

2 **E2SSB 6445** - H COMM AMD **ADOPTED AS AMENDED 3/4/98**

3 By Committee on Criminal Justice & Corrections

4

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

7 "NEW SECTION. Sec. 1. It is the intent of the legislature to:

8 (1) Enhance public safety and maximize the rehabilitative potential
9 of juvenile offenders through modifications to licensed community
10 residential placements for juveniles;

11 (2) Ensure community support for community facilities by enabling
12 community participation in decisions involving these facilities and
13 assuring the safety of communities in which community facilities for
14 juvenile offenders are located; and

15 (3) Improve public safety by strengthening the safeguards in
16 placement, oversight, and monitoring of the juvenile offenders placed
17 in the community, and by establishing minimum standards for operation
18 of licensed residential community facilities. The legislature finds
19 that community support and participation is vital to the success of
20 community programming.

21 **Sec. 2.** RCW 72.05.020 and 1979 c 141 s 178 are each amended to
22 read as follows:

23 As used in this chapter, unless the context requires otherwise:

24 (1) "Community facility" means a group care facility operated for
25 the care of juveniles committed to the department under RCW 13.40.185.
26 A county detention facility that houses juveniles committed to the
27 department under RCW 13.40.185 pursuant to a contract with the
28 department is not a community facility.

29 (2) "Department" means the department of social and health
30 services.

31 (3) "Juvenile" means a person under the age of twenty-one who has
32 been sentenced to a term of confinement under the supervision of the
33 department under RCW 13.40.185.

34 (4) "Service provider" means the entity that operates a community
35 facility.

1 **Sec. 3.** RCW 74.15.020 and 1997 c 245 s 7 are each amended to read
2 as follows:

3 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
4 otherwise clearly indicated by the context thereof, the following terms
5 shall mean:

6 (1) "Department" means the state department of social and health
7 services;

8 (2) "Secretary" means the secretary of social and health services;

9 (3) "Agency" means any person, firm, partnership, association,
10 corporation, or facility which receives children, expectant mothers, or
11 persons with developmental disabilities for control, care, or
12 maintenance outside their own homes, or which places, arranges the
13 placement of, or assists in the placement of children, expectant
14 mothers, or persons with developmental disabilities for foster care or
15 placement of children for adoption, and shall include the following
16 irrespective of whether there is compensation to the agency or to the
17 children, expectant mothers or persons with developmental disabilities
18 for services rendered:

19 (a) "Group-care facility" means an agency, other than a foster-
20 family home, which is maintained and operated for the care of a group
21 of children on a twenty-four hour basis;

22 (b) "Child-placing agency" means an agency which places a child or
23 children for temporary care, continued care, or for adoption;

24 (c) "Maternity service" means an agency which provides or arranges
25 for care or services to expectant mothers, before or during
26 confinement, or which provides care as needed to mothers and their
27 infants after confinement;

28 (d) "Child day-care center" means an agency which regularly
29 provides care for a group of children for periods of less than twenty-
30 four hours;

31 (e) "Family day-care provider" means a child day-care provider who
32 regularly provides child day care for not more than twelve children in
33 the provider's home in the family living quarters;

34 (f) "Foster-family home" means an agency which regularly provides
35 care on a twenty-four hour basis to one or more children, expectant
36 mothers, or persons with developmental disabilities in the family abode
37 of the person or persons under whose direct care and supervision the
38 child, expectant mother, or person with a developmental disability is
39 placed;

1 (g) "Crisis residential center" means an agency which is a
2 temporary protective residential facility operated to perform the
3 duties specified in chapter 13.32A RCW, in the manner provided in RCW
4 74.13.032 through 74.13.036;

5 (h) "Community facility" means a group care facility operated for
6 the care of juveniles committed to the department under RCW 13.40.185.
7 A county detention facility that houses juveniles committed to the
8 department under RCW 13.40.185 pursuant to a contract with the
9 department is not a community facility;

10 (i) "Service provider" means the entity that operates a community
11 facility.

