



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

December 12, 2017

### Ordinance 18637

**Proposed No.** 2017-0473.3

**Sponsors** Dembowski, Kohl-Welles and  
Gossett

1 AN ORDINANCE related to juvenile detention;  
2 establishing requirements for the treatment of and services  
3 to juveniles in the custody of the department of adult and  
4 juvenile detention; prohibiting solitary confinement of  
5 juveniles except when necessary for safety, security or  
6 other reasons precluding use of a less restrictive measure;  
7 requiring equal treatment and services to be provided  
8 without regard to which county detention facility houses  
9 the juvenile; and requesting the executive to appoint an  
10 independent monitor or monitors to report on the treatment  
11 of and services to juveniles at each of the county's  
12 detention facilities; amending Ordinance 12432, Section 2,  
13 as amended, and K.C.C. 2.16.120 and adding a new chapter  
14 to K.C.C. Title 2.

15 **STATEMENT OF FACTS:**

- 16 1. In Washington state, the juvenile courts, a division of the superior court  
17 system, have jurisdiction over youth under the age of eighteen who are  
18 charged with committing a crime.
- 19 2. Under the Washington Youth Violence Reduction Act, juvenile court

20 jurisdiction over youth ages sixteen and seventeen who are charged with  
21 certain offenses, is automatically declined. For those youth, the adult  
22 superior court has jurisdiction.

23 3. Washington state law also allows prosecutors to petition to transfer a  
24 youth to adult court at the discretion of juvenile court; this is known as a  
25 discretionary decline of jurisdiction.

26 4. The King County department of adult and juvenile detention operates  
27 the Maleng Regional Justice Center in Kent, Washington, through its Kent  
28 division and the King County Correctional Facility in Seattle, Washington,  
29 through its Seattle division.

30 5. The King County department of adult and juvenile detention's juvenile  
31 division operates the Juvenile Detention Center, housed in the King  
32 County Youth Services Center in Seattle, Washington.

33 6. Most juveniles detained in King County are housed at the Juvenile  
34 Detention Center. King County houses some juveniles charged as adults in  
35 King County at the Maleng Regional Justice Center or, occasionally, at the  
36 King County Correctional Facility.

37 7. Juveniles housed at the Maleng Regional Justice Center or at the King  
38 County Correctional Facility are separated from the adult population.

39 8. There is research showing that the adolescent brain is not fully  
40 developed until the age of twenty-five and that adolescence is a period  
41 during which the frontal lobe of the brain undergoes great change.

42 Research shows that the prefrontal cortex, which governs executive

43 functions, including impulse control and the ability to consider  
44 consequences, is the final areas of the brain to develop to maturity.  
45 Consequently, juveniles are more susceptible to the pernicious impacts of  
46 traumatic experiences and stand to benefit greatly from therapeutic and  
47 rehabilitative efforts.

48 9. King County's Youth Action Plan, adopted by Motion 14378,  
49 recognizes the critical brain development that occurs during the first two  
50 and a half decades of life and acknowledges the opportunity to have a  
51 positive impact in each youth's development during this time period. It  
52 also recommends preventative practices and programs that reduce the  
53 likelihood of contact with the juvenile justice system. For youth who have  
54 already become involved in the juvenile justice system, the King County  
55 Youth Action Plan recommends that King County align juvenile and  
56 criminal justice systems with education and employment pathways for  
57 youth and that youth be assisted with reentry from jail to the community.

58 10. The Best Starts for Kids Implementation Plan, approved by Ordinance  
59 18373, notes that adolescence is a critical period when patterns of health-  
60 promoting or potentially health-damaging behaviors are established and  
61 discusses the potentially life-altering impacts of adverse childhood  
62 experiences, trauma and toxic stress. The implementation plan further  
63 recognizes that many youth involved in the criminal justice system have  
64 routinely been exposed to multiple risk factors and very few protective  
65 factors as compared to other youth's experiences. The plan includes

66 reentry-related programmatic approaches for system-involved youth.

67 11. The county's road map to zero detention necessitates that the County  
68 consider and implement less restrictive alternatives to detention and  
69 incarceration whenever possible.

70 12. The United States Supreme Court has acknowledged the differences  
71 in youth brain development.

72 13. The adverse effects of isolation are well-documented. While these  
73 may depend on the length of isolation and the individual, effects can  
74 include depression, anxiety, anger, cognitive disturbances, perceptual  
75 distortions, psychosis, paranoia and obsessive thoughts. For individuals  
76 with serious mental illness such as schizophrenia, bipolar disorder or  
77 major depression, isolation can make symptoms worse. For mentally ill  
78 individuals who decompensate in isolation, it has been found that mental  
79 health professionals are often unable to mitigate the harm.

