.5 Juvenile courts’ perception of the effect of JuCR 7.16

Effect	Examples	Number of Courts Reporting
Neutral	<p>“It’s reduced the amount of warrants issued in juvenile cases.”</p> <p>“It has had a minor impact. It has made our Probation Counselors have to more clearly state their case for a warrant and citing the safety reasons for it.”</p>	12/23
Negative	<p>“It has made it harder to get kids to court and when a kid decides to run or not check in it is impossible to supervise the kid. Taking warrants away makes a mockery of the judicial system. We can no longer protect our citizens.”</p> <p>“It has seriously hindered the court’s ability to be responsive to matters of risk to self for youth on supervision. It has damaged the trust parents have for the probation counselors, Judge, and court in general. It has also led to sending multiple (sometimes 6 or more) summons to the same address for youth who do not show for court. Those youth know there is no consequence for not showing up for new charges and/or probation violations.”</p>	11/23

Impact of Pandemic-Related Changes on Juvenile Detention Staff

Juvenile courts report that detention staff have been affected by the pandemic in multiple ways.

We asked survey respondents in what ways “the changes that resulted from the pandemic affected juvenile detention staff.” Only 15 courts responded to this open-ended question, but one of those courts wrote “none.” We categorized the reported effects into eight themes. Table 3.6 provides examples of each of the themes and summarizes the number of courts who reported each type.

Table 3.6 The effects of the pandemic on juvenile detention staff

Effect	Examples	Number of Courts Reporting
Adapting to safety protocols	<p>“A lot of extra monitoring, screening, cleaning...Fatigue over adapting to changing expectations (wearing masks, stress – self, clients, family.)”</p> <p>“Masking and social distance protocols were added. In addition to increased vigilance for cleaning.”</p>	7/15
Adapting to changes in programming	<p>“They were more exhausted due to teaching school...and doing double programming due to two cohorts.”</p> <p>“Adapting to sudden shift in programming and had to become more engaged with youth and keep them busy.”</p>	6/15
Staffing shortages	<p>“We have experienced early retirements, resignations and difficulty in filling and retaining new positions.”</p> <p>“Lost one full time staff member as well as two relief staff due to vaccination mandate.”</p>	5/15
Overall morale	<p>“Staff are tired.”</p> <p>“Detention Staff have reported feeling very stressed, ‘overwhelmed,’ and challenged.”</p>	3/15
Adapting to lower populations	<p>“Low [population] has them worried about their jobs.”</p> <p>“Detention staff has had to adjust to a much smaller detention population.”</p>	3/15
Adapting to new technology	<p>“Staff have become more skilled with using technology.”</p> <p>“They had to adapt to virtual court for youth in detention and learn to use the technology.”</p>	3/15
Health and safety concerns	<p>“At first staff were very nervous having youth come into the facility (especially those that have been historically homeless or who spent a large amount of time on the streets and not isolated).”</p> <p>“Increased frustration due to having to be at work in a congregate setting while many others were telecommuting.”</p>	2/15
No effect		1/15

Note: several courts reported more than one type of effect.

Courts' Positive Takeaways from the Pandemic

Many juvenile courts believe that service to court users has improved as a result of increased technology usage during the pandemic.

As a final survey question, we asked participants to tell us about any positive takeaways from their court's experience during the pandemic. A total of 21 courts responded to this question, but one court wrote "none," which is also informative. Of the 20 respondents that wrote in an answer to this open-ended question, the majority outlined the ways that service to youth and families has improved through the increased use of technology, as shown in Table 3.7.

Table 3.7 Juvenile courts' positive takeaways from their experiences during the pandemic

Positive Takeaway	Examples	Number of Courts Reporting
Better service through increased technology use	<p>"Court and Probation staff report an increase in family and system partner involvement with the advent of virtual proceedings."</p> <p>"Increased ability for detained youth to visit with families via Zoom. Some youth's parents would/could not come into the facility. Programming via Zoom is more trauma sensitive for some youth/families."</p>	14/21
Staff flexibility and resilience	<p>"Have learned to be very nimble in the way we operate."</p> <p>"We are resilient."</p>	3/21
Less reliance on detention	<p>"In general the pandemic worked to further reduce our reliance on the use of detention, particularly related to probation violations."</p> <p>"I think we were relying on detention more than necessary, and this gave us time to become more creative in our interventions."</p>	2/21
Other	<p>"Health awareness has increased."</p> <p>"I love the changes in detention where we loosened up the restrictions on what youth could have in their rooms and plan to continue this."</p>	3/21
None		1/21

Note: two courts reported two types of takeaways

DISCUSSION

The results of the current study show that juvenile courts were generally in agreement that the factors most impacting detention admissions were a reduction in warrants being issued and a decrease in juvenile arrests and referrals (due to law enforcement behavior, not necessarily youth crime). This aligns with the results presented in Part 1 of the report, where we found that referrals to juvenile court decreased by roughly the same magnitude as detention admissions. Many courts did adopt stricter admission criteria as a result of the pandemic, but detention admissions decreased substantially regardless of whether courts made these changes.