12 (4) "Agency" shall not include the following:

13 (a) Persons related to the child, expectant mother, or person with
14 developmental disability in the following ways:

15 (i) Any blood relative, including those of half-blood, and
16 including first cousins, nephews or nieces, and persons of preceding
17 generations as denoted by prefixes of grand, great, or great-great;

18 (ii) Stepfather, stepmother, stepbrother, and stepsister;

19 (iii) A person who legally adopts a child or the child's parent as
20 well as the natural and other legally adopted children of such persons,
21 and other relatives of the adoptive parents in accordance with state
22 law;

23 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
24 subsection (4)(a), even after the marriage is terminated; or

25 (v) Extended family members, as defined by the law or custom of the
26 Indian child's tribe or, in the absence of such law or custom, a person
27 who has reached the age of eighteen and who is the Indian child's
28 grandparent, aunt or uncle, brother or sister, brother-in-law or
29 sister-in-law, niece or nephew, first or second cousin, or stepparent
30 who provides care in the family abode on a twenty-four-hour basis to an
31 Indian child as defined in 25 U.S.C. Sec. 1903(4);

32 (b) Persons who are legal guardians of the child, expectant mother,
33 or persons with developmental disabilities;

34 (c) Persons who care for a neighbor's or friend's child or
35 children, with or without compensation, where: (i) The person
36 providing care for periods of less than twenty-four hours does not
37 conduct such activity on an ongoing, regularly scheduled basis for the
38 purpose of engaging in business, which includes, but is not limited to,
39 advertising such care; or (ii) the parent and person providing care on

1 a twenty-four-hour basis have agreed to the placement in writing and
2 the state is not providing any payment for the care;

3 (d) Parents on a mutually cooperative basis exchange care of one
4 another's children;

5 (e) A person, partnership, corporation, or other entity that
6 provides placement or similar services to exchange students or
7 international student exchange visitors or persons who have the care of
8 an exchange student in their home;

9 (f) Nursery schools or kindergartens which are engaged primarily in
10 educational work with preschool children and in which no child is
11 enrolled on a regular basis for more than four hours per day;

12 (g) Schools, including boarding schools, which are engaged
13 primarily in education, operate on a definite school year schedule,
14 follow a stated academic curriculum, accept only school-age children
15 and do not accept custody of children;

16 (h) Seasonal camps of three months' or less duration engaged
17 primarily in recreational or educational activities;

18 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
19 performing functions defined in chapter 70.41 RCW, nursing homes
20 licensed under chapter 18.51 RCW and boarding homes licensed under
21 chapter 18.20 RCW;

22 (j) Licensed physicians or lawyers;

23 (k) Facilities providing care to children for periods of less than
24 twenty-four hours whose parents remain on the premises to participate
25 in activities other than employment;

26 (l) Facilities approved and certified under chapter 71A.22 RCW;

27 (m) Any agency having been in operation in this state ten years
28 prior to June 8, 1967, and not seeking or accepting moneys or
29 assistance from any state or federal agency, and is supported in part
30 by an endowment or trust fund;

31 (n) Persons who have a child in their home for purposes of
32 adoption, if the child was placed in such home by a licensed child-
33 placing agency, an authorized public or tribal agency or court or if a
34 replacement report has been filed under chapter 26.33 RCW and the
35 placement has been approved by the court;

36 (o) An agency operated by any unit of local, state, or federal
37 government or an agency, located within the boundaries of a federally
38 recognized Indian reservation, licensed by the Indian tribe;

1 (p) An agency located on a federal military reservation, except
2 where the military authorities request that such agency be subject to
3 the licensing requirements of this chapter.

4 (5) "Requirement" means any rule, regulation, or standard of care
5 to be maintained by an agency.

6 (6) "Probationary license" means a license issued as a disciplinary
7 measure to an agency that has previously been issued a full license but
8 is out of compliance with licensing standards.

9 (7) "Juvenile" means a person under the age of twenty-one who has
10 been sentenced to a term of confinement under the supervision of the
11 department under RCW 13.40.185.

12 **Sec. 4.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are
13 each reenacted and amended to read as follows:

14 (1) For purposes of this chapter:

15 (a) "Juvenile justice or care agency" means any of the following:
16 Police, diversion units, court, prosecuting attorney, defense attorney,
17 detention center, attorney general, the legislative children's
18 oversight committee, the office of family and children's ombudsman, the
19 department of social and health services and its contracting agencies,
20 schools; (~~and, in addition,~~) persons or public or private agencies
21 having children committed to their custody; and any placement oversight
22 committee created under section 9 of this act;

23 (b) "Official juvenile court file" means the legal file of the
24 juvenile court containing the petition or information, motions,
25 memorandums, briefs, findings of the court, and court orders;

26 (c) "Social file" means the juvenile court file containing the
27 records and reports of the probation counselor;

28 (d) "Records" means the official juvenile court file, the social
29 file, and records of any other juvenile justice or care agency in the
30 case.

