

GUILTY BUT INNOCENT:
Juveniles in Jail in Washington State

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I. Introduction

Under current Washington State law, it is possible to prosecute juveniles as adults through a process called declination. Through this process the juvenile court declines jurisdiction over the youthful offender, who is then transferred to adult court and legally considered an adult. As a result of these provisions, juveniles are often held in adult detention facilities before their trial. The conditions of such housing vary largely from county to county. We have worked to expand the limited body of knowledge regarding the juvenile jail population by gathering data from 32 out of 39 counties in Washington State in an attempt to shed light on this unique group of inmates. We also gathered data by visiting jails and juvenile detention centers and by interviewing a variety of relevant actors, including declined juveniles who are currently incarcerated. Our research questions can be found below.

Research questions:

- *What is the size and demographic composition of the population of youth in adult jails in Washington State?*
- *How did they come to be placed in adult jails?*
- *What are the consequences of youth spending time in adult jails, both for the juveniles as individuals and for the wider society?*

In answering these questions, we have established a unique data set that includes the number of juveniles in adult facilities throughout Washington State, the demographics of the juvenile population in adult jail, and information concerning juvenile experiences in detention. Our key findings are below.

Key findings:

- *There were 458 instances of juveniles in jail from 2009 to 2012.*
- *11% of juveniles reported (46 individuals) spent over a year in jail.*
- *Robbery and assault make up 72% of the charges of juveniles in jail.*
- *Black and Hispanic juveniles are disproportionately represented in the juvenile jail population.*
- *A majority of juvenile inmates interviewed preferred being housed in jail to being held in a juvenile detention center.*

Our findings ultimately lead us to conclude that although there is no ideal solution to the incredibly complex issue of housing juvenile offenders, there are several modifications that can be made to current Washington State policies. Based on our research, we have made a number of recommendations we believe would provide juvenile offenders with appropriate and consistent housing conditions statewide, taking into consideration both the interests of the youth and of society as a whole.

II. Report outline

This report is divided into four main sections: Background, Data, Juvenile Experiences in Jails versus Juvenile Detention Centers, and Policy Recommendations. The Background section details the differences between automatic and discretionary declination, including the criteria for a juvenile to be transferred into the adult criminal justice system.

Following the Background section, the Data section presents the number of juveniles in jail in Washington from January 2009 through October 2012. This section provides aggregate county statistics displaying the total number of reported juveniles held in jail across the state, as well as comparisons between counties with the largest number of juveniles in jail: King, Yakima, Spokane, and Pierce Counties. Noteworthy findings from this data, along with their implications, are highlighted. The section concludes with a brief discussion of data collection problems, as well as suggested areas for future research.

The Juvenile Experiences in Jails versus Juvenile Detention Centers section is a multifaceted comparison of juvenile experiences in juvenile detention centers (JDCs) and jails. This comparison begins with a basic definition of each facility, as well as nationwide statistics regarding the perceived dangers of holding youth in jail. The analysis then moves to individual components of each facility: housing, programming and services, juvenile inmates' perspectives, and management issues. The final sub-section discusses the collateral consequences of housing juveniles in jail versus juvenile detention centers, including variation in re-entry programs, recidivism rates, and records. Research for this section included tours of the Pierce County Jail and the King County Regional Justice Center (RJC), Pierce and King County JDCs, and interviews with various actors in the criminal justice system. Additionally, we interviewed 14 young men incarcerated at Green Hill School, a Juvenile Rehabilitation Administration (JRA) facility that provides long-term housing for youthful offenders through the age of 21. These 14 individuals were all declined in counties across Washington State and were held in both juvenile detention centers and county jails at some point during their incarceration. Their testimonies raise interesting questions and add perspective and depth to our research.

After gathering statewide jail data, touring multiple facilities, and interviewing actors within the criminal justice system—including incarcerated inmates themselves—we developed policy recommendations regarding housing juveniles in jail in Washington State. Our key recommendations are to establish a uniform statewide data collection procedure, reduce the number of juveniles who are declined into the adult system, and create a safe housing alternative that fits the needs of juveniles who are declined.

Definitions

Juvenile Detention Center (JDC):

JDCs are county-run short-term housing facilities for juveniles. Juveniles can be housed in a JDC before and during their trial and after trial to serve a sentence. Both declined and non-declined juveniles can be held in JDCs. A JDC is the parallel juvenile facility to a jail.

Jail:

Jails are county-run facilities that hold adults before and during their trial and after trial if their sentence is less than one year. Declined juveniles can be held in jail.

Juvenile Rehabilitation Administration (JRA):

The JRA runs statewide facilities designed to hold juveniles for longer sentences. Both declined and non-declined juveniles are housed at JRA facilities. The JRA is the parallel juvenile facility to a prison, or DOC facility.

Department of Corrections (DOC):

DOC runs statewide prisons that hold adult inmates for sentences over one year. Juveniles are generally not housed in prison. If declined juveniles receive prison sentences they are transferred to the JRA until they are 21 pending good behavior.

III. Background

Under current Washington State law, juvenile courts are maintained as a division of the state’s superior court system. These courts deal with the majority of juvenile offenders.¹ In some cases, however, a juvenile court will decline jurisdiction over a juvenile offender, in which case the juvenile is transferred to the adult criminal justice system. This process is usually initiated by a prosecuting attorney’s original filing decision, but can also be requested by either the juvenile themselves or the juvenile court. In determining how juvenile offenders ultimately find themselves within the adult criminal justice system, we examined relevant Washington State statutes and case law and interviewed prosecuting and defense attorneys in order to better understand how charging decisions are made. See Appendix One for the number of automatic and discretionary decline cases filed by county. The following sections will discuss automatic and discretionary declination.

a. Automatic declination (RCW 13.04.030)

In order to be automatically declined from juvenile court to the adult system, a juvenile must be 16 or 17 years old and either be charged with a serious violent offense or be charged with a violent offense and have a certain criminal history, as outlined in Figure 1.1. After reviewing a case for jurisdiction and legal sufficiency, the prosecutor determines what charges will be filed. If the juvenile is being held in detention, charges must be submitted within 72 hours.² If a juvenile offender is charged with an crime that warrants automatic declination, the transfer to adult court occurs without any judicial decision or oversight.³

Figure 1.1: Conditions for automatic declination

1. Serious violent offense	2. Violent offense (listed at right) AND criminal history	
Murder 1 Murder 2 Homicide by Abuse Manslaughter 1 Kidnapping 1 Rape 1 Assault of a Child 1 Assault 1 Robbery 1 Rape of Child 1	1 violent offense + prior serious violent offenses 2 violent offenses + prior violent offenses 3 violent offenses + any combination of the following: [*] Class A Felony Class B Felony Vehicular Assault Manslaughter 2 [*] All offenses must have been committed after age 13 and prosecuted separately OR juvenile allegedly had firearm	Violent offenses Attempted Solicitation-Class A Manslaughter 1 Manslaughter 2 Indecent Liberties with Forcible Compulsion Kidnapping 2 Arson 2 Assault 2 Assault of a Child 2 Extortion 1 Robbery 2 Drive by Shooting Vehicular Assault/Homicide (while under the influence or driving recklessly) Burglary 1

b. Discretionary declination (RCW 13.40.110)

A juvenile can also be transferred to the adult criminal justice system by means of a discretionary decline, which can be initiated by the prosecutor, juvenile or juvenile court.⁴ In these cases, a decline hearing takes place before a juvenile court judge, who makes the decision to transfer jurisdiction to the adult court following a review of facts, opinions from probation counselors, case workers and expert witnesses, as well as consideration of a juvenile’s life circumstances. The latter is evaluated in light of the *Kent* factors,⁵ which provide guidelines for assessing the seriousness of the alleged offense, the juvenile’s maturity and level of sophistication, his or her previous criminal history, and the potential for future rehabilitation. See Appendix Two for a full list of the *Kent* factors.

IV. Data

a. Methods

In an effort to collect detailed data, we first attempted to gather information from several statewide agencies. We approached the Sentencing Guidelines Commission and the Administrative Office of the Courts but were unsuccessful in gathering data from either organization. We then requested information from the Jail Booking and Reporting System (JBRS), a data collection agency contracted by the Washington Association of Sheriffs and Police Chiefs. JBRS sent us snapshots of the juvenile jail population in each county for four dates (January 1, April 1, July 1, and October 1) in 2010, 2011, and 2012. These snapshots showed that there was an average of 55 juveniles in jail statewide on the reporting dates. They also provided a picture of which counties hold juveniles in jail. However, this source was limited in that it could not provide annual totals. The JBRS data and analysis can be found in Appendix Three.

Since the JBRS data failed to provide sufficiently complete statewide data, we composed an informal public information request that we sent to each county.⁶ See Appendix Four for the full document. We decided against submitting a formal public records request, which would have only required each office to provide us with existing documents. Instead, we sent an informal public information request, asking each county to provide data specific to our request. We first requested the number of juveniles who had been declined and held in jail between January 2009 and October 2012. We defined “juveniles” as any individuals under the age of 18 on the date they were booked into jail. We requested the following information on each juvenile reported: age at booking, most serious charge and any other charges levied against them, booking and release dates, race and ethnicity, and gender. We also requested policies concerning the isolation of juveniles in jail, how they were held in the adult jail facilities, and what programming (i.e. education, rehabilitation, recreation, mental health, etc.) was offered. We sent these requests in November 2012 and received responses through February 2013.

The following counties reported that they held juveniles in jail between 2009 and 2012: Adams, Benton, Clark, Cowlitz, Grays Harbor, King, Kittitas, Lewis, Lincoln, Mason, Pierce, Snohomish, Spokane, Skamania, Stevens, Thurston, Walla Walla, Whatcom, and Yakima.

The following counties reported that they did not hold juveniles in jail between 2009 and 2012: Chelan, Clallam, Columbia, Douglas, Franklin, Garfield, Grant, Island, Kitsap, Pend Oreille, Skagit, Wahkiakum, and Whitman.

The following counties failed to respond to our request: Asotin, Ferry, Jefferson, Klickitat, Okanogan, Pacific, and San Juan.

Clark County and Lewis County did report that they held juveniles in jail, but we were unable to obtain reliable data from them. Though we sent out county information requests in November, we did not receive any response from Clark County until February. They sent us data on 241 juveniles, claiming that each juvenile had been booked into jail, even those charged with offenses that do not typically lead to declination, such as Driving Under the Influence. Clark County reported that every juvenile who commits a crime is processed through the jail, regardless of whether they have been declined, before they are transferred to the JDC, explaining the high number of juveniles on the chart (see Appendix Five). We were not able to obtain data on how many of the juveniles reported were actually housed in jail, and thus we were not able to include Clark County in our data. Lewis County reported that they held juveniles in jail but did not send specific data on how many juveniles were in jail, and so Lewis County is also not included in our data. We do not have any reason to believe that the Clark and Lewis County data would have significantly altered any statewide trends.

b. Noteworthy findings

The data show several notable trends.

- There were **458 instances of juveniles in jail** reported from 2009-2012. It is important to note that some juveniles were held in jail multiple times during the reporting period and were therefore counted two or more times. Most counties provided booking numbers in their data so it was possible to identify juveniles who were counted multiple times. After eliminating all possible multiples, there were **406 unique juveniles in jail** reported. We chose to pull our graphs from juvenile jail stays (458 instances, counting some juveniles twice) because all jail stays, even when experienced by the same juvenile over time, are significant. The subsequent graphs and captions use the word “juvenile” for the sake of brevity but include some juveniles who are counted multiple times.
- The **number of juveniles in jail has declined** from 163 in 2009 to 79 in 2012.
- Jailed juveniles were overwhelmingly **male (92%)**, **17 years old** at booking (64%), and **automatically declined (90%)**.
- The **average length of stay in jail was 143 days** (4.8 months) and the median was 95 days (3.2 months).⁷
- 11% of juveniles, or **46 individuals, spent over one year in jail**. This includes 6 juveniles who spent more than two years in jail.
- **Blacks were overrepresented**, making up 37% of juveniles in jail and only 4% of the state population.
- **Robbery and assault**, the least serious charges that can lead to an automatic declination, **accounted for 72% of the charges** of juveniles in jail.

c. Statewide data

Graphs are pulled from all 458 juvenile jail stays unless otherwise noted.

Figure 2.1

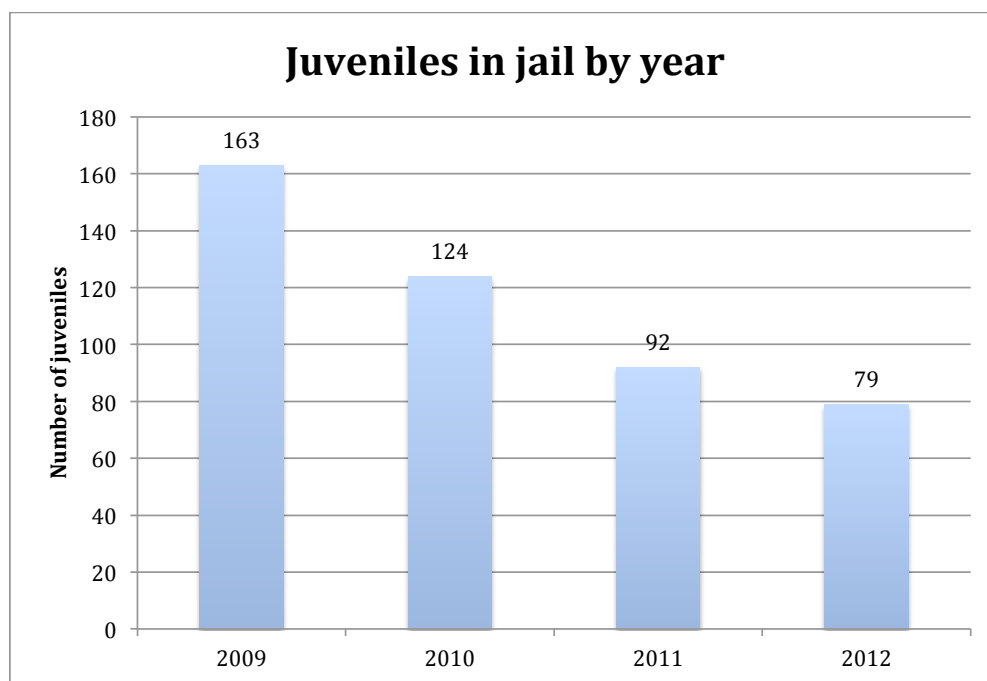


Figure 2.1 shows the number of juveniles in jail by year. There was a noticeable decrease in the number of juveniles in jail over the last four years, with half as many juveniles in jail in 2012 as in 2009.

