COMPLIANCE WITH THE FEDERAL ACT

The state must comply with the four core requirements of the JJDP Act:

- Remove non-offending youth and status offenders, such as runaways or truants, from locked facilities. (*Deinstitutionalization of Status Offenders*, or **DSO**.)
- Ensure complete separation of youth from adult offenders in jails and lockups. (**Jail Separation**)
- Eliminate the confinement of juveniles in adult jails and lockups. (**Jail Removal**)
- Assess the representation of minority youth in the juvenile justice system, and where disparity exists, develop strategies to address the disparity. (*Disproportionate Minority Contact*, or **DMC**)

The federal JJDP Act requires participating states to provide for an adequate system of monitoring, including the following types of facilities: adult jails and lockups, local juvenile detention centers, state juvenile training schools (institutions), and non-secure facilities, such as mental health or drug/alcohol programs.

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ADULT JAILS AND LOCKUPS

State law prohibits the jailing of juveniles, unless the juvenile has been remanded to adult court. An alleged delinquent juvenile may be held in an adult jail or lockup[1] for up to six hours, immediately before and/or after a court appearance, for the purposes of identification, processing, and to arrange for release to parents or transfer to a juvenile detention facility. Juveniles must be completely separate from sight or sound contact with adult prisoners.

Data are collected through a self-reporting process. Verification is conducted by on-site inspections, by expert consultants (compliance monitors). Through the GJJAC's bi-annual survey, which was supplemented by on-site monitoring of 33 of the state's 68 jails and lockups, it was found that 82 juveniles were held in adult jails and lockups in violation of the federal JJDP Act in calendar year 2002. Over three-fourths (82%) were violations of both the jail removal and DSO requirements of the federal JJDP Act, as status offenders were held in secure custody status in the jail or lockup. The majority of these violations were in city jails or lockups. The total jail removal violations were within the deminimus rate allowable for Washington State under federal JJDP regulations.

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JUVENILE DETENTION CENTERS

Each year the GJJAC, through their staff, works with the Juvenile Court Administrators of all local juvenile detention centers statewide to collect data on juveniles detained.

Data are collected by a self-reported survey and through JUVIS (the juvenile management information system, managed by the Administrative Office of the Courts). Verification is conducted by on-site inspection by

[1] A lockup is similar to an adult jail, except an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged.

members of the GJJAC, GJJAC staff, and Regional Program Development Unit members. There were almost 4,000 admissions[2] of status offenders to juvenile detention facilities in 2002 for violations of a court order/proceeding related to a status offense (contempt of court). As federal law provides an exception for status offenders who violate a Valid Court Order,[3] these youth were not securely detained in violation of federal regulations (the VCO exception).

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SECURE CRISIS RESIDENTIAL CENTERS

Data for youth admitted to Secure Crisis Residential Centers (S-CRCs) are collected through a self-reporting process, and through the management information system operated by the Division of Children and Family Services, DSHS. On-site verification is conducted by the GJJAC's compliance monitors. There were 66 total S-CRC beds in 2002, with nine facilities in operation (4 public, 5 private). There were almost 3,500 admissions of youth to the nine S-CRCs in SFY 03.

In 2001, it was determined through GJJAC compliance monitors' findings and GJJAC staff analyses, that five of the nine facilities (those operated by private non-profit agencies) did not meet the federal definition for "secure facility" as described in recent federal guidelines. (However, these five facilities are physically secure as required under Washington State statutes, and by their licensure as Secure Crisis Residential Centers.)

There were 973 admissions of youth to the four S-CRCs that are located within specific designated areas of juvenile detention centers in calendar year 2002. The average length of stay (in these four facilities) was approximately 40 hours in 2002, excluding weekends and holidays (with the average range from 31 to 45 hours). Approximately 30 percent of the total admissions were detained 24 hours or less, excluding weekends and holidays (no change from 2001). There were over 400 violations of the removal of status offenders and non-offenders requirement (DSO) of the federal JJDP Act for these four facilities total in 2002. These violations do not include youth placed in these four S-CRCs who were released within 24 hours, excluding weekends and holidays, or who received a judicial court review within 24 hours, excluding weekends and holidays, and who were released within an additional 24 hours after the review, excluding weekends and holidays.[4]

Since October 2002 all four courts have provided a judicial court review within 24 hours, excluding weekends and holidays, for youth placed in their respective S-CRC (consistent with federal requirements). Additionally, one court (Snohomish County) provides an additional court hearing at 48 hours of the youth's placement.

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[2] Admissions with a detention stay of over 4 hours in duration.

[3] The VCO Exception provides that adjudicated status offenders found to have violated a valid court order may be securely detained in a juvenile detention or correctional facility.

[4] Federal regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours, excluding weekends and holidays, prior to an initial court appearance, and for an additional 24 hours, excluding weekends and holidays, immediately following an initial court appearance.

