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Whatcom County Juvenile Court Achievements

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It seems today's news is filled with stories of horrific crimes, some of which involve juvenile offenders. Public perception reflects a juvenile crime problem that is out of control, and a system that is broken and in need of repair. It is of little surprise that many people don't know about the great work being done around the nation, in Washington State, and this community in both prevention and intervention to keep juveniles from coming into and returning to the system.

In 1998 there were 35,651 juvenile offender filings in Washington State, and Whatcom County accounted for 1,504 of those. The county's 10-17 population (the age group cohort most likely to be referred to juvenile court for delinquent behavior) was 19,462.

The 1999 Whatcom County Law and Justice Plan identified the need for an 88 bed juvenile detention center by 2010 to meet the needs of the growing population and anticipated juvenile crime. The 32 bed juvenile detention center, on the 6th floor of the county courthouse, was deemed too small to deal with the number of youth needing to be incarcerated. In fact, at that time it wasn't uncommon to have 50 juveniles in the overcrowded facility. For safety reasons, we had to cap the population at 50. When we hit this threshold, each new youth being brought into the facility meant the judge had to release one.

Whatcom County wasn't alone in this process. During the mid to late 90's many counties were increasing their detention capacities to deal with overcrowding and the continued predicted increase in population and juvenile crime. Around the nation, predictions of the "Super predator" drove legislation in most states to get tougher on juvenile crime.

In 1999, our county's 10-17 population dropped to 18,725, and the county's filings fell as well. At the time everyone thought the same thing; demographics. Over the next several years, however, the county's juvenile population continued to increase, yet filings and juvenile arrests have continued to decrease.

Statewide juvenile filings in 2014 dropped to 11,578; a reduction of 68%. In Whatcom County that number dropped to 301 in the same time period, a reduction of 80%. The juvenile 10-17 population remains over 19,000. In 2015, the number of juvenile filings has fallen even further to 289. This reduction in filings is consistent with the drop of arrests, which I also track on a regular basis.

Our detention center had average daily population of just 16 youth in 2015. On average, two of those were being held for other jurisdictions. In the last decade, the number of juvenile state institutions has been reduced from six to three as commitments have plummeted.

Our Prosecutor's Office also does an excellent job in diverting cases from court whenever appropriate consistent with public safety. Diversion can be more immediate and effective than a long drawn out

court process. Approximately 50% of the criminal cases referred to the Prosecutor's Office are sent to juvenile probation to divert.

Diversion is the least restrictive way of dealing with juveniles who are referred for misdemeanors, gross misdemeanors, and some class C felonies. A juvenile who qualifies for a diversion does not go to court, there is no trial before a judge, and the juvenile is not placed on probation. The juvenile and their parents / guardians will meet with either a community accountability board or with the assigned probation counselor to determine the diversion agreement requirements.

Youth in diversion may also be referred to Teen Court. In partnership with Northwest Youth Services since 1997, Teen Court hears cases involving youth who are facing a 2nd discretionary diversion or who failed a traditional diversion contract. The offenses involved are misdemeanors, and do not include offenses involving weapons, domestic violence or gang activity. The offender admits to the offense, as in traditional diversion, and then goes before a jury of high school students charged with determining the penalties to be assessed.

The teen jury is made up of a mix of non-offender volunteers and those who previously had their own charges resolved in teen court. Some high school students serve as judges, others as advocates presenting the case to the jury on behalf of the state and the accused. Other students may serve as bailiffs, clerks, and in other capacities as needed. Teachers from the schools act as advisors to the youth teams, and the advisory board made of students guide the program.

In addition to reducing filings, we have greatly reduced our reliance on juvenile detention, putting off the day we will need a new facility. We have looked to additional means of accountability and giving back to the community. Community Service provides such an opportunity. We also want to help make sure the youth's obligations to the court and community are meaningful. A youth assigned community service has the opportunity to give back to their community in a restorative way through collaboration with a number of community service sites. Some also provide the youth the opportunity to learn new skills that better themselves, as well as service to the community.

Whatcom County has been part of the Juvenile Detention Alternative Initiative since 2004. This nationwide initiative isn't about being soft on crime or not holding kids accountable, but rather addressing core strategies to assure we are detaining those youth who need to be detained, and keeping others in the community consistent with public safety. The strategies include: collaboration amongst stakeholders; use of data to drive decisions; objective admission criteria; providing alternatives to detention, expedited case processes, looking into special detention cases, monitoring conditions of confinement, and reducing racial and ethnic disparities amongst those detained.

I am often asked, in my personal and professional opinion, what is the reason for such a dramatic reduction in juvenile crime. While I can only speak to the work being done in our juvenile court in conjunction with our community partners there have been a number changes, both legislative and policy related, which I believe have greatly impacted this tremendous reduction of youth entering and returning to the juvenile justice system.