Figure 2.2

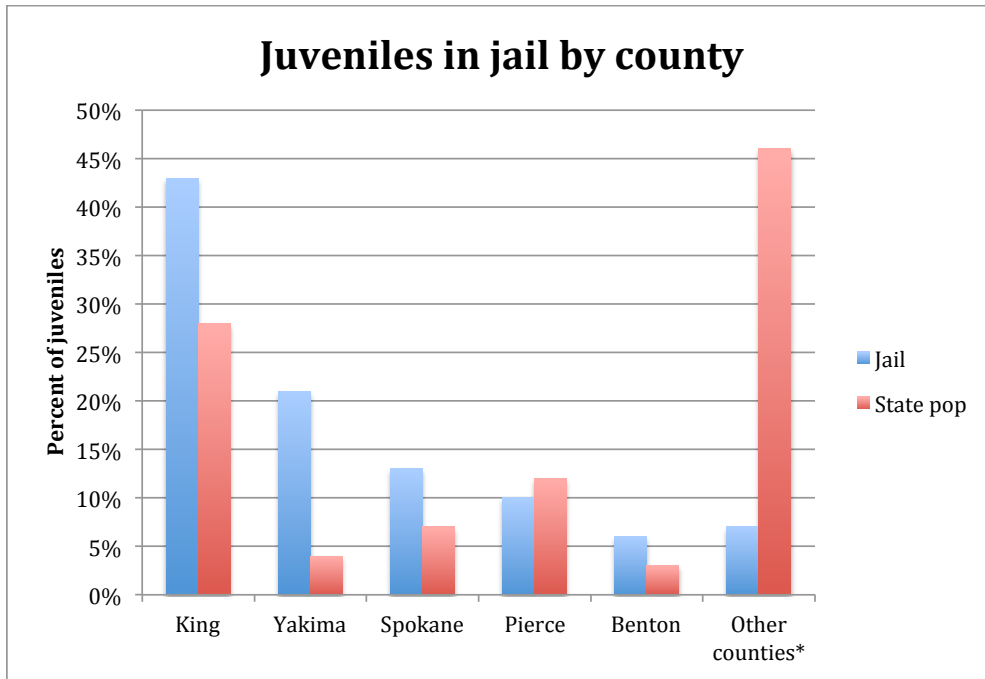


Figure 2.2 shows the breakdown of juveniles in jail by county. King County held the most juveniles in jail, with 43% of juveniles, but makes up only 28% of the state population. Yakima County held an especially high number of juveniles in jail, with 21% of juveniles but only 4% of the state population. Snohomish and Thurston Counties are notable in their exclusion from this graph. Snohomish County had a very low number of juveniles in jail, holding only 3% of the juveniles but ranking third in state population (11%).

* A list of which counties reported housing juveniles in jail and how many each county reported can be found in Appendix Six.

Figure 2.3

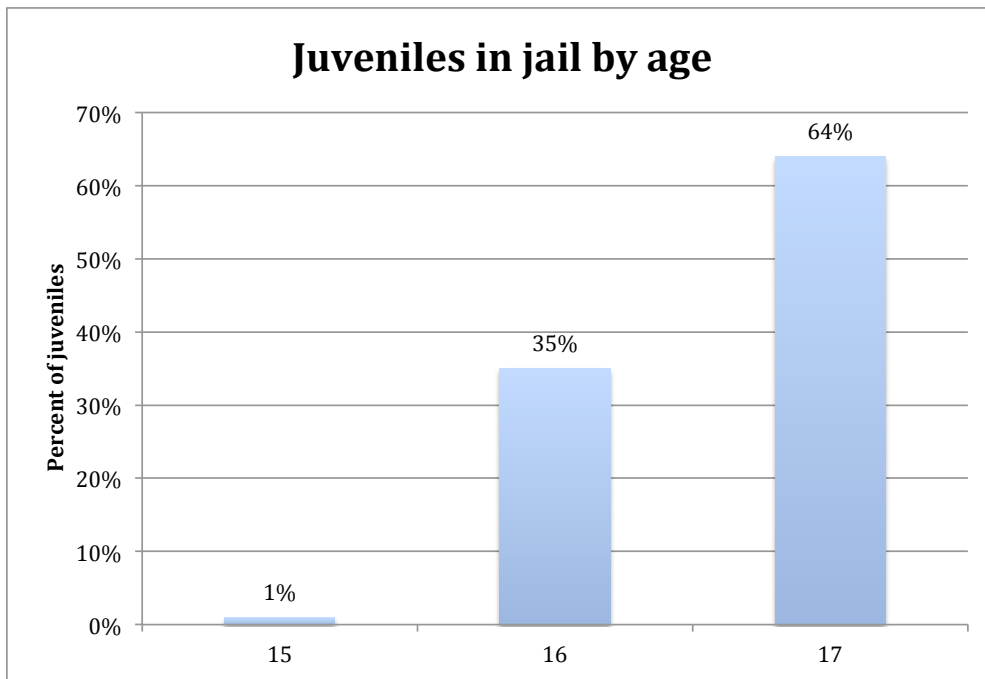


Figure 2.3 shows the breakdown of juveniles in jail by age. 64% of the juveniles in jail are 17 years old, 35% are 16 years old, and only 1% (a total of 4 juveniles reported) are 15 years old.

Figure 2.4

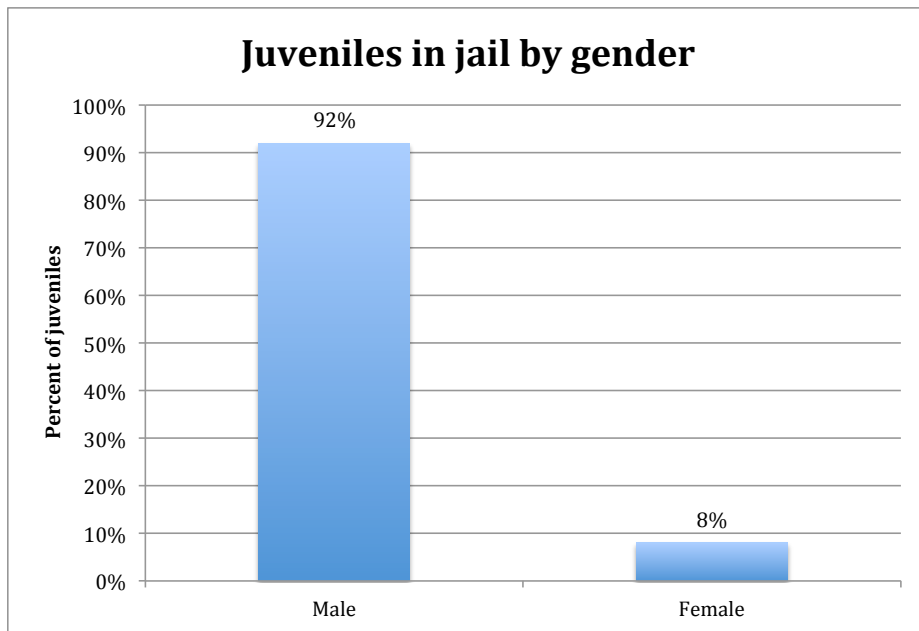


Figure 2.4 shows the breakdown of juveniles in jail by gender. Males accounted for 92% of the juveniles reported. Gender data was available for 408 juveniles.

Figure 2.5

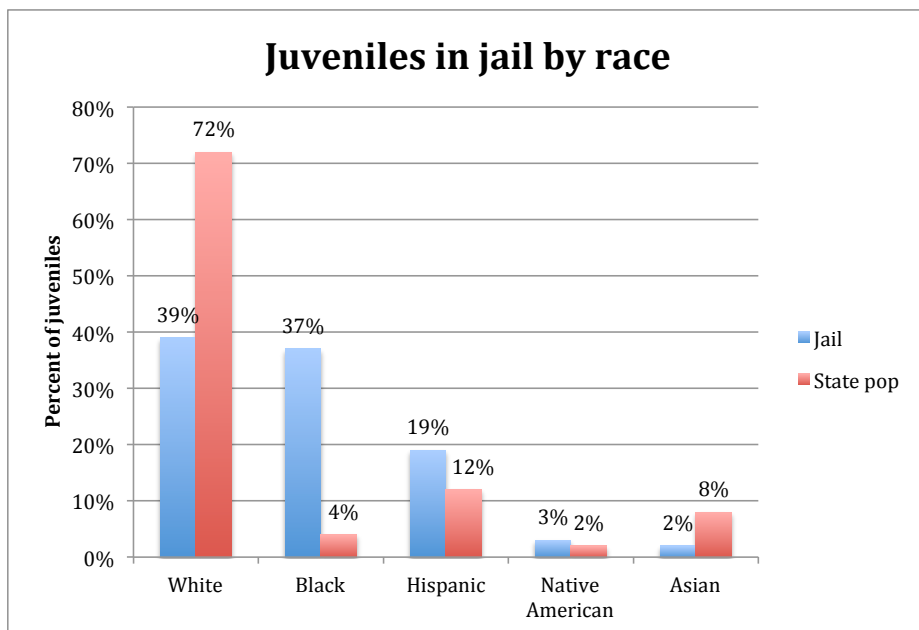


Figure 2.5 shows the breakdown of juveniles in jail by race compared to state demographics. These data provide only an estimate of the racial composition of juveniles in jail because race was reported inconsistently across counties. Racial data was reported for 404 juveniles, with no data from Pierce County and a few small counties. King County, as well as several smaller counties, did not include ethnicity and therefore no juveniles in those counties were counted as Hispanic. If this information was available it would increase the existing disproportionality of Hispanic juveniles in jail. Black juveniles are even more overrepresented, making up 37% of the juveniles in jail but only 4% of the state population. The numbers for Native American and Asian juveniles were negligible because only King County and a few small counties included data on those groups.

Figure 2.6

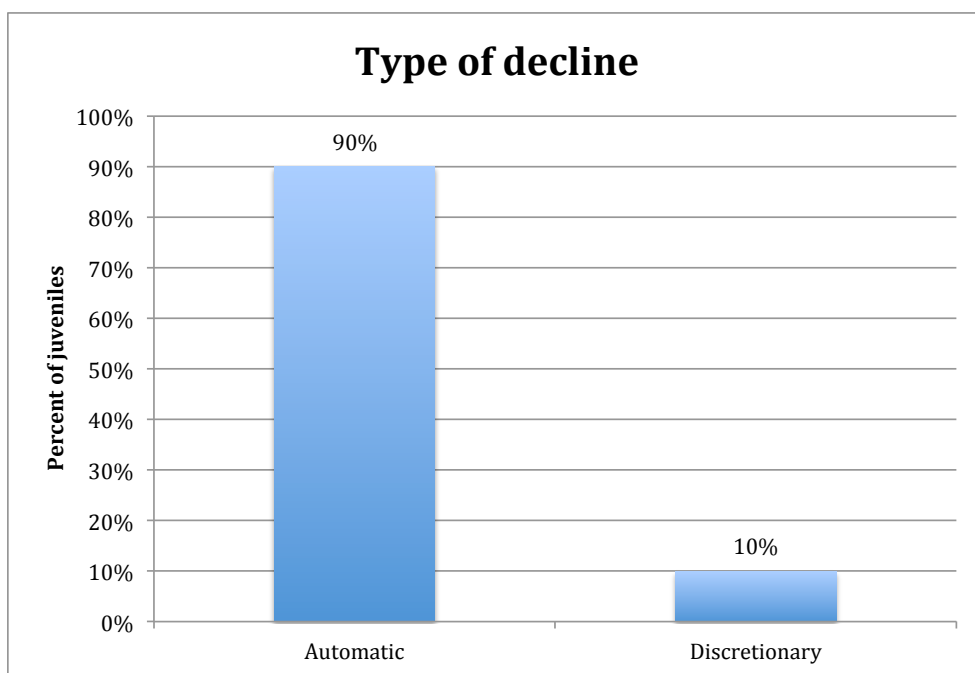


Figure 2.6 shows the type of declination that led to juveniles being held in jail. We were only able to obtain data on the type of declination from Spokane and Pierce Counties, making up a total of 104 juveniles.

Figure 2.7

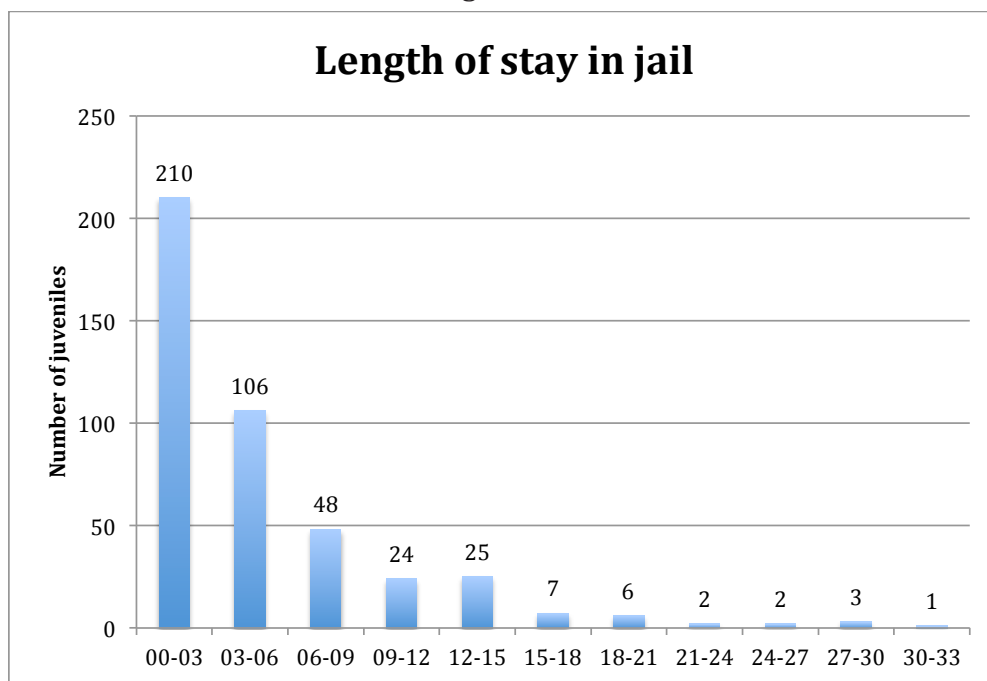


Figure 2.7 shows the length of stay for juveniles in jail. The average length of stay was 143 days (4.8 months) and the median length of stay was 95 days (3.2 months). Many juveniles were only in jail for a few days, which brought down the average. 46 juveniles were held in jail for more than one year, including 6 juveniles who were held in jail for more than two years. In total, 11% of all juveniles in jail were there for more than a year. Length of stay data was available for 434 juveniles. A number of juveniles were still in jail when reported.