31 (2) Each petition or information filed with the court may include
32 only one juvenile and each petition or information shall be filed under
33 a separate docket number. The social file shall be filed separately
34 from the official juvenile court file.

35 (3) It is the duty of any juvenile justice or care agency to
36 maintain accurate records. To this end:

37 (a) The agency may never knowingly record inaccurate information.
38 Any information in records maintained by the department of social and

1 health services relating to a petition filed pursuant to chapter 13.34
2 RCW that is found by the court(~~(, upon proof presented,)~~) to be false
3 or inaccurate shall be corrected or expunged from such records by the
4 agency;

5 (b) An agency shall take reasonable steps to assure the security of
6 its records and prevent tampering with them; and

7 (c) An agency shall make reasonable efforts to insure the
8 completeness of its records, including action taken by other agencies
9 with respect to matters in its files.

10 (4) Each juvenile justice or care agency shall implement procedures
11 consistent with the provisions of this chapter to facilitate inquiries
12 concerning records.

13 (5) Any person who has reasonable cause to believe information
14 concerning that person is included in the records of a juvenile justice
15 or care agency and who has been denied access to those records by the
16 agency may make a motion to the court for an order authorizing that
17 person to inspect the juvenile justice or care agency record concerning
18 that person. The court shall grant the motion to examine records
19 unless it finds that in the interests of justice or in the best
20 interests of the juvenile the records or parts of them should remain
21 confidential.

22 (6) A juvenile, or his or her parents, or any person who has
23 reasonable cause to believe information concerning that person is
24 included in the records of a juvenile justice or care agency may make
25 a motion to the court challenging the accuracy of any information
26 concerning the moving party in the record or challenging the continued
27 possession of the record by the agency. If the court grants the
28 motion, it shall order the record or information to be corrected or
29 destroyed.

30 (7) The person making a motion under subsection (5) or (6) of this
31 section shall give reasonable notice of the motion to all parties to
32 the original action and to any agency whose records will be affected by
33 the motion.

34 (8) The court may permit inspection of records by, or release of
35 information to, any clinic, hospital, or agency which has the subject
36 person under care or treatment. The court may also permit inspection
37 by or release to individuals or agencies, including juvenile justice
38 advisory committees of county law and justice councils, engaged in
39 legitimate research for educational, scientific, or public purposes.

1 The court may also permit inspection of, or release of information
2 from, records which have been sealed pursuant to RCW 13.50.050(11).
3 The court shall release to the sentencing guidelines commission records
4 needed for its research and data-gathering functions under RCW
5 9.94A.040 and other statutes. Access to records or information for
6 research purposes shall be permitted only if the anonymity of all
7 persons mentioned in the records or information will be preserved.
8 Each person granted permission to inspect juvenile justice or care
9 agency records for research purposes shall present a notarized
10 statement to the court stating that the names of juveniles and parents
11 will remain confidential.

12 (9) Juvenile detention facilities shall release records to the
13 sentencing guidelines commission under RCW 9.94A.040 upon request. The
14 commission shall not disclose the names of any juveniles or parents
15 mentioned in the records without the named individual's written
16 permission.

17 (10) Requirements in this chapter relating to the court's authority
18 to compel disclosure shall not apply to the legislative children's
19 oversight committee or the office of the family and children's
20 ombudsman.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.05 RCW
22 to read as follows:

23 (1) Whenever the department operates, or the secretary enters a
24 contract to operate, a community facility, the community facility may
25 be operated only after the public notification and opportunities for
26 review and comment as required by this section.

27 (2) The secretary shall establish a process for early and
28 continuous public participation in establishing or relocating community
29 facilities. The process shall include, at a minimum, public meetings
30 in the local communities affected, as well as opportunities for written
31 and oral comments, in the following manner:

32 (a) If there are more than three sites initially selected as
33 potential locations and the selection process by the secretary or a
34 service provider reduces the number of possible sites for a community
35 facility to no fewer than three, the secretary or the chief operating
36 officer of the service provider shall notify the public of the possible
37 siting and hold at least two public hearings in each community where a
38 community facility may be sited.

