

---

**SUBSTITUTE HOUSE BILL 1966**

---

**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, 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 13.06.050 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 representative of the juvenile disposition standards board;

29 (5) One representative of the department of social and health  
30 services;

31 (6) One social researcher with expertise in juvenile or criminal  
32 justice;

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

35 (8) Two persons recommended jointly by the Washington state  
36 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.

--- END ---