

HOUSE BILL REPORT

HB 2509

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to standards for juvenile detention facilities.

Brief Description: Assigning to the juvenile justice advisory committee responsibility to oversee operation of juvenile detention facilities.

Sponsors: Representatives Wolfe, Dickerson, O'Brien and Romero.

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: Yvonne Walker (786-7841).

Background: Oversight of Detention Facilities. Detention facilities are operated by a governing unit primarily designed, staffed, and used for the housing of juveniles under the age of 18 years old charged with a criminal offense prior to trial or sentencing and for the housing of juveniles for purposes of punishment and correction after sentencing. Detention facilities also include county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring. Detention facilities are used for dependent and delinquent children coming under the jurisdiction of the juvenile court and serves to keep the juvenile and adult population separate and apart.

Each county superior court has initial responsibility for administering the county's juvenile detention services, except: (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) when a consortium of three or more counties, located in eastern Washington and having a combined population in excess of 530,000, jointly operates a juvenile correctional facility, the county legislative authorities may adopt ordinances prescribing alternative administration of the facility; and (3) in any county with a

population of one million or more detention services shall be administered by a board of managers appointed by the judges of the superior court.

It is state policy that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible. Counties are responsible for developing and implementing detention intake standards and risk assessment standards to determine whether detention is warranted for a youth and if so whether the juvenile should be placed in secure, nonsecure, or home detention.

Governor's Juvenile Justice Advisory Committee (GJJAC). The Governor's Juvenile Justice Advisory Committee (part of the Department of Social and Health Services) is the state planning agency established under Title II of the federal Juvenile Justice and Delinquency Prevention Act of 1974. This act requires participating states to provide for an adequate system of monitoring adult jails, juvenile detention facilities, juvenile correctional facilities, and non-secure facilities (i.e., mental health or drug/alcohol programs).

The state must assure that juveniles are not jailed with adults, that juveniles are separated by sight and sound from adults when juveniles are held in adult jails, and that juveniles who have not committed criminal offenses (such as runaways, and dependent or neglected children) are not placed in secure confinement.

Each year the GJJAC works with the Juvenile Court Administrators of the 18 detention facilities to collect and analyze data on juveniles detained and the risk factors which may have lead to delinquency. Based on the data analyzes the GJJAC selects program areas for funding and makes recommendations for improving the state's juvenile justice system. This information is presented in an annual report to the Governor and Legislature.

Conditions for Receiving State Funds. Counties with juvenile detention facilities that are in compliance with the state's minimum standards may be eligible to receive state funds.

These counties making application for state funds must have standards of operations in place that include: Intake and admissions, medical and health care, communication, correspondence, visiting and telephone use, security and control, sanitation and hygiene, juvenile rights, rules and discipline, property, juvenile records, safety and emergency procedures, programming, release and transfer, training and staff development, and food service. The Department of Social and Health Services is responsible for the distribution of funds relating to county juvenile detention facilities.

Summary of Substitute Bill: The Governor's Juvenile Justice Advisory Committee is required to conduct a study of juvenile detention standards.

The study must:

1. Include a survey of standards in place and proposed for all existing and planned detention facilities in this state;

2. Document current compliance of detention standards with those recommended by the American Correctional Association and those delineated by the state;
3. Document any concerns, problems, or issues regarding current standard that have a direct impact on the safety and health offenders, staff, and the community;
4. Make recommendations as to improvements needed and a time line for the implementation of such improvements;
5. Recommend a schedule of periodic review of juvenile detention standards;
6. Conduct an analysis of the costs to implement the recommendations in accordance with the recommended timeline; and
7. Submit a report to the Legislature and Governor by December 31, 1998.

A total of \$100,000 is appropriated for the fiscal year ending June 30, 1999, for the purposes of implementing the study.

Substitute Bill Compared to Original Bill: The original bill required the Governor's Juvenile Justice Advisory Committee (GJJAC) to have responsibility for central oversight over all juvenile detention facilities. The GJJAC was required to develop and annually review the standards and inspect each detention facility to ensure compliance. The substitute bill eliminates that entire provision and now requires the Governor's Juvenile Justice Advisory Committee to conduct a study of juvenile detention standards.

Appropriation: In addition, an appropriation of \$100,000 is added for the sole purpose of implementing the study.

Fiscal Note: Requested on January 22, 1998.

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

Testimony For: Currently, each county has its own individual standards for their detention facility; however, our state does not have uniform standards for detention facilities. Also, there is no state agency to monitor detention facilities to ensure that provisions are in place and done on a routine basis for intake and admissions, medical and health care, communication, correspondence, visiting and telephone use, security and control, sanitation and hygiene, juvenile rights, rules and discipline, property, safety and emergency procedures, programming, release and transfer, training and staff development, and food service. This problem will be alleviated by authorizing the Governor's Juvenile Justice Advisory Committee to develop uniform standards and monitor each facility to ensure that they are in compliance.

Testimony Against: This bill is too costly. At first glance, an appropriation of approximately \$10 million would be needed to bring all detention facilities up to compliance. A study should first be initiated to investigate and document all concerns

related to juvenile detention facilities. The study should also make recommendations with a specific time line.

Testified: Representative Kathy Wolfe, prime sponsor; Kay Hopkes, self; Margaret Casey, Washington State Catholic Conference; Peter Berliner, Children's Alliance; and Charles Shelan, Community Youth Services (Pro). Martha Harden, Superior Court Judges Association and Juvenile Court Administration; and Jim Potts, Eastern Counties Martin Hall Consortium (Con).