1 (b) When the secretary or service provider has determined the
2 community facility's location, the secretary or the chief operating
3 officer of the service provider shall hold at least one additional
4 public hearing in the community where the community facility will be
5 sited.

6 (c) When the secretary has entered negotiations with a service
7 provider and only one site is under consideration, then at least two
8 public hearings shall be held.

9 (d) To provide adequate notice of, and opportunity for interested
10 persons to comment on, a proposed location, the secretary or the chief
11 operating officer of the service provider shall provide at least
12 fourteen days advance notice of the meeting to all newspapers of
13 general circulation in the community, all radio and television stations
14 generally available to persons in the community, any school district in
15 which the community facility would be sited or whose boundary is within
16 two miles of a proposed community facility, any library district in
17 which the community facility would be sited, local business or
18 fraternal organizations that request notification from the secretary or
19 agency, and any person or property owner within a one-half mile radius
20 of the proposed community facility. Before initiating this process,
21 the department shall contact local government planning agencies in the
22 communities containing the proposed community facility. The department
23 shall coordinate with local government agencies to ensure that
24 opportunities are provided for effective citizen input and to reduce
25 the duplication of notice and meetings.

26 (3) The secretary shall not issue a license to any service provider
27 until the service provider submits proof that the requirements of this
28 section have been met.

29 (4) This section shall apply only to community facilities sited
30 after the effective date of this act.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.05 RCW
32 to read as follows:

33 The department shall adopt an infraction policy for juveniles
34 placed in community facilities. The policy shall require written
35 documentation by the department and service providers of all
36 infractions and violations by juveniles of conditions set by the
37 department. Any juvenile who commits a serious infraction or a serious
38 violation of conditions set by the department shall be returned to an

1 institution. The secretary shall not return a juvenile to a community
2 facility until a new risk assessment has been completed and the
3 secretary reasonably believes that the juvenile can adhere to the
4 conditions set by the department. The department shall define the
5 terms "serious infraction" and "serious violation" in rule and shall
6 include but not necessarily limited to the commission of any criminal
7 offense, any unlawful use or possession of a controlled substance, and
8 any use or possession of an alcoholic beverage.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW
10 to read as follows:

11 (1) Whenever the secretary contracts with a service provider to
12 operate a community facility, the contract shall include a requirement
13 that each service provider must report to the department any known
14 infraction or violation of conditions committed by any juvenile under
15 its supervision. The report must be made immediately upon learning of
16 serious infractions or violations and within twenty-four hours for
17 other infractions or violations.

18 (2) The secretary shall adopt rules to implement and enforce the
19 provisions of this section. The rules shall contain a schedule of
20 monetary penalties not to exceed the total compensation set forth in
21 the contract, and include provisions that allow the secretary to
22 terminate all contracts with a service provider that has violations of
23 this section and the rules adopted under this section.

24 (3) The secretary shall document in writing all violations of this
25 section and the rules adopted under this section, penalties, actions by
26 the department to remove juveniles from a community facility, and
27 contract terminations. The department shall give great weight to a
28 service provider's record of violations, penalties, actions by the
29 department to remove juveniles from a community facility, and contract
30 terminations in determining to execute, renew, or renegotiate a
31 contract with a service provider.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05 RCW
33 to read as follows:

34 (1) The department shall publish and operate a staffed, toll-free
35 twenty-four-hour hotline for the purpose of receiving reports of
36 violation of conditions set for juveniles who are placed in community
37 facilities.

1 (2) The department shall include the phone number on all documents
2 distributed to the juvenile and the juvenile's employer, school,
3 parents, and treatment providers.

4 (3) The department shall include the phone number in every contract
5 it executes with any service provider after the effective date of this
6 act.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05 RCW
8 to read as follows:

9 (1) Promptly following the report due under section 17 of this act,
10 the secretary shall develop a process with local governments that
11 allows each community to establish a community placement oversight
12 committee. The department may conduct community awareness activities.
13 The community placement oversight committees developed pursuant to this
14 section shall be implemented no later than September 1, 1999.

15 (2) The community placement oversight committees may review and
16 make recommendations regarding the placement of any juvenile who the
17 secretary proposes to place in the community facility.

