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By Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson

Read first time 02/19/93. Referred to Committee on Human Services.

1 AN ACT Relating to implementation of the juvenile justice racial  
2 disproportionality study recommendations; amending RCW 2.56.030,  
3 13.40.040, 13.06.050, and 13.40.027; adding a new section to chapter  
4 43.101 RCW; adding a new section to chapter 2.56 RCW; adding a new  
5 section to chapter 13.04 RCW; and creating new sections.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** Pursuant to the work of the juvenile justice  
8 task force created by the 1991 legislature to undertake a study of  
9 Washington state's juvenile justice system, the department of social  
10 and health services and the commission on African-American affairs  
11 commissioned an independent study of racial disproportionality in the  
12 state's juvenile justice system. The study team, which documented  
13 evidence of disparity in the treatment of juvenile offenders of color  
14 throughout the system, provided recommendations to the legislature on  
15 December 15, 1992. The study recommends cultural diversity training  
16 for juvenile court and law enforcement personnel, expanded data  
17 collection on juvenile offenders throughout the system, development of  
18 uniform prosecutorial standards for juvenile offenders, changes to the  
19 consolidated juvenile services program and funding formula,

1 dissemination of information to families and communities regarding  
2 juvenile court procedures, and examination of juvenile disposition  
3 standards for racial and/or ethnic bias.

4 It is the intent of the legislature to implement the  
5 recommendations of this study in an effort to discourage differential  
6 treatment of youth of color and their families who come in contact with  
7 the juvenile courts in this state, and to promote racial and ethnic  
8 sensitivity and awareness throughout the juvenile court system.

9 NEW SECTION. **Sec. 2.** The administrator for the courts shall  
10 develop a plan to improve the collection and reporting of information  
11 on juvenile offenders by all juvenile courts in the state. The  
12 information related to juvenile offenders shall include, but is not  
13 limited to, social, demographic, education, and economic data on  
14 juvenile offenders and where possible, their families. Development and  
15 implementation of the plan shall be accomplished in consultation with  
16 the commission on African-American affairs, the governor's juvenile  
17 justice advisory committee, superior court judges, juvenile justice  
18 administrators, and interested juvenile justice practitioners and  
19 researchers. The plan shall include a schedule and budget for  
20 implementation and shall be provided to the office of financial  
21 management by September 15, 1993.

22 **Sec. 3.** RCW 2.56.030 and 1992 c 205 s 115 are each amended to read  
23 as follows:

24 The administrator for the courts shall, under the supervision and  
25 direction of the chief justice:

26 (1) Examine the administrative methods and systems employed in the  
27 offices of the judges, clerks, stenographers, and employees of the  
28 courts and make recommendations, through the chief justice, for the  
29 improvement of the same;

30 (2) Examine the state of the dockets of the courts and determine  
31 the need for assistance by any court;

32 (3) Make recommendations to the chief justice relating to the  
33 assignment of judges where courts are in need of assistance and carry  
34 out the direction of the chief justice as to the assignments of judges  
35 to counties and districts where the courts are in need of assistance;

36 (4) Collect and compile statistical and other data and make reports  
37 of the business transacted by the courts and transmit the same to the

1 chief justice to the end that proper action may be taken in respect  
2 thereto;

3 (5) Prepare and submit budget estimates of state appropriations  
4 necessary for the maintenance and operation of the judicial system and  
5 make recommendations in respect thereto;

6 (6) Collect statistical and other data and make reports relating to  
7 the expenditure of public moneys, state and local, for the maintenance  
8 and operation of the judicial system and the offices connected  
9 therewith;

10 (7) Obtain reports from clerks of courts in accordance with law or  
11 rules adopted by the supreme court of this state on cases and other  
12 judicial business in which action has been delayed beyond periods of  
13 time specified by law or rules of court and make report thereof to  
14 supreme court of this state;

15 (8) Act as secretary of the judicial conference referred to in RCW  
16 2.56.060;

17 (9) Formulate and submit to the judicial council of this state  
18 recommendations of policies for the improvement of the judicial system;

19 (10) Submit annually, as of February 1st, to the chief justice and  
20 the judicial council, a report of the activities of the administrator's  
21 office for the preceding calendar year;

22 (11) Administer programs and standards for the training and  
23 education of judicial personnel;

24 (12) Examine the need for new superior court and district judge  
25 positions under a weighted caseload analysis that takes into account  
26 the time required to hear all the cases in a particular court and the  
27 amount of time existing judges have available to hear cases in that  
28 court. The results of the weighted caseload analysis shall be reviewed  
29 by the board for judicial administration and the judicial council, both  
30 of which shall make recommendations to the legislature by January 1,  
31 1989. It is the intent of the legislature that weighted caseload  
32 analysis become the basis for creating additional district court  
33 positions, and recommendations should address that objective;

34 (13) Provide staff to the judicial retirement account plan under  
35 chapter 2.14 RCW;