Figure 2.8

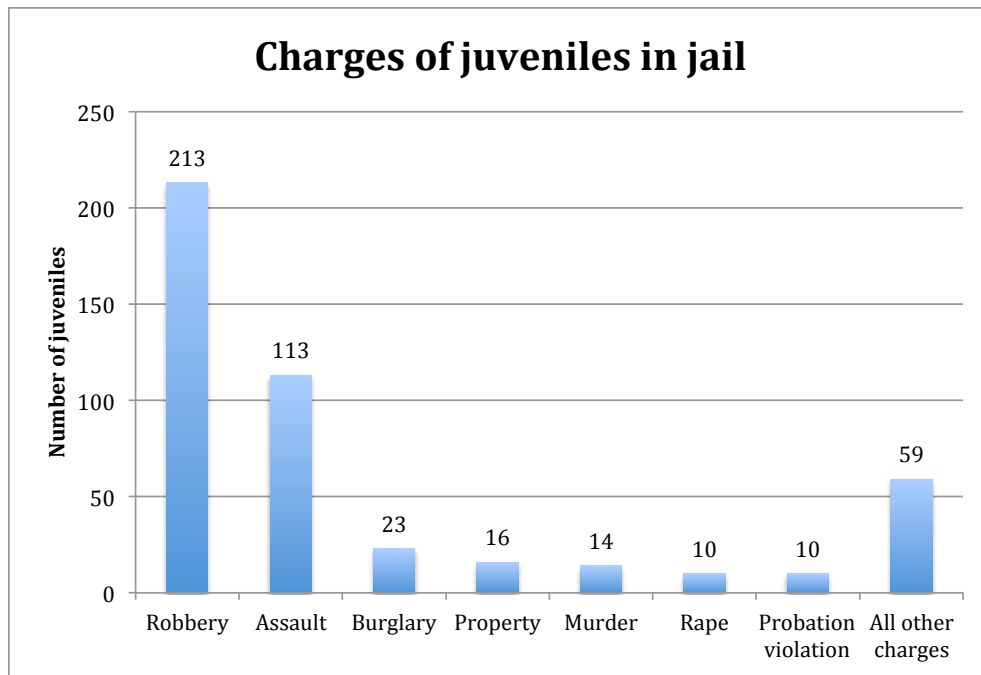
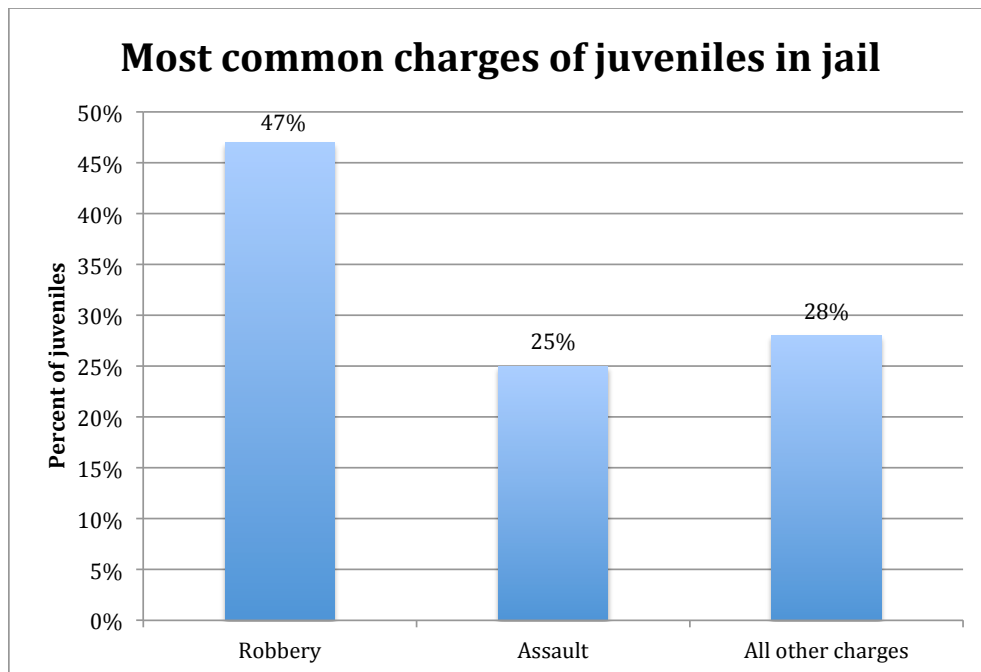


Figure 2.9



Figures 2.8 and 2.9 show the charges of juveniles in jail. Figure 2.8 lists the most serious charges of jailed juveniles. Figure 2.9 compares robbery and assault, the most common charges, to all other charges. Robbery accounted for 47% of all charges and assault accounted for 25% of all charges. This means the two arguably least serious charges that can result in a decline account for 72% of juveniles in jail. In both Figure 2.8 and Figure 2.9 degrees of the same charge were grouped together. For example, if a county reported both Assault 1 and Assault 2, those charges were combined into the category Assault.

d. County data

King, Yakima, Spokane, and Pierce Counties combined held 396 out of the 458 reported juveniles in jail, or 87%, so a closer analysis of these counties is warranted. Some statewide trends are echoed but some counties also show deviations from these trends or provide unique data that was not available statewide.

1. King County

- Total instances of juveniles in jail: 194 (167 unique juveniles)
- Average length of stay: 161 days (5.3 months)
- Most prevalent charges: robbery and assault

King County is the most populous county in Washington State, so it is no surprise that it has the most instances of juveniles in jail by a large margin.

Figure 3.1

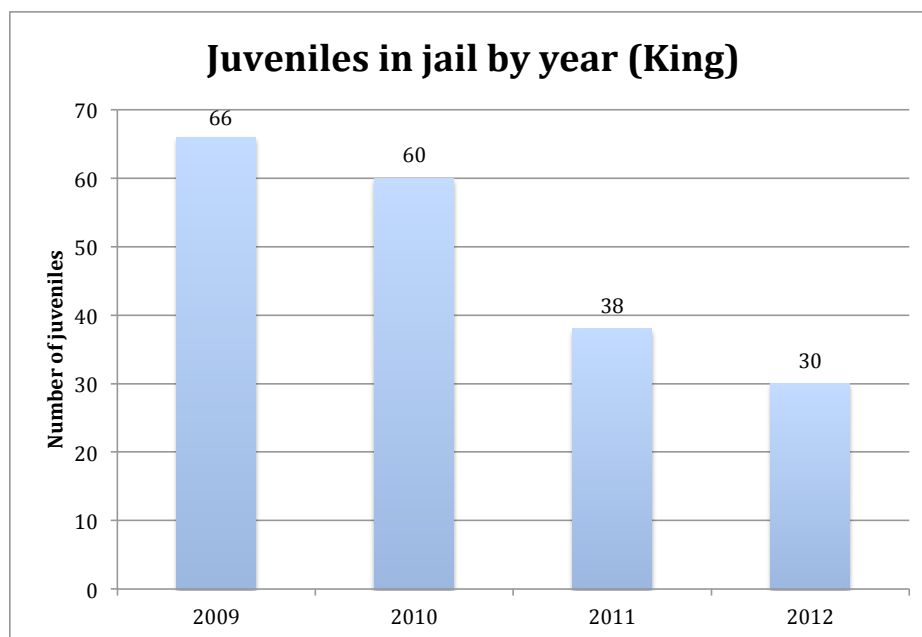


Figure 3.1 shows the total number of juveniles in jail per year. The number of juveniles in jail each year has declined dramatically, from 66 in 2009 to 30 in 2012, reflecting the statewide trend. It is important to note that we only collected data through October 2012, so there may have been more juveniles booked into jail by the end of the year.

Figure 3.2

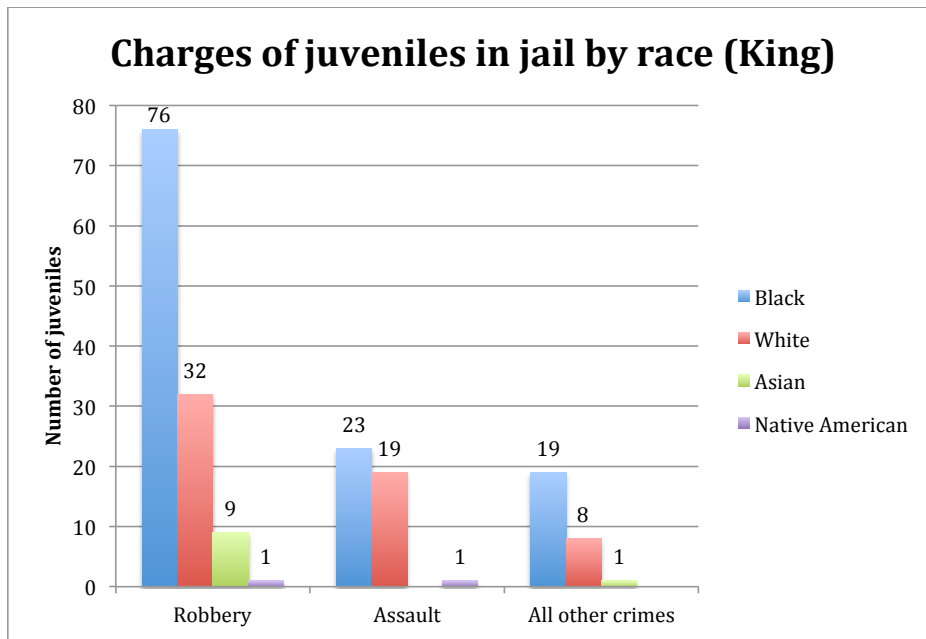


Figure 3.2 shows the charges of juveniles in jail by race. Black juveniles were charged with the majority of crimes, followed by white, Asian, and Native American juveniles. Black juveniles were especially over-represented in the charge of robbery, accounting for more than twice as many robbery charges as whites. Juveniles of all races were more likely to be charged with robbery than any other crime. It is important to note that King County did not report any data on Hispanic offenders and so Hispanic juveniles are likely included predominantly in the “white” racial category.

2. Yakima County

- Total instances of juveniles in jail: 98 (82 unique juveniles)
- Average length of stay: 160 days (5.4 months)
- Most common charges: assault and robbery

Figure 4.1

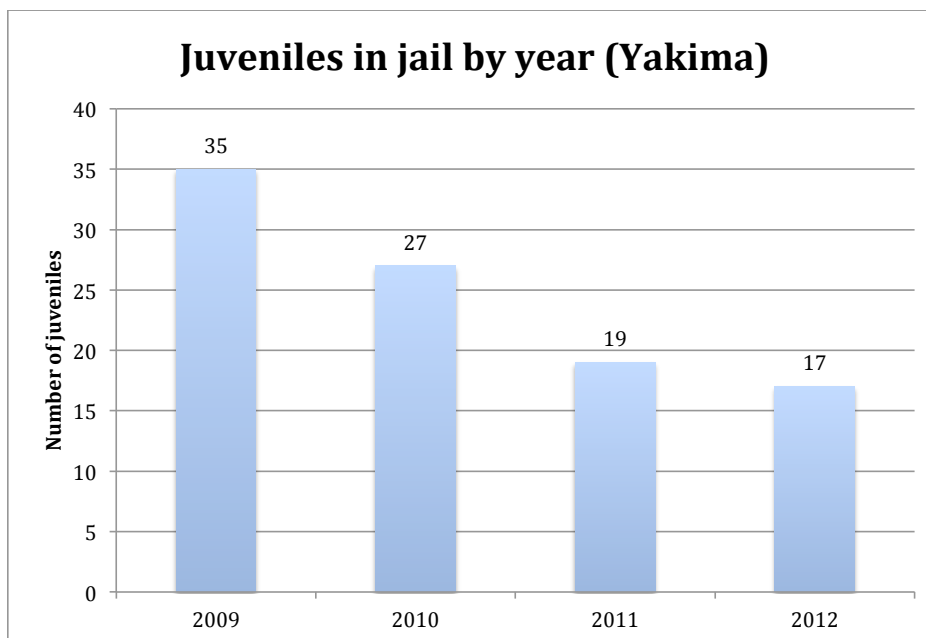


Figure 4.1 shows the total number of juveniles in jail in Yakima County per year. The frequency of juveniles in jail each year has declined, going from 35 in 2009 to 17 in 2012, reflecting the statewide trend. It is important to note that we only collected data through October 2012, so there may have been more juveniles booked into jail by the end of the year. Despite only having 4% of the state population, Yakima County jails 21% of the juveniles reported.

