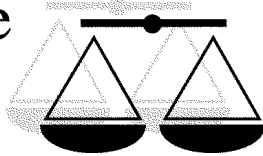


# Regional Law Safety & Justice Committee



THURSDAY, JULY 26, 2018

7:15 – 9:00 A.M.

Seattle City Hall, Bertha Knight Landes Room  
600 4th Ave., Seattle, WA 98104

## Recent and upcoming changes in the Juvenile Legal System

- **Roadmap to Zero Youth Detention:** Rhonda Berry and Claudia Pineda Reyes, Public Health – Seattle and King County
- **Best Start's for Kids Stopping the School to Prison Pipeline:** Zac Davis, King County Department of Community and Human Services
- **Community Empowered Disposition Alternative and Resolution (CEDAR) pilot:** Jimmy Hung, King County Prosecuting Attorney's Office
- **Auto Declines at the Youth Service Center:** Pam Jones, King County Department of Adult and Juvenile Detention
- **Juvenile Miranda Warning:** Anita Khandelwal, King County Department of Public Defense

## *Roadmap Zero Youth Detention*

Rhonda Berry and Claudia Pineda Reyes provided the committee with an overview of King County's Zero Youth Detention (ZYD) initiative. The King County Executive first used the term Zero Youth Detention in his State of the County address. The Executive appointed Rhonda Berry to lead an effort to better align the County's juvenile legal system programs with what is known about young people from brain science. The multidisciplinary group is developing a Roadmap to Zero Youth Detention. This effort is connected to the [Executive Order](#) that moved oversight of juvenile detention to public health. The group gets advice from various advisory groups: [Children and Youth Advisory Board](#), the Juvenile Justice Equity Steering Committee, and a multidisciplinary group at King County.

The group began by looking at the [Youth Action Plan](#), [Best Starts for Kids](#) information, and reports from community partners. Sub groups discussed specific topics and identified a number of themes. The plan includes near-term components that allow for immediate action, as well as a plan for longer term solutions.

The provided one-pager overview is an abbreviated framework. The group knows that some youth are not served as well as others, so the initiative leads with racial justice. The number of youth in detention have declined, but racial disproportionality is still an issue.

The plan has four overarching goals:

1. Lead with racial justice: eliminate racial disproportionality in detention
2. Prevent: Keep youth out of the juvenile legal system
3. Divert: From law enforcement contact, secure detention, and adjudication
4. Effective: Reduce recurrence of legal system involvement and increase healthy outcomes for youth

Ms. Pineda Reyes emphasized that the strategies outlined in the one-pager are draft and are not all-inclusive. There are over 200 strategies overall. The group is still in the process of getting feedback from partners within and outside the County, most importantly youth and their families.

See handout for additional details.

### ***Best Starts for Kids: Stopping the School to Prison Pipeline***

Zac Davis provided an overview of the Stopping the School to Prison Pipeline initiative, which is part of [Best Starts for Kids](#) (BSK). BSK is funded through a voter-approved property tax levy.

The vision of Best Starts for Kids is: Happy, healthy, safe and thriving.

BSK is primarily focused on prevention and early intervention. Funding is divided into four categories, including Sustaining the Gain, where Stopping the School Prison Pipeline falls. Other components are partnerships with schools, youth development, healthy and safe environments, and parent and community connections.

Mr. Davis explained that the term “School to Prison Pipeline” is used to describe the situation where some youth are put on a track towards poor outcomes, including prison and death. The focus is on youth who are at risk of involvement with the legal system.

The BSK approach is focused on prevention and early intervention, and involves communities broadly, as youth must get full support from schools, legal system, business community, and others. King County is a partner, but not the only key player. The County serves as a funder to community organizations - providing relationships, guidance, and resources to youth and their families. The County also serves as a convener – as it is essential to collaborate with other organizations and individuals to develop trust and intentionality.

The long-term objectives of the initiative are:

- Commitment to school; Completion of and graduation from high school or postsecondary education; or
- Successfully gain employment
- Overall focus on positive cultural identity development
- Build capacity for partners
- Standardize equity and socially justice
- Support alignment and coalition building

BSK also considers how organizations that are doing the work are supported. If the levy is not renewed in 2021, organizations must be prepared. The County is helping organizations to develop capacity.

Mr. Davis explained some of the different terms that are used in the BSK programing. He emphasized the importance of programing that is “culturally reflective and responsive” – this is in contrast to culturally competent. Research shows that being served by someone who looks like them makes a big difference to youth.

“Credible messenger” is specific term on the East Coast that includes a curriculum and certification. Best Starts for Kids is the only place on the West Coast that provides that certification. In addition to training, Credible Messengers have shared or parallel experience and can serve as a big brother or big sister.

Youth don’t like the term “case management” – and “outreach” sometimes sounds like marketing. Best Starts for Kids invited youth to help determine more appropriate language – and with their input, the term “community supports” is used.

The most recent Stopping the School to Prison pipeline RFP for \$3.7 million provides community supports through various organizations. For example:

- Theft 3 program – opportunity to partner with community service providers, county agencies, law enforcement and the mall. The program directs youth to services rather than the legal system.
- Rebuild the Village is part of credible messengers and is in partnership with Superior Court and Executives’ office. It provides training for committed community members who are already doing work in communities.

The Stopping the School Prison Pipeline initiative is coordinating with the Zero Youth Detention. Outside agencies are doing amazing work, but they aren’t talking to each other. We convene direct service providers on a monthly basis – this allows collaboration and highlights resources and events. Over 30 providers in the last meeting – people who were meeting each other for the first time to build aligned.

See PowerPoint for additional details.

### ***Community Empowered Disposition Alternative and Resolution (CEDAR) pilot***

Jimmy Hung, Juvenile Director at the King County Prosecuting Attorney’s Office, presented on CEDAR, a new process for many first time juvenile felony offenses. Youth accept responsibility early and positive incentives are provided for youth and families to engage.

The process is premised on the shared principles of stakeholders involved:

1. Accountability and intervention should be timely
2. Interventions are most effective if they are based in community.
3. Accountability within the justice system can be achieved without a young person getting a criminal record.
4. Zero tolerance strategies are not realistic or effective in the juvenile context. Trauma and harm reduction models are more effective and responsive to needs.

Mr. Hung explained the process – the PAO identifies eligible cases at the time of filing, before arraignment. At the first hearing, if the young person is interested, the juvenile probation officer will provide risk assessment instrument. Then the probation counselor, PAO, DPD, and relevant community provider will develop a plan to engage the youth and family with interventions. The plan will be tailored

to the needs and specific situation and interventions could be court based or community based. If mental health or therapy is needed, those options would be available and paired with community-based intervention. Those interventions may be Best Starts for Kids programs, Choose 180, Community Passageways, Peacemaking Circles – a whole menu of options that will be matched based on interest and need.

Mr. Hung explained that the PAO will offer quick reduction in charges, similar to the expedited process in the adult system. Sentencing would be continued for 4-6 months while the youth would be supervised by a probation counselor. If they're successful in meeting the terms of the agreement, they will get an additional case benefit – in most cases a dismissal.

Youth will come in with a felony and leave with a connection to resources and without a record. Mr. Hung noted that not every case will be successful. Not every youth will be able to fulfill commitment in 6 months. The idea is to work with families and meet them where they are. Even if youth don't engage – they will still have closure to their case quickly.

Mr. Hung estimates 150-200 cases will go through process when it's up and running. He thanked the Juvenile Court partners who were instrumental in bringing the concept to life. Lea Ennis in Superior Court supported the concept and did much of the heavy lifting. This was just an idea in late March and it will be launched August 13.

Mr. Hung is hopeful that CEDAR is the beginning of shift to an overall more therapeutic model.

#### ***Auto Declines at the Youth Service Center***

Pam Jones, Juvenile Division Director of the King County Department of Adult and Juvenile Detention (DAJD) provided information on the recent policy change that moved youth charged as adults from the Maleng Regional Justice Center, where they were held separately from adults, to the Youth Services Center. In December 2017, all youth were transferred. The transition was challenging, as DAJD staff had to work through complex classifications and other issues. While there are remaining challenges, some of the youth are integrated into the general population. Most of the youth will go either to the State Juvenile Rehabilitation or to adult prison, though a few will be released to the community.

Prior to the policy change, the average length of stay at the youth services center was 14 days. Juveniles charged as adults are typically in detention longer. DAJD has modified incentive programs based on the longer length of stay. DAJD is determining the best way to serve these youth, knowing some will age out into the adult system.

Other related issues are the [King County Council order](#) on solitary confinement and the Executive Order on Public Health oversight. The public health order has helped DAJD develop better programming for youth. This includes high school education, not just GEDs. Staff are now trained in Aggression Replacement Training (ART). ART is a 10 week program for youth. Staff also implemented a Peace Circle program for the boys in detention. Many of the youth are involved in gangs, dealing with anger, and engaging in general adolescent behavior of not getting along. Ms. Jones and her staff have worked hard to make detention a safe environment for all youth and staff.

While the transition has been challenging, it has ended up being positive for the youth transferred. They are now in an environment where they can be kids again. Even though they were housed separately in the adult facilities, they previously did not have the same programmatic opportunities.

The current population in detention is about 50. About 14-15 of those are youth who are charged as adults and were previously held in adult jail.

### ***Juvenile Miranda Warning***

Anita Khandelwal, Interim Director of the King County Department of Public Defense, provided an overview of a recent change in the way the King County Sheriff's Offices issues the [Miranda warning for juveniles](#). The change represents a collaboration between PAO, DPD, and Sheriff.

Ms. Khandelwal provided background and context for the change, explaining that over the past 10 years or so, the Superior Court has acknowledged that youth are different than adults and this change addresses some of those differences. "JDB" is a recent case that included language relevant to Miranda warning. The case found that youth are more likely than adults to confess to crimes they didn't commit. Research shows that youth do not understand the Miranda warning. The rights described would require an 8<sup>th</sup> or 10<sup>th</sup> grade education. Young youth are particularly likely to confess, and many will give false confessions.

Public Defense wants to ensure that youth to understand their rights and PAO wants to ensure that confessions are valid, so both agencies were interested in making changes.

DPD worked with a brain scientist to develop simpler language and tested this with youth to ensure it was at a 6<sup>th</sup> grade level. The new language breaks the warning into bite-sized chunks that includes confirmation of understanding at each step.

DPD sees this as an improvement, though they'd like a lawyer to be present at all interrogations.

The new language has been implemented by the King County Sheriff's Office and next steps include:

- working with other law enforcement agencies,
- potentially expanding it to all young people, and
- prohibiting interrogations at school.

### ***Questions:***

QUESTION: Are these programs only for some youth? If implemented now, what about other kids?

ANSWER: With the CEDAR program timing is key, so we don't want to leave young people behind who are in the system, but we also want to study how it works

QUESTION: Why are auto decline youth spending substantially longer time waiting for their cases to be complete?

ANSWER: The legal process takes longer on both sides because the cases are complex and the outcome could be a significant time period of incarceration.

QUESTION: In the past there was a significant problem with youth getting educational credits transferred from their time in detention. Has progress been made on that?

ANSWER: That has been resolved. 70% of kids leaving detention are reconnected back to community schools or other schools.

QUESTION: You talk about the School to Prison Pipeline. Focusing beginning at age 12 seems to be a little late. I appreciate that King County Sheriff participated in Miranda warning, but that's a small subset of law enforcement. Is there training for interaction with youth? I see it as a cradle to prison pipeline. Parents often have a lack of skills and resources that contribute.

ANSWER: You're absolutely correct. Best Starts for Kids Prenatal to Five initiative gets 50% of the BSK funding. Best Starts for Kids also recognizes that when you address family needs you can address youth needs. While the "school to prison pipeline" phrase is commonly used, it is not always accurate. The issue is broader than school and prison. The term is somewhat misleading. We're also not just stopping it; we need to replace it. I'd like to see this from elementary school. On the other hand, I'm happy it goes up to age 24.

As we are developing the Roadmap to Zero Youth Detention – we talk about a public health lens/model/approach. We use the model of an active TB patient. People that live with that TB patient are also treated. Similar with youth – we need to meet family needs.

QUESTION: All of you mentioned community. What do you do when the community is not supportive – for example for LGBT, undocumented, or other youth without a support system?

ANSWER: Those are areas that we're identifying as part of the Road Map and determining how we can build up those communities. Our approach applies a strategy of targeted universalism. This means we build services based on youth at most in the margins. Services provided are not impacted by documentation.

QUESTION: Where would you invest in youth programming if you were a council member?

ANSWER: That's where the community can speak. There's a great deal of brilliance there. I think it's powerful that you're asking and getting a good answer requires active community engagement and exploration with those impacted to develop those ideas together. And after getting feedback - report back to the community on decisions and next steps. Sometimes ideas get eviscerated by community. And that's important to legitimize the language and what's needed. For community engagement you must, provide incentives to participate and provide follow through and feedback.