

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1966

Chapter 415, Laws of 1993

53rd Legislature
1993 Regular Session

IMPLEMENTATION OF JUVENILE JUSTICE RACIAL DISPROPORTIONALITY
STUDY RECOMMENDATIONS

EFFECTIVE DATE: 7/25/93

Passed by the House April 21, 1993
Yeas 87 Nays 6

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1993
Yeas 45 Nays 1

JOEL PRITCHARD
President of the Senate

Approved May 15, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1966** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 15, 1993 - 1:30 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1966

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Wineberry, Leonard, Appelwick, Foreman, Riley, Cooke, H. Myers, Lemmon, Basich, Kessler, Holm, J. Kohl and Anderson)

Read first time 03/03/93.

1 AN ACT Relating to implementation of the juvenile justice racial
2 disproportionality study recommendations; amending RCW 2.56.030,
3 13.06.050, and 13.40.027; adding a new section to chapter 43.101 RCW;
4 adding a new section to chapter 2.56 RCW; adding a new section to
5 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 human rights commission, the governor's juvenile justice advisory
17 committee, superior court judges, juvenile justice administrators, and
18 interested juvenile justice practitioners and researchers. The plan
19 shall include a schedule and budget for implementation and shall be
20 provided to the office of financial management by September 15, 1993.

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

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

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

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

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

35 (4) Collect and compile statistical and other data and make reports
36 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 commissions established under chapters 43.113,
16 43.115, and 43.117 RCW, a curriculum for a general understanding of
17 ethnic and cultural diversity and its implications for working with
18 youth of color and their families. The curriculum shall be completed
19 and made available to all superior court judges and court commissioners
20 assigned to juvenile court, and other court personnel by October 1,
21 1993. Ethnic and cultural diversity training shall be provided
22 annually so as to incorporate cultural sensitivity and awareness into
23 the daily operation of juvenile courts 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 commissions
28 established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum
29 for a general understanding of ethnic and cultural diversity and its
30 implications for working with youth of color and their families. The
31 curriculum shall be developed by October 1, 1993. The commission shall
32 ensure that ethnic and diversity training becomes an integral part of
33 the training of law enforcement personnel so as to incorporate cultural
34 sensitivity and awareness into the daily activities of law enforcement
35 personnel.

36 NEW SECTION. Sec. 5. A new section is added to chapter 2.56 RCW
37 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 consistent with the intent and practice of chapter 2.43 RCW, to
11 enable non-English speaking youth and their families to participate in
12 detention, probation, or court proceedings and programs.

13 **Sec. 7.** RCW 13.06.050 and 1983 c 191 s 5 are each amended to read
14 as follows:

15 No county shall be entitled to receive any state funds provided by
16 this chapter until its application and plan are approved, and unless
17 and until the minimum standards prescribed by the department of social
18 and health services are complied with and then only on such terms as
19 are set forth in this section. In addition, any county making
20 application for state funds under this chapter that also operates a
21 juvenile detention facility must have standards of operations in place
22 that include: Intake and admissions, medical and health care,
23 communication, correspondence, visiting and telephone use, security and
24 control, sanitation and hygiene, juvenile rights, rules and discipline,
25 property, juvenile records, safety and emergency procedures,
26 programming, release and transfer, training and staff development, and
27 food service.

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

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

7 (3) The secretary, in conjunction with the human rights commission,
8 shall evaluate the effectiveness of programs funded under this chapter
9 in reducing racial disproportionality. The secretary shall investigate
10 whether implementation of such programs has reduced disproportionality
11 in counties with initially high levels of disproportionality. The
12 analysis shall indicate which programs are cost-effective in reducing
13 disproportionality in such areas as alternatives to detention, intake
14 and risk assessment standards pursuant to RCW 13.40.038, alternatives
15 to incarceration, and in the prosecution and adjudication of juveniles.
16 The secretary shall report his or her findings to the legislature by
17 December 1, 1994, and December 1 of each year thereafter.

18 NEW SECTION. Sec. 8. The administrator for the courts shall
19 convene a working group to develop standards and guidelines for the
20 prosecution of juvenile offenders under Title 13 RCW, review any racial
21 disproportionality in diversion, and review the use of detention
22 facilities in a way to reduce racial disproportionality. The
23 administrator shall appoint:

24 (1) One defense attorney familiar with juvenile justice, and three
25 prosecuting attorneys familiar with juvenile justice;

26 (2) One superior court judge;

27 (3) One court commissioner;

28 (4) One juvenile court administrator;

29 (5) One representative of the juvenile disposition standards board;

30 (6) One representative of the department of social and health
31 services;

32 (7) One social researcher with expertise in juvenile or criminal
33 justice;

34 (8) Two representatives of child advocacy groups recommended by the
35 governor; and

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

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

4 **Sec. 9.** RCW 13.40.027 and 1992 c 205 s 103 are each amended to
5 read as follows:

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

20 (2) It is the responsibility of the department to: (a) Provide the
21 commission with available data concerning the implementation of the
22 disposition standards and related statutes and their effect on the
23 performance of the department's responsibilities relating to juvenile
24 offenders; (b) at the request of the commission, provide technical and
25 administrative assistance to the commission in the performance of its
26 responsibilities; and (c) provide the commission and legislature with
27 recommendations for modification of the disposition standards.

28 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
29 this act, referencing this act by bill number, is not provided by June
30 30, 1993, in the omnibus appropriations act, this act shall be null and
31 void.

Passed the House April 21, 1993.

Passed the Senate April 15, 1993.

Approved by the Governor May 15, 1993.

Filed in Office of Secretary of State May 15, 1993.