Figure 4.2

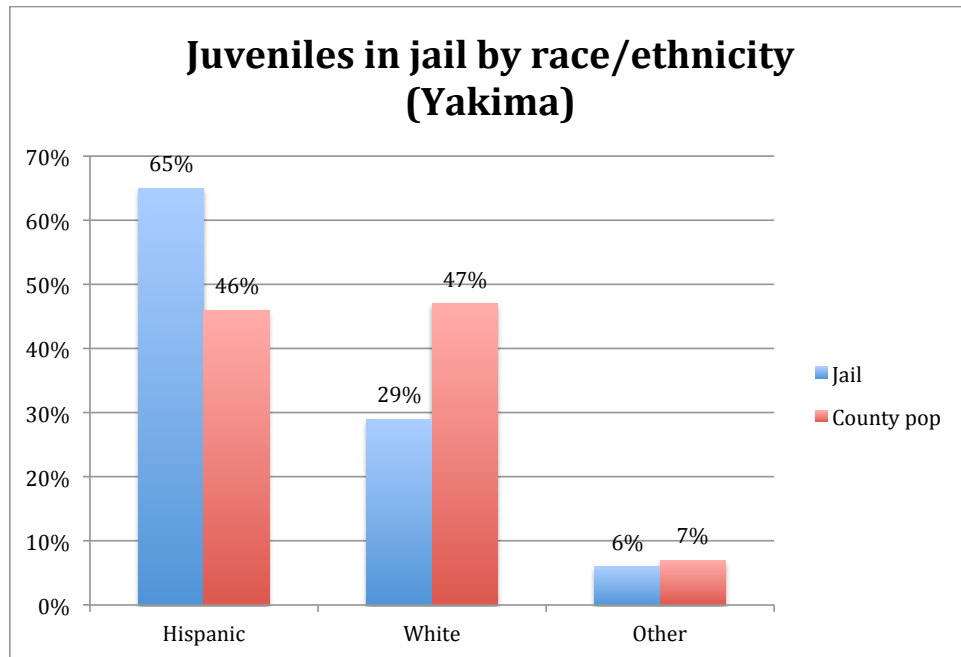


Figure 4.2 shows the racial breakdown of juveniles in jail compared to county demographics. Of the four major counties, Yakima County was the only one to provide data on ethnicity, providing a more comprehensive view of the juvenile jail population. 65% of juveniles in jail were Hispanic, constituting a large disproportionality because only 46% of the Yakima County population is Hispanic.⁸

Figure 4.3

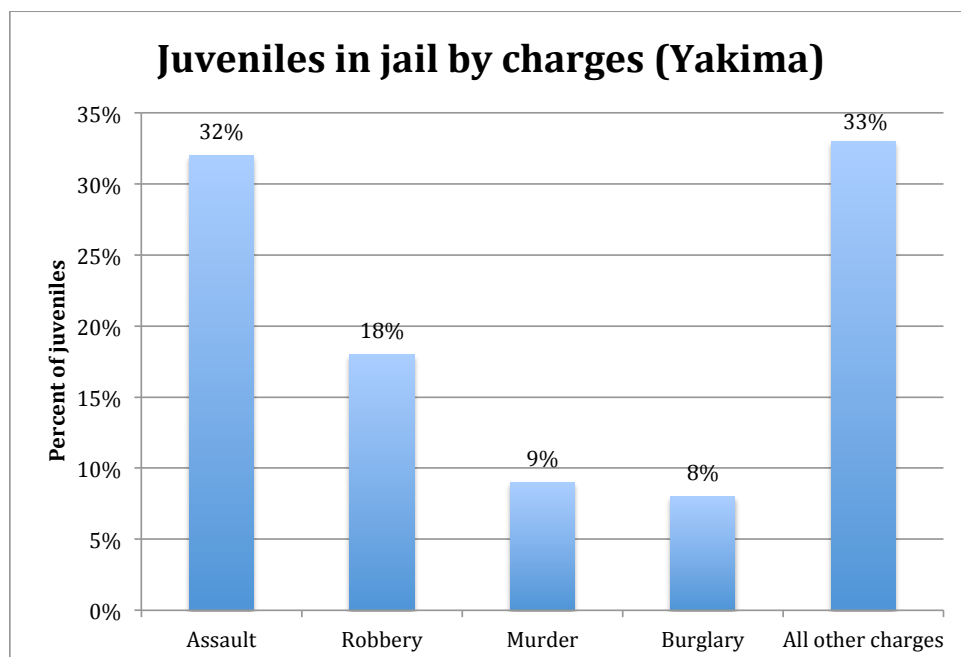


Figure 4.3 shows the most serious charge associated with booking, with assault and robbery as the most common, consistent with the statewide trend. However, in Yakima County, assault actually surpassed robbery as the most prevalent charge, which is unusual. In the statewide data, robbery made up 47% of all instances of juveniles in jail, while assault made up 25%. However, in Yakima County, assaults were almost twice as prevalent as robberies, making up 31% and 18% of the overall charges respectively. Also, robbery and assault only made up 49% of total charges, which is different than the statewide total of 72%. The next most common charges were murder (9 juveniles), burglary (8 juveniles), probation violation (6 juveniles), and drive-by shooting, kidnapping, and unlawful possession of a firearm (5 juveniles each).

3. Spokane County

- Total instances of juveniles in jail: 61 (57 unique juveniles)
- Average length of stay: 66 days (2.2 months)
- Most prevalent charges: robbery and assault

Figure 5.1

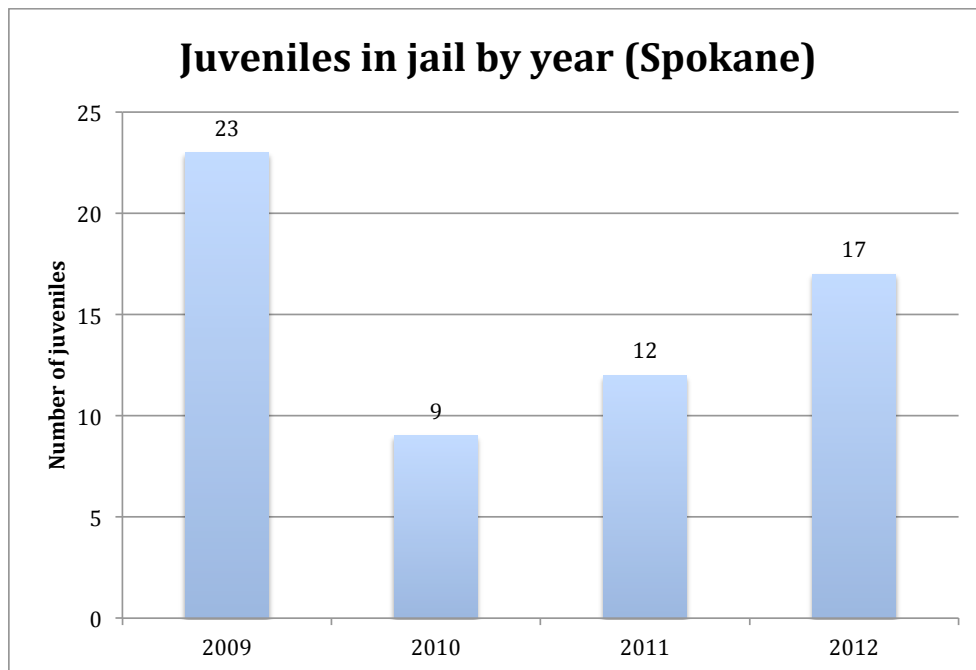


Figure 5.1 shows the total number of juveniles in jail per year. The increase from 2010 to 2012 is unusual when compared to the statewide data. It is important to note that we only collected data through October 2012, so there may have been more juveniles booked into jail by the end of the year.

Figure 5.2

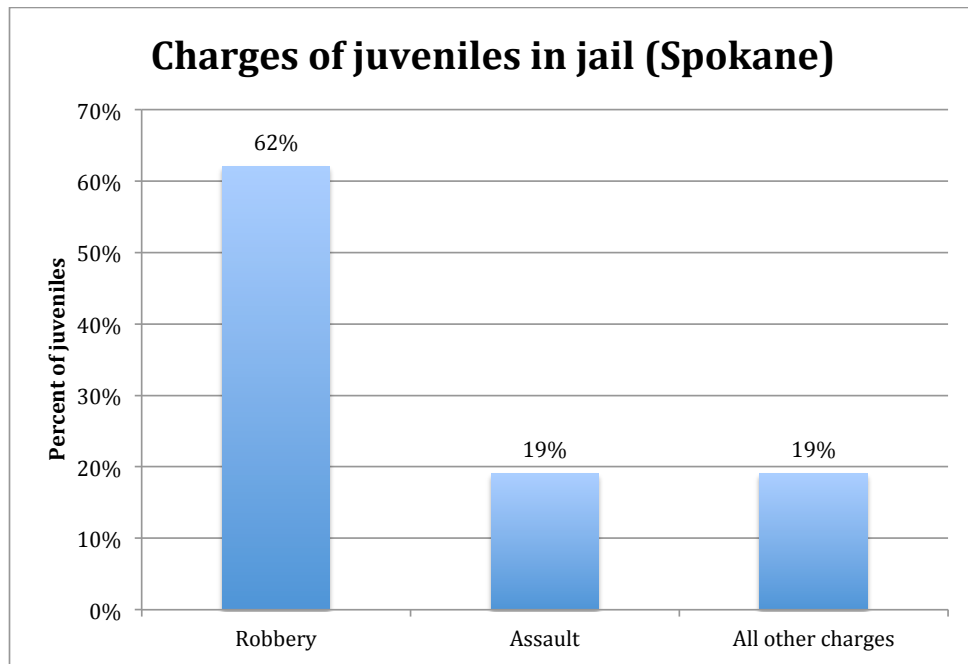


Figure 5.2 highlights the crimes of robbery and assault, combining all other crimes. Robbery made up 62% of all charges, and robbery and assault combined made up 81% of all charges.

Figure 5.3

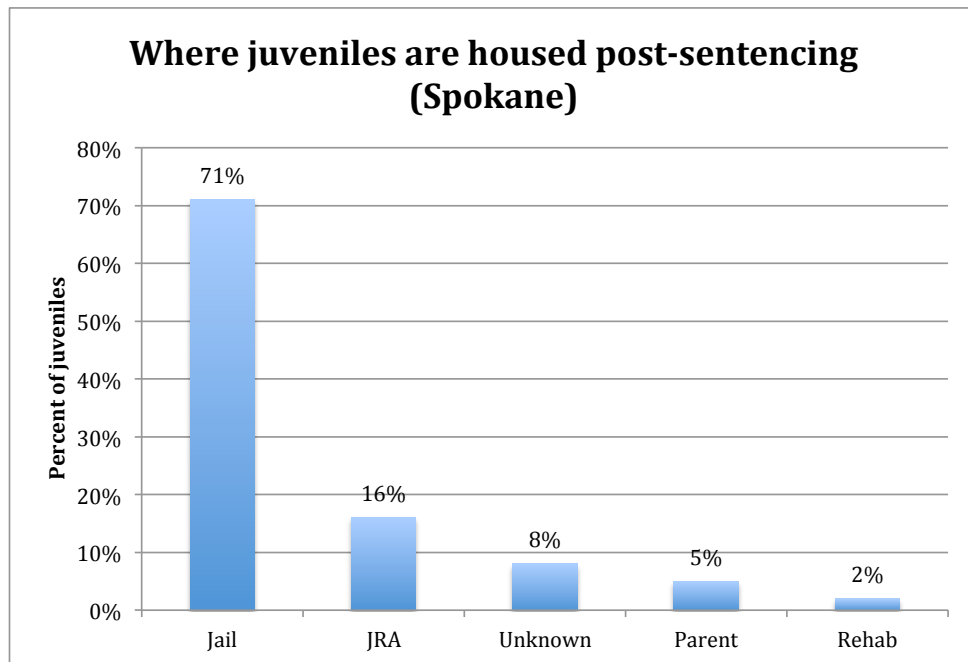


Figure 5.3 describes where juveniles were held post-sentencing. Spokane is the only county we have this data for because we did not request it from counties; they included it in their report unprompted. 71% of juveniles remained in jail post-sentencing. This is an important and surprising finding because we assumed most declined crimes were serious enough to result in a sentence of more than one year, meaning the juvenile would be transferred to the Juvenile Rehabilitation Administration (JRA) immediately after sentencing. Instead only 16% of juveniles were transferred to the JRA after sentencing.

4. Pierce County

- Total instances of juveniles in jail: 43-63 - see below (unable to obtain number of unique juveniles)
- Average length of stay: 162 days (5.4 months)
- Most common charges: robbery and assault

Data for Pierce County were first gathered from the prosecutor’s office, which showed a total of 43 juveniles in jail. Length of stay was not provided by the prosecutor so we received data from a second source, the jail, to fill in the gaps. There were some discrepancies between the two data sources because the data from the prosecutor’s office included 43 juveniles while the data from the jail included 63. It was not possible to investigate the reason for this difference due to time constraints. Data from the prosecutor’s office were used in the statewide data set because they included charges, but jail data are used here to highlight this discrepancy and because it seems likely that data from the jail itself are more accurate.

Figure 6.1

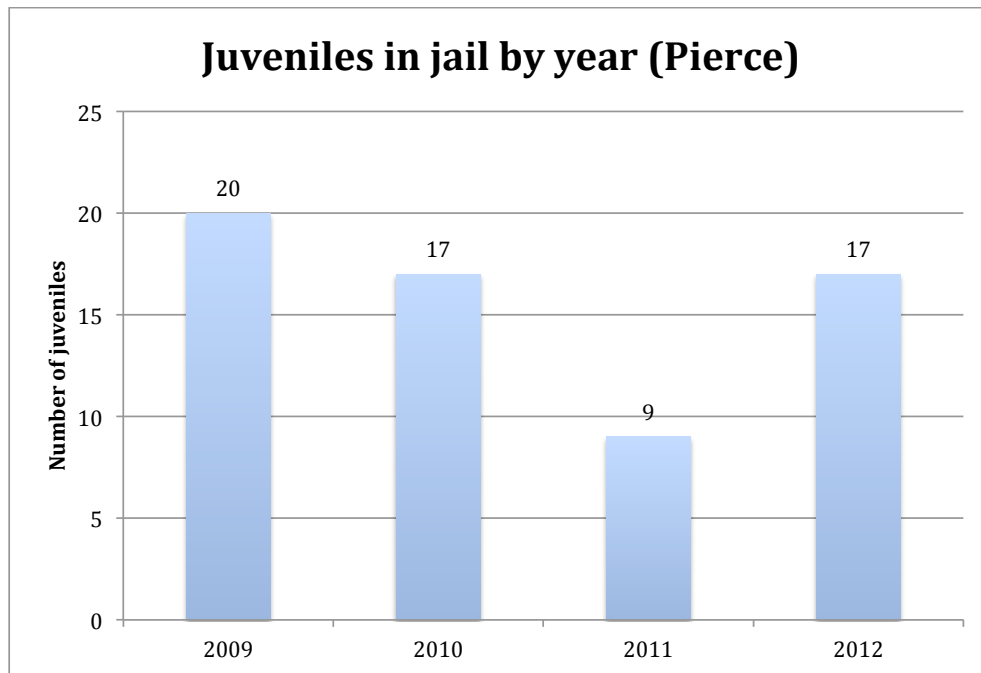


Figure 6.1 shows the total number of juveniles in jail per year. There was no noticeable trend in the number over the last four years, which is much different than the significant downward trend of statewide data.

There were no other unique trends deviating from statewide patterns in the Pierce County data.

e. Problems obtaining data

Collecting data on declined juveniles from statewide agencies was impossible. This was because neither the Sentencing Guideline Commission (SGC) nor the Administrative Office of the Courts (AOC) was able to provide us with accurate county data regarding declinations. In a letter from the Forecasting Division of SGC, the Forecasting Analyst said that she had stopped releasing this type of data because it does not reflect the accurate number of declined juveniles, particularly 17-year-olds. She also revealed that, “We know that no single agency has a complete picture of the juveniles who go through the decline process.” Because we were unable to obtain complete data from a statewide collection agency, we were compelled to contact each county individually.

