

SENATE BILL REPORT

SB 5327

As of February 16, 2021

Title: An act relating to a confidential youth safety and well-being tip line.

Brief Description: Creating a confidential youth safety and well-being tip line.

Sponsors: Senators Brown, Frockt, Lovelett, Rivers, Short, Warnick and Wellman.

Brief History:

Committee Activity: Health & Long Term Care: 1/27/21 [w/oRec-BH].

Behavioral Health Subcommittee to Health & Long Term Care: 1/29/21, 2/05/21 [DPS-WM, w/oRec].

Ways & Means: 2/16/21.

Brief Summary of First Substitute Bill

- Requires the Attorney General to establish a YES tip line to receive and respond to tips from the public regarding risks or potential risks to the safety or well-being of youth.
- Creates confidentiality provisions regarding information provided to the YES tip line.
- Directs the Attorney General to create a reference and best practice tool kit for law enforcement and mental health resources that provides statewide and community mental health resource information.

SENATE COMMITTEE ON BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wagoner, Ranking Member; Frockt, Nobles and Warnick.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: That it be referred without recommendation.

Signed by Senator Dhingra, Chair.

Staff: Kevin Black (786-7747)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Ricci Crinzi (786-7253)

Background: The Attorney General is the top legal officer for Washington State government. There have been 18 state attorney generals. The Office of the Attorney General (AGO) serves roughly 200 state agencies, boards, commissions, colleges, and universities, and is the largest public law office in the state. The AGO employs over 200 attorneys and engages in a broad range of activities which include consumer protection, criminal justice, complex litigation, and environmental law, among many more.

In 2019, state operating budget funds were allocated to the AGO to create a work group to study and institute a statewide program for receiving reports and other information from the public regarding potential self-harm, harm, or criminal acts. The work group was directed to study similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming. The work group met four times in 2019 and 2020 and published a report, Youth Safety and Well-being Statewide Reporting Tool Work Group, on July 31, 2020.

The work group report provides background information on statewide tip line programs across the U.S. and ultimately makes 20 recommendations supporting the implementation of a tip line in Washington to support youth safety and well-being. This bill embodies the recommendations of the work group report.

Summary of Bill (First Substitute): Subject to appropriation, the AGO must establish, oversee, and administer the YES tip line program to receive and respond to tips from the public regarding risks or potential risks to the safety or well-being of youth. Risks are defined as actions such as, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying, cyberbullying, substance use, and criminal acts. The tip line shall be operated by a vendor selected by the Attorney General, which must use classified state employees if the services were historically provided in that fashion. Persons contacting the YES tip line must receive timely assistance, with a warm transfer to a service provider if available. The tip line must use as many methods of communication as possible, including voice calls, email, texts, mobile apps, video imaging, postal mail, and website communications. It must be available 24 hours a day, 365 days a year.

The Attorney General must convene an advisory committee with specified membership during development and implementation. Youth perspectives, including youth from marginalized and minority communities, must be included and consulted in the creation of

marketing campaigns and materials.

The AGO must adopt procedures for triage, risk assessment, threat assessment, training, referral, promotion and marketing, and data retention. The AGO must develop a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources.

Personally identifying information related to a person submitting a tip to the YES tip line is protected from public disclosure. Intentional, inappropriate disclosure of tip information is a misdemeanor offense. The tip line must accept anonymous tips but may breach confidentiality and trace the tip to provide information to first responders if there is a threat to life. Tip information that does not result in a referral to a service provider must be expunged from the records. Tip information is confidential.

A person who is charged with a criminal offense as the result of a YES tip line contact may petition the court for disclosure of tip information, with seven days notice to the prosecutor and AGO. The court must review the information in chambers outside the petitioner's presence and may disclose tip information if it is essential to a fair trial. The court may limit the release of the information. A prosecutor may petition for release of tip information if the prosecutor reasonably believed false information was provided to the YES tip line using the same procedure.