36 (14) Attend to such other matters as may be assigned by the supreme  
37 court of this state;

38 (15) Within available funds, develop a curriculum for a general  
39 understanding of child development, placement, and treatment resources,

1 as well as specific legal skills and knowledge of relevant statutes  
2 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,  
3 interviewing skills, and special needs of the abused or neglected  
4 child. This curriculum shall be completed and made available to all  
5 juvenile court judges, court personnel, and service providers by July  
6 1, 1988. The curriculum shall be updated yearly to reflect changes in  
7 statutes, court rules, or case law;

8 (16) Develop a curriculum for a general understanding of crimes of  
9 malicious harassment, as well as specific legal skills and knowledge of  
10 RCW 9A.36.080, relevant cases, court rules, and the special needs of  
11 malicious harassment victims. This curriculum shall be completed and  
12 made available to all superior court and court of appeals judges and to  
13 all justices of the supreme court by July 1, 1989;

14 (17) Develop, in consultation with the criminal justice training  
15 commission and the commission on African-American affairs, a curriculum  
16 for a general understanding of ethnic and cultural diversity and its  
17 implications for working with youth of color and their families. The  
18 curriculum shall be completed and made available to all superior court  
19 judges and court commissioners assigned to juvenile court, and other  
20 court personnel by July 1, 1993. Ethnic and cultural diversity  
21 training shall be provided annually so as to incorporate cultural  
22 sensitivity and awareness into the daily operation of juvenile courts  
23 state-wide.

24 NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW  
25 to read as follows:

26 The criminal justice training commission shall develop, in  
27 consultation with the administrator for the courts and the commission  
28 on African-American affairs, a curriculum for a general understanding  
29 of ethnic and cultural diversity and its implications for working with  
30 youth of color and their families. The curriculum shall be developed  
31 by July 1, 1993. The commission shall ensure that ethnic and diversity  
32 training becomes an integral part of the training of law enforcement  
33 personnel so as to incorporate cultural sensitivity and awareness into  
34 the daily activities of law enforcement personnel.

35 NEW SECTION. Sec. 5. A new section is added to chapter 2.56 RCW  
36 to read as follows:

1 The administrator for the courts shall, in cooperation with  
2 juvenile courts, develop informational materials describing juvenile  
3 laws and juvenile court processes and procedures related to such laws,  
4 and make such information available to the public. Similar information  
5 shall also be made available for the non-English speaking youth and  
6 their families.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.04 RCW  
8 to read as follows:

9 The administrator of juvenile court shall obtain interpreters as  
10 needed, to enable non-English speaking youth and their families to  
11 fully participate in detention, probation, or court proceedings and  
12 programs.

13 **Sec. 7.** RCW 13.40.040 and 1979 c 155 s 57 are each amended to read  
14 as follows:

15 (1) A juvenile may be taken into custody:

16 (a) Pursuant to a court order if a complaint is filed with the  
17 court alleging, and the court finds probable cause to believe, that the  
18 juvenile has committed an offense or has violated terms of a  
19 disposition order or release order; or

20 (b) Without a court order, by a law enforcement officer if grounds  
21 exist for the arrest of an adult in identical circumstances. Admission  
22 to, and continued custody in, a court detention facility shall be  
23 governed by subsection (2) of this section; or

24 (c) Pursuant to a court order that the juvenile be held as a  
25 material witness; or

26 (d) Where the secretary or the secretary's designee has suspended  
27 the parole of a juvenile offender.

28 (2) A juvenile may not be held in detention unless there is  
29 probable cause to believe that:

30 (a) The juvenile has committed an offense or has violated the terms  
31 of a disposition order; and

32 (i) The juvenile will likely fail to appear for further  
33 proceedings; or

34 (ii) Detention is required to protect the juvenile from himself or  
35 herself; or

36 (iii) The juvenile is a threat to community safety; or

1 (iv) The juvenile will intimidate witnesses or otherwise unlawfully  
2 interfere with the administration of justice; or

3 (v) The juvenile has committed a crime while another case was  
4 pending; or

5 (b) The juvenile is a fugitive from justice; or

6 (c) The juvenile's parole has been suspended or modified; or

7 (d) The juvenile is a material witness.

8 (3) Upon a finding that members of the community have threatened  
9 the health of a juvenile taken into custody, at the juvenile's request  
10 the court may order continued detention pending further order of the  
11 court.

12 (4) A juvenile detained under this section may be released upon  
13 posting bond set by the court. A court authorizing such a release  
14 shall issue an order containing a statement of conditions imposed upon  
15 the juvenile and shall set the date of his or her next court  
16 appearance. The court shall advise the juvenile of any conditions  
17 specified in the order and may at any time amend such an order in order  
18 to impose additional or different conditions of release upon the  
19 juvenile or to return the juvenile to custody for failing to conform to  
20 the conditions imposed. Failure to appear on the date scheduled by the  
21 court pursuant to this section shall constitute the crime of bail  
22 jumping.