We called the jail administrator, sheriff's office, or courthouse of each county to see if they had held juveniles in jail during the reporting period. Unfortunately, the results were so inconclusive that we decided to send out an information request to the sheriff's office of each county in order to standardize the process. We quickly learned that there was no statewide policy for how to handle declined juveniles. Instead, policies were left largely to the discretion of the individual counties.

Further discrepancies arose once we received responses from the counties. Not every county gave us all the information that we requested. Some counties only gave us the birth year, not the birth date, of the juveniles; some counties only distinguished between the races as "white," or "black," several counties failed to distinguish between "white" and "Hispanic," and only two counties were able to report whether or not the juveniles were automatically or discretionary declined. In most cases, when we followed up with counties for additional information, they did not return our calls or emails.

There were some internal discrepancies in the county reports. The Franklin County Correctional Center sent us a letter saying they never house juveniles in jail regardless of their crime, but the Franklin County Prosecutor's Office sent us a conflicting letter listing eight declined juveniles since 2009 who were housed in jail. We were unable to solve this obvious contradiction. A similar situation arose in Chelan County, but as with Franklin County, we were unable to reconcile this issue.

Overall, our biggest difficulty was the lack of centralized data. We found that disparate pieces of data are held in multiple offices in counties, such as the court, the sheriff's office, and the jail, and in many cases it is not possible to reconcile data from those different sources to provide a cohesive picture of individuals as they move through the system. Beyond the fragmented data within counties, it is clear that no reliable statewide sources of data exist at this time.

f. Areas for future quantitative research

If we had been able to extend our project, there are several more data sets that warrant examination.

We would have liked to know whether each juvenile had an automatic or discretionary decline in each county. We were not able to obtain this data because many counties reported that the court had that information and it could not be matched to data held by the jail.

We also would have liked to compare the racial composition of declined juveniles in jail to juveniles who remained in the juvenile system to see if there is racial disproportionality in the declination process.

Another piece of data we would have liked to gather is the ratio of juveniles in jail who are awaiting trial compared to serving sentences. We initially expected that most juveniles in jail were awaiting trial because crimes that lead to declination are likely to be serious enough to receive a sentence of over a year, resulting in a transfer to JRA after sentencing. However, the finding that in Spokane County 71% of juveniles remained in jail after sentencing directly challenges this assumption. It would be illuminating to collect this data for other counties to see if Spokane is the exception or the rule.

We would have also liked to learn more about jail policies regarding juveniles across the state, especially comparing large counties to small counties that lack the resources of more populous areas. The policies reported by counties were extremely inconsistent and many counties had few or no standards in place for juveniles in jail. These policy variations were beyond the scope of this report to analyze but a full list of the policies reported by each county can be found in Appendix Seven.

Finally, we would have been interested to see what the rate of prisoner abuse and suicide was among declined juveniles in jail compared to juveniles remaining in the juvenile system.

V. Juvenile experiences in jails versus juvenile detention centers

One of our research questions was: “What are the consequences of youth spending time in jail?” This question led us to ask a number of further questions: Why does it matter where youth are housed? Where is the best place to hold them? And what is it like to be housed in a jail, compared to a juvenile detention center? There are no easy answers to these questions. To explore these issues, we toured both kinds of facilities in King and Pierce Counties. These two counties account for a majority of the juveniles in jail in our study and therefore merit closer scrutiny.

a. Nationwide statistics

Policies on housing declined juveniles in jail vary across counties. Declined juveniles can be housed in tanks with other juveniles,⁹ directly in general population,¹⁰ and/or in an intensive management unit (IMU), or isolation unit.¹¹ While it is beyond the scope of our research to investigate the effects of different housing policies, nationwide statistics relating to juvenile treatment in jails are sobering. Juveniles in jail are at increased risk of sexual abuse, physical violence, and suicide. When compared to their adult counterparts, juveniles in jails are assaulted twice as often by staff.¹² The Bureau of Justice Statistics found that juveniles accounted for 13% of sexual abuse cases in jail.¹³ Given that juveniles make up only 1% of the jail population, this is a significantly high number.¹⁴ In another study, the Bureau of Justice Statistics noted that juveniles in jail had the highest suicide rate of all age groups, at 101 per 100,000. 48% of suicides happen in the first week in jail, and 14% occur in the first day.¹⁵

b. Case study: Jails and JDCs in King and Pierce Counties

1. Housing policies

The policies for housing juveniles in jail vary wide-

ly between King and Pierce Counties. In the King County Regional Justice Center (RJC), juveniles are housed in the general population where they are kept in a pod with adult inmates but have their own cell. The pods in the RJC have a large open living area with tables and a TV, some natural light and a small outdoor courtyard, and two floors of cells lining the back walls. In Pierce County, juveniles are kept separately from adults in two small tanks, one holding three people and one holding four. These tanks are small rooms with bunk beds, tables, and a TV, with no natural light and little space to move. The pod is open to the hallway so guards and adult inmates can look in through the bars. Recently, Pierce County Jail has had more juveniles than will fit in these two small tanks, so extra juveniles are held in isolation cells. Isolation cells are located in small rooms with about a dozen cells. Each person comes out into the room for one hour a day, one at a time, so there is never more than one person out in the room at once. Inmates here have little interaction with others and no natural light. Juveniles are rotated among these different housing areas once every few weeks so no one is in isolation for too long. The jail deputies we spoke with at Pierce County did not like holding the juveniles in isolation but had nowhere else to house them while still keeping them separate from adults.

In JDCs in both counties, juveniles are housed in small pods with an open living space with tables, natural light, small outdoor courtyards, and individual cells against the back walls. Unlike in jail, juveniles in JDCs come out of their pod for meals. Overall, they spend a significantly longer period of time out of the pod due to more recreation, programming, and education time.

2. Education policies

In the King County RJC, any inmate under the age of 20 can take part in the juvenile education program run by Kent School District. The educator told our tour that she provides classes for one hour per day, four days per week. She teaches reading and math and another instructor teaches life skills. Renton Technical College also offers the Custodial Training

Best practices: John Luvera, educator in Island County JDC

John Luvera has been teaching in the Island County Juvenile Detention Center for seven years. He has received almost \$200,000 in state grant money for the groundbreaking and effective programs he has developed.

Based on feedback from a survey given to juveniles in the JDC, Mr. Luvera developed programs based on the following goals: healthy living, ending tobacco use, job skills, successful transition back to society, community service, and ensuring that school credits completed in JDC were counted in public schools.

Along with a regular six-hour school day, Mr. Luvera has developed several unique programs to meet these ends. With the help of staff members and guards, he runs fitness, cooking, sewing, painting, and gardening classes. In a wood shop class, juveniles repair broken furniture for Habitat for Humanity. These classes count towards the community service hours that many juveniles are required to complete as part of their sentences, but often have no time to do once they are released from the JDC.

Twice a month, a local hospital employee speaks to the juveniles about the dangers of smoking. For transitional programming, Mr. Luvera works with each juvenile to improve their resumes and interview skills. He even gets business clothes donated to the JDC so each youth can leave with an appropriate wardrobe.

These innovative programs have been an unquestioned success. Luvera reported that in 2011-2012, 161 inmates were enrolled in the Island County JDC. 95% returned to school upon release and 3% received their GEDs while in the JDC.

Mr. Luvera is adamant that such programming can never be provided to juveniles in adult jails and is proud that Island County does not hold any juveniles in county jail. He wants to make it so that if a juvenile is working towards a high school diploma or GED while in the JDC, then he or she would be allowed to finish his or her studies rather than being immediately transferred to jail upon turning 18.

Key points

Goals:

- Healthy living
- Ending tobacco use
- Job skills
- Successful transition back to society
- Community service
- Ensuring credits completed in JDC were transferred to public schools

Unique programs offered:

- Daily fitness classes
- Cooking, sewing, painting, and gardening classes
- Wood shop where youth repair furniture for charity
- Extra classes count towards community service hours
- Bimonthly programs by local hospital employee on the dangers of smoking
- Resume and interview skill building, donated business clothing

Results:

- Based on 161 juveniles in JDC 2011-2012
- 95% returned to school of origin upon release
- 3% received GED while in JDC

Program, a vocational program in which inmates can receive a certificate of completion upon finishing a 10-week session. In Pierce County, a Tacoma School District instructor teaches English and math. We were unable to confirm how many hours per week were provided. Juveniles are allowed to refuse schooling in either facility. The number of juveniles in jail at any given time in King and Pierce Counties has necessitated the development of permanent education programs. There is little information on education in smaller jails, where policies are less likely to be in place due to the jails' small or inconsistent populations of juveniles. This is a topic that may warrant further research.

The JDCs in both counties provide six hours per day of education. Credits earned in JDCs count as high school credits and can go towards a high school diploma. In jail, in many cases, a high school diploma is not an option and juveniles instead work toward earning their GED, which Pierce County Jail administrators noted can be stigmatized and carries less weight than a high school diploma. In addition to the full range of school subjects taught in JDCs, extra classes and educational facilities are provided, as well as nicer recreational facilities and more programs. It is clear that from an education and programming perspective, JDCs have far more to offer juveniles than jails do.

c. Inmate experiences: Stories from Green Hill School (JRA)

Nationwide statistics, lack of programming, and the lose-lose housing dilemma of isolation or integration in the adult population paint a grim picture of what jail is like for a juvenile. We wanted to know what juveniles themselves think about being in jail so we sought to understand the perspectives of young men who had been through both the juvenile and adult systems. We interviewed 14 inmates at Green Hill School, the Juvenile Rehabilitation Administration facility where most male declined juveniles go if they are sentenced to more than a year. Though these juveniles were convicted as adults, the Department of Corrections (DOC) does not wish to hold them in prison. As a consequence, DOC has an agreement in which declined juveniles who receive

prison sentences can serve time at JRA facilities until they are 21 pending good behavior. All of the young men had spent time in both a JDC and a jail.

The most surprising finding to come out of these interviews is that a majority of the residents preferred being in jail to being in a JDC. The general consensus was that because there are so many young juveniles in JDCs for less serious charges, the levels of maturity and respect were lower than in jail. Scheduling was more rigid and staff members were far more involved, leading to less freedom and privacy in the JDC. Numerous inmates said they felt the JDC staff was patronizing and that they did not like being treated like children. A few inmates did prefer being in the JDC to being in jail, citing the greater availability of programming in the JDC as the reason for their preference.

None of the inmates specifically mentioned being physically or sexually abused while in jail, and there was little negative feedback about the experience of being in the general population with adults. A number of inmates felt that jail scared them straight, provided them with positive mentor-like relationships with older inmates, or prepared them for their transition to JRA or, one day, prison. Upon entering jail, many of the residents expressed feeling confused and reported that they benefited from older inmates who explained the process and advised the juveniles on how to avoid becoming trapped in the system. However, many inmates experienced isolation, either in jail or in a JDC, and while none reported suicidal thoughts, many did say isolation was a very negative experience.

A feature on some of the stories of the young men we interviewed at Green Hill can be found on the next page.

d. Management issues

1. Sight and sound separation

The Federal Juvenile Justice and Delinquency Prevention Act of 1974¹⁶ states that juveniles cannot be held in jail for more than six hours and must be separated by sight and sound from adult inmates.¹⁷ However, juveniles who have been declined in Wash-

Stories from Green Hill School

MICHAEL* GOT INVOLVED in gang activity at a young age. At the age of 16, he was auto-declared and housed in the King County Regional Justice Center for robbery, assault, burglary, and unlawful possession of a firearm. He spent fifteen months in jail before taking a plea bargain for a sentence of seven years. When asked whether he would rather have spent his time in jail or a JDC, Michael chose jail: **“In the juvenile facility, there’s not that many people looking at a long period of time, incarcerated, so when you’re a person looking at a long time and you’re with people looking at only a couple weeks, it gets stressful, so I would rather prefer being around people that are in my time range with being incarcerated.**

“When you’re a person looking at a long time and you’re with people looking at only a couple weeks, it gets stressful, so I would rather prefer being around people that are in my time range with being incarcerated.”

It’s more comfortable, because we both got an understanding.” He also emphasized the mentorship he received from older inmates: **“I needed somebody to tell me what to do and how to handle my emotions...that I had a lot of potential, and that if I was to stop after this, I wouldn’t have to be like them.”** According to Michael, the idea that jail teaches young inmates how to be better criminals is **“all part of the hype.”**

ZACH* WAS HOUSED in the Chelan County Jail for three months. During that time, he received no education and got recreation time once per week. However, he still preferred jail to the juvenile detention center: **“It was more about perspective over there [at the jail]. In juvie there’s just a bunch of little kids running around. In jail it’s more about respect...they’re all grown men over there.”**

THOMAS* WAS HELD in the Adams County Jail for three days when he was 15. During that time, he did not receive schooling and was held in isolation. Despite these deficiencies, he preferred jail to the Martin Hall Juvenile Detention Center, where he was also held. He said, **“In jail the guards left you alone to do your own thing. Juvie was different though because they tell you what to do and how to do it...at juvie it’s just kids trying to prove themselves.”** When asked whether he would have preferred to be held in a jail or the JDC, Thomas said he would rather be in jail because **“they don’t treat you like a little kid.”** He also said that during his eight months in the JDC he was held in isolation and separated from the rest of the juveniles because of his pending murder charges.

JAMES* SPENT 98 days in Pierce County Jail, where he was housed in a pod with three other declined juveniles. He was able to receive education during his stay due to the 2009 lawsuit brought by the ACLU against Pierce County. James also preferred jail to the JDC because he was kept in isolation while in the JDC due to his serious charges, which included burglary and three counts of theft with a firearm.

*Names have been changed.

ington are legally considered “adults” and thus there is ambiguity in how this protection applies.

Washington State has attempted to provide additional protections for declined juveniles. Per RCW 72.01.415,¹⁸ a juvenile who has been *convicted* must be separated by sight and sound from adult inmates. However, this law does not apply to declined juveniles pre-sentencing.¹⁹ The policy seems counterintuitive—juveniles who are held pre-trial, and thus presumed innocent, do not receive the same protections as juveniles that have been convicted.

Despite both national and state laws, we have found that each county that houses declined juveniles in jail interprets the sight and sound policy differently, based on their own resources and jail capacity. A review of several counties of various sizes makes this plain.

“I wish they were doing more for those kids at the jail. But I can’t safely have them here. I don’t want those kids around these kids.”

