

MEETING SUMMARY

REGIONAL LAW SAFETY AND JUSTICE COMMITTEE

Thursday, May 28, 2015

7:30 – 9:00 A.M.

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

Theme:

The meeting's theme was Race and Social Justice and included a presentation on purposeful discipline from Dr. Susan Enfield, Superintendent of Highline Public Schools; a review of disproportionality research from the Public Defense perspective from Ericka Turley; and a panel discussion on the Race and Equity Plan for Juveniles with Judges Wesley Saint Clair and Susan Craighead and King County Executive Office representatives Dave Chapman and Marcus Stubblefield.

The meeting also included a short presentation from Public Defender Lorinda Youngcourt on her vision for the King County Department of Public Defense.

Note that Dr. Susan Enfield replaced Sen. Bob Hasegawa on the agenda sent to RLSJC members on 5/26/2015. We hope to hear from Sen. Hasegawa on the Racial Impact Statement at a future meeting.

From Punitive to Purposeful Discipline: Keeping Students in School and on a Path to Graduation

Dr. Susan Enfield, Superintendent Highline Public Schools

Dr. Enfield provided an overview of Highline School Districts approach to school discipline and explained their goal of zero out of school suspensions. The district focused on out of school suspensions because the data shows a strong link between out of school suspensions and low graduation rates. When Dr. Enfield arrived at Highline, the district was "hemorrhaging" students. The high rates of out of school suspensions were driven by incidents of defiance. These incidents, while disruptive, are typical behavior for teenagers. Dr. Enfield shifted the approach by challenging school staff to be the "grownups" and eliminate out of school suspensions for defiance. A cross-departmental team developed a new set of "Rights and Responsibilities," schools developed Positive Behavioral Interventions & Supports (PBIS) plans, new policies and procedures were adopted and staff were trained in de-escalation and other new approaches.

The changes led to an extreme decline in out of school suspensions, from over 3,000 in the 07-08 school year to a projected 634 this year. While the district's goal is zero out of school suspensions, Dr. Enfield emphasized that safety is not compromised and that students are still disciplined for inappropriate behavior, including through in school suspensions. Dr. Enfield considers eliminating defiance suspensions the "easy part." As offenses that are

largely within the schools control are handled through more productive discipline techniques, the remaining suspensions are based on issues that require a broader set of social services. This year marijuana use is the highest cause of suspensions.

Dr. Enfield presented data on the number of suspensions and racial disproportionality (see Presentation) comparing Highline School District to peer districts in Washington State. While Highline has lower rates of suspension and disproportionality than peer districts, Dr. Enfield still sees considerable work to do. Special Education students and American Indians are particularly at risk. Dr. Enfield mentioned recent legislative changes in the use of restraints, which will lead to changes in procedure for school discipline.

The goal is for every student to graduate college and career ready. When students have problems, they're kept in school and continue learning, but are not back in the classroom with their friends. Every school in Highline School District has a Reengagement Specialist to work with kids who are having problem. The people who excel in these positions don't necessarily have particular credentials or education, but have an approach and mindset that works with students. Dr. Enfield does not consider the district to have "consistent excellence," but believes schools are employing "promising practices." Dr. Enfield has made it priority to continually listen to feedback and track the data. The new approach sends the message to kids that "we're not giving up on you." Kids internalize that respect. Students are aware of and influenced by the national conversation on the relationship between young people and law enforcement. It is crucial to facilitate conversations with young men so that they see law enforcement, teachers, and other authority figures as working with them. School resource officers also play a critical role and the right school resource officer is "worth his weight in gold."

One challenge has been public perception. Dr. Enfield and the new practices have come under considerable criticism based on a perception that they put student or staff safety at risk. Staff who saw things from a more traditional power dynamic have had concerns and resistance. The reality of the new approach is that they've kept kids in school without creating a dangerous or threatening environment. Doing things the right way is harder and requires more effort, but it is the right thing to do.

Dr. Enfield answered several audience questions:

Have expulsions gone up?

Expulsions have not gone up, but Dr. Enfield noted that emergency expulsions still occur on a fairly regular basis. The school system is not equipped for some of the severe issues they see.

What is the approach to truancy?

Dr. Enfield acknowledged that the focus at Highline has been on suspensions and they are now shifting attention to truancy. In addition to the typical reasons for truancy, there are cultural issues, including kids returning to their native countries for extended periods during the school year. If the school knows ahead of time, there are ways to deal with this through assigning work packets etc. that prevent students from falling behind. Attendance rates are not what they should be and one or two absences can make a big difference.

Have you had to re-do MOUs with resource officers?