Statewide juvenile offender filings dropped 68% from 1998-2014. During the same period, Whatcom County achieved a reduction of 80%, reaching 81% by the end of 2015. This reduction in filings is consistent with the drop of arrests, which I also track on a regular basis.

While I don't think there is any one thing we are doing as a state, or a community, that has led to this amazing reduction, I do think it is a combination of things which have created such positive results.

In the past, many offenders coming through the system were treated basically the same regardless of their offense or other factors in their life. Most conditions directed the youth to go to school, obey a curfew, abstain from alcohol and drugs, report to a probation officer, submit to random urinalysis, complete community service and attend counseling. Violation of these conditions would result in the youth returning to court to answer to the judge. A standard consequence of the violation was a sentence to detention. The more the youth violated the longer the sentence, up to 30 days.

Probation officers also had wide discretion on how they supervised their caseloads with autonomy on when to take a youth back to court, as well as the sanction they could seek on a violation. The major focus of probation in those days was monitoring and accountability with less emphasis on rehabilitation services they needed to keep from re-offending.

Since then there have been a number of changes in the law as well as the way we do business.

In 1995 RCW 13.32A, commonly known as the BECCA Bill, came into effect. The purpose was to protect children who are at risk, run away from home, and truant from school.

One of the greatest risk factors identified in predicting a youth entering the juvenile justice is not being in school. Truancy laws require a school to inform a student's parents of unexcused absences and to meet with the student and parents if unexcused absences continue to accumulate. If a student has seven unexcused absences in a month, or ten in an academic year, the school district must file a truancy petition in juvenile court. At Risk Youth petitions provide parents an option to obtain assistance from the court if the child: Is absent from home for at least 72 consecutive hours; Is beyond parental control such that his/her behavior endangers the health, safety, or welfare of the child or any other person; Has a substance abuse problem for which there are no pending criminal charges. Child in Need of Services (CHINS) petitions may be filed by the child, a parent, or the Department of Social and Health Services to provide court intervention to youth not otherwise under the jurisdiction of the court.

These three programs under the BECCA Bill provide for court intervention prior to becoming criminally involved. I believe these early interventions are a contributing factor to fewer youth entering the system

In 1997 the Washington State Legislature enacted the Community Juvenile Accountability Act (CJAA) to test the use of "research-based" programs to reduce juvenile offender recidivism. The act required the use of a risk assessment to assign youth to these programs. The Washington Association of Juvenile Court Administrators worked with the Washington State Institute for Public Policy to develop the Washington State Juvenile Court Assessment. Implemented in 1999, the first stage is a pre-screen assessment completed for all youth placed on probation. The second stage, a full assessment, is

required for youth assessed as moderate or high risk to reoffend on the pre-screen. This full assessment identifies a youth's risk and protective factor profile to guide rehabilitative efforts. This assessment, which has been continually validated, has also been adopted by over 18 other states around the nation, including Florida, Wyoming, Illinois, and New York State.

This assessment not only helps establish the level of supervision, but also gives the probation officers information on factors in the youth's life that can help them stay out of trouble (protective factors) and those factors that contribute to the youth's delinquency (risk factors) allowing probation officers to dedicate their resources to the youth who are higher risk to reoffend.

Information gathered from the risk assessment has led us to make significant changes in the way we supervise youth. For those youth on formal probation, each county has various resources available to address the risk and protective factors in their community. I believe Whatcom County has done a good job in utilizing the data available from the assessment to meet the needs of our community. In the past probation officers had wide discretion and autonomy, however, now have standards consistent with our balanced and restorative justice philosophy and have greatly streamlined our approach to supervision. In addition to consistent supervision standards, with individualized case plans all alleged violations of probation are staffed by the juvenile probation officers as a group. A group recommendation is developed that holistically addresses the violation, in a restorative justice manner with an equal emphasis on community safety, accountability, and competency. The focus is not just holding youth accountable and keeping the community safe, but an emphasis on helping them obtain the skills they need so they don't reoffend in the future.

We have invested greatly in evidence based programs that are proven to reduce recidivism, however, we only have the capacity to serve a portion of eligible youth. Our County offers the following evidence based programs:

Aggression Replacement Training: a 10-week, 30-hour cognitive-behavioral program administered to groups of 8 to 12 juvenile offenders three times per week. ART has three main curriculum components—Structured Learning Training; Anger Control Training, and Moral Education.

Functional Family Therapy: a structured family-based intervention that uses a multi-step approach to enhance protective factors and reduce risk factors in the family.

Coordination of Services (locally called Community Links): an educational program for low-risk juvenile offenders that provides information about services available in the community.

In addition to our work, I am aware of the tremendous positive impact other agencies are having, such as our Health Department's prevention focused outreach to the schools and community. These prevention efforts, along with numerous community youth serving agencies, contribute to the tremendous success of keeping youth from entering and recycling through the system.

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