

Dear Executive Constantine, King County Councilmembers, King County Superior Court, Mr. Nance, Ms. Ennis, Mr. Hung and Mr. Satterberg,

Thank you for your leadership in reducing the number of youth incarcerated during the COVID-19 crisis.¹ We, a broad coalition of community organizations and leaders, acknowledge and appreciate the stakeholders who have worked together to quickly identify and address shared goals under very difficult circumstances. We write this letter because we believe that additional, immediate action is needed to protect incarcerated youth in King County.

As King County recognizes through its crucially important Zero Youth Detention Initiative, incarceration harms young people, their families, and our community. That truth is exacerbated by this pandemic,² since congregate environments—whether they be jails, cruise ships, or nursing homes—are natural breeding grounds for this virus.³ In addition, we know young people are often asymptomatic and may unknowingly bring the virus into detention. They could also acquire it while incarcerated and expose detention staff, other youth who are detained, their family once released, and the larger King County community. Young people are also at risk for a rare and serious inflammatory disease—called pediatric multisystem inflammatory syndrome--closely linked to Covid-19.⁴ Finally, this public health crisis will last for months, if not years, while a vaccine and treatments are pursued. Advocates around the country question whether—any juvenile justice agency, as long as social distancing lasts, can live up to its mission of providing learning, growth and hope. “Does anyone believe that rehabilitation can occur in a locked facility during a pandemic?” said Nate Balis, director of the Juvenile Justice

¹ These steps include expanding the Screen and Release Protocol, adding more booking restrictions for some misdemeanor offenses, restricting under what circumstances a youth ordered to electronic monitoring can be remanded to secure detention, efforts to quash some outstanding warrants and to institute additional steps before a probation warrant can be presented to the Court.

² Natalie Baptiste, *Health Care Behind Bars is Already Abysmal. Are Prison Officials Prepared for the Coronavirus?*, MOTHER JONES, Mar. 4, 2020, <https://bit.ly/3cUx3iH>.

³ Jennifer Gonnerman, *How Prisons and Jails Can Respond to the Coronavirus*, THE NEW YORKER, Mar. 14, 2020, <https://bit.ly/3bIm2RF>; PHYSICIANS FOR CRIMINAL JUSTICE REFORM, “COVID-19 Risks for Detained and Incarcerated Youth,” 3, Mar. 22, 2020, <https://njdc.info/wp-content/uploads/PFCJR-Statement.pdf>.

⁴ David Hyde, *Seattle’s first case of rare childhood disease linked to Covid-19*, KUOW, May 12, 2020, <https://bit.ly/3bwccBs>

Strategy Group at The Annie E. Casey Foundation, a philanthropic organization. And if not, he said, “What are we actually doing still holding children in facilities?”⁵

Incarcerated youth at the Children and Family Justice Center share heartbreaking reports. One youth told a community provider stated that “[n]obody feels safe in here because of the close contact.” Another stated that ““Things like learning and counseling are slow or don’t happen at all.” Young people incarcerated at CFJC have expressed serious concerns about being separated from family at this time. One admitted, “[f]or me personally, I don’t think about what is going on outside with COVID-19 and my family because it’s more than I can handle. My mental health is shaky, and it’s even worse being in here right now.” As one youth put simply, “[i]t is better to be with my family in this type of situation than in detention, where everyone is worried about their health.”

We respectfully request the following—

Release all incarcerated youth with community supports in place.

We understand that most of the remaining incarcerated youth face serious charges. But focusing only on alleged offenses misses the opportunity to assess needs and support a youth in the community while the court matter is addressed. Youth incarcerated pre-adjudication are presumed innocent. Regardless of the underlying charges, King County must balance any perceived public safety needs with the health, safety, and welfare of our young people.

King County is privileged to have strong and effective community organizations -- many of whom are signed on to this letter. We are a part of a network that is ready and able to help develop and implement release plans for the approximately 30 youth⁶ who remain incarcerated.

Further restrict detention bookings.