18 (3) The community placement oversight committees, their members,
19 and any agency represented by a member shall not be liable in any cause
20 of action as a result of its decision in regard to a proposed placement
21 of a juvenile unless the committee acts with gross negligence or bad
22 faith in making a placement decision.

23 (4) Members of the committee shall be reimbursed for travel
24 expenses as provided in RCW 43.03.050 and 43.03.060.

25 (5) Except as provided in RCW 13.40.215, at least seventy-two hours
26 prior to placing a juvenile in a community facility the secretary shall
27 provide to the chief law enforcement officer of the jurisdiction in
28 which the community facility is sited: (a) The name of the juvenile;
29 (b) the juvenile's criminal history; and (c) such other relevant and
30 disclosable information as the law enforcement officer may require.

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.05 RCW
32 to read as follows:

33 (1) The department shall not initially place an offender in a
34 community facility unless:

35 (a) The department has conducted a risk assessment, including a
36 determination of drug and alcohol abuse, and the results indicate the
37 juvenile will pose not more than a minimum risk to public safety; and

1 (b) The offender has spent at least ten percent of his or her
2 sentence, but in no event less than thirty days, in a secure
3 institution operated by, or under contract with, the department.

4 The risk assessment must include consideration of all prior
5 convictions and all available nonconviction data released upon request
6 under RCW 10.97.050, and any serious infractions or serious violations
7 while under the jurisdiction of the secretary or the courts.

8 (2) No juvenile offender may be placed in a community facility
9 until the juvenile's student records and information have been received
10 and the department has reviewed them in conjunction with all other
11 information used for risk assessment, security classification, and
12 placement of the juvenile.

13 (3) A juvenile offender shall not be placed in a community facility
14 until the department's risk assessment and security classification is
15 complete and local law enforcement has been properly notified.

16 **Sec. 11.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to
17 read as follows:

18 School districts may participate in the exchange of information
19 with law enforcement and juvenile court officials to the extent
20 permitted by the family educational and privacy rights act of 1974, 20
21 U.S.C. Sec. 1232g. When directed by court order or pursuant to any
22 lawfully issued subpoena, a school district shall make student records
23 and information available to law enforcement officials, probation
24 officers, court personnel, and others legally entitled to the
25 information. Except as provided in section 12 of this act, parents and
26 students shall be notified by the school district of all such orders or
27 subpoenas in advance of compliance with them.

28 NEW SECTION. **Sec. 12.** A new section is added to chapter 13.40 RCW
29 to read as follows:

30 (1) Pursuant to RCW 28A.600.475, and to the extent permitted by the
31 family educational and privacy rights act of 1974, 20 U.S.C. Sec.
32 1232g(b), and in order to serve the juvenile while in detention and to
33 prepare any postconviction services, schools shall make all student
34 records and information necessary for risk assessment, security
35 classification, and placement available to court personnel and the
36 department within three working days of a request under this section.

1 (2)(a) When a juvenile has one or more prior convictions, a request
2 for records shall be made by the county prosecuting attorney, or
3 probation department if available, to the school not more than ten days
4 following the juvenile's arrest or detention, whichever occurs later,
5 and prior to trial. The request may be made by subpoena.

6 (b) Where a juvenile has no prior conviction, a request to release
7 records shall be made by subpoena upon the juvenile's conviction. When
8 the request for a juvenile's student records and information is made by
9 subpoena following conviction, the court or other issuing agency shall
10 order the school on which the subpoena is served not to disclose to any
11 person the existence or contents of the subpoena or any information
12 furnished in response to the subpoena. When the court or issuing
13 agency so orders, the school shall not provide notice to the juvenile
14 or his or her parents.

15 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.05 RCW
16 to read as follows:

17 (1) The department shall establish by rule, in consultation with
18 the office of the superintendent of public instruction, those student
19 records and information necessary to conduct a risk assessment, make a
20 security classification, and ensure proper placement. Those records
21 shall include at least:

22 (a) Any history of placement in special education programs;

23 (b) Any past, current, or pending disciplinary action;

24 (c) Any history of violent, aggressive, or disruptive behavior, or
25 gang membership, or behavior listed in RCW 13.04.155;

26 (d) Any use of weapons that is illegal or in violation of school
27 policy;

28 (e) Any history of truancy;

29 (f) Any drug or alcohol abuse;

30 (g) Any health conditions affecting the juvenile's placement needs;

31 and

32 (h) Any other relevant information.

