

HOUSE BILL REPORT

SSB 5596

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to custodial assault at juvenile rehabilitation facilities and institutions.

Brief Description: Requiring that custodial assaults at juvenile rehabilitation facilities and institutions be reported to law enforcement.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Parlette and Winsley).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 4/1/03, 4/3/03 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Requires the Juvenile Rehabilitation Administration to establish policies relating to custodial assaults and to report the assaults in accordance with the policies.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Eickmeyer, Hinkle and Upthegrove.

Staff: Sonja Hallum (786-7092).

Background:

The Juvenile Rehabilitation Administration (JRA) is a division of the Department of Social and Health Services (DSHS). The JRA operates five secure residential corrections facilities which house youthful offenders from throughout the state. There are three institutions, one forestry camp, and a basic training camp. These facilities offer basic education, vocational training, health care, offense-specific treatment, and recreational programs.

The county juvenile courts commit the most serious offenders in Washington to the JRA. The JRA clients have either been adjudicated for at least one violent offense or a large number of various offenses.

In Washington it is a crime to commit an assault upon a corrections officer. A person is guilty of a custodial assault under RCW 9A.36.100 if he or she assaults a full or part-time staff member or volunteer, educational personnel, personal service provider, vendor or agent, or community corrections officer, at any corrections institution or detention facility, who is performing official duties at the time of the assault. Behavior which would be classified as a gross misdemeanor assault may be classified as a class C felony assault when the assault is inflicted upon a corrections officer.

Washington recognizes three definitions of assault: (1) an attempt, with unlawful force, to inflict bodily injury upon another; (2) an unlawful touching with criminal intent; and (3) putting another in apprehension of harm whether or not the actor intends to inflict or is incapable of inflicting that harm. Under this definition a wide range of intentional behaviors may constitute an assault.

The JRA does not currently have a uniform written policy defining what behaviors would constitute an assault and must be reported to law enforcement.

If an employee of the DSHS, the Department of Natural Resources, or the Department of Veterans Affairs is assaulted by a resident, patient or juvenile offender, some of the employees costs attributable to the assault may be reimbursed under RCW 72.01.045. This statute has a somewhat different definition of "assault" than in criminal law and defines an "assault" as an "unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee."

Summary of Amended Bill:

The JRA is required to develop uniform policies related to custodial assaults for all the JRA facilities to follow. The policies must be consistent with the statute regarding reimbursement of costs for assaults on state employees, RCW 72.01.045, and the statute establishing the crime of custodial assault, RCW 9A.36.100.

The JRA must also report assaults in accordance with the policies which it is required to develop.

Amended Bill Compared to Substitute Bill:

The original bill required the JRA to establish rules related to custodial assaults which were consistent with RCW 72.01.045, the statute regarding the reimbursement of costs for assaults on state employees. The amended bill requires the JRA to develop policies

for all its facilities which are consistent with the statute regarding reimbursement of costs for assaults on state employees, RCW 72.01.045, and the statute establishing the crime of custodial assault, RCW 9A.36.100.

The original bill required the JRA to report to local law enforcement any custodial assault as defined by the custodial assault statute RCW 9A.36.100. The amended bill requires the JRA to report assaults in accordance with the policies they develop.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) This bill is similar to HB 1710. JRA employees understand the dangers of working with law breakers of any age. The bill represents a better policy and will lead to better effectiveness.

Testimony Against: (Original bill) This is a management issue. People don't need to call the police in every incident because these things sometimes occur in these situations.

Neutral: It is not necessary to put it in statute because JRA already reports incidents.

Testified: (In support) Dennis Eagle, Washington Federation of State Employees.

(In opposition) Sherry Appleton, Washington Defender Association.

(Neutral) David Griffith, Juvenile Rehabilitation Administration.