

Regional Law
Safety & Justice
Committee



REGIONAL LAW SAFETY AND JUSTICE COMMITTEE

Thursday, February 25, 2016

7:30 – 9:00 A.M.

Seattle City Hall, Bertha Knight Landes Room

600 4th Ave., Seattle, WA 98104

Theme: Juvenile Justice

Juvenile Court Issues and Changes – King County Superior Court

Judge Wesley Saint Clair

Le'Tania Severe: Justice Research Analyst

Lea Ennis: Director of Juvenile Court Services

Paul Daniels: Juvenile Court Services Manager

Ryan Pinto: Juvenile Court Services Manager

The panel from King County Juvenile Court spoke to the group about a number of recent changes at Juvenile Court. As Juvenile Court has made changes after some significant retirements, they are increasing a focus on using science, concepts of adverse childhood experience, institutional racism, stressors, poverty, and how all these factors impact decision-making of youth. Judge Saint Clair highlighted his focus on listening to communities. Historically, institutions have been unwilling to listen to community feedback, but Juvenile Court is trying to listen now and as a result, principles of restorative justice are being applied in the court.

Paul Daniels spoke about a shift to focus on upstream factors. Previously the focus has been on “the deep end kids,” those who have committed serious crimes. Moving the focus upstream can allow for earlier intervention that is effective in reducing the number of kids that become seriously criminally involved. Juvenile Court has formed a Restorative Services Unit, which includes a menu of options: Family Intervention Restorative Services (FIRS) for domestic violence, Community Accountability Boards (CABs), restorative mediation, and a host of other early intervention programs. While Juvenile Court has had a suite of programs for some time, thus far they’ve been fragmented. The Restorative Services Unit is working to create a coherent system. The Court has historically been court focused, with self-contained resources. However, the community wants partnerships and Juvenile Court is working to respond to that.

Mr. Daniels described the FIRS program, a domestic violence program, in more detail. The new program is exciting and is an incredible partnership – with City of Seattle, and King County’s Department of Judicial Administration (DJA), Superior Court, the Prosecuting Attorney’s Office (PAO), and the Department of Adult and Juvenile Detention (DAJD). A third of the juvenile detentions in King County are domestic violence offenses. Most of those cases are within families, not dating relationships. Mr. Daniels has learned much about these cases from the PAO’s Jimmy Hung, who is an expert on domestic violence cases. The court process takes a lot of time and it tends to make situations worse. Cases were unlikely to come to any successful resolution. In order to get services, the youth had to have adjudication, which families typically rejected. Families were going through an unhelpful process and then not getting services. Now they are being seen by specialized Juvenile Probation Counselors and DJA Step Up social workers. There’s an immediate response and kids are receiving services within a few days, in some cases. They may have a first appearance hearing, but they’re getting out of detention earlier. The program has seen 63 youth since January 1. All diversion programs are under review now. Juvenile Court knows the programs can be effective, but not always for all populations. The group wants to find an efficient and cohesive process and interventions that will work for each youth specifically. Kids can have up to 3 diversions and the programming needs to be appropriate.

The King County statistics show that youth of color are 30% less likely to complete diversions. They may be offered diversion, but they’re less likely successfully complete the diversion agreement. In a pilot program with the [Horn of Africa](#) Services (East African community organization), community-specific outreach was hugely successful. They had funding for three months and would like to expand the program to the Latino population and the African American population. If kids can be successful with diversion, they will be less likely to come back to the system.

Lea Ennis then discussed the Juvenile Detention Alternatives Initiative (JDAI)– supported by the Casey Foundation. King County has been involved since 1998, and an official site since 2004. The County has been working on the eight JDAI strategies (see slide #3), which have played a significant role in reducing the number of juvenile detentions in King County. Last year a team came from the Casey Foundation to evaluation processes in King County. They recently issued recommendations, several of which the County was already working on before the recommendations were released.

Recently a team of about 20 people from King County visited a model JDAI site in Portland, Multnomah County. A highlight was an “11 o’clock meeting,” a daily collaborative discussion between prosecution, defense, probation, and child welfare, all coming together to talk about the kids that arrived in detention the previous night and discussion what would happen in the courtroom.