- Steve Thomas, administrator at the Pierce County Juvenile Detention Center

In the King County RJC, declined juvenile inmates are not separated from adults, but rather housed in the general population based on their security classification. During our tour of this facility, our guide indicated that the sight and sound rules did not apply because these juveniles were declined and therefore considered adults. In fact, the only apparent difference in their jail experience from adult inmates is the optional education.

Pierce County Jail makes an effort to separate juveniles from adults, even when they are not required to do so. However, due to space constraints, juveniles are often exposed to adult inmates. The juvenile tanks are open to the hallways, so juveniles may hear or see adult inmates. Once the tanks reach maximum capacity, additional juveniles are segregated into isolation units. Adults who pose management problems are housed in other isolation units in the same room, which allows some degree of communication between adults and juveniles.

In small counties juveniles are often housed with adults as well. In Cowlitz County, declined juveniles are always housed by themselves in a single cell. However, this cell is located in the general popula-

tion, indicating that interactions with adults are still possible.

2. Housing declined juveniles in JDCs

There are other issues that arise for counties that hold declined juveniles in JDCs. These juveniles are being tried in adult court for serious charges, so they are classified differently than the other juveniles. In many cases declined juveniles are kept separate from other juveniles, possibly in isolation. Just as it is worrisome that housing juveniles in jail could teach them to be better criminals, so too might it be worrisome that holding 17-year-olds accused of serious violent crimes poses the risk of those juveniles teaching younger children how to be better criminals. Steve Thomas, the administrator we spoke with at the Pierce County JDC, made a compelling case for the manage-

ment problem that holding declined juveniles in the JDC would create. Declined juveniles are looking at months or years while the average stay in the JDC is 7 days and the facility is also minimum security and therefore not designed to safely house juveniles who have been accused of more serious crimes.

There are no easy answers when it comes to housing declined juveniles. With no law or policy covering all aspects of the declination process, each county is left to decide for themselves how to best deal with these inmates who are at once not children but not fully adults. Our research has made it clear that neither jails nor JDCs are equipped to meet the needs of the unique population of declined juveniles.

e. Post-incarceration issues

The differences between JDCs and jails do not stop once the inmate is released back into society. There is substantial variation in post-incarceration experiences that result from juveniles being housed in JDCs as compared to jails.

1. Re-entry programs

While visiting the King County RJC, we found that

inmates released from jail receive no transitional programs or services upon leaving. People are simply let out the door on the day of their release with only the clothes and personal belongings they had upon entry. There are no policies or services that assist in the transition from jail to the community. Declined juveniles serving their sentences in jail (up to one year in length) will also be released without any programs aiding in the transition back into society.

In contrast, a typical JDC offers several forms of transitional services. For instance, Island County reported that they maintain a designated transitional specialist who oversees the juveniles' progress upon reentry into school and also ensures that educational credit is earned for schooling completed in the JDC.

The importance of transitional services cannot be overstated. Transitional programs help provide for a more successful reintegration into society. Due to their young age, juveniles are greatly in need of transitional services in order to stay on track once they are released. John Luvera, an educator at the Island County JDC, notes that offering educational credit for schooling while in detention incentivizes youth to pursue education upon release.

2. Recidivism

When examining the differences in holding a declined youth in jail as opposed to JDC, we found that there is very limited data regarding recidivism and much of it is gathered at the national level. Nationwide findings suggest that for those juveniles who commit more violent crimes or higher-level felonies, placement in jail often increases rates of recidivism.²⁰ Additionally, the Task Force on Community Preventive Services found that youth transferred to the adult system are 34% more likely to recidivate than youth kept in the juvenile justice system.²¹

Data on recidivism in Washington State is sparse and dated.²² A 2003 study by the Washington State Institute for Public Policy found no statistically significant difference in recidivism rates of youth tried in adult versus juvenile court.²³ Further studies are needed to track recidivism rates for youth housed in adult jails compared to JDCs. This would entail

a lengthy longitudinal study and would present methodological challenges concerning the defining of what exactly an instance of re-offending means, identifying corroborating factors, and finding an efficient way to track these juvenile offenders. A study of this nature would be crucial to understanding the long-term implications of housing type for juveniles.

3. Adult versus juvenile records

As a result of being declined, juveniles acquire an adult criminal court and offense record. Having an adult record rather than a juvenile record creates significant consequences for declined juveniles. The obstacles and barriers posed by both kinds of records surfaced in discussions with former youth inmates and deserve consideration when examining the numerous challenges of reintegration.

Accessing records

The juvenile court clerk in each county maintains the juvenile court records.²⁴ These records are available via the county clerk or through the Washington State Courts website for a fee.²⁵ Since 1977, juvenile records in Washington State have been open to the public.²⁶ Juvenile records are also available through the Washington State Court's Judicial Information Services (JIS), as well as non-conviction records.²⁷

In the event of a juvenile's transfer to adult court, the youth's charge and sentence falls under an adult criminal record. Thus, access to the criminal record of a declined juvenile is the same as for an adult offender. Under the Washington State Criminal Records Privacy Act, adult records may be publicly available without restriction.²⁸ Adult records are thus more easily found online.

According to Washington State law, juvenile records are intended to be harder to access than adult records. A primary reason for this is the ability for individuals to access adult criminal history through the Internet for a fee.²⁹ The implications of this difference in accessibility are ambiguous. The following section will discuss the various ways that juvenile and adult records may be sealed.³⁰

Sealing procedure

Counties have different methods in sealing juvenile

records, varying in the amount of court fees and the technical filing procedure.³¹ However, the general guideline pursuant to RCW 13.50.050 provides a series of steps and requirements for sealing juvenile court records. The law indicates many procedural requirements before a juvenile record may be sealed including: scheduling a hearing, filing a motion to seal, filing all appropriate paperwork, and then attending the hearing where the judge will review the case and decide on the sealing criteria. In Washington State, the criteria to seal requires that the individuals have no pending criminal charges, to have paid all restitution fees, and to not be registered as a sex offender. Specific sealing criteria (such as length of time required before sealing after offense) are determined by the seriousness of offense.³² Additionally, there is a waiting period before a juvenile may seal his or her record which is based on the offense.³³

Adult records are more difficult to seal. To do so, a person must demonstrate that benefit of privacy outweighs the importance of public safety.³⁴ Pursuant to RCW 9.94A.640 individuals can vacate their adult record, in which case individuals may legally claim they have a “clear record” although court records are still publicly available.³⁵ Vacating a record is different from sealing because a vacated court record may still be accessed by the public through the courts whereas a sealed record may not.

TeamChild, a youth advocacy group, holds a monthly records sealing clinic designed to help former juveniles offenders determine their eligibility for juvenile record sealing. We attended a clinic and were able to speak with several individuals who had been adjudicated as juveniles. The majority of people we spoke with were in their late twenties and said that their juvenile records had posed problems for them, primarily with regard to employment. They hoped that sealing these records would reduce these barriers and make access to employment easier.

“How am I supposed to better myself if you guys keep bringing it up?”

- A young man at the TeamChild record sealing clinic, on his criminal record (name withheld)

The effectiveness of juvenile records sealing is ambiguous due to the possibility for third parties to

purchase and sell these records prior to them being sealed. George Yeannakis, an attorney for TeamChild, affirms that the process of sealing juvenile records is undermined by third-party distributors. He notes that, with the Internet and with the ability to access juvenile court records via the Washington State Patrol website, disseminating juvenile records has become easier.

Barriers of a record

A background check commonly occurs when an individual applies for housing, employment, or higher education.³⁶ Washington State also allows employers to ask about an applicant’s arrest history during the hiring process.³⁷ Though employers and landlords are not supposed to deny individuals on the basis of criminal history alone, it is difficult to determine how criminal history is weighed against other factors. It is thus difficult to hold employers accountable to this policy. In one instance, an individual attending the records sealing clinic mentioned that Goodwill denied him a job because he had a juvenile record.³⁸

Vanessa Hernandez of the American Civil Liberties Union (ACLU) started a Criminal Records Project to help individuals with the challenges posed by a criminal record. While not explicitly working on juvenile record cases, she notes that juvenile and adult records have similar collateral consequences. Access to housing and education are both impeded when an individual has either record. However, Mrs. Hernandez stated that juvenile records should not pose as large a barrier as an adult record does because juvenile records are harder to access and easier to seal. But, as Mr. Yeannakis affirmed, because juvenile records are not confidential and still accessible

to the public, third parties may obtain these records to sell, in which case the benefits of sealing may be undermined.

VI. Policy recommendations

After exploring the complexities of the declination system and resulting incarceration of juveniles in jail, we have several recommendations that we believe would improve the current system’s practices and policies.

The current declination system in Washington State is broken. Each year, hundreds of youth are transferred into the adult criminal justice system where they are vulnerable to isolation and denied access to necessary educational, vocational, and recreational programs. This ambiguous state of affairs creates far more problems than solutions and it is up to state officials to resolve this issue before it destroys more of our collective future.

Our extensive research on the effects of juvenile incarceration in adult jails makes clear that the current Washington State criminal justice system possesses a noted lack of effective policy, planning, and housing for declined juveniles. Without a statewide policy regarding the treatment of these offenders, individual counties are left to determine housing policies on their own. This lack of uniformity has created a haphazard and disjointed system across Washington State, with declined juveniles being handled extremely differently county by county. As a unique class of offenders who are technically considered adults in the eyes of the law, these declined juveniles have no place in the current criminal justice system. They are in limbo between two systems, unfit for both jails and juvenile detention centers.

As a unique class of offenders who are technically considered adults in the eyes of the law, these declined juveniles have no place in the current criminal justice system. They are in limbo between two systems, unfit for both jails and juvenile detention centers.

Two key issues emerge from the practice of housing declined juveniles in jails. First, many counties choose to separate declined juveniles from adult inmates in jail. This policy often results in extended periods of isolation, with juveniles being held in single cells for up to 23 hours at a time with no outside communication or personal interaction.³⁹ Second, there are severely limited educational opportunities offered in jail. At a point in their lives when these youth would be typically be immersed in high school classes, they often receive just one hour per day of schooling while housed in jail.

Currently, the only existing alternative to housing declined juveniles in jail is keeping them in juvenile detention centers (JDCs). However, because these declined juveniles are legally defined as “adults,” they are often considered unfit for juvenile facilities. Declined juveniles in JDCs may be separated from juveniles who have not been declined, leading to isolation. While JDCs do offer superior education and programming opportunities, these programs are short-term in nature. In order to accommodate declined juveniles, who face long stays in facilities designed to be temporary, JDCs would need to make major changes to their programming structure. Lastly, due to the more serious nature of their charges, declined juveniles pose a potentially higher safety risk than the current juvenile population in JDCs. Housing declined juveniles in JDCs would force administrators to drastically alter the culture of their facilities, adapting their practices and policies to ensure the safety of both staff and other young offenders.

Clearly, the current system offers no perfect solution for dealing with declined juveniles. Washington State created this class of offenders when the declination system was put in place, and it is the state’s responsibility to provide them with safe, appropriate housing, free of isolation and containing improved educational programming. State and county officials must address these significant issues. The following recommendations speak to the most critical issues we observed in the current system.

1. Establish a uniform housing policy across Washington State and create a governing body to monitor each county's adherence to this policy

This is our most important recommendation, given the lack of current statewide housing policies regarding declined juveniles. As previously mentioned, the current housing facilities in Washington State fail to adequately provide for the unique needs of declined juveniles. Adult jails are unable to provide services that juveniles desperately need, such as schooling, recreation, and counseling, while juvenile detention centers are not equipped, both structurally and stylistically, to deal with these potentially higher-risk offenders.

Due to this dearth of appropriate facilities, the state needs to create a new holding center, one that specifically caters to the needs of declined juveniles. These new declined juvenile centers can be created in one of two ways. First, new regional facilities could be constructed across Washington State. These facilities would house all the declined juveniles from the surrounding counties, both before and after trial.⁴⁰ Second, enhanced security wings could be added to several existing juvenile detention centers across the state. These enhanced security wings could serve as regional centers for declined juveniles. Both of these options create a new space for housing only declined juveniles. It is up to the State to decide how many and where these facilities would be located, but based on our data, we recommend three facilities on the east side and four or five facilities on the west side of the state.

Both housing options must provide identical educational, vocational, and recreational programs for declined juveniles. Either type of new facility should attempt to emulate the environment JRA facilities such as the Green Hill School. The young men we interviewed overwhelmingly preferred Green Hill to any other detention facility, largely because of the extensive programming that was available, as well as the more open housing situation.

Based on Green Hill, Housing should be dorm-like, with each declined juvenile in a double-room which opens to a common room that other inmates also share during their out-of-cell time. Like at JRA facilities, declined juveniles should spend very little time in their individual cells. A library should be available for their use, equipped with writing materials, computers, books, and magazines. These new facilities should provide both indoor and outdoor recreation areas, as well as religious services.

Again using the JRA as a model, the new declined juvenile facilities would offer six hours of education per day. Programming should be individually tailored to each juvenile's academic level,⁴¹ and credits earned should be easily transferable to outside schools. For those juveniles who choose to not attend high school-level classes, GED material should be available. These new facilities should also provide vocational programming, as many of these juveniles might be incarcerated for long periods of time and would benefit from learning the skills offered through vocational programs. Health care—with a particular focus on mental health and counseling—should also be widely available.

Finally, contrary to the notion of jail being a “crime college,” many Green Hill residents reported that they appreciated the opportunity to interact with older inmates in jail, many of who offered the juveniles advice on coping with their situations and how to “straighten out” their lives. Based on this information, we propose that these declined juvenile facilities establish a mentorship program, where current or former adult and juvenile inmates have the opportunity to informally interact on a regular basis. This would enable declined juveniles to form relationships and seek guidance from older inmates, hopefully providing inspiration and the tools to break out of the incarceration cycle.

These new facilities would ensure that declined juveniles will be held in secure areas while also receiving the proper education and programming that they need. Most importantly, they will not be held in isolation at any time, an all too common practice as the system currently functions.

2. Develop a uniform central database to track declined juveniles from charge to release

Gathering data from counties on declined juveniles and the policies associated with their housing was an extremely arduous process. Too often the data were either incomplete or held in multiple databases across government entities. A statewide database that follows each declined juvenile from booking through release should be constructed. This centralized database should track the demographics of declined juveniles, including age, race/ethnicity, and gender, as well as information relevant to juveniles' criminal cases, such as charges, criminal history, declination status, housing, sentence length, and booking dates. Aggregating these factors into one single database, rather than having the data spread across multiple agencies, will increase the transparency of the declination system in Washington State and allow for a more thorough assessment of its effectiveness.

