



Department of
PUBLIC DEFENSE

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Dear Judge Rogers, Judge Lum, Judge Ramseyer, Judge Diaz, Judge Doyle, and Judge Rothrock,

We write to request that the King County Superior stop incarcerating youth due to warrants for status offenses. In the midst of a global pandemic, several youth have recently been incarcerated for warrants related to At-Risk Youth contempt proceedings despite the Washington Supreme Court's AMENDED THIRD REVISED AND EXTENDED ORDER REGARDING COURT OPERATIONS No. 25700-B-626, issued on May 29, 2020, which provides in section (14)—

Additionally, courts should not issue or enforce bench warrants for juvenile status offenses or violations.

Over the past three weeks, King County has incarcerated three separate youth due to ARY contempt warrants. Each youth was released the next day at or prior to their court hearing. King County Superior Court must stop this harmful practice and comply with the Supreme Court's order.

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,¹ since congregate environments—whether they be jails, cruise ships, or nursing homes—are natural breeding grounds for this virus.² In addition, we know young people are often asymptomatic and may unknowingly bring the virus into detention. They

¹ 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>.

² 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>.

could also acquire it while incarcerated and expose detention staff, other youth who are incarcerated, 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-19.³

In addition, the harms associated with incarceration for status offenses are likely to disproportionately imperil the health of girls and BIPOC. Detention data from previous years shows these disparities:

[I]n 2016, King County with a Black population of only eight percent, 43 percent of children incarcerated for noncriminal offenses were Black. In contrast, only 34 percent of children booked into jail were white. Meaning that, if we are honest, whether it's due to implicit or explicit bias, the Valid Court Order Exception (VCO) was at the root of institutional racism within our juvenile justice system. In addition, in 2017 out of over 800 unique cases of youth detained, 48 percent were girls and 25 percent were children between the ages of 11-14 years old.⁴

To interrupt this pattern of racially disproportionate incarceration for status offenses, we request that King County Superior Court take the following actions:

1. Immediately stop issuing warrants for status offenses;
2. Immediately quash outstanding warrants for status offenses;
3. Immediately amend the King County Juvenile Detention Intake Criteria section (IV)(3) to eliminate section 3 (Tier 1 warrants issued for At-Risk Youth, Child in Need of Services (CHINS), Truancy, or Dependency cases).

We offer our full support and assistance in implementing each of these actions. Please let us know when you are available to discuss.

Sincerely,

King County Department of Public Defense

The Mockingbird Society

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

⁴See <https://www.mockingbirdsociety.org/mockingbird-times-august-2019/425-5290-thank-you>



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