33 (2) For purposes of this section "gang" has the meaning defined in
34 RCW 28A.225.225.

35 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.05 RCW
36 to read as follows:

1 (1) Whenever the department operates, or the secretary enters a
2 contract to operate, a community facility, the placement and
3 supervision of juveniles must be accomplished in accordance with this
4 section.

5 (2) The secretary shall require that any juvenile placed in a
6 community facility and who is employed or assigned as a volunteer be
7 subject to monitoring for compliance with requirements for attendance
8 at his or her job or assignment. The monitoring requirements shall be
9 included in a written agreement between the employer or supervisor, the
10 secretary or chief operating officer of the contracting agency, and the
11 juvenile. The requirements shall include, at a minimum, the following:

12 (a) Acknowledgment of the juvenile's offender status;

13 (b) The name, address, and telephone number of the community
14 facility at which the juvenile resides;

15 (c) The twenty-four-hour telephone number required under section 8
16 of this act;

17 (d) The name and work telephone number of all persons responsible
18 for the supervision of the juvenile;

19 (e) A prohibition on the juvenile's departure from the work or
20 volunteer site without prior approval of the person in charge of the
21 community facility;

22 (f) A prohibition on personal telephone calls except to the
23 community facility;

24 (g) A prohibition on receiving compensation in any form other than
25 a negotiable instrument;

26 (h) A requirement that rest breaks during work hours be taken only
27 in those areas at the location which are designated for such breaks;

28 (i) A prohibition on visits from persons not approved in advance by
29 the person in charge of the community facility;

30 (j) A requirement that any unexcused absence, tardiness, or
31 departure by the juvenile be reported immediately upon discovery to the
32 person in charge of the community facility;

33 (k) A requirement that any notice from the juvenile that he or she
34 will not report to the work or volunteer site be verified as legitimate
35 by contacting the person in charge of the community facility; and

36 (l) An agreement that the community facility will conduct and
37 document random visits to determine compliance by the juvenile with the
38 terms of this section.

1 (3) The secretary shall require that any juvenile placed in a
2 community facility and who is enrolled in a public or private school be
3 subject to monitoring for compliance with requirements for attendance
4 at his or her school. The monitoring requirements shall be included in
5 a written agreement between the school district or appropriate
6 administrative officer, the secretary or chief operating officer of the
7 contracting agency, and the juvenile. The requirements shall include,
8 at a minimum, the following:

9 (a) Acknowledgment of the juvenile's offender status;

10 (b) The name, address, and telephone number of the community
11 facility at which the juvenile resides;

12 (c) The twenty-four-hour telephone number required under section 8
13 of this act;

14 (d) The name and work telephone number of at least two persons at
15 the school to contact if issues arise concerning the juvenile's
16 compliance with the terms of his or her attendance at school;

17 (e) A prohibition on the juvenile's departure from the school
18 without prior approval of the appropriate person at the school;

19 (f) A prohibition on personal telephone calls except to the
20 community facility;

21 (g) A requirement that the juvenile remain on school grounds except
22 for authorized and supervised school activities;

23 (h) A prohibition on visits from persons not approved in advance by
24 the person in charge of the community facility;

25 (i) A requirement that any unexcused absence or departure by the
26 juvenile be reported immediately upon discovery to the person in charge
27 of the community facility;

28 (j) A requirement that any notice from the juvenile that he or she
29 will not attend school be verified as legitimate by contacting the
30 person in charge of the community facility; and

31 (k) An agreement that the community facility will conduct and
32 document random visits to determine compliance by the juvenile with the
33 terms of this section.

34 (4) The secretary shall require that when any juvenile placed in a
35 community facility is employed, assigned as a volunteer, or enrolled in
36 a public or private school:

37 (a) Program staff members shall make and document periodic and
38 random accountability checks while the juvenile is at the school or
39 work facility;

1 (b) A program counselor assigned to the juvenile shall contact the
2 juvenile's employer, teacher, or school counselor regularly to discuss
3 school or job performance-related issues.