A Community Mental Health Safety Fund is created under the control of the Attorney General to pay the costs of the YES tip line program and marketing. The Attorney General may apply for grants and donations from the public and private entities for the YES tip line. The AGO must report annually to the Governor and Legislature about the activities, costs, and expenditures of the YES tip line.

EFFECT OF CHANGES MADE BY BEHAVIORAL HEALTH SUBCOMMITTEE TO HEALTH & LONG TERM CARE COMMITTEE (First Substitute):

- Allows the court to review tip information in chambers, instead of hear the information in chambers.
- Allows the AGO to receive money or assets to support the Mental Health Safety Fund and convert assets to cash.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on January 26, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Behavioral Health Subcommittee to Health & Long Term Care): *The committee recommended a different version of the bill than what was heard.* PRO: I am excited to provide another tool in the toolbox to help our most vulnerable youth. This effort has been going on for two years. We looked at other states and attended the National Suicide Tip Line Convention. Other states were happy to help us get the benefit of their years of experience and to see how many lives they have saved. It will be an app you can use on your phone, which is good for today's youth. We have been able to iron out our differences and come together. Suicide is the leading cause of death for youth 10 to 18 years old. One key piece is what happens after the tip. We need to make sure the crisis response system gets robust support as this moves forward, so that schools can reach youth who are suffering. The confidential tip line movement started in Colorado after the Columbine shooting. These are community problems. I think the Attorney General's Office is well suited to manage a contract, and is well suited politically to keep this neutral and out of the hands of either the schools or the health system. Suicide and gun violence prevention are top legislative priorities. Youth tip lines commonly address suicidal ideation, bullying, and drug use, and more rarely prevent suicides or youth violence. We should give youth the power to escalate their issues so that minor issues do not become major ones. Youth who are in trouble tell someone; we should train youth to know the warning signs and report issues. Twenty states have implemented reporting systems, and they have prevented serious harms. When you stop the silence, you stop the violence and save lives.

OTHER: We staffed the work group that studied this issue and generated a report. We believe the work should be done, but question whether it should be done by the Attorney General. This would be a new, large project for our office. On page 13 of the report the AGO questioned whether it would be the best program manager because of lack of experience with third party providers and subject matter expertise. There are significant funding challenges. This is a critically important issue, which must be done well. We believe we do not have the expertise to do this work.

Persons Testifying (Behavioral Health Subcommittee to Health & Long Term Care): PRO: Senator Sharon Brown, Prime Sponsor; Jennifer Stuber, Forefront Suicide Prevention University of Washington; Kirk Williamson, Benton-Franklin Community Health Alliance; Tanya Aggar, Washington State PTA.

OTHER: Sahar Fathi, Washington State Office of the Attorney General.

Persons Signed In To Testify But Not Testifying (Behavioral Health Subcommittee to Health & Long Term Care): PRO: Joan Fleming, Washington Education Association.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: I was a member of the youth safety and well-being work group that was supported the AGO. We studied several state's confidential tip lines and operating costs in most states are in the \$600,000 to \$900,000 annual budget range and this includes software, call center staff and

promotion of the program. Kids are not in school and states with tip line indicate volumes are down, but the severity is much higher. Senator Brown's district we recently had two students who died by suicide from the same school in the same week. I urge your support of the bill. Now, more than ever, our youth need as easy digital and confidential way to report concerns about their safety and the safety of others. Suicide is a leading cause of death and too many of our youth are sad, hopeless and have made a suicide plan. The pandemic has made this worse. Twenty-one states have already deployed a youth suicide reporting systems and they have shown youth prefer to communicate via phone app, web page, text or email. There are usually warning signs of those who die by suicide. Seventy percent told someone or gave off some other type of warning sign. In four out of five school shootings at least one person had knowledge of the attack and failed to report it. Creating a youth tip-line will have a cost, but I encourage you to consider the costs of not implementing one beyond the tangible costs such as hospital costs, counseling fees, and the coordination of first responder and law enforcement agencies.

Persons Testifying (Ways & Means): PRO: Kirk Williamson, Benton-Franklin Community Health Alliance; Tanya Aggar, Washington State PTA.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.