

2 **ESHB 1966** - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED W/000701 - 4/15/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** Pursuant to the work of the juvenile
8 justice task force created by the 1991 legislature to undertake a study
9 of 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,
20 dissemination of information to families and communities regarding
21 juvenile court procedures, and examination of juvenile disposition
22 standards for racial and/or ethnic bias.

23 It is the intent of the legislature to implement the
24 recommendations of this study in an effort to discourage differential
25 treatment of youth of color and their families who come in contact with
26 the juvenile courts in this state, and to promote racial and ethnic
27 sensitivity and awareness throughout the juvenile court system.

28 NEW SECTION. **Sec. 2.** The administrator for the courts shall
29 develop a plan to improve the collection and reporting of information
30 on juvenile offenders by all juvenile courts in the state. The
31 information related to juvenile offenders shall include, but is not
32 limited to, social, demographic, education, and economic data on
33 juvenile offenders and where possible, their families. Development and
34 implementation of the plan shall be accomplished in consultation with
35 the human rights commission, the governor's juvenile justice advisory

1 committee, superior court judges, juvenile justice administrators, and
2 interested juvenile justice practitioners and researchers. The plan
3 shall include a schedule and budget for implementation and shall be
4 provided to the office of financial management by September 15, 1993.

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

7 The administrator for the courts shall, under the supervision and
8 direction of the chief justice:

9 (1) Examine the administrative methods and systems employed in the
10 offices of the judges, clerks, stenographers, and employees of the
11 courts and make recommendations, through the chief justice, for the
12 improvement of the same;

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

15 (3) Make recommendations to the chief justice relating to the
16 assignment of judges where courts are in need of assistance and carry
17 out the direction of the chief justice as to the assignments of judges
18 to counties and districts where the courts are in need of assistance;

19 (4) Collect and compile statistical and other data and make reports
20 of the business transacted by the courts and transmit the same to the
21 chief justice to the end that proper action may be taken in respect
22 thereto;

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

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

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

35 (8) Act as secretary of the judicial conference referred to in RCW
36 2.56.060;

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

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

4 (11) Administer programs and standards for the training and
5 education of judicial personnel;

6 (12) Examine the need for new superior court and district judge
7 positions under a weighted caseload analysis that takes into account
8 the time required to hear all the cases in a particular court and the
9 amount of time existing judges have available to hear cases in that
10 court. The results of the weighted caseload analysis shall be reviewed
11 by the board for judicial administration and the judicial council, both
12 of which shall make recommendations to the legislature by January 1,
13 1989. It is the intent of the legislature that weighted caseload
14 analysis become the basis for creating additional district court
15 positions, and recommendations should address that objective;

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

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

20 (15) Within available funds, develop a curriculum for a general
21 understanding of child development, placement, and treatment resources,
22 as well as specific legal skills and knowledge of relevant statutes
23 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
24 interviewing skills, and special needs of the abused or neglected
25 child. This curriculum shall be completed and made available to all
26 juvenile court judges, court personnel, and service providers by July
27 1, 1988. The curriculum shall be updated yearly to reflect changes in
28 statutes, court rules, or case law;

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

35 (17) Develop, in consultation with the criminal justice training
36 commission and the commissions established under chapters 43.113,
37 43.115, and 43.117 RCW, a curriculum for a general understanding of
38 ethnic and cultural diversity and its implications for working with
39 youth of color and their families. The curriculum shall be completed

1 and made available to all superior court judges and court commissioners
2 assigned to juvenile court, and other court personnel by October 1,
3 1993. Ethnic and cultural diversity training shall be provided
4 annually so as to incorporate cultural sensitivity and awareness into
5 the daily operation of juvenile courts state-wide.

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

8 The criminal justice training commission shall develop, in
9 consultation with the administrator for the courts and the commissions
10 established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum
11 for a general understanding of ethnic and cultural diversity and its
12 implications for working with youth of color and their families. The
13 curriculum shall be developed by October 1, 1993. The commission shall
14 ensure that ethnic and diversity training becomes an integral part of
15 the training of law enforcement personnel so as to incorporate cultural
16 sensitivity and awareness into the daily activities of law enforcement
17 personnel.