Dr. Enfield noted that the schools work with "wonderful police chiefs." There have been honest conversations and they have had issues with some resource officers. They have had

frank conversations and have brought together all stakeholders when issues arise. Dr. Enfield provided an example of a student who was brought to detention for a relatively minor incident. Dr. Enfield believes that while there should be consequences, in some cases adults overreact and we must take a step back and realize that we're grownups.

New King County Public Defender: Vision for DPD

Lorinda Youngcourt, King County Public Defender

Lorinda Youngcourt, who began her position as King County Public Defender in January, provided an update on her tenure thus far and insight into her plans for the department. Public defenders from four non-profits had recently become King County employees when she came into the system and challenges included conflict between the organizations (including lawsuits), lack of space, and no contract.

Ms. Youngcourt emphasized the public defenders' role as willing to stand next to people at the darkest time in their lives. Those being defended are at the worst time in their lives. The public defender's job is to stand by people and tell their stories and provide context for what brought them into their current circumstances. This is not to say their shouldn't be consequences, but the defender's job is to make sure those in the justice system think very carefully about what the outcome should be.

Ms. Youngcourt is organizing the Department of Public Defense to prioritize keeping as many cases as possible with public defenders rather than assigned council. Research shows defendants with assigned council have worse outcomes than those with a full time public defender. Ms. Youngcourt estimates that her office will be able to keep 90-95% of cases within the system.

The four non-profits were well respected and renowned for developing innovative programs such as ROYAL. The new department will maintain that innovation while putting an emphasis on training. Ms. Youngcourt noted that there is a "law school to public defender pipeline," which brings law students in as interns, many of whom return to work full time as public defenders. Ms. Youngcourt believes they need to create a training program that is cutting edge and the envy of the rest of the country.

Ms. Youngcourt emphasized to the group that she is still working on navigating which meetings she should be participating in and encouraged members to call her if there is something she should be participating in, rather than assuming that she is too busy to be there.

Disproportionality in the Criminal Justice System

Ericka Turley, King County Public Defense

Ericka Turley provided a presentation on disproportionality in the criminal justice system from the public defense perspective.

People of color are disproportionately represented in the system – child welfare, criminal justice, and juvenile justice, despite a lot of effort on this issue. Disproportionality is both a

cause and effect of involvement in the justice system. However, there are strategies that can be used to counter disproportionality. Ms. Turley provided a definition of disproportionality as “the over-representation of a particular racial or ethnic group in a sub-population. It is the aggregate result of the individual behaviors produced when they enact and interact with the policies, practices, and procedures used within and across a system.” The policies, practices, and procedures in the system can play more of a role in disproportionality than the individual behaviors. This is in contrast to the concept of a system of fairness where all people have access to opportunities.

Access to opportunity is determined by where we live, race and ethnicity, income, and individual choices. Low opportunity areas have fewer jobs, educational opportunities, and transportation options and more police stops and arrests. Ms. Turley presented statistics for King County that demonstrate the unequal access to opportunity between African Americans and whites. Lack of opportunity leads to disproportionate representation of African Americans and other minorities in the child dependency filings, juvenile referrals, and jail bookings. And involvement in these systems is linked with unemployment and welfare dependence. Criminal justice system involvement makes existing problems worse as individuals may lose their jobs while in jail, be sent to collections and then suffer consequences for housing and employment due to a criminal record and/or poor credit.

Addressing disproportionality requires systems change, rather than tackling separate challenges. Ms. Turley described the leverage points along the criminal justice process where interventions can address disproportionality (see Presentation). The client is the only consistent present along the chain of events. There can be a more meaningful impact if there is a full conversation between entities about where to devote resources.

High leverage strategies include – client –centered practice, seamless coordination (client doesn’t know when handed off to different entities), advocacy, and training/continuous improvement. From the public defender perspective, client-centered practice is crucial and helps individuals understand their situation, make informed decisions, and gain access to community services.

Ms. Turley ended her presentation with a challenge to look beyond process improvement towards structural change. If you think of it as a game – if you always follow the same rules you’re always going to get the same result – even if you change the players – changing the system is about changing the rules. You can change players and actions, but until you change the underlying structure, the outcomes will remain the same.

Race and Equity Plan for Juveniles in Criminal Justice

Judge Susan Craighead , Presiding Judge, King County Superior Court

Judge Wesley Saint Clair, Chief Juvenile Judge, King County Superior Court

Marcus Stubblefield, Systems Integration Coordinator, King County Executive’s Office/PSB

David Chapman, Justice System Improvement Manager, King County Executive’s Office/PSB

Judge Craighead:

Judge Craighead began by explaining to the group that she was motivated to go to law school, become a public defender, and ultimately become a judge because of the racism she saw in the justice system of Kentucky as a newspaper reporter.