4 (5) The department shall maintain a copy of all agreements executed
5 under this section. The department shall also provide each affected
6 juvenile with a copy of every agreement to which he or she is a party.
7 The service provider shall maintain a copy of every agreement it
8 executes under this section.

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.05 RCW
10 to read as follows:

11 (1) The department shall establish by rule a policy for the common
12 use of residential group homes for juvenile offenders under the
13 jurisdiction of the juvenile rehabilitation administration and the
14 children's administration.

15 (2) A juvenile confined under the jurisdiction of the juvenile
16 rehabilitation administration who is convicted of a class A felony is
17 not eligible for placement in a community facility operated by
18 children's administration that houses juveniles who are not under the
19 jurisdiction of juvenile rehabilitation administration unless:

20 (a) The juvenile is housed in a separate living unit solely for
21 juvenile offenders;

22 (b) The community facility is a specialized treatment program and
23 the youth is not assessed as sexually aggressive under RCW 13.40.470;
24 or

25 (c) The community facility is a specialized treatment program that
26 houses one or more sexually aggressive youth and the juvenile is not
27 assessed as sexually vulnerable under RCW 13.40.470.

28 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.05 RCW
29 to read as follows:

30 (1) A person shall not be eligible for an employed or volunteer
31 position within the juvenile rehabilitation administration or any
32 agency with which it contracts in which the person may have regular
33 access to juveniles under the jurisdiction of the department of social
34 and health services or the department of corrections if the person has
35 been convicted of one or more of the following:

36 (a) Any felony sex offense;

37 (b) Any violent offense, as defined in RCW 9.94A.030.

1 (2) Subsection (1) of this section applies only to persons hired by
2 the department or any of its contracting agencies after the effective
3 date of this act.

4 (3) Any person employed by the juvenile rehabilitation
5 administration, or by any contracting agency, who may have regular
6 access to juveniles under the jurisdiction of the department or the
7 department of corrections and who is convicted of an offense set forth
8 in this section after the effective date of this act, shall report the
9 conviction to his or her supervisor. The report must be made within
10 seven days of conviction. Failure to report within seven days of
11 conviction constitutes misconduct under Title 50 RCW.

12 (4) For purposes of this section "may have regular access to
13 juveniles" means access for more than a nominal amount of time.

14 (5) The department shall adopt rules to implement this section.

15 NEW SECTION. **Sec. 17.** (1) The Washington state institute for
16 public policy shall conduct a special study of the contracts,
17 operations, and monitoring of community residential facilities that
18 house juvenile offenders who are under the jurisdiction of the
19 department's juvenile rehabilitation administration.

20 (2) The institute must consult with nearby residents, local
21 sheriffs and police chiefs, courts, probation departments, schools, and
22 employers in the community in which the community residential facility
23 is located.

24 (3) The institute shall investigate and report on at least the
25 following issues:

26 (a) Community residential security, staffing, and operation:

27 (i) Are the facilities physically secured with door locks, alarms,
28 video monitors, and other security features so that staff are
29 immediately aware of any unauthorized exits or unauthorized visitors?
30 Which homes are not?

31 (ii) What legal barriers exist, if any, that prevent equipping
32 community residential facilities with locks, alarms, video monitors,
33 and other equipment that would make the facilities more physically
34 secure?

35 (iii) How much would it cost to equip community residential
36 facilities with security equipment?

37 (iv) For each facility describe:

38 (A) The staffing level by shift;

- 1 (B) The times, if any, in which offenders are either locked inside
2 secure rooms or locked inside the facility;
- 3 (C) What constitutes an escape;
- 4 (D) How much time must elapse before an unauthorized absence
5 becomes an escape;
- 6 (E) The escape reporting procedure;
- 7 (F) Who may visit the offender and at what hours;
- 8 (G) What is the screening process used to authorize visitors;
- 9 (H) What controls exist to monitor and regulate persons who visit
10 the facilities; and
- 11 (I) Whether offenders share bedrooms.
- 12 (v) Describe the monitoring level by the juvenile rehabilitation
13 administration and specifically address the following:
- 14 (A) How often does the juvenile rehabilitation staff visit the
15 community residential facilities?
- 16 (B) How many of these visits are random, unannounced, or conducted
17 at night and on weekends and holidays?
- 18 (C) What does the juvenile rehabilitation staff person investigate
19 when conducting these visits?
- 20 (D) How often does the juvenile rehabilitation staff contact
21 neighbors, schools, employers, and law enforcement to determine whether
22 juvenile offenders in the community residential facilities are
23 disruptive or that staff is responsive to community concerns?
- 24 (b) Offender intake and assessment procedures:
- 25 (i) Identify procedural and financial barriers to sharing
26 information about juvenile offenders in community residential
27 facilities between the juvenile rehabilitation administration, schools,
28 courts, law enforcement, other department of social and health
29 services' programs including the division of children and family
30 services and the division of alcohol and substance abuse, and the
31 public.
- 32 (ii) What authority does the state have to remove the barriers?
- 33 (iii) Identify what entity is responsible for collecting risk
34 assessment data. Describe the process and if it varies in different
35 counties.
- 36 (iv) What types and sources of data are being collected
37 inconsistently?
- 38 (v) What types and sources of data are being used inconsistently in
39 performing risk assessments?

