

2 SHB 1968 - S COMM AMD

3 By Committee on Human Services & Corrections

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the placement of
8 children and youth in state-operated or state-funded residential
9 facilities must be done in such a manner as to protect children who are
10 vulnerable to sexual victimization from youth who are sexually
11 aggressive. To achieve this purpose, the legislature intends the
12 department of social and health services to develop a policy for
13 assessing sexual aggressiveness and vulnerability to sexual
14 victimization of children and youth who are placed in state-operated or
15 state-funded residential facilities.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
17 to read as follows:

18 (1) The department shall implement a policy for protecting youth
19 committed to state-operated or state-funded residential facilities
20 under this chapter who are vulnerable to sexual victimization by other
21 youth committed to those facilities who are sexually aggressive. The
22 policy shall include, at a minimum, the following elements:

23 (a) Development and use of an assessment process for identifying
24 youth, within thirty days of commitment to the department, who present
25 a moderate or high risk of sexually aggressive behavior for the
26 purposes of this section. The assessment process need not require that
27 every youth who is adjudicated or convicted of a sex offense as defined
28 in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a
29 sex offense adjudication or conviction be required in order to
30 determine a youth is sexually aggressive. Instead, the assessment
31 process shall consider the individual circumstances of the youth,
32 including his or her age, physical size, sexual abuse history, mental
33 and emotional condition, and other factors relevant to sexual
34 aggressiveness. The definition of "sexually aggressive youth" in RCW

1 74.13.075 does not apply to this section to the extent that it
2 conflicts with this section;

3 (b) Development and use of an assessment process for identifying
4 youth, within thirty days of commitment to the department, who may be
5 vulnerable to victimization by youth identified under (a) of this
6 subsection as presenting a moderate or high risk of sexually aggressive
7 behavior. The assessment process shall consider the individual
8 circumstances of the youth, including his or her age, physical size,
9 sexual abuse history, mental and emotional condition, and other factors
10 relevant to vulnerability;

11 (c) Development and use of placement criteria to avoid assigning
12 youth who present a moderate or high risk of sexually aggressive
13 behavior to the same sleeping quarters as youth assessed as vulnerable
14 to sexual victimization, except that they may be assigned to the same
15 multiple-person sleeping quarters if those sleeping quarters are
16 regularly monitored by visual surveillance equipment or staff checks;

17 (d) Development and use of procedures for minimizing, within
18 available funds, unsupervised contact in state-operated or state-funded
19 residential facilities between youth presenting moderate to high risk
20 of sexually aggressive behavior and youth assessed as vulnerable to
21 sexual victimization. The procedures shall include taking reasonable
22 steps to prohibit any youth committed under this chapter who present a
23 moderate to high risk of sexually aggressive behavior from entering any
24 sleeping quarters other than the one to which they are assigned, unless
25 accompanied by an authorized adult.

26 (2) For the purposes of this section, the following terms have the
27 following meanings:

28 (a) "Sleeping quarters" means the bedrooms or other rooms within a
29 residential facility where youth are assigned to sleep.

30 (b) "Unsupervised contact" means contact occurring outside the
31 sight or hearing of a responsible adult for more than a reasonable
32 period of time under the circumstances.

33 NEW SECTION. **Sec. 3.** The department of social and health services
34 shall report to the legislature by December 1, 1997, on the following:

35 (1) Development of the assessment process for identifying youth who
36 present a moderate to high risk of sexually aggressive behavior for the
37 purposes of this act; (2) development of the assessment process for
38 determining when a youth may be vulnerable to victimization by youth

1 who present a moderate to high risk of sexually aggressive behavior for
2 the purposes of this act; and (3) development of the placement criteria
3 and procedures required under section 2(1)(c) and (d) of this act.

4 NEW SECTION. **Sec. 4.** The policy developed under section 2 of this
5 act shall be implemented within the juvenile rehabilitation
6 administration by January 1, 1998.