80 14. The American Academy of Child and Adolescent Psychiatry advises  
81 that even short periods of isolation often have serious long-term mental  
82 health impact on juveniles including trauma, psychosis, depression,  
83 anxiety, and increased risk of suicide and self-harm.

84 15. A 2002 investigation by the U.S. Department of Justice showed that  
85 juveniles experience symptoms of paranoia, anxiety and depression even  
86 after short periods of isolation. Experts note that these effects are more  
87 damaging on youth who have mental health disorders. Other studies on  
88 the psychological effects of solitary confinement on juveniles suggest that

89 isolation may interfere with essential developmental processes, lead to  
90 irreparable damage and increase the risk of suicide ideation and suicide.

91 16. Research has shown that solitary confinement does not reduce  
92 behavioral incidents and may increase aggressive or violent behavior by  
93 youth; making the practice, when used as a safety tool, counter-  
94 productive.

95 17. The federal prison system is banned from using solitary confinement  
96 on youth. The Office of Juvenile Justice and Delinquency Prevention,  
97 which is part of the United States Department of Justice, has made  
98 eliminating the use of solitary confinement on youth at the state and local  
99 level a priority.

100 18. Human rights experts including the Human Rights Committee, the  
101 Committee Against Torture and the United Nations Special Rapporteur on  
102 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
103 have concluded that solitary confinement may amount to cruel, inhuman  
104 or degrading treatment in violation of the International Covenant on Civil  
105 and Political Rights and of the Convention against Torture and other  
106 Cruel, Inhuman or Degrading Treatment or Punishment.

107 19. Under international human rights law, prisoners are to be protected  
108 from mistreatment and vulnerable inmates, especially children and persons  
109 with mental disabilities, are to be accorded with heightened measures of  
110 protection. That body of law, as well as international standards developed  
111 to guide its implementation, establishes that people under the age of

112           eighteen have a right to be treated in a manner appropriate to their age and  
113           development.

114           20. According to department of adult and juvenile detention staff, youth  
115           have not been subject to solitary confinement at the youth services center  
116           since the early 1990s. Furthermore, the department's current policy for the  
117           use of isolation for youth at the youth services center generally mirrors the  
118           national standards as promulgated by the Juvenile Detention Alternatives  
119           Initiative and the Council of Juvenile Correctional Administrators.

120           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

121           SECTION 1. Sections 2, 3 and 4 of this ordinance should constitute a new  
122           chapter in K.C.C. Title 2.

123           NEW SECTION. SECTION 2. The definitions in this section apply throughout  
124           this chapter unless the context clearly requires otherwise.

125           A. "Juvenile" means a person who is currently confined in a King County  
126           detention facility for a charge that was filed in juvenile court or based on conduct that  
127           occurred before the person's eighteenth birthday where their confinement begins before  
128           the person's eighteenth birthday.

129           B. "Solitary confinement" means the placement of an incarcerated person in a  
130           locked room or cell alone with minimal or no contact with persons other than guards,  
131           correctional facility staff, and attorneys. Using different terminology for this practice,  
132           such as room confinement, segregated housing, protective custody, restrictive housing,  
133           restricted housing, restricted engagement, close confinement, special management unit,  
134           administrative detention, nonpunitive isolation, temporary isolation or reflection cottage,

135 among others, does not exempt a practice from being "solitary confinement." The use of  
136 single person sleeping rooms, during ordinary sleeping or rest periods, does not constitute  
137 "solitary confinement." The short-term placement of youth in individual cells for  
138 purposes of facility or living unit security issues or for other short-term facility physical  
139 plant safety and maintenance issues does not constitute "solitary confinement."

140 NEW SECTION. SECTION 3. The solitary confinement of juveniles is banned  
141 in all King County detention facilities, except when based on the juvenile's behavior,  
142 solitary confinement is necessary to prevent imminent and significant physical harm to  
143 the juvenile detained or to others and less restrictive alternatives were unsuccessful.  
144 Solitary confinement may not be used for disciplinary or punishment purposes. The  
145 department of adult and juvenile detention must develop policies and procedures for  
146 solitary confinement with the goal of limiting its use and duration. In determining the  
147 policies and procedures, the department of adult and juvenile detention shall ensure  
148 consistency with nationally accepted best practices, which are those established by the  
149 Juvenile Detention Alternatives Initiative, and should include:

150 A. Preventative measures to protect the safety and security of incarcerated  
151 juveniles and their peers, the staff of the department of adult and juvenile detention, other  
152 persons who work in the facilities and visitors;

153 B. A requirement that solitary confinement be ended as soon as the juvenile  
154 demonstrates physical and emotional control, and a limit on the duration of any solitary  
155 confinement to no more than four hours in any twenty-four-hour period;

156 C. A requirement that any use of solitary confinement be subject to review by  
157 supervisors;

158 D. A requirement that medical professionals assess or evaluate any youth housed  
159 in solitary confinement as soon as possible after the youth's being placed in solitary  
160 confinement, and that qualified mental health professionals evaluate and develop a care  
161 plan, that may include hospitalization, for youth who are placed in solitary confinement  
162 to prevent self-harm; and

163 E. Procedures to ensure youth's continued access to education, programming and  
164 ordinary necessities, such as medication, meals and reading material, when in solitary  
165 confinement.

166 NEW SECTION. SECTION 4. It is the policy of King County that the solitary  
167 confinement of juveniles shall occur only rarely and in limited circumstances as  
168 authorized in this ordinance. The policies and practices required by this ordinance are  
169 intended to prevent the use of solitary confinement, and in the limited instances of its use,  
170 ameliorate and mitigate the harms that result from solitary confinement of juveniles.

171 SECTION 5. Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120, are  
172 each amended to read as follows:

173 A.1. The department of adult and juvenile detention is responsible to manage and  
174 be fiscally accountable for the Seattle division, the Kent division, the juvenile division,  
175 the community corrections division and the administrative services division, each of  
176 which shall have equal standing within the department. Through the Seattle division and  
177 the Kent division, the department shall operate the King County adult correctional facility  
178 and the security operation of the work and education release unit in Seattle and the  
179 Regional Justice Center adult correctional facility in Kent. Through the juvenile division,  
180 the department shall operate the county's juvenile detention facility. Through the



181 community corrections division the department shall administer programs that provide  
182 alternatives to confinement in the adult correctional facilities, as well as services and  
183 support functions directed toward reduction of the adult correctional facilities'  
184 populations. Through the administrative services division, the department shall  
185 administer personnel operation, budget and fiscal operations and other central support  
186 services for the department. In addition, the administrative services division shall be  
187 responsible for the administration and monitoring of jail health expenditures and services  
188 through a jail health levels of service agreement and contract with its health services  
189 contractor. The division shall monitor the provision of health care services and is  
190 responsible for ensuring that minimum inmate health care needs are met and monitoring  
191 the cost-containment provisions for both operational and health care related costs.

192           2. The judges of the superior court have final authority for approval of all  
193 screening criteria for admission to the juvenile detention facility and alternatives to  
194 confinement in the juvenile detention facility. The department shall implement such  
195 criteria approved by the superior court related to the juvenile detention facility. The  
196 department shall implement the criteria approved by the superior and district courts  
197 related to adult detention facilities and alternatives to confinement, subject to the  
198 eligibility conditions in subsections E. and F. of this section. The department may also  
199 accept, from the prosecuting attorney's pre-filing diversion program, persons arrested for  
200 the following misdemeanor offenses for placement on work crews: possession of less  
201 than forty grams of marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW  
202 66.44.270); possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or  
203 transit conduct (RCW 9.91.025, K.C.C. 28.96.010).

- 204           B. The duties of the Seattle division and the Kent division shall include the  
205 following:
- 206           1. House adult persons who are any combination of arrested for, charged for or  
207 held on investigation of a criminal offense;
  - 208           2. House adult persons during trial, and before sentencing after conviction;
  - 209           3. House adult persons serving sentences not exceeding one year;
  - 210           4. Maintain records and process and identify property of persons confined or  
211 committed to correctional facilities operated by the division;
  - 212           5. Perform functions related to residential and building security, including  
213 supervision of persons confined or committed to correctional facilities operated by the  
214 division;
  - 215           6. Transport confined or committed adult persons to and from court and provide  
216 secure escort of those persons outside the facilities;
  - 217           7. Provide nutritional meals daily to confined or committed adult persons,  
218 including preparation of special meals in response to medical and religious requirements;
  - 219           8. Provide health care to confined or committed adult persons in conjunction  
220 with the Seattle-King County department of public health, including medical, dental and  
221 psychiatric care;
  - 222           9. Provide social services to and for confined or committed adult persons,  
223 including, but not limited to, the following: classifying those persons; evaluating  
224 mentally ill or developmentally disabled confined or committed persons, including  
225 referral to available community programs; reviewing those persons with psychiatric  
226 problems; reviewing other special population groups; providing general population group

227 management; and providing outside agency access to those persons including special  
228 visitation, library, recreational and educational services; and

229           10. Ensure compliance with laws and regulations applicable to the management  
230 and operation of the correctional facilities.

231           C. The ~~((principle))~~ principal function of the juvenile division is to operate the  
232 county's juvenile detention facility in a safe, secure and humane manner as prescribed by  
233 county ordinance, state law and court rules. The juvenile division shall ~~((administer))~~  
234 work with the Seattle division and the Kent division to ensure that all divisions  
235 effectuate, consistent with appropriate security measures and maintaining public safety,  
236 the equal administration to all juveniles detained in detention facilities in King County of  
237 alternatives to secure detention as approved by the court, a school program, a health  
238 program and other related programs. ~~((The juvenile division shall be operated in a~~  
239 ~~manner that will give))~~ It shall be the responsibility of the juvenile division to ensure that  
240 all juveniles detained in any King County detention facility are given reasonable access  
241 to the defense bar, juvenile probation counselors and social service providers and  
242 educators in a timely manner, consistent with appropriate security measures and  
243 maintaining public safety. All juveniles detained in any King County detention facility  
244 shall have access to education programs and to educational hours of service as required  
245 by state law.

246           D. The duties of the administrative services division shall include administering  
247 personnel operations, budget and fiscal operations and other central support services  
248 involving all divisions in the department to ensure consistency and efficiency of  
249 operations. The department's director of the administrative services division shall

250 oversee these operations and services, and the operations and services shall conform to  
251 county policies and procedures and to department guidelines and practices.

252 E. An individual is not eligible for the pretrial alternative to adult detention  
253 entitled community corrections alternative program basic if the individual is charged with  
254 a violent offense or sex offense and has one or more convictions of a violent offense or  
255 sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged  
256 offense.

257 F. An individual is not eligible for the pretrial alternative to adult detention  
258 entitled community corrections alternative program basic if the individual is charged with  
259 a domestic violence felony offense and has one or more convictions of a domestic  
260 violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of  
261 the charged offense.

262 G. The executive shall not enter into any contractual relationship with any private  
263 or nongovernmental entity for the provision of secure detention services to house any  
264 adults or juveniles under the jurisdiction of the department under subsections B. and C. of  
265 this section.

266 SECTION 6. The executive is requested to appoint an independent monitor or  
267 monitors who, either alone or together, have expertise in adolescent development,  
268 juvenile detention operations and corrections, officer safety and security and on trauma-  
269 informed behavioral modification practices to monitor and report to the council on the  
270 implementation of sections 2 through 5 of this ordinance twice, by September 1, 2018,  
271 and by January 30, 2019. The monitor, or monitoring group, shall consult with  
272 stakeholders, including representatives of the King County Juvenile Detention Guild

273 (Department of Adult and Juvenile Detention - Juvenile Detention) representing  
274 employees in the department of adult and juvenile detention juvenile division in  
275 preparing and completing the required reports. The reports shall include, but not be  
276 limited to: a review of the number of times solitary confinement was used during the  
277 evaluation period; an evaluation of the documentation of the circumstances for the use of  
278 solitary confinement; a determination whether, for each instance solitary confinement  
279 was used, it did not exceed four hours; an evaluation of the documentation of supervisory  
280 review before the use of solitary confinement; an evaluation of the documentation that  
281 youth in solitary confinement have been assessed or reviewed by medical professionals;  
282 and an evaluation of the documentation of how youth subject to solitary confinement had  
283 full access to education, programming and ordinary necessities, such as medication,  
284 meals and reading material, when in solitary confinement.

285         SECTION 7. To the extent implementation of this ordinance requires  
286 collective bargaining, the executive is requested to engage in negotiation with  
287 bargaining representatives of affected employees to effectuate the policies  
288 contained in this ordinance. In order to implement this ordinance, the executive  
289 shall also identify and provide any needed staff training.

290         SECTION 8. The provisions of sections 2 through 5 of this ordinance as

291 they pertain to the operation of the department of adult and juvenile detention's  
292 adult facilities become effective on July 1, 2018.

293

Ordinance 18637 was introduced on 11/6/2017 and passed as amended by the Metropolitan King County Council on 12/11/2017, by the following vote:

Yes: 7 - Mr. von Reichbauer, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci  
No: 0  
Excused: 2 - Mr. Gossett and Ms. Lambert

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Joseph McDermott, Chair



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ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 21<sup>st</sup> day of DECEMBER, 2017.

Dow Constantine, County Executive

Attachments: None