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

20 The administrator for the courts shall, in cooperation with
21 juvenile courts, develop informational materials describing juvenile
22 laws and juvenile court processes and procedures related to such laws,
23 and make such information available to the public. Similar information
24 shall also be made available for the non-English speaking youth and
25 their families.

26 NEW SECTION. Sec. 6. A new section is added to chapter 13.04 RCW
27 to read as follows:

28 The administrator of juvenile court shall obtain interpreters as
29 needed, to enable non-English speaking youth and their families to
30 fully participate in detention, probation, or court proceedings and
31 programs.

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

34 No county shall be entitled to receive any state funds provided by
35 this chapter until its application and plan are approved, and unless

1 and until the minimum standards prescribed by the department of social
2 and health services are complied with and then only on such terms as
3 are set forth in this section. In addition, any county making
4 application for state funds under this chapter that also operates a
5 juvenile detention facility must have standards of operations in place
6 that include: Intake and admissions, medical and health care,
7 communication, correspondence, visiting and telephone use, security and
8 control, sanitation and hygiene, juvenile rights, rules and discipline,
9 property, juvenile records, safety and emergency procedures,
10 programming, release and transfer, training and staff development, and
11 food service.

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

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

27 (3) The secretary, in conjunction with the human rights commission,
28 shall evaluate the effectiveness of programs funded under this chapter
29 in reducing racial disproportionality. The secretary shall investigate
30 whether implementation of such programs has reduced disproportionality
31 in counties with initially high levels of disproportionality. The
32 analysis shall indicate which programs are cost-effective in reducing
33 disproportionality in such areas as alternatives to detention, intake
34 and risk assessment standards pursuant to RCW 13.40.038, alternatives
35 to incarceration, and in the prosecution and adjudication of juveniles.
36 The secretary shall report his or her findings to the legislature by
37 December 1, 1994, and December 1 of each year thereafter.

1 NEW SECTION. **Sec. 8.** The administrator for the courts shall
2 convene a working group to develop standards and guidelines for the
3 prosecution of juvenile offenders under Title 13 RCW, review any racial
4 disproportionality in diversion, and review the use of detention
5 facilities in a way to reduce racial disproportionality. The
6 administrator shall appoint:

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

9 (2) One superior court judge;

10 (3) One court commissioner;

11 (4) One juvenile court administrator;

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

13 (6) One representative of the department of social and health
14 services;

15 (7) One social researcher with expertise in juvenile or criminal
16 justice;

17 (8) Two representatives of child advocacy groups recommended by the
18 governor; and

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

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

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

26 (1) It is the responsibility of the commission to: (a)(i) Evaluate
27 the effectiveness of existing disposition standards and related
28 statutes in implementing policies set forth in RCW 13.40.010 generally
29 ~~((and))~~, (ii) specifically review the guidelines relating to the
30 confinement of minor and first offenders as well as the use of
31 diversion, and (iii) review the application of current and proposed
32 juvenile sentencing standards and guidelines for potential adverse
33 impacts on the sentencing outcomes of racial and ethnic minority youth;
34 (b) solicit the comments and suggestions of the juvenile justice
35 community concerning disposition standards; and (c) make
36 recommendations to the legislature regarding revisions or modifications
37 of the disposition standards in accordance with RCW 13.40.030. The

1 evaluations shall be submitted to the legislature (~~by December 1,~~
2 ~~1992, and~~) on December 1 of each even-numbered year thereafter.

3 (2) It is the responsibility of the department to: (a) Provide the
4 commission with available data concerning the implementation of the
5 disposition standards and related statutes and their effect on the
6 performance of the department's responsibilities relating to juvenile
7 offenders; (b) at the request of the commission, provide technical and
8 administrative assistance to the commission in the performance of its
9 responsibilities; and (c) provide the commission and legislature with
10 recommendations for modification of the disposition standards.

11 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
12 this act, referencing this act by bill number, is not provided by June
13 30, 1993, in the omnibus appropriations act, this act shall be null and
14 void."

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16 By Committee on Ways & Means

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18 On page 1, line 2 of the title, after "recommendations;" strike the
19 remainder of the title and insert "amending RCW 2.56.030, 13.06.050,
20 and 13.40.027; adding a new section to chapter 43.101 RCW; adding a new
21 section to chapter 2.56 RCW; adding a new section to chapter 13.04 RCW;
22 and creating new sections."

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