7 NEW SECTION. **Sec. 5.** The department of social and health services
8 shall provide an evaluation of the implementation of this act to the
9 legislature by December 1, 1998. The evaluation shall identify: (1)
10 The number of youth assessed as presenting a moderate to high risk of
11 sexually aggressive behavior; (2) the number of youth assessed as being
12 vulnerable to victimization; (3) the effectiveness of avoiding
13 assigning youth who present a moderate or high risk of sexually
14 aggressive behavior to the same sleeping quarters as youth assessed as
15 being vulnerable to sexual victimization by utilizing the assessment
16 and placement process set forth in section 2 of this act; (4) the
17 effectiveness of minimizing, within available funds, unsupervised
18 contact between youth who present a moderate or high risk of sexually
19 aggressive behavior and youth assessed as being vulnerable to sexual
20 victimization utilizing the procedures set forth in section 2 of this
21 act; and (5) the number of youth identified as moderate to high risk of
22 sexually aggressive behavior who were placed in department of social
23 and health services community residential settings during their period
24 of parole with a youth who is not a juvenile offender and is found to
25 be dependent under chapter 13.34 RCW or an at-risk youth or child in
26 need of services under chapter 13.32A RCW. The department shall
27 identify the resources necessary to provide separate placements for
28 youth identified in this subsection and shall identify alternative
29 administrative processes for managing the placement of these youth.

30 **Sec. 6.** RCW 13.40.460 and 1994 sp.s. c 7 s 516 are each amended to
31 read as follows:

32 The secretary, assistant secretary, or the secretary's designee
33 shall manage and administer the department's juvenile rehabilitation
34 responsibilities, including but not limited to the operation of all
35 state institutions or facilities used for juvenile rehabilitation.

36 The secretary or assistant secretary shall:

1 (1) Prepare a biennial budget request sufficient to meet the
2 confinement and rehabilitative needs of the juvenile rehabilitation
3 program, as forecast by the office of financial management;

4 (2) Create by rule a formal system for inmate classification. This
5 classification system shall consider:

6 (a) Public safety;

7 (b) Internal security and staff safety; (~~and~~)

8 (c) Rehabilitative resources both within and outside the
9 department;

10 (d) An assessment of each offender's risk of sexually aggressive
11 behavior as provided in section 2 of this act; and

12 (e) An assessment of each offender's vulnerability to sexually
13 aggressive behavior as provided in section 2 of this act;

14 (3) Develop agreements with local jurisdictions to develop regional
15 facilities with a variety of custody levels;

16 (4) Adopt rules establishing effective disciplinary policies to
17 maintain order within institutions;

18 (5) Develop a comprehensive diagnostic evaluation process to be
19 used at intake, including but not limited to evaluation for substance
20 addiction or abuse, literacy, learning disabilities, fetal alcohol
21 syndrome or effect, attention deficit disorder, and mental health;

22 (6) Develop placement criteria:

23 (a) To avoid assigning youth who present a moderate or high risk of
24 sexually aggressive behavior to the same sleeping quarters as youth
25 assessed as vulnerable to sexual victimization under section 2(1)(c) of
26 this act; and

27 (b) To avoid placing a juvenile offender on parole status who has
28 been assessed as a moderate to high risk for sexually aggressive
29 behavior in a department community residential program with another
30 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
31 youth or child in need of services under chapter 13.32A RCW; and (ii)
32 not also a juvenile offender on parole status;

33 (7) Develop a plan to implement, by July 1, 1995:

34 (a) Substance abuse treatment programs for all state juvenile
35 rehabilitation facilities and institutions;

36 (b) Vocational education and instruction programs at all state
37 juvenile rehabilitation facilities and institutions; and

38 (c) An educational program to establish self-worth and
39 responsibility in juvenile offenders. This educational program shall

1 emphasize instruction in character-building principles such as:
2 Respect for self, others, and authority; victim awareness;
3 accountability; work ethics; good citizenship; and life skills; and
4 ((+7)) (8) Study, in conjunction with the superintendent of public
5 instruction, educators, and superintendents of state facilities for
6 juvenile offenders, the feasibility and value of consolidating within
7 a single entity the provision of educational services to juvenile
8 offenders committed to state facilities. The assistant secretary shall
9 report his or her findings to the legislature by December 1, 1995.

10 NEW SECTION. **Sec. 7.** The policy developed under RCW
11 13.40.460(6)(b) shall be implemented within the juvenile rehabilitation
12 administration and the division of children and family services by July
13 1, 1998."

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17 On page 1, line 1 of the title, after "offenders;" strike the
18 remainder of the title and insert "amending RCW 13.40.460; adding a new
19 section to chapter 13.40 RCW; and creating new sections."

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