23 (5) Under no circumstances may a youth be detained solely for  
24 reasons or factors related to family status, school attendance, or race  
25 or ethnicity.

26 **Sec. 8.** RCW 13.06.050 and 1983 c 191 s 5 are each amended to read  
27 as follows:

28 No county shall be entitled to receive any state funds provided by  
29 this chapter until its application and plan are approved, and unless  
30 and until the minimum standards prescribed by the department of social  
31 and health services are complied with and then only on such terms as  
32 are set forth in this section. In addition, any county making  
33 application for state funds under this chapter that also operates a  
34 juvenile detention facility must have standards of operations in place  
35 that include: Intake and admissions, medical and health care,  
36 communication, correspondence, visiting and telephone use, security and  
37 control, sanitation and hygiene, juvenile rights, rules and discipline,  
38 property, juvenile records, safety and emergency procedures,

1 programing, release and transfer, training and staff development, and  
2 food service.

3 (1) The distribution of funds to a county or a group of counties  
4 shall be based on criteria including but not limited to the county's  
5 per capita income, regional or county at-risk populations, juvenile  
6 crime or arrest rates, rates of poverty, size of racial minority  
7 populations, existing programs, and the effectiveness and efficiency of  
8 consolidating local programs towards reducing commitments to state  
9 correctional facilities for offenders whose standard range disposition  
10 does not include commitment of the offender to the department and  
11 reducing reliance on other traditional departmental services.

12 (2) The secretary will reimburse a county upon presentation and  
13 approval of a valid claim pursuant to the provisions of this chapter  
14 based on actual performance in meeting the terms and conditions of the  
15 approved plan and contract. Funds received by participating counties  
16 under this chapter shall not be used to replace local funds for  
17 existing programs.

18 (3) The secretary, in conjunction with the commission on African-  
19 American affairs, shall evaluate the effectiveness of programs funded  
20 under this chapter in reducing racial disproportionality. The  
21 secretary shall investigate whether implementation of such programs has  
22 reduced disproportionality in counties with initially high levels of  
23 disproportionality. The analysis shall indicate which programs are  
24 cost-effective in reducing disproportionality in such areas as  
25 alternatives to detention, intake and risk assessment standards  
26 pursuant to RCW 13.40.038, alternatives to incarceration, and in the  
27 prosecution and adjudication of juveniles. The secretary shall report  
28 his or her findings to the legislature by December 1, 1994, and  
29 December 1 of each year thereafter.

30 NEW SECTION. Sec. 9. The administrator for the courts shall  
31 convene a working group to develop standards and guidelines for the  
32 prosecution of juvenile offenders under Title 13 RCW. The work group  
33 shall consist of:

34 (1) Two members recommended by the Washington state bar  
35 association, one of whom is a member of the defense bar and one of whom  
36 is a member of the prosecution bar;

37 (2) One superior court judge;

38 (3) One court commissioner;

1 (4) One representative of the juvenile disposition standards board;

2 (5) One representative of the department of social and health  
3 services;

4 (6) One social researcher with expertise in juvenile or criminal  
5 justice;

6 (7) Two representatives of child advocacy groups recommended by the  
7 governor; and

8 (8) Two persons recommended jointly by the Washington state  
9 minority commissions.

10 The work group shall develop and submit its recommended standards  
11 and guidelines to the appropriate committees of the legislature by  
12 December 1, 1994.

13 **Sec. 10.** RCW 13.40.027 and 1992 c 205 s 103 are each amended to  
14 read as follows:

15 (1) It is the responsibility of the commission to: (a)(i) Evaluate  
16 the effectiveness of existing disposition standards and related  
17 statutes in implementing policies set forth in RCW 13.40.010 generally  
18 ~~((and))~~, (ii) specifically review the guidelines relating to the  
19 confinement of minor and first offenders as well as the use of  
20 diversion, and (iii) review the application of current and proposed  
21 juvenile sentencing standards and guidelines for potential adverse  
22 impacts on the sentencing outcomes of racial and ethnic minority youth;  
23 (b) solicit the comments and suggestions of the juvenile justice  
24 community concerning disposition standards; and (c) make  
25 recommendations to the legislature regarding revisions or modifications  
26 of the disposition standards in accordance with RCW 13.40.030. The  
27 evaluations shall be submitted to the legislature ~~((by December 1,~~  
28 ~~1992, and))~~ on December 1 of each even-numbered year thereafter.

29 (2) It is the responsibility of the department to: (a) Provide the  
30 commission with available data concerning the implementation of the  
31 disposition standards and related statutes and their effect on the  
32 performance of the department's responsibilities relating to juvenile  
33 offenders; (b) at the request of the commission, provide technical and  
34 administrative assistance to the commission in the performance of its  
35 responsibilities; and (c) provide the commission and legislature with  
36 recommendations for modification of the disposition standards.

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