3. Only auto-decline murder and homicide charges

We recommend that auto-declination only be applied to murder and homicide charges. This recommendation is based on interviews with several King County judges, defense attorneys, and prosecutors who suggested that automatic declination should be limited in some capacity. In cases of rape, assault, robbery, and other charges that were formerly auto-decline cases (see chart on page 6), we recommend that discretionary decline hearings be held. By holding these hearings, in which arguments from both the prosecution and defense attorneys are presented, the facts of each individual case can be closely considered by a judge before the serious decision of sending the juvenile to the adult system is made. We believe that this will provide greater justice for youthful offenders, and drastically limit the number of juveniles who are auto-declined, 72% of which are attributed to robbery and assault charges alone.

4. Recognize prosecutorial discretion and encourage prosecutors to charge low

In our research, we found that prosecutors have considerable levels of discretion in the charging decisions that lead to juveniles being declined. The juvenile prosecutors we spoke with all described different charging practices. We have determined that the conservative approach employed by King and Thurston Counties is the most appropriate for juvenile cases. King County prosecutors explained that by initially charging low they are able to prevent juveniles who are more suited for the juvenile system from being declined. However, we want to emphasize the need for all prosecutors to recognize the long-term consequences of declining a juvenile. We believe that by acknowledging this, prosecutors will approach charging decisions with a more conservative level of discretion.

These policy recommendations were written with two main objectives in mind. First, juveniles must be kept out of isolation. Second, they must have access to educational opportunities and other programming. These recommendations are one way of achieving these objectives, but there may be many more.

VII. Conclusion

Juvenile offenders accused of serious crimes present an incredibly complex and multifaceted challenge with which the criminal justice system and society as a whole must contend. These youth occupy an unusual liminal space, one in which they are simultaneously considered children and adults without truly falling into either category. Their ambiguous nature inevitably creates a multitude of problems for those tasked with their treatment in and progression through the criminal justice system.

Our findings reveal that there is no all-encompassing solution that can be applied to solve the issue of housing youthful offenders charged with serious crimes in the Washington State criminal justice system as it is currently designed. Based on our research, we have made a number of recommendations for improving housing practices in juvenile and adult facilities, taking into consideration both the interests of the juvenile offenders and of society's desire to maintain public safety.

Furthermore, we have also suggested several policy modifications that would allow for more flexibility regarding juvenile detention, as well as the implementation of programs that would contribute toward young offenders' successful re-entry into society. We also advise that modifications be made to Washington State's prosecutorial and charging practices that would take into account the juvenile offender's unique nature and potential for rehabilitation. Finally, we recommend that policies concerning juvenile housing in adult facilities be standardized across Washington State to eliminate the significant variation in holding practices.

As long as juveniles continue to commit crimes, there will be challenges associated with their treatment in the criminal justice system. Ultimately, there is no ideal solution that can address all the problems posed by this singular population of offenders. However, we believe that our recommendations speak to several of the most pressing concerns we discovered during our research. We hope our contributions will serve as steps in the right direction toward positive changes for the treatment of juveniles in the criminal justice system.

VIII. Appendices

Appendix 1: Cases filed per year (includes automatic and discretionary decline)

County	2006	2007	2008	2009	2010
Adams	1	2	5	1	0
Asotin	3	2	1	4	0
Benton	3	8	4	9	5
Chelan	9	6	6	8	2
Clallam	0	0	1	1	2
Clark	13	23	13	16	11
Columbia	-	-	-	-	-
Cowlitz	10	8	2	4	2
Douglas	1	3	4	2	2
Ferry	1	0	0	0	0
Franklin	1	1	4	2	3
Garfield	-	-	-	-	-
Grant	2	3	3	7	2
Grays Harbor	0	5	0	0	0
Island	0	1	0	0	1
Jefferson	0	0	2	1	0
King	39	42	33	64	56
Kitsap	1	0	1	1	1
Kittitas	2	1	1	1	0
Klickitat	4	1	2	0	1

(chart continued)

Lewis	0	2	1	2	1
Lincoln	0	0	1	0	0
Mason	2	8	2	2	0
Okanogan	3	1	0	4	3
Pacific	0	0	1	0	0
Pend Oreille	-	-	-	-	-
Pierce	38	33	43	32	29
San Juan	-	-	-	-	-
Skagit	0	7	6	11	3
Skamania	0	0	0	2	0
Snohomish	6	5	15	11	8
Spokane	37	24	31	31	17
Stevens	1	0	1	1	0
Thurston	8	9	6	5	0
Wahkiakum	0	0	1	0	0
Walla Walla	1	1	2	0	1
Whatcom	6	7	4	5	3
Whitman	2	0	0	0	0
Yakima	19	29	12	28	25
TOTALS:	213	232	208	255	177

Appendix 2: *Kent* Factors

- The seriousness of the alleged offense to the community and whether protection of the community requires declination.
- Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.
- Whether the alleged offense was against persons or property (with greater consideration being given to crimes against persons, particularly in cases of personal injury).
- The prospective merit of the complaint.
- The desirability of trial and disposition for the entire offense in one court when the juvenile's associates in the offense are adults.
- The juvenile's sophistication and maturity (determined by his home, environmental situation, emotional attitude and pattern of living).
- The juvenile's record and previous history (including previous contacts with law enforcement agencies, juvenile courts in other jurisdictions, prior periods of probation to the court, or prior commitments to juvenile institutions).
- The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile by the use of procedures, services and facilities currently available to the juvenile court.

Appendix 3: Jail Booking Reporting System data and analysis

Reporting Date	Chelan	Clark	Jefferson	King	Kitsap	Pacific	Pierce	Snohomish	Spokane	Thurston	Yakima	TOTAL
1/1/10	2	2	1	10	1		16	2	11	2		49
4/1/10	1	1		34	1	2	19	2	8	2		72
7/1/10	1	1	2	32	1	3	16		7	1		63
10/1/10	1	2		29	1	1	13		3			53
1/1/11		3		29	1		13		1			49
4/1/11		6		28		1	19					55
7/1/11		5		28		1	16		5			55
10/1/11	2	3		35		1	8		3			54
1/1/12	2	3		23		1	6				11	48
4/1/12	2	2		23		1	4	1	1		16	51
7/1/12	3	5	1	21		3	4	2	4		11	56
10/1/12		7	1	16		3	9		8		7	54
Share of juveniles reported	2%	6%	1%	46%	1%	2%	22%	1%	8%	1%	7%	97%*

*Note: Counties were removed that had between 1 and 5 instances of a juvenile in jail for aesthetic reasons. These counties were: Adams, Asotin, Cowlitz, Grays Harbor, Klickitat, Lewis, Lincoln, Mason, Skamania, Walla Walla, Whatcom, and Whitman.

Analysis

- There were an average of 55 juveniles in jail across the reporting dates.
- There was no significant decrease in the number of juveniles in jail over time, which contradicts the declining trend found in the statewide data based on county reports.
- JBRS showed a total of 23 counties holding juveniles in jail.
- Counties for which JBRS did not show any juveniles held in jail were: Benton, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Island, Kittitas, Okanogan, San Juan, Skagit, Stevens, and Wahkiakum.
- Counties that reported they did not hold juveniles in jail but JBRS reported that they did hold juveniles in jail: Chelan, Kitsap, and Whitman.
- Counties we were unable to obtain data for that JBRS showed do hold juveniles in jail: Asotin, Jefferson, Klickitat, and Pacific.

Appendix 4: Information request sent to all counties



UNIVERSITY OF WASHINGTON

To Whom it May Concern,

We are a group of researchers at the University of Washington analyzing the effects of juvenile declination and the resulting jail time in Washington state. Declination is the process by which juveniles are transferred to adult court and tried as adults, often receiving sentences to be served in jails or prisons. Declination can occur in two ways: a juvenile is declined "automatically" if their crime is included in RCW 13.04.030, and are subsequently transferred to adult court, or a juvenile can be declined "discretionarily" into adult court at the request of the juvenile court prosecutor. A majority of juveniles declined into adult court are held in jail before their trial, and they are sometimes sentenced to jail time (although usually they are either acquitted or their crimes are severe enough to result in prison time). We are examining both the immediate and long-term effects of juveniles being held in jail.

We are therefore requesting the following information relating to juveniles in every county in Washington:

Statistics-Please see table at bottom of page for example

- 1) The number of juveniles declined (both automatic and discretionary) and held in jail per year in your county between January 2009 and October 2012, including breakdown by gender and race. "Juvenile" defined as under 18 on date of booking.
- 2) The date of birth of each juvenile when booked. No other personal identifiers are needed. If providing the date of birth is impossible, please provide us with the age of each juvenile when booked.
- 3) The most serious offenses associated with each juvenile's booking into jail.
- 4) The length of stay for each juvenile in jail (book date and release date).

Policies

- 5) Policies regarding the isolation of juveniles in jail.
- 6) Are declined juveniles held separately from the general population? If so, how? Do declined Juveniles get their own cells?
- 7) Programs that are available in jail, including education, rehabilitation services, recreation time, mental health services, and any others.

Juvenile #	Date of Birth	Book Date	Release Date*	Crime Associated with Booking	Race	Gender
1						
2						
3...						

*We are aware that there will not be any release dates for juveniles who are currently held in jail.

Thank you very much for your help. Please feel free to contact our supervisor, Professor Steven Herbert, with any questions or concerns. His contact information is listed below.

Regards,

Lauren Martin, Max Burnham, Liz Kent, Hayley Edmonston
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Appendix 5: Clark County data

The data we received from Clark County included 241 instances of juveniles in jail. The charges included everything from DUI to rape of a child. When we originally spoke with the jail administrator, she claimed that if the juvenile was on the spreadsheet, that meant they were declined. However, following a conversation with the commander, we learned that every single juvenile was booked into adult jail regardless of their charge or if they were declined or not, before being transferred to the appropriate facility. The spreadsheet we received reflected that data, not how many juveniles had been declined and housed in jail as an adult. However, by the time this report went to printing, we had not received accurate data of who had actually been housed in adult jail. The data below show the juveniles in the original spreadsheet that had committed typically declined charges and thus represent a probable estimate of how many juveniles in Clark County had been declined and housed in jail. We estimate Clark County had at least 71 juveniles in jail.

Age at booking	Length of stay (days)	Charge
17	0	ASSAULT II
17	0	ASSAULT I
17	1	ASSAULT I -DV POST-7/1/88
17	1	ASSAULT I -DV POST-7/1/88
17	1	ASSAULT I POST-7/1/88
16	1	ASSAULT I POST-7/1/88
17	1	ASSAULT I POST-7/1/88
17	1	ASSAULT II
17	1	BURGLARY - RESIDENTIAL
16	1	BURGLARY I
16	1	DRIVE BY SHOOTING
17	1	RAPE OF CHILD II POST-7/1/88
17	1	ROBBERY I
16	1	ROBBERY I
16	1	ROBBERY II
16	1	ROBBERY II
16	2	ASSAULT I -DV POST-7/1/88
16	2	ASSAULT I POST-7/1/88
16	2	ASSAULT II -DV POST-7/1/88
17	2	ROBBERY I
17	3	ASSAULT I POST-7/1/88
17	3	BURGLARY-I
17	3	RAPE OF CHILD I POST-7/1/88
16	3	ROBBERY I
17	4	ASSAULT I -DV POST-7/1/88
17	4	DOMESTIC VIOL COURT ORD VIOL
17	5	ROBBERY I
15	6	MURDER II
17	7	ASSAULT I POST-7/1/88
17	7	BURGLARY I
17	7	ROBBERY I
17	8	ASSAULT II
17	24	ASSAULT I POST-7/1/88
17	25	BURGLARY-I
17	25	ROBBERY I

(chart continued)

16	25	ROBBERY I
17	33	ASSAULT II
17	39	ASSAULT III POST-7/1/88
17	44	ASSAULT II
17	53	ROBBERY II
17	57	ROBBERY I
16	58	ROBBERY II
16	60	ROBBERY I
16	61	ROBBERY II
17	63	ASSAULT I -DV POST-7/1/88
17	63	ASSAULT II
16	65	ROBBERY I
16	70	ROBBERY I
17	74	ROBBERY II
17	75	ASSAULT I POST-7/1/88
15	77	ASSAULT II
17	80	ASSAULT IV
17	80	POSSESSION OF A STOLEN VEHICLE
17	83	ROBBERY II
17	84	ASSAULT II
16	92	RAPE OF CHILD I POST-7/1/88
17	133	KIDNAPPING I
16	138	ROBBERY I
17	141	ASSAULT II
16	144	ASSAULT I POST-7/1/88
17	155	ASSAULT I POST-7/1/88
17	162	BURGLARY I
16	175	ASSAULT II
17	183	THEFT I
17	204	BURGLARY II
17	235	ASSAULT II
17	326	ROBBERY II
17	343	ASSAULT II
17	364	ROBBERY I
17	In jail	ROBBERY I
17	In jail	ROBBERY II

Appendix 6: Complete county reporting data

County (17 total)	Number of juveniles in jail reported
King	194
Yakima	98
Spokane	61
Pierce	43
Benton	29
Whatcom	12
Snohomish	10
Kittitas	5
Thurston	3
Adams	1
Cowlitz	1
Grays Harbor	1
Lincoln	1
Mason	1
Skamania	1
Stevens	1
Walla Walla	1

Notes:

- The total number of juveniles reported is 460. The data in pages 8-18 is pulled from 458 juveniles reported because Lincoln and Walla Walla Counties contacted us after our deadline for data collection. However, we wanted to reflect the information they provided here.
- An additional 2 counties said they hold juveniles in jail but we were unable to obtain the number of juveniles held. Those counties were: Clark and Lewis.
- An additional 13 counties reported that they never hold juveniles in jail. Those counties were: Chelan, Clallam, Columbia, Douglas, Franklin, Garfield, Grant, Island, Kitsap, Pend Oreille, Skagit, Wahkiakum, and Whitman.
- An additional 7 counties are unreported because we were unable to obtain responses from them. Those counties were: Asotin, Ferry, Jefferson, Klickitat, Okanogan, Pacific, and San Juan.

Appendix 7: County policies

The last column reflects both official policies and general responses to the public information request. They are not all official county policies. Some are general practices reported by jail administrators, county sheriff's offices, and county prosecutors. The following counties are excluded because they did not respond to our request: Ferry, Jefferson, Klickitat, Okanogan, Pacific, and San Juan.

