

## Juvenile Detention

Washington has 21 county-operated facilities, which are maintained by the juvenile courts, and one regional center maintained by a consortium of counties. Juveniles from all 39 counties are held in these 22 facilities.

Juveniles are held in local detention facilities to await court hearings or as sentenced offenders. Some facilities also hold juveniles sentenced to the State Juvenile Rehabilitation Administration.

Juvenile detention population figures used in this report were provided by the Office of the Administrator for the Courts. Population figures represent each entry into the detention database (episode), where a juvenile was held for four hours or longer. Juveniles who are over the age of 18 and who are under the jurisdiction of the juvenile court or who have been remanded to adult court are also included in the detention population data. A juvenile may be held in detention more than once within a year depending on the number of times the juvenile offends. Changes in the method of tabulation may account for differences in population data from previous years.

The number of admissions of juveniles to detention facilities in 2010 decreased by fifteen percent, from the number of juveniles admitted in 2009. In the ten year period 2001 to 2010 the number of admissions of juveniles to detention facilities decreased by 30.8 percent. In the five year period from 2006 to 2010, the decrease was 20.9 percent.

Only one facility experienced an increase from 2009 to 2010 of over ten percent in the number of juveniles held in detention: Okanogan (22.8%). Six facilities experienced a decrease of ten percent or more: Chelan (-14.3), Lewis (-10), Mason (-14.9), Pierce (-11.4), Skagit (-15.3), and Snohomish (-12.6).

Some abnormal fluctuations in the youth admitted to detention in 2009 and 2010 may be due to a State Court of Appeals opinion published in January of 2009 and reversed in June of 2011.

On January 12, 2009, the State Court of Appeals published an opinion that had a significant impact on the truancy petition process (and subsequently

on significantly reducing truancy contempt filings and admissions to juvenile detention facilities related to a truancy order/proceeding in 2009 – for contempt or FTA). The case – *Bellevue School District v. E.S.*, 148 Wash. App. 205 (2009), petition for review granted July 7, 2009 – found that the youth had not been afforded legal counsel at the time the original truancy petition was filed in court (the fact-finding stage). The appellate court concluded that a child's interest in liberty, privacy and right to an education are in jeopardy, and a child is unable to protect those interests without counsel.

On June 9, 2011, the Washington State Supreme Court reversed the Court of Appeals decision, and found that neither the due process clause of the 14th Amendment of the U.S. Constitution nor the due process clause set forth in the Washington State Constitution would require appointment of counsel at the initial truancy proceeding stage; it was concluded there were no significant interests at stake (i.e. the youths physical liberty) warranting appointment of counsel at the initial hearing where the determination is made if the student is truant under state statute; and it was noted that the youth has the right to counsel at contempt hearings related to a truancy order.

## Race and Ethnic Distribution

Minority youth, age 10-17, representation in detention decreased from 2009 to 2010 by three percent. This is the first decline since 2002. In the five year period from 2006 to 2010 the percentage of minority youth in detention increased over 6.2 percent.

The race and ethnic distribution of the detention population during 2010 showed that 57 percent were White, 14 percent were Black, six percent were Native American, two percent were Asian/Pacific Islander, and 19 percent were Hispanic. Race or ethnicity was unknown or not reported for two percent of the detention population.

## Gender

Females accounted for 28 percent of the detention population in 2010, an increase of four percent from 2009. In the ten year period from 2001 to 2010 the percentage of females in detention population increased four percent. In the five year period from 2006 to 2010 the percentage of minority youth in detention increased over 6.2 percent.