⁵ Eli Hager, *Solitary, Brawls, No Teachers: Coronavirus Makes Juvenile Jails Look Like Adult Prisons*, The Marshall Project, May 12, 2020, <https://bit.ly/2Ln2t5T>

⁶ Emergency COVID-19 Actions to Ensure Everyone’s Safety at Correctional Facilities,” Adult & Juvenile Detention, Apr. 27, 2020, <https://www.kingcounty.gov/depts/jails/covid-updates.aspx?>

No youth should be incarcerated, and that is especially true when there is no immediate or serious threat to the safety of the community. Bringing a youth to detention on non-violent and/or non-serious charges – even in the best case scenario, for an hour or two while the Screen and Release Protocol takes place or, worst case, overnight - creates an unnecessary and potentially grave health risk to the youth, their family, other incarcerated youth, juvenile detention staff, and our larger community. And so, while we appreciate the temporary changes already made to the King County Juvenile Detention Intake Criteria and the Screen and Release Protocol during this public health crisis, we propose, at a minimum, the following additional reforms:

- 1) All non-violent and all Class C offenses be removed from Addendum 1 of the Juvenile Detention Intake Criteria; and
- 2) The Screen and Release Protocol be expanded to include all offenses.

Electronic Monitoring (EM).

We are grateful for the rapid, temporary change to EM policies that now requires an immediate safety concern and supervisor approval before a youth on EM can be remanded (i.e. taken off EM and incarcerated). However, we believe further action should be taken and that a court hearing be held before a youth on EM can be remanded. Doing so minimizes the risk that a youth will unnecessarily and dangerously be incarcerated by giving the youth and their support system the opportunity to speak directly with the judge regarding an alleged EM violation.

Warrants.

We appreciate the efforts underway to quash many outstanding warrants and to more closely review probation warrant requests. We ask for outstanding warrants to be periodically reviewed (perhaps every 3 months) going forward to assess whether quashing is appropriate. In addition, a checklist should be satisfied before a probation warrant is requested. The checklist should include, at a minimum, efforts to contact the youth's attorney, community supports, and family members as well as efforts to contact the youth over text, social media, and a home visit.

Amidst the horrors of this pandemic, we in the community have seen King County's juvenile legal system find new, innovative ways to get and keep young people out of detention. Through

this work, important temporary reforms have been quickly implemented. These temporary reforms are leading to positive results and give a roadmap to making broader changes to King County's juvenile legal system and to achieving the County's critical, stated objective of Zero Youth Detention. We ask to meet remotely in the next two weeks regarding these important reforms.

Thank you for your consideration.

Sincerely,

Dr. Benjamin Danielson
TeamChild
CHOOSE180
Creative Justice
Community Passageways
ACLU-WA
Councilmember Girmay Zahilay
Councilmember Tammy Morales
Councilmember Teresa Mosqueda
Councilmember Lorena Gonzalez
Columbia Legal Services
Legal Counsel for Youth and Children
Community Police Commission
Freedom Project
Northwest Immigrant Rights Project
Glover Empower Mentoring
Youthcare
Mothers for Police Accountability
Books to Prisoners
Undoing Institutional Racism Collaborative
Treehouse
Youth Chaplaincy Coalition
Chief Seattle Club
Safe Futures Youth Center
Storytellers for Change
Workforce foundation
Urban League of Metropolitan Seattle
Washington Defenders Association

The IF Project
South King County Discipline Coalition
La Resistencia
Parisol
Asian Pacific Islander Cultural Awareness Group
Formerly Incarcerated Group Healing Together
Washington Association of Criminal Defense Lawyers
The People's Assembly
National Lawyers Guild - Seattle Chapter
Birth Beyond Bars
Eastside Legal Assistance project
Defender Initiative, Seattle University
Eastside Legal Assistance Project
Incarcerated Mother's Advocacy Project
The Korematsu Center
University Unitarian Church Racial Justice Team, on behalf of our congregation
Department of Public Defense