



Annual Report to the Legislature

Decline of Youth in Police Custody

RCW 74.13.036(5)

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Executive Summary

The Family Reconciliation Act, RCW 13.32A, outlines procedures to be followed when responding to families in conflict. RCW 13.32A.060(1)(c) specifically addresses the role of law enforcement and the Department of Social and Health Services when law enforcement takes a child into custody. It states:

After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following in the order listed: The home of an extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

Current departmental policy for youth taken into custody by law enforcement is to attempt to locate the parent and offer Family Reconciliation Services whenever possible. When this is not an option, the staff will take the necessary steps to place the child in a Crisis Residential Center (CRC) or other suitable placement. If the parent(s) refuse to have the child home and there are no placement options available within the department, the worker will assist the police in exploring alternative placement considerations for the youth. If these efforts are unsuccessful, the child is then released by law enforcement and they notify the department.

In 1995, this procedure was widely publicized among Children's Administration staff with specific training offered regarding the decline policy. In addition, a draft of the policy and copies of the final law were distributed to all staff and particularly those staff members responsible for adolescent and intake services. On November 1, 1996, the policy was formalized and distributed again as a revision to the Children's Administration manual.

Since the last report submitted in December 2007, there have been no reported instances where the department declined to accept custody of a youth from law enforcement.