County	County says they hold juveniles in jail?	Policies/Responses
Adams	Yes	Unable to obtain policies
Asotin	Yes	Juveniles kept in general population because of jail capacity
Benton	Yes	No written policy on how to house a juvenile in county jail Policies in practice: Every declined juvenile has own cell in county jail Juveniles share day rooms with adult inmates School district come to county jail to tutor juvenile inmates
Chelan	No	County does not hold juvenile offenders in county jail under any circumstances
Clallam	No	Juveniles not considered "transferred previously to an adult court" unless a juvenile court has had a hearing under RCW 13.40.110
Clark	Yes	Juveniles under the age of 18, shall not be held in the Clark County jail unless the juvenile was previously remanded to adult court (05.10.010) JUVENILE ARREST, DETENTION AND REMAND (05.10.015) All prisoners under the age of 18 will be physically processed and housed at Juvenile Detention Hall (JDH), and shall not be brought to Clark County jail facilities unless JDH staff or the arresting officer provide sheriff's booking staff with either; a written court order from superior court, juvenile court, or paperwork from JDH confirming that the juvenile court has declined jurisdiction, thereby remanding the juvenile to the adult system Classification officers will determine the housing assignment and degree of security required (05.12.020) EDUCATIONAL SERVICES FOR INMATES UNDER AGE 18 (05.33.130) In compliance with RCW 28A.194, the Clark County Sheriff's Office will annually enter into an agreement with the local school district to provide educational services to inmates under the age of 18 years old
Columbia	No	County does not hold juvenile offenders in county jail under any circumstances
Cowlitz	Yes	Juveniles not incarcerated in county jail unless remanded to adult court, or if they cannot be managed in JDC Programs offered in jail: drug and alcohol education, anger management, domestic violence education, family planning, AA/NA, church services, bible study Access to education through Longview School District as per RCW 28A.194.010 Housed in single cells Kept in general population in a direct supervision unit No inmates under 16 are booked in county jail
Douglas	No	County does not have a jail County buses both juvenile and adult offenders to Okanogan County
Franklin	No	All juveniles held in JDC If a juvenile is needed in adult court, a transport vehicle takes them directly to court and back to the JDC
Garfield	No	County does not hold juvenile offenders in county jail under any circumstances
Grant	No	County has not declined a juvenile since late 1990s County jail does not have the capacity to provide education in its facility, any declined juvenile would be held in JDC, where Ephrata School District provides education Exception: Juveniles with behavioral issues who can't cooperate in JDC will be transferred to jail
Grays Harbor	Yes	"It shall be the policy of the Grays Harbor County Correctional Facility that juvenile offenders will not be accepted for incarceration unless accompanied by a Superior Court order which remands the juvenile to adult court" Juveniles who are booked and held in jail are kept in isolation, and they may be transferred to the JDC following an interview "Education requirements: Washington State law requires education programs be provided to juvenile offenders if they are remanded to adult custody. There is in place an agreement with the Montesano School District to facilitate the provision of education programs in this facility"
Island	No	All juveniles, regardless of crime or declination status, are held at the JDC No declines in the past 3 years (Brook Powell, administrator of Juvenile and Superior Court)

Appendix 7: County policies continued

County	County says they hold juveniles in jail?	Policies/Responses
King	Yes	Persons under the age of 18, for whom juvenile jurisdiction has been declined, are housed in a single cell (or are the only occupant in a double-bunked cell) during their incarceration, whether it is pretrial or post-sentencing Policy in compliance with Washington State law and the policies of the Department of the Adult and Juvenile Detention
Kitsap	No	County does not hold juvenile offenders in county jail under any circumstances
Kittitas	Yes	Jail does not have their own policy on holding juveniles in custody Juveniles held in same housing unit with adults Juveniles have their own cell Juveniles let out of their cell at different times from adults Juveniles have all of the same programs as adults Juveniles attend school while in custody
Lewis	Yes	If a juvenile is under adult criminal court jurisdiction the juvenile shall be considered an adult and housed in the Lewis County jail Exception to policy: If jail administrator has reason to believe that the juvenile should not be housed in the jail, the Jail Administrator will petition the Juvenile Detention Administrator to consider housing the juvenile in detention The following criteria will be considered in the decision: age, maturity level, criminal history, mental health, behavior, physical challenges/disabilities Corrections staff should not accepted offenders under the age of 18 unless remanded to adult court system Notification of a juvenile offender in custody must be submitted to the Administrative Sergeant and Programs Sergeant
Lincoln	Yes	Juveniles held in cell block segregated from general population Arrangements made for access to showers, TV, visitation, and telephone time away from general population Juveniles have their own cells Programs available: education coordinated by the court of jurisdiction and local school district, drug and alcohol counseling through county, indoor recreation yard, jail library, outdoor recreation yard with secure courtyard and basketball hoop, preventative and urgent mental health services coordinated through county's mental health counseling agency
Mason	Yes	Unable to get policies
Pend Oreille	No	County does not hold juvenile offenders in county jail under any circumstances
Pierce	Yes	Declined juveniles under 16 are held at the JDC Some juveniles housed in 3-4 person tanks with other juveniles Remaining juveniles are housed in isolation cells due to capacity Teacher from the local school district comes in and provides a few hours of education per week to all juveniles 1 hour of outdoor recreation time twice a week
Skagit	No	County does not hold juvenile offenders in county jail under any circumstances All juveniles held at JDC
Skamania	Yes	Remanded juveniles are classified in the same manner as any other inmates Special attention given to each juvenile (protected from physical and sexual assault) Those who appear extremely youthful should not be housed where advantage is likely to be taken of them

Appendix 7: County policies continued

County	County says they hold juveniles in jail?	Policies/Responses
Snohomish	Yes	<p>Declined juveniles held in the JDC from admission on probable cause through sentencing</p> <p>Exception #1: Youth turns 18 while waiting for sentencing, in which case he is turned over to jail</p> <p>Exception #2: If a youth's behavior causes a safety or security risk at JDC. A hearing is set and attended by youth, classification counselor from JDC, deputy prosecutor, and defense attorney. JDC staff makes argument as to why juvenile would be better handled at jail</p> <p>Exception #3: Overcrowding at the JDC</p> <p>In JDC, declined juveniles are housed in general population and given exact same treatment as other juveniles</p> <p>Declined juveniles in JDC must wear a band</p> <p>Jail staff will provide all transport for the youth to Superior Court, but will return youth to JDC following all hearings</p>
Spokane	Yes	<p>Juveniles remanded or declined from Juvenile Superior Court may be housed in county jail if they are accompanied by the appropriate Court paperwork</p> <p>"Juvenile inmates will be housed separate from adult inmates. Juvenile inmates may be housed with adult inmates at the direction of a Jail Lieutenant or higher ranking official" (applies to both declined juveniles and legal juveniles)</p> <p>As of a memorandum on June 28, 2011, every time a juvenile aged 16 or 17 is booked into jail, the jail booking staff is required to inform the principle of Spokane Northeast Washington Educational Service District 101. Within five days, a teacher from the Spokane JDC will evaluate and assist the declined juvenile</p> <p>If appropriate, the teacher may set up an educational plan that would include continuing education while in jail</p>
Stevens	Yes	<p>16 or 17 year olds who have been arrested for offenses referred to or listed in RCW 13.04.030 and are under the exclusive jurisdiction of the adult criminal court will be first placed in juvenile detention</p> <p>The prosecutor will review the probable cause and identify the RCW to be charges</p> <p>If the prosecutors decision is within the guidelines of the RCW 12.04.030 the juvenile may be transferred to the jail</p> <p>Declined juveniles will be separated from the general population as much as reasonably possible in an area from the general population</p> <p>Declined juveniles will have their own cells</p> <p>A classification must be completed to determine if separation from adult offenders must be maintained</p> <p>Juveniles will be afforded the same services as adult offenders</p> <p>Arrangements made for educational needs through local schools</p>
Thurston	No	<p>Declined juveniles are held in JDC until sentencing</p> <p>Only 3 juveniles in jail during reporting period; unable to obtain policies on which juveniles are moved to jail and which stay in JDC after sentencing</p>
Wahkiakum	No	<p>Have not declined a juvenile</p> <p>Would be transported to Cowlitz County Juvenile Detention Center as per the housing contract between the counties</p> <p>Do not have the capability to house juveniles away from adult offenders</p>
Walla Walla	Yes	<p>Either the prosecutor or the arresting officer can bring the juvenile to jail on a 72-hour probable cause charge</p> <p>Hearing with a judge to decide where they will be held</p> <p>Police officers can make recommendations and are allowed to bring a juvenile to adult jail if they have probable cause</p>
Whatcom	Yes	<p>Declined juveniles isolated from adult offenders but not necessarily from other declined juveniles</p> <p>Declined juveniles provided same general services as adults: medical and mental health care, faith-based services, chemical dependency treatment, recreation time, and library access</p> <p>Declined juveniles mandated to receive education until age 18</p> <p>Education provided by the Bellingham School District (RCW 13.04.145 and RCW 28A.190.0100)</p>
Whitman	No	<p>All juveniles are held at Martin Hall, the JDC in Spokane</p>

Appendix 7: County policies continued

County	County says they hold juveniles in jail?	Policies/Responses
Yakima	Yes	<p>Juveniles whose charges dictate original adult court jurisdiction will have a remand/transport request filed with judge to hold them in county jail</p> <p>When a person under 18 is housed at a jail the person shall:</p> <ul style="list-style-type: none"> Be classified as a Protective Custody Class Inmate Not be housed in same cell as any adult inmates, nor attend any programming with adult inmates Be offered 12th grade level or below education classes Be offered programming, privileges, and considerations as permitted by their Protective Custody and juvenile statuses <p>School district within which there is a jail shall provide educational programs for juveniles held in adult jails (RCW 28A.194.010)</p> <p>County jail does not provide rehabilitative services, but does have in-house mental and medical services</p> <p>Juveniles can be transferred from JDC to jail if they have behavioral problems or if JDC is over capacity</p>

IX. Endnotes

1. See RCW 13.04.030 for complete list of jurisdiction.
2. RCW 13.40.070.
3. In an interview with Judge Wesley Saint Clair, he mentioned that auto-decline cases depend on charges made by the prosecutor and thus judges have a minimal role in deciding whether these youth are declined.
4. RCW 13.40.110.
5. *Kent v. United States*, 383 US 541, 1966.
6. This excludes Lewis County, who we sent a public records request as part of a trial run. Lewis County never returned any statistics to us, only policies regarding the holding of declined juveniles.
7. The median was lowered by many juveniles only staying one or two days in jail.
8. U.S. Department of Commerce, United States Census Bureau. *State & County QuickFacts*. Web. 26 Feb. 2013. Last updated 10 Jan. 2013.
9. Pierce County has two juvenile tanks that hold three or four juveniles each. When the juvenile population exceeds this number, extra juveniles are held in the isolation cells.
10. King County holds declined juveniles in general population based on security level.
11. During our discussion with Michael* (name changed) at Green Hill, he mentioned that he was held in isolation for two months in King County Jail.
12. U.S. Department of Justice. *Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act*. (Office of Juvenile Justice and Delinquency Prevention, Oct. 2010).
13. U.S. Department of Justice, Bureau of Justice Statistics. *Sexual Violence Reported by Correctional Authorities*, by Allen J. Beck et. al. (Washington D.C., 2007), 35.
14. U.S Department of Justice, Office of Juvenile Justice and Delinquency Prevention. *Juvenile Offenders and Victims 2006 National Report*, by Howard N. Snyder & Melissa Sickmund. (Washington D.C., 2006), 236.
15. U.S. Department of Justice, Bureau of Justice Statistics. *Suicide and Homicide Rates in State Prisons and Local Jails*, by Christopher J. Mumola. (Washington D.C., Aug. 2005), 5.
16. This Act has been updated throughout the years, most recently in 2002. See <<http://www.ojjdp.gov/about/jdpa2002titlev.pdf>>
17. See <<http://www.ojjdp.gov/compliance/guidancemanual2010.pdf>>, p. 7. 48-hour exceptions are made for “rural areas.”
18. Washington State Department of Social and Health Services. *Juveniles Transferred or Waived to the Adult Criminal Court System*, <<http://www.dshs.wa.gov/ojj/xferwaive.shtml>>
19. RCW 72.01.415.
20. The Washington Coalition for the Just Treatment of Youth. *A Reexamination of Youth Involvement in the Adult Criminal Justice System in Washington: Implications of New Findings about Juvenile Recidivism and Adolescent Brain Development*. Jan. 2009, 6.
21. U.S Department of Justice, National Institute of Corrections. *You're an Adult Now: Youth in the Adult Criminal Justice Systems*, by Jason Ziedenberg. (Washington D.C., Dec. 2011), 5.
22. Washington State Institute for Public Policy. *Changes in Washington State's Jurisdiction of Juvenile Offenders: Examining the Impact*, by Robert Barnoski, PHD. (Washington D.C., 2003), 21-23.
23. *Ibid*, p. 22.
24. It is important to note that only juvenile court records, which document charges and convictions, are public. Juvenile records also include a social file (reports of probation officer) and/or records of any other care agency. When discussing accessibility and confidentiality of juvenile records, this is in regards to court records.
25. RCW 10.97.050.
26. RCW 13.50.050(2). However, juvenile non-offender records are treated differently. See RCW 13.50.100.
27. Washington Defender Association. *Beyond Juvenile Court: Long-term Impact of a Juvenile Record*.
28. RCW 10.97; RCW 10.97.050(1).
29. RCW 10.97.100.
30. Pursuant to RCW 182.040(f) Consumer Reporting Agencies are prohibited from using juvenile records once the individual has turned 21. How closely this is followed is ambiguous.
31. In a report on sealing juvenile records in Washington State compiled by TeamChild, a table on the specific sealing practices by each county is provided. See *Sealing Juvenile Court Records in Washington State*, pp. 13-23. Sep. 2012. <<http://www.washington-lawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/391DF493-A1A6-E346-F7B7-1BED8A1665DE/4902en.pdf>>
32. A grid enumerating the wait times for sealing eligibility per offense is offered in the appendix.
33. RCW 13.50.050(12)(a) specifies waiting times and criteria for sealing a class A offenses.
34. General Rule 15.
35. RCW 9.94a.640.
36. RCW 43.43.834.
37. WAC 162-12-140(3).
38. To maintain privacy, the name will remain confidential.
39. As noted on page 26, the sight and sound separation laws in Washington only apply *after* sentencing, so juveniles may be held with adults pre-sentencing. However, many counties still choose to separate them from other adults in jail.
40. If sentence is longer than one year, declined juveniles are transferred to a JRA facility.
41. See best practices in Island County JDC, page 21.