1 (vi) What safeguards exist to ensure that assessments are being
2 made with complete information?

3 (c) Violations or infractions committed by juvenile offenders in
4 community residential facilities:

5 (i) How many violations, by type and seriousness level, have
6 occurred or have been reported about juvenile offenders residing in
7 community residential facilities during fiscal year 1997?

8 (ii) What appeals process, if any, exists that governs an
9 offender's appeal from a finding that the offender committed an
10 infraction?

11 (d) Community notification and participation in the facility siting
12 and offender placement process:

13 (i) What process, if any, does the juvenile rehabilitation
14 administration use to notify local law enforcement, residents, schools,
15 and businesses that a community residential facility that will house
16 juvenile offenders will be located in a particular place?

17 (ii) What process, if any, does the juvenile rehabilitation
18 administration or the community residential facilities use to notify
19 the individuals and entities identified in (d)(i) of this subsection
20 regarding the placement of specific offenders into a community
21 residential facility?

22 (iii) To what extent, if any, does the juvenile rehabilitation
23 administration or the community residential facility seek public
24 comment on or participation in siting community residential facilities
25 or placing particular offenders in those facilities?

26 (iv) Compare the department of corrections' practices in obtaining
27 community comment and participation in siting facilities and placement
28 of offenders;

29 (v) Identify models in other jurisdictions that provide for greater
30 community comment and participation in siting facilities and placement
31 of offenders;

32 (vi) Identify any legal, procedural, practical barriers to
33 increasing community comment and participation in siting facilities and
34 placement of offenders.

35 (e) Juvenile detention standards:

36 (i) What standards are in place and proposed for all existing and
37 planned detention facilities in this state?

1 (ii) What is the current compliance of detention standards with
2 recommended American correctional association standards and those
3 delineated in RCW 13.06.050?

4 (iii) What concerns, problems, or issues regarding current
5 standards have a direct impact on the safety and health of offenders,
6 staff, and the community?

7 (iv) Identify and make recommendations with regard to the
8 improvements needed including a timeline for the implementation of such
9 improvements;

10 (v) Recommend a schedule for periodic review of juvenile detention
11 standards;

12 (vi) Analyze the costs to implement the recommendations in
13 accordance with the recommended timeline.

14 (f) Recidivism rates of juveniles receiving parole services who are
15 not sex offenders or receiving services under RCW 13.40.212, compared
16 with juveniles who do not receive parole services.

17 (4) The institute shall recommend changes to existing laws,
18 procedures, and practices governing community residential facilities to
19 increase public safety, community residential facility security,
20 protection of juvenile offenders housed in community residential
21 facilities, and community comment and participation in siting
22 facilities and placement of offenders. The institute shall also
23 identify costs associated with implementing recommended changes.

24 (5) An initial status report of the progress of the study shall be
25 presented to the senate human services and corrections committee and
26 the house criminal justice and corrections committee no later than
27 September 1, 1998. The institute shall present a final report to those
28 committees no later than December 1, 1998.

29 NEW SECTION. **Sec. 18.** The code reviser shall alphabetize the
30 definitions in RCW 13.50.010 and 74.15.020 and correct any references.

31 NEW SECTION. **Sec. 19.** This act takes effect September 1, 1998.

32 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
33 this act, referencing this act by bill or chapter number, is not
34 provided by June 30, 1998, in the omnibus appropriations act, this act
35 is null and void."

1 Correct the title.

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