Judge Saint Clair discussed how impressive it was to see youth who came in with limited options – runaways, commercially sexually exploited children, homeless youth – connected with places to go. The court collaborated with non-profits to make sure there were a number of locations – houses - available. Judge Saint Clair attributed the success to the spirit of collaboration between various entities. The houses were sited in neighborhoods. While siting is a challenging issue, the houses were great neighbors. In King County, growth is in the south part of the County, but most services are available in the north. Judge Saint Claire highlighted that this isn’t a Shoreline issue or a City of Seattle issue – the

kids do not pay attention to the political boundaries. In Multnomah County, they brought culturally responsive agencies to the table to provide services. They had a Latino group and an African American group and the programing was very deliberately done.

Ryan Pinto discussed the expansion of the two tier warrant system, which facilitates an appropriate response for violations. Technical violations of warrants are usually kids breaking rules without impacting public safety. These kids often end up in secure detention. King County has historically issued 1,000 warrants annually for failure to appear in court. Cursory research shows that African American youth are less likely to appear than other racial groups. The racial disparity is one of the most serious issues that Juvenile Court is looking at. Under the two tier warrant system the judge determines the tier. Tier 1 requires detention; tier 2 provides a new court date and the youth never goes to detention. The court expanded eligibility for tier 2 and increased the number of previous warrants where a youth can still be eligible.

Mr. Pinto highlighted the intensive discussion with law enforcement regarding the changes. Juvenile Court wants to do adequate training and education.

Le'tania Severe provided context for the potential impact of the changes. In 2015 – 516 tier 1 warrants were ordered. Applying new standards would have resulted in only 112. Dr. Severe explained that this count does not include exceptions, so it is a high estimate of the reduction, but youth of color benefit most from the changes. Research shows that every time a youth comes to detention, it is an adverse childhood experience. Kids have better outcomes if they have fewer touches with the justice system. The tier 2 warrant expansion effort came from Public Defense, they collaborated with the PAO and we hope to have it rolled out on Monday.

Mr. Daniels discussed another change regarding the process of releasing lower risk youth from detention more quickly. Juvenile Detention utilizes the Detention Risk Assessment Instrument to guide the decision to detain or release. Youth scoring “release” according to this instrument were historically held overnight for judicial review the following business day. 82 percent of the time, these youth were released at their first appearance. In line with almost all other jurisdictions, King County will no longer hold these kids overnight. Duty judges will be available electronically and can release kids from wherever they are. If they're going to get out the next day, why hold them? This will start on Monday. This is probably 1-2 kids a week, so not a large number, but it is a positive change.

Dr. Severe described the evaluation detention risk instrument, which recently underwent an independent evaluation. The evaluation showed that the tool is not very predictive. Juvenile Court has a plan in place to review the tool and implement the evaluator recommendations. They will also convene a group to look at the research. The new tool will be reviewed by stakeholders who will consider elements beyond prediction.

Other upcoming changes include:

- The detention intake criteria will be reviewed and overhauled, which will reduce the number of kids eligible for detention.

- The probation response grid will be modified to incorporate research showing positive incentives work.
- Improve options for alternatives for secure confinement. The Court is working with DAJD on a comprehensive plan to provide alternatives that are closer to the kids home and more restorative. We want to positively impact the kids. Alternatives are community based, culturally responsive, and include treatment and social justice focus.

Judge Saint Clair closed the panel presentation by highlighting the opportunities for collaboration. FIRS is an example, led by Mr. Hung, which brought various entities together. One thing that resonated with law enforcement is the need for alternatives – they know that the more kids are touched by court the worse it is, but law enforcement needs options and ability to provide services. Criminal justice programs are funded on a conviction-based model, but there are more opportunities to intervene earlier. Judge Saint Clair asked the RLSJC group for help in saying to the legislature, “We need to flip the funding to prevention”. There is a need for community based alternatives that are treatment and trauma informed. The mental health system for kids is not providing the level of service that is needed. Members need to go to the behavioral health people and tell them better services are needed. While there are challenges such as siting programs, these are not strangers, “these are our kids and your constituents”. The Court has been doing JDAI work for 17 years. The detention population has been drastically reduced, but the disproportionality gets worse and worse – kids have much more complex issues that they’re dealing with. Best Starts for Kids is a promising funding source for upstream strategies. Collaboration is not just with natural partners in Criminal Justice, but schools, behavioral health, faith communities. Judge Saint Clair emphasized that he accepts responsibility for failure to really deal with this issue, but believes collective will can turn it around.

QUESTIONS:

At the time of risk assessment is there the opportunity to put them in alternative services?

