

HOUSE BILL REPORT

HB 2570

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to community residential facilities for juvenile offenders.

Brief Description: Ordering a study of community residential facilities.

Sponsors: Representatives Ballasiotes, O'Brien, Radcliff, Lambert, Dunshee, Costa and Mitchell.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/98, 2/4/98 [DP].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; Hickel; McCune; Mitchell and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: The Juvenile Rehabilitation Administration (JRA) utilizes state-operated group homes and contracts private group homes for many of its residents. Youth can be directly committed to these facilities or can be transferred after a stay in an institution. Transfer to these facilities is frequently used in JRA to facilitate the youth's successful transition back to the community.

There are seven state group homes providing 110 minimum security beds across the state of Washington. There are currently contracts with 21 private group homes for 262 beds.

Summary of Bill: The Department of Social and Health Services is responsible for conducting a special study of the contracts, operations, and monitoring of community residential facilities that house juvenile offenders who are under the jurisdiction of the department's Juvenile Rehabilitation Administration. This study must be done within the agency's existing funds.

The department must enter into a contract with an independent consultant to conduct the study. As part of the contract, the independent contractor must recommend changes to existing laws, procedures, and practices governing community residential facilities to increase public safety, community residential facility security, protection of juvenile offenders housed in community residential facilities, and community comment and participation in siting facilities and placement of offenders. The contractor must also identify costs associated with implementing recommended changes.

Requirements of the contract. The consultant is required to investigate and report on: community residential security, staffing, and operation, offender intake and assessment procedures, employee hiring practices and background checks, violations and infractions committed by offenders, and community notification and participation in the facility siting and offender placement process.

As part of the study on group homes, the contractor must consult with nearby residents, local sheriffs and police chiefs, courts, probation departments, schools, and employers in the community in which the community residential facility is located.

The independent consultant is also required to investigate and report on at least the following issues:

Community residential security, staffing, and operation:

- (1) Are the facilities physically secured with door locks, alarms, video monitors, and other security features so that staff are immediately aware of any unauthorized exits or unauthorized visitors? Which homes are not?
- (2) What legal barriers exist, if any, that prevent equipping community residential facilities with locks, alarms, video monitors, and other equipment that would make the facilities more physically secure?
- (3) How much would it cost to equip community residential facilities with security equipment?
- (4) For each facility describe:
 - (a) The staffing level by shift;
 - (b) The times, if any, in which offenders are either locked inside secure rooms or locked inside the facility;
 - (c) What constitutes an escape;
 - (d) How much time must elapse before an unauthorized absence becomes an escape;
 - (e) The escape reporting procedure;
 - (f) Who may visit the offender and at what hours;
 - (g) What is the screening process used to authorize visitors; and
 - (h) Whether offenders share bedrooms.
- (5) Describe the monitoring level by the juvenile rehabilitation administration and specifically address the following:

- (a) How often does the juvenile rehabilitation staff visit the community residential facilities?
- (b) How many of these visits are random, unannounced, or conducted at night and on weekends and holidays?
- (c) What does the juvenile rehabilitation staff person investigate when conducting these visits?
- (d) How often does the juvenile rehabilitation staff contact neighbors, schools, employers, and law enforcement to determine whether juvenile offenders in the community residential facilities are disruptive or that staff is responsive to community concerns?

Offender intake and assessment procedures:

- (6) Identify legal, procedural, and financial barriers to sharing information about juvenile offenders in community residential facilities between the Juvenile Rehabilitation Administration, schools, courts, law enforcement, other Department of Social and Health Services programs including the Division of Children and Family Services and the Division of Alcohol and Substance Abuse, and the public.
- (7) What authority does the state have to remove the barriers?
- (8) Identify what entity, the county, the juvenile rehabilitation administration, or the community residential facility, is responsible for collecting risk assessment data. Describe the process and if it varies in different counties.
- (9) What types and sources of data are being collected inconsistently?
- (10) What types and sources of data are being used inconsistently in performing risk assessments?
- (11) What safeguards exist to ensure that assessments are being made with complete information?

Employee hiring practices and background checks:

- (12) Review the laws, policies, and rules that govern conducting criminal history and disciplinary history background checks for employees of community residential facilities.
- (13) Are the laws, policies, and rules consistently and uniformly followed?
- (14) Are background checks conducted on all employees and if not what is the criteria to conduct one?
- (15) Are there existing employees on whom background checks have not been conducted?
- (16) What are the specific offenses or disciplinary violations that disqualify potential employees from working in a community residential facility, whether state operated or contracted?
- (17) How many current employees have a felony conviction, for what offense or offenses, and what is the date of conviction?

Violations or infractions committed by juvenile offenders in community residential facilities:

- (18) What constitutes an infraction or violation under policies or rules of the juvenile rehabilitation administration or community residential facilities? Are some infractions considered more serious and result in more severe punishment than others?
- (19) Are the policies and rules governing infractions and violations uniformly applied and consistently followed?
- (20) What barriers, if any, are preventing consistent application from occurring?
- (21) How many violations, by type and seriousness level, have occurred or have been reported about juvenile offenders residing in community residential facilities during fiscal year 1997?
- (22) What are the consequences for committing a violation or infraction?
- (23) What appeals process, if any, exists that governs an offender's appeal from a finding that the offender committed an infraction?

Community notification and participation in the facility siting and offender placement process:

- (24) What process, if any, does the Juvenile Rehabilitation Administration use to notify local law enforcement, residents, schools, and businesses that a community residential facility that will house juvenile offenders will be located in a particular place?
- (25) What process, if any, does the Juvenile Rehabilitation Administration or the community residential facilities use to notify the individuals, local law enforcement, residents, schools, and businesses regarding the placement of specific offenders into a community residential facility?
- (26) To what extent, if any, does the Juvenile Rehabilitation Administration or the community residential facility seek public comment on or participation in siting community residential facilities or placing particular offenders in those facilities?
- (27) Compare the Department of Corrections' practices in obtaining community comment and participation in siting facilities and placement of offenders.
- (28) Identify models in other jurisdictions that provide for greater community comment and participation in siting facilities and placement of offenders.
- (29) Identify any legal, procedural, practical barriers to increasing community comment and participation in siting facilities and placement of offenders.

Final Reports. An initial status report of the progress of the study will be presented to the House Criminal Justice and Corrections Committee and the Senate Human Services and Corrections Committee by May 1, 1998. The department must present a final report to those committees no later than September 1, 1998.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The initiative of having the Department of Social and Health Services (DSHS) hire a consultant to conduct a study of group home contracts is a good idea but would be a cost the agency would have to absorb within existing funds. The estimated cost to DSHS is approximately \$75,000. The cost would be less expensive if an amendment were made to allow the agency to hire the Institute on Public Policy to conduct the study.

In addition, an amendment should be made to ensure group homes are hiring employees with appropriate qualifications and minimum standards.— These youth are the most needy and psychologically disturbed and private contractors such as group homes often hire the least skilled employees.

Testimony Against: None.

Testified: Sherry Appleton, Washington Association of Criminal Defense Lawyers; Sid Sidorowicz, Department of Social and Health Services and Juvenile Rehabilitation Association; Barry Antos, Pioneer Human Services; and Laurie Leppold, Children's Home Society.