

HOUSE BILL REPORT

EHB 2570

As Passed House:

February 13, 1998

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];

Appropriations: 2/7/98 [DP].

Floor Activity:

Passed House: 2/13/98, 96-0.

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).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Dave Johnson (786-7154).

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.

Governor's Juvenile Justice Advisory Committee (GJJAC) & Detention Facilities. The Governor's Juvenile Justice Advisory Committee (part of the Department of Social and Health Services) is the state planning agency established under Title II of the federal Juvenile Justice and Delinquency Prevention