Washington State has a decentralized court system, where juvenile courts operate relatively autonomously. Thus, it is not surprising that there was no universal response to the pandemic among juvenile courts. The one exception was courts' adoption or expansion of remote hearings. Many courts reported that service delivery to youth and families improved as a result of the new technology, but courts were undecided as to the future of remote hearings. In general, it appears that at the time of this survey juvenile courts were still in the process of adapting to the "new normal" created by the pandemic and making important decisions about the changing role of juvenile detention in the court process.

CONCLUSION

In this comprehensive three-part report examining the impact of the Covid-19 pandemic on juvenile detention in Washington State, there are several findings that have important implications for the juvenile justice system. First, in the months following the onset of the pandemic, detention admissions were 60% lower than the same time period in the previous year. After taking into account historical trends (detention admissions have been decreasing for several years) and seasonal trends (detention admissions tend to temporarily decrease during the school holiday months), we estimate that the pandemic resulted in a 54% reduction in detention admissions statewide. In recent years Washington has continually worked towards reducing reliance on detention and increasing access to community-based alternatives. The pandemic accelerated that process and drastically decreased the number of youths admitted to detention almost overnight. This was especially true for lower-risk youth, namely youth detained for violations of court orders and misdemeanor offenses.

Second, for the first time since we began tracking juvenile detention admissions statewide, reductions in admissions were higher for some groups of youth of color than for White youth following the onset of the pandemic. On a national level, this phenomenon has similarly never been observed. Typically, reductions in detention admissions result in an exacerbation of racial disproportionality. In the current study we saw a modest reduction in disproportionality for Black and Latinx youth in the post-pandemic-onset period. It is vital that courts work with local law enforcement to ensure that counties keep moving in the direction of racial equity in the juvenile justice system.

Third, juvenile courts attribute much of the reduction in detention admissions to changes in law enforcement behavior as well as a reduction in warrants leading to detention (in part, if not fully, resulting from JuCR 7.16). This belief regarding law enforcement behavior is supported by the observed reduction in referrals to juvenile court. Thus, courts that hope to continue the trend of decreased reliance on detention must work closely with local law enforcement to ensure that counties do not simply return to the pre-pandemic status quo. In addition to the pandemic, the murder of George Floyd in May 2020 and the subsequent social unrest, mass protests, and increased scrutiny around policing very likely affected law enforcement behavior. The specific impact of these larger social issues was not the focus of the current study, but it is important to keep in mind that there were other factors that likely (directly or indirectly) impacted juvenile detention admissions in Washington State in 2020.

In general, juvenile courts did not report an increase in the number of detention alternative programs being used, or the frequency of their use during the pandemic. This is likely because, with drastically lower number of youths being referred to courts, an expansion of detention alternative programs was not needed. If arrest and referral numbers begin to return to pre-pandemic levels, courts that wish to keep detention populations low should consider expanding detention alternative programs.

Finally, all courts responding to the survey indicated that they utilized technology to offer virtual court hearings during the pandemic, and many courts offered additional supports to help youth and families more effectively and efficiently participate in the court process. Furthermore, many courts reported that the new and expanded use of technology resulted in better service delivery to court users and more meaningful engagement. Juvenile courts should examine which changes resulting from the pandemic contribute to better services for youth and families and consider making these changes permanent.

LIMITATIONS

Like all research studies, there were limitations to the current project that should be discussed. First, as noted above, we found through the results of the study that law enforcement likely played a larger role in the reduction in juvenile detention admissions than we had originally anticipated. While we gained some insight into law enforcement behavior from the analyses of referrals to juvenile court, we did not design the study to include the direct perspectives of law enforcement personnel. Surveys of law enforcement would have added additional valuable insights.

Second, collecting data directly from youth and families involved in the juvenile court was beyond the scope of the current study, but would have provided additional important perspective. For example, while court personnel provided information on the general operations of detention facilities during the pandemic, youth and families could have discussed the impact on specific areas of the in-custody experience, including programming, visitation with families, and social isolation due to medical quarantine or low populations.

Finally, when designing the current study, we had originally proposed to examine the results of the natural experiment imposed by the pandemic, by comparing the recidivism outcomes for youth who would have gone to detention were it not for the pandemic with youth who were admitted to detention just prior to the pandemic onset. We anticipated that the results would provide evidence of the effectiveness or ineffectiveness of detention with regard to reducing future offending. However, we had not anticipated that the reduction in referrals to juvenile court would be so large that we could not identify a sufficiently sized sample of youth who were referred to court but not detained. The proposed quasi-experimental study was not feasible. Thus, it will be important to track the prevalence and incidence of new youth crime and reoffending as we continue to transition into a post-pandemic era to better understand the long-term effects of the reduced detention population.

While we were unable to answer all the research questions we originally proposed, this report offers valuable insight into the effect the pandemic had on juvenile detention in Washington State. By taking a mixed-methods approach, we provided a broad examination of how juvenile courts adapted during unprecedented times. Our hope is that the results can help guide local courts and state leaders in their decision-making processes as we continue to transition out of the pandemic.

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