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Juvenile Detention Standards in Washington State

EXECUTIVE SUMMARY

Engrossed Second Substitute Senate Bill 6445, Chapter 269, Laws of 1998 required the Washington State Institute for Public Policy to address six tasks regarding standards for juvenile detention facilities.¹ These six tasks were:

- What standards are in place and proposed for all existing and planned detention facilities in this state?
- What is the current compliance of detention facilities with recommended American Correctional Association standards and those delineated in RCW 13.06.050?
- What concerns, problems, or issues regarding current standards have a direct impact on the safety and health of offenders, staff, and the community?
- Identify and make recommendations with regard to the improvements needed, including a timeline for the implementation of such improvements.
- Recommend a schedule for periodic review of juvenile detention standards.
- Analyze the costs to implement the recommendations in accordance with the recommended timeline.

A summary of the findings follow.

Great Progress Has Been Made in Recent Years

Major reviews of local juvenile detention facilities were conducted in Washington in 1988, 1991, and 1998. With each successive review, major progress has been made. Our findings notwithstanding, there have been great improvements in physical conditions, overall system capacity, training, staff salaries, and health care. The state's juvenile court administrators and detention managers have worked hard to bring these changes about and are to be commended.

No Uniform Juvenile Detention Standards Operate in Washington State

While there have been attempts to develop and implement juvenile detention standards in Washington State since the Juvenile Justice Reform Act of 1977, there are no uniform standards in the state today. RCW 13.06.050 directs local jurisdictions that receive state juvenile justice funds to have standards in place, but non-compliance has been without consequence. In the absence of clear and up-to-date state standards, some of the juvenile court administrators who want to assess how well their facility and staff measure up have turned to the standards issued by the American Correctional Association (ACA). Other administrators still look to Washington standards proposed in 1987 or to a combination of ACA and the proposed Washington State standards. Among the

¹ The Washington State Institute for Public Policy contracted with Christopher Murray & Associates to assist in the review and analysis. Christopher Murray and Merlyn Bell, of M. M. Bell, Inc., visited all detention facilities, completed the analysis, and wrote this report.

juvenile court administrators and detention managers, however, there is little or no support for state-mandated detention standards at this time.

A Few Jurisdictions Are Close to Meeting ACA Standards – Others Have Many Deficiencies

There are 376 different standards for local detention facilities published by the ACA, 26 of which are mandatory. To achieve accreditation, a jurisdiction must meet all mandatory standards and 85 percent of the discretionary standards. Out of 21 juvenile detention facilities in the state, only one would likely pass accreditation at this time. Several others are close to meeting ACA accreditation standards.

Overall, the 21 detention facilities are in compliance with 79 percent of the mandatory ACA standards and 72 percent of all ACA standards. Although these numbers indicate that few jurisdictions could be currently accredited, they also suggest that many deficiencies may be minor.

Some deficiencies, however, are not minor. The most serious deficiencies relative to the ACA standards include crowding, insufficient staff to provide interaction with and adequate supervision of juveniles, insufficient staff to provide back-up coverage on the night shift, and limited or infrequent health care services by licensed providers.

Recommendations

Capital Improvements. To be closer to ACA standards, juvenile detention facility crowding should be reduced in Washington by adding additional cells or sleeping rooms to most facilities. Additional program and activity space should also be provided to ensure adequate capacity for out-of-cell time. Because of building and site constraints, this may be difficult at some locations.

There are different ways to look at current levels of crowding relative to ACA standards. First, ACA capacity can be compared with the average daily population. This results in a minimum definition of crowding. Another way is to look at peak populations (assumed to be about 125 percent of average daily population) and compare this with ACA capacity.

Using these two definitions, there is a statewide need for 123 to 274 additional detention beds just to reduce current levels of crowding. This does not take into account future population growth nor does it try to measure the effect of booking restrictions or emergency release procedures that some jurisdictions now use to hold down crowding. In reality, current needs for juvenile detention in Washington State are likely to be higher than estimated here. Future needs will almost certainly be higher still. The state Office of Financial Management's latest population forecast (November 1998) estimates that the 10-to 17-year-old population will grow by 11 percent in the next eight years.

The estimated statewide cost of the capital improvements is between \$31.1 million and \$57.9 million, depending on which ACA definition is used. This is a one-time capital expense that includes the cost of replacing one facility and adding capacity at others to eliminate current crowding and provide more program and activity space.

Operating (Staffing-Related) Improvements. To be closer to ACA standards, changes should be made to detention facility staffing levels, staff training practices, staff wage levels, and the provision of health care services to detainees. Some facilities have very low staffing levels on the

night shift. In newer facilities that have a control room, one staff person must always be there. If there is an intake or other event that monopolizes the time of a second person, there may be insufficient staff to respond to an emergency. Having at least three people on duty at night in all facilities should be a high priority.

Training and staff professionalism is key to many important standards of operation. To promote the professionalism of detention workers, it is recommended that detention staff pay rates be made equivalent to the pay rates for correctional officers working in the jail in the same county. Pay increases for longevity and responsibility should also be similar. Budgets should be increased for staff training and for hiring relief staff so regular staff can attend training. Relief staff should also be trained.

In all but the smallest facilities, sick call should be provided by a nurse at least three times a week. At least one-and-a-half hours of a physician assistant's time and one-and-a-half hours of a physician's time should be provided each week as well. Contracts for health care services should include coverage of at least this amount. Steps should be taken to ensure licensed medical personnel oversight of medication dispensing.

The estimated annual statewide cost of adding night-time staff, improving training, increasing professionalism by providing wage parity with jail staff, and improving health care is approximately \$3.3 million.

Schedule for Periodic Review of Juvenile Detention Standards. Conversations with individual juvenile court administrators, and group discussion at their fall conference, makes it clear that juvenile court administrators do not favor state-imposed juvenile detention standards. Administrators fear that standards will be an unfunded mandate which will increase liability if they are unable to comply.

If the legislature wants to develop and implement statewide standards, it is recommended that they take the form of outcome-based standards, leaving the means of achieving outcomes to each jurisdiction and flexibility in the specific standards. The establishment of such standards should follow a timeline similar to the draft standards developed by the Juvenile Disposition Standards Commission in the 1980s: that process took two years. Because there is currently no consensus among juvenile court administrators or juvenile detention managers favoring adoption of standards of any kind, no start date is recommended.

Outcome-based standards could entail annual reports by each jurisdiction with regard to their performance. This would be equivalent to an annual self-review of each program. It is recommended that outside review occur approximately every five years.