COMPLIANCE WITH THE DSO REQUIREMENT OF THE FEDERAL JJDP ACT

Washington State was found to be out of compliance with the DSO requirement of the federal JJDP Act in the spring of 2000, because the number of youth held in violation of the DSO requirement in S-CRCs exceeded the deminimus rate allowable for Washington State under federal JJDP regulations. The FFY 2000 through 2003 Formula Grant Awards to Washington State were reduced by 25 percent of the annual allocation. The State has agreed to expend the remaining 75 percent of Formula Grant funds to fund programs that will assist in returning Washington State to a status of compliance with the DSO requirement (and to maintain compliance with the other three requirements of the federal Act).

In August 2003 the state received written notice from the Administrator of the federal OJJDP: ***"If the State's DSO non-compliance continues in 2004, Washington may not be eligible to participate in the Formula Grants Program."***

The GJJAC seeks to bring the state back into compliance, and to address the many needs of runaway youth, including assisting local jurisdictions in providing support and follow-up services to this population and their families.

A 2000 Washington Law Review article (Vol. 75:1399, 2000) addresses the need to bring the Becca Bill's runaway-detention provisions into compliance with juvenile's procedural due process rights.

A workshop was held in May 2002 to collaboratively address the compliance issue. It was attended by juvenile court administrators, GJJAC members and staff, and a compliance specialist from the federal Office of Juvenile Justice and Delinquency Prevention. Recommendations from that meeting are being implemented.

All four courts are providing a judicial court review within 24 hours, excluding weekends and holidays, for youth placed in their respective S-CRC (consistent with federal requirements). Also, it was recommended that statewide judicial policy be established—in September 2003, the GJJAC submitted proposed versions of a court rule to the Juvenile & Family Law Committee of the Superior Court Judges Association (SCJA). GJJAC members drafted a revised court rule in March 2004, which was passed with a favorable recommendation by the Family & Juvenile Law Committee. The proposed court rule and recommendation of the Family & Juvenile Law Committee will be forwarded to, and reviewed by, the Superior Court Judges Association Board in June 2004.

The GJJAC expects that the adoption of a court rule, and initial court review process for all youth within 24 hours, excluding weekends and holidays, will: provide procedural due process for these youth and improve the juvenile justice system; reduce the number of DSO violations for Washington State; and bring the state back into compliance with the federal JJDP Act in 2004. The GJJAC also seeks to address the many needs of runaway youth, including assisting local jurisdictions in providing support and follow-up services to this population and their families.

COMPLIANCE WITH THE DSO REQUIREMENT OF THE FEDERAL JJDP ACT, continued

Four projects were awarded funds in 2002 and 2003 in the runaways/status offender and non-offender priority area of the Formula Grants Program, located in Pierce, Walla Walla, Mason/Kitsap, and King counties, in addition to the ***Spokane United for Children*** project, to assist communities in developing strategies to address the needs of juvenile status offenders and non-offenders. The GJJAC specifically targeted projects that addressed the problems related to runaway youth, and assisted local jurisdictions in providing support and follow-up services, in non-secure settings, to this population.

Also, the GJJAC recently awarded $175,000 federal Formula grant awards to **Kitsap County Juvenile Court** (also holds youth in S-CRC for **Pierce County**), and **Snohomish County Superior Court**, to begin in April 2004. These projects propose to address a needed gap in services for youth placed in their respective S-CRCs, through providing: immediate connections to community resources, along with transitional community coordination, individualized and tailored care case planning, facilitation of multi-disciplinary team meetings, in-home crisis counseling for the youth and their families, and ongoing follow-up in the community. It is anticipated that the outcomes of these two targeted grant awards will include to: provide needed services and support for these youth and their families, and follow-up in the community; reduce the number of youth returning multiple times to the S-CRC; and reduce the length of stay for youth in the secure facility.

Juvenile Detention Alternatives Initiative (JDAI)

In addition, the GJJAC will continue the state's efforts in working with the Annie E. Casey Foundation (AECF) and providing technical assistance to counties throughout the state on best practices in juvenile detention, **with a direct impact on status offenders and non-offenders,** and disproportionate minority contact (DMC). The purpose of the Juvenile Detention Alternatives Initiative (JDAI) is to review court procedures and to use a data-driven process to see if certain juveniles might be better served by the use of alternatives, rather than secure detention. The AECF announced, in March 2004, that Washington State will receive a $200,000 grant award (annually for three years), along with continued technical assistance, to become a **JDAI replication state**. The GJJAC will administer this grant award, anticipated to begin in July 2004. While the GJJAC grant application to the Annie E. Casey Foundation started from a concern about disproportionality, it is now broader—it incorporates best practices in detention decisions, which will impact holding status offenders and non offenders in secure confinement.

Pierce County also was named a JDAI replication site by the Annie E. Casey Foundation, and will open a reception center (for youth who are arrested for misdemeanor and status offenses, and who pose little or no risk to community safety). It is anticipated that the reception center will open in September 2004.

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