The intervention needs to happen early. Schools often know when there is a problem - they can tell based on attendance, behavior, and coursework. Unfortunately everything is funded based on post-adjudication. We have a process of risk assessment and it’s a comprehensive evaluation. It’s an intensive several hour interview. It does lead to services, but right now we don’t have a way to offer services right up front

Can you tell me the new number of warrants you’ll need to qualify for tier 1?

2 warrants

The group also discussed the importance of collaboration between law enforcement and schools, trauma-informed care, the importance of providing evidence-based treatment so that law enforcement have a viable alternative to detention.

Juvenile Justice Equity Steering Committee – Dave Chapman, King County Office of Performance, Strategy and Budget

Dave Chapman spoke briefly about the work of the Juvenile Justice Equity Steering Committee. The community is steering the direction in that committee rather than simply approving government ideas. Mr. Chapman was not speaking for that group and he would like them to come to a future RLSJC meeting to speak directly about their work and recommendations. He provided background on the origins of the steering committee and reported disproportionality statistics. In 2015 – referrals for prosecution of black or brown youth were 40%, while population is around 12%. Mr. Chapman does not see the Prosecuting Attorney's Office as responsible for the disproportionality– they are dealing with class A serious crimes. For filings, over 51% of youth are black or brown. Secure detention (which doesn't even include serious crimes, which are declined to adult jail) is 58.4%. Yesterday it was 90% youth of color. Mr. Chapman emphasized that is a crisis and something different and drastic needs to be done. It's not just school to prison pipeline – it's a home to school to prison pipeline. The committee was convened to take a new perspective and do something ahead of time to make difference. The group includes law enforcement, courts, prosecutors, defenders, as would be expected for such a group. In order to include community, membership was expanded to youth, foster parents, school superintendents, service providers and community activists. They are rolling up their sleeves to look at how to improve the system.

Mr. Chapman highlighted the importance of having evidence based programs and innovative programs (similar to LEAD which don't require court involvement) and identified Best Starts for Kids as a potential funding source. In meetings over the past year, in a wide range of settings, Mr. Chapman learned that there are solutions if we listen to communities. He listed a range of example solutions he's heard, including: Children need stable homes and services; foster placements should not break up the family; education can value different ways of learning; holistic services can be provided in communities; job training; mentoring from within the community. Other possibilities include avoiding labeling youth and creating pathways to success instead of suspension; change laws around theft of necessities; provide stipends as incentives; provide funding for livable wages for community members to provide services without justice involvement; safe cottages/dorms for homeless kids or kids in crisis, staffed by providers; parks and other spaces; government funded programs should be reviewed by communities. An understanding of brain science suggests the age of juvenile should be extended to 23. Evidence shows that sending kids to detention makes them more likely to end up in adult jail.

Mr. Chapman encouraged the group to do whatever is possible to support these efforts. He explained that we're looking at institutions to fix these problems, but if we don't build relationships with communities we're not going to change. He is hopeful for the future.

Law enforcement – Guns, Gangs and Violence – Chief Ken Thomas, City of Kent; Assistant Chief Robert Merner, Seattle Police Department

Ken Thomas and Robert Merner provided a snapshot of law enforcement and prevention efforts around gangs, guns, and violence. While the panel expected to present on a gang assessment, Assistant Chief Merner noted that after he started preparing a PowerPoint presentation, three new emerging groups became active, including in recent incidents on the metro bus and train and recent shootings. The

landscape changes rapidly. The gang assessment is still in process and Assistant Chief Merner would like to provide a PowerPoint presentation at a future meeting.

Assistant Chief Warner opened by reiterating the importance of having alternatives to detention and the court process. He cautioned that youth will “throw the flag” if you don’t have the resources to back up what you say regarding alternatives to criminal involvement. These kids have been lied to, deceived, and tricked. He is positive about the efforts in King County and works closely with Judge Saint Clair and other Juvenile Court staff on several committees.

Assistant Chief Merner was involved in intervention, prevention, and enforcement for the past 30 years in Boston. In 1990, there were 152 homicides - most ages 17-24 and people of color. By 1994, the city was down to 31 homicides. During the war on drugs, law enforcement arrested more and more people, and every year violence increased. Law enforcement then took an approach of looking across the spectrum of criminal justice and community. Now Boston averages fewer than 20 homicides annually in the past five years.

Just as law enforcement and others agree that low level juvenile offenders should have alternatives to the court system, Assistant Chief Merner noted that various entities are also on the same page that some folks need to be taken out of society, including juveniles who are pulling the trigger in shootings. Even youth who are 14 or 15 can’t be walking around in schools if they are committing violence.

Assistant Chief Merner stressed the importance of combining human intelligence and available data to improve policing and ensure people aren’t being unfairly targeted. He recognizes that stopping and checking people in violent areas creates distrust of police. Seattle has a real time crime center, and several times a week all precincts and specialized units go over events in the past 24 hours. In many cases, victims of recent crime become suspects of retaliation crimes. If a victim of a violent crime is not cooperative with police, law enforcement has to consider what will happen. Law enforcement looks at it two ways: who are the prolific offenders? And how to we keep them from terrorizing communities? Recently eight separate incidents in nine days were actually the responsibility of just two groups. Those who are pulling the trigger need to be taken out of communities. If the shooters are out of communities that’s eight fewer incidents. It’s not just Seattle and it’s not just King County. Law enforcement identified two other firearms that have been used in Seattle, Tukwila, and Gresham, Or. Just looking at those incidents, five individuals were responsible for 15 shootings, including homicides and injuries.

Assistant Chief Merner noted that law enforcement needs to look at when communities want strategic enforcement. Previously these incidents typically happened at night, but just recently at a shooting in broad daylight a bullet went through library window.

Law enforcement can have success by identifying and working with individuals at the edges of gangs. Community leaders can be key in identifying these individuals. For example, Assistant Chief Merner recounted successful collaboration with clergy in Boston. Law enforcement is targeting individuals and incidents based on data and evidence. Assistant Chief Merner acknowledged that Intelligence gathering can be a scary term, but in the context of individuals who are shooting in broad daylight in crowded areas, understanding the data is critical.

Ken Thomas then spoke to the group about enforcement and prevention efforts. He explained that often one crime will start a series of others by providing an example of a shooting where a one year old baby was killed that led to 19 subsequent shooting tied to that incident. Sometimes it is critical to identify people as being involved in gangs (not publicly, but in law enforcement databases) and solve those crimes. Law enforcement can predict the retaliation. The biggest fear is the innocent bystander that is shot, the one year old baby. There needs to be a balance and smart enforcement. While gang leaders need to be in jail, they are often not the ones pulling the trigger. Gang members with the propensity to pull the trigger are a danger in terms of retaliation, but also for bystanders.

There are a number of prevention programs in South King County and Seattle. Law enforcement has partnered with the Seahawks and the YMCA – Alive and Free program. Outreach workers from the community – many of whom are former gang members – work with youth. Law enforcement will ask for their assistance if an issue arises. In South King County, law enforcement has worked with Bobbe Bridge and the [Center for Children and Youth justice](#). Taking a comprehensive approach – King County and Seattle agencies are increasing the coordination and collaboration with existing prevention and intervention programs. The GREAT program is now being taught in 5th grade – as law enforcement has learned that middle school is too late. Law enforcement works with students and School Resource Officers, promotes awareness to youth violence, and talks to parents about safe storage of weapons. Alive and Free is working on targeted intervention with [Youth Link](#) to get out in the community, identify people on the fence, and do interventions. Law enforcement is also involved in re-entry – after an individual has been court involved.

Chief Thomas discussed the importance of identifying fringe players, for example, siblings of a victim, and referring them to community outreach workers. Police officers go to a house and do an arrest. Someone will stay behind and talk about services and the criminal justice process. When looking at likely to offend individuals – existing programs can be implemented. For example, the [Alternatives to Violence Project](#) was recently implemented in Seattle. Based on analysis of the data, Kent has targeted ages 16-19 or 20 and Seattle is looking at ages 18-24 for intervention programs.

Chief Thomas ended the presentation by underscoring the importance of having viable alternatives.

QUESTIONS

Is there a set of predictors in the juvenile system based on crime type ect that will predict the worst adult offenses?

Short answer is yes, but there is much more involved than the incident. In Boston, I was on the gang unit. I worked with clergy, academics, Boston Medical Center, - the biggest predictor is not offenses, but what they've witnessed. We put together a trauma team to intervene with friends of the deceased, family members. As soon as the integrity of the investigation is secured, the trauma team intervenes with family members and witnesses.

The group also discussed property crime rates and the importance of involving faith communities.