

HOUSE BILL REPORT

HB 2605

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to safety of group homes.

Brief Description: Providing additional security to communities where a group home is located.

Sponsors: Representatives O'Brien, Ballasiotes, Radcliff, Benson, Constantine, Cooper, Lantz, Robertson, Hatfield, Hankins, Scott, Dunn, Backlund, Costa, McDonald, Mitchell, Thompson, Quall and Delvin.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/98, 2/4/98 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; Hickel; McCune; Mitchell and Sullivan.

Staff: Mark Hamilton (786-7310).

Background: Currently the only restrictions on group home placement are local zoning ordinances and requirements. There are no specific statutory safety requirements for group homes in communities. There is no comprehensive system by which information regarding juvenile offenders may be shared among all of the various parties involved in the juvenile justice and corrections system.

Summary of Substitute Bill:

Section 1. *Definition of Group Home.*— Group home— means a facility housing juveniles convicted of or adjudicated responsible for criminal conduct and placed in the facility as a condition of sentencing.

Section 2. *Community Notice and Hearing.* Requires a public hearing, with notice and opportunity for community comment, before placing a group home in a community.

Group Home Advisory Board. Requires establishment of a group home advisory board (board-) of concerned citizens by the local legislative authority. The board will monitor and provide input on the decisions surrounding placement of the group home. It will work with local police agencies and the group home operators to lessen any negative neighborhood impact of the group home's placement. The board will also serve to improve communications between the group home operator and neighborhood organizations.

Section 3. *Group Home Security.*

Staff Security Requirements. Prohibits those with a felony conviction within the past 5 years from working at a group home.

Physical Security Requirements. Provides for the following minimum physical security requirements: (1) alarm system to monitor residents and notify of an escape; (2) doors and windows with working locks; and (3) procedures for monitoring or supervising residents' transit to prevent escape or unauthorized activity during that transit.

Unannounced Police Checks. Provides that local police may make unannounced visits to check security and the treatment and status of occupants.

Section 4. *Information and Records Sharing System.* Requires a program of information retrieval and sharing of juvenile criminal records between the Department of Social and Health Services, the group home staff, local police, other police departments within the state and in any other states which have had contact with the offender, current and former school districts, juvenile courts which have had contact with the offender, and any correctional facilities which have had the offender in their custody. The purpose is to provide all interested parties with full and immediate access to the resident's arrest and conviction records.

Interagency Information Sharing Agreement. Requires Department of Corrections, Division of Juvenile Rehabilitation, police departments, school districts, and juvenile courts within the state to enter into an interagency agreement for the purpose of sharing information about juvenile offenders. The agreement must specify the conditions under which information is to be made available to appropriate school personnel, and the conditions under which records are to be made available to appropriate department, group home, police, and juvenile court personnel.

Section 5. *School Law Enforcement Unit Records.* Requires the law enforcement unit of each public or private elementary or secondary school to keep records of serious disciplinary problems which are either reported to the school or on which the school has taken action. The records are to be designated as law enforcement unit records- and are required to be shared and made available pursuant to the information and record

sharing provisions of the bill. A school's law enforcement unit— may be established or designated on an as needed basis.

Substitute Bill Compared to Original Bill: *Definition of Group Home.*— Adds definition of group home.—

Security Requirements. Removes physical security provision requiring 24-hour video security surveillance at group homes. Adds provision to ensure that the group home has a procedure for monitoring residents' transit in order to prevent escape or other unauthorized activity during transit.

Interagency Information Sharing Agreement. Adds requirement that certain public agencies enter into an interagency information sharing agreement in order to specify the information kept and conditions under which the information will be disclosed. This provision is intended to take advantage of the state law juvenile justice system— exception to the federal Family Educational Rights and Privacy Act (FERPA).

School Law Enforcement Unit Records. Adds provisions requiring schools to maintain records of serious disciplinary problems which have either been reported to the school or which the school has taken action on. These records, called law enforcement unit records— are to be kept by the law enforcement unit— of each school, which may be established or designated on an as needed basis. The records must be shared pursuant to the information sharing provisions of the act. This provision is intended to take advantage of the law enforcement unit records— exception to FERPA.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: With amendment clarifying the definition of group home,— the bill provides for an element of local participation in the placement of group homes for juvenile offenders which currently does not exist. Federal courts have greatly limited the ability of local government to be notified of or exercise any authority over the placement of group homes in the community. As a result, neighbors may be unaware of the potential dangers which can be associated with such homes. The bill gives badly needed community notice and public hearing rights to local communities.

While the security requirements set out in the bill are good, they focus on the juvenile offender residents while they are physically at the group home. However, better supervised transportation would prevent a large number of the dangers (such as escape) which communities currently face.

Information currently is not shared effectively between the various entities which have an interest in juvenile offenders. As a result of this lack of communication, some dangerous offenders have been placed in group homes, and communities have been exposed to this danger. This problem would be corrected by the bill's information sharing section. Restorative justice and risk management are two prime goals of the juvenile justice system. However, risk management is impossible without information sharing. The bill would improve risk assessment coordination.

Reservations were expressed about the original bill regarding the potential for an overly broad application of the term group home, as well as problems inherent in any veto power over individual offender placement granted to community councils. Those reservations were alleviated by the proposed amendment.

Testimony Against: None.

Testified: *Pro:* Representative Al O'Brien, prime sponsor; Barry Antos, Pioneer Human Services; and Mayor Barbara Fahey, City of Edmonds.

Pro (with amendment): Georgia Zumdieck, Bellevue City Council; Karen Reed, Assistant City Manager for Intergovernmental Relations, City of Bellevue; Sid Sidorowicz, Department of Social and Health Services and Juvenile Rehabilitation Administration; and Toby Olson, Executive Director, Governor's Committee on Disability Issues.