Judge Craighead explained that issues of equity in juvenile justice are in a situation of synergy at the current time due to the community concern and response to the Child and Family Justice Center (CFJC). While King County has made tremendous progress in the last 20 years getting kids out of detention, everything that has been done has made racial disproportionality worse (see Presentation slides). There is disproportionality along most of the decision points in the criminal justice system, but it is most severe at referral.

There is a perception in the community the law enforcement officers are “out prowling for youth,” however 70% of African American youth who come into detention are brought in based on 911 calls. This data suggests that something happened in the community and the police were called. While efforts to reduce disproportionality should focus on law enforcement, efforts must also focus on root causes: school, child welfare, etc. King County’s efforts are now focusing on these root causes.

The County’s Disproportionality Action Plan was created with all three branches of government working together. While each entity has its own perspectives and there have been challenges, there are short-term actions that can be accomplished right away. The County can re-analyze and re-evaluate how detention works as a go-to system and introduce incentives instead. Judge Craighead recounted that, as a parent, she knows incentives produce better results than threats.

The County Executive has announced that at the new CFJC will have two “soft pod” units. These may be mental or substance abuse beds or domestic violence respite. Currently, there are zero beds for girls with co-occurring disorders and only a few for boys. There are beds for boys and girls for substance abuse treatment, but not nearly enough. There are also zero detox beds for youth in King County.

The Steering Committee is half systems people – judges, police chiefs, principals, and others and 50% people working in communities. The Committee is intended to be a representative sample of stakeholders, not all-inclusive. The Committee will involve additional people, including RLSJC members, in work groups such as truancy interventions that can steer kids away from detention. The Steering Committee aims to have a facilitator and the complete Committee on board by the end of the summer, with work really getting started in September.

Marcus Stubblefield:

Mr. Stubblefield stressed the importance of being connected to schools and counteracting the school to prison pipeline. Superintendent Enfield provides an example of that work. When a kid is sent away from school there is no community to receive him during school hours – schools, libraries, and community centers are not

an option and street corners and areas with negative influences are the only places a youth out of school can go.

The County is grappling with how to put in place practices to allow support and give options to law enforcement. If there is nowhere else for law enforcement to bring youth, they will be brought to detention. Schools need options and service providers need access to kids in schools.

Mr. Stubblefield urged members to look at their roles both as individuals and as professionals. Asking for help and getting a different perspective can lead to better decisions. Communities need to be asked what kind of support they need. Sending kids back to broken, destructive environments won't work. Mr. Stubblefield described the County's successful model that's been working with commercially sexually exploited youth. It brings together a multidisciplinary team that is achieving good outcomes. The collaboration takes time and no one agency had the capacity to provide all needed support.

Mr. Stubblefield explained that current system is not set up for communities to receive those who are coming out of the system – adults or juveniles. Reentry services are especially crucial because incarcerated adults have children – these are parents who must be supported so that they can have hope to move forward and be providers. The court will see these individuals on legal matters if they aren't provided with services and support. A strategy should address each area individually and must be proactive.

Dave Chapman:

Mr. Chapman discussed the opportunity to address disproportionality, but more importantly, to start working with communities. He described this change as a paradigm shift. If you have an epidemic, you must get to the root cause or the epidemic will grow. The current system has resulted in an epidemic. The model says you can have services only when you're convicted of a crime. Families are crying for help to prevent a crisis and the current system is not providing it. Instead of a place for people to get services to prevent a crisis, the County uses the most expensive option imaginable to provide jail, public defense, and prosecution. That paradigm shift is the goal. Mr. Chapman stressed the need to acknowledge that opponents to the CFJC – a community that is overrepresented in the detention facility - are saying "time-out." While it's clear a need remains for some form of detention, there is a need to understand who is there and why. The statistics show what happens to those involved in the criminal justice system. That evidence and data should be used to partner with communities. Mr. Chapman expressed a need to step back from his power position and listen to ideas from the community, such as restorative justice and tools like the race-equity tool.

Judge Saint Clair:

Judge Saint Clair began his remarks by explaining that he actually disagrees with Mr. Chapman on the effectiveness of the criminal justice system. The system was

designed to disenfranchise a group and is actually working very well to do that. The system is built on institutional structural racism– not individual racism. Those that are incarcerated are unemployed and disenfranchised when you look across the country. However, Judge Saint Clair emphasized that this is closer to home than we would like and cited recent incidents in Pasco and Olympia. Many jurisdictions are trying to put together restorative justice. Judge Saint Clair described the push back he hears of “it doesn’t work”. He pushes back on that, The idea that “our system is working so well, let’s keep doing it,” is the definition of insanity. He urged the audience to do something else.

The equity plan began with a visioning process with a large group of stakeholders. This group said, “this is what we want it to look like.” Judge Saint Clair explained the importance of engaging people in the process. After the original document was produced, youth were engaged in the process and they re-wrote the document - they shifted the focus to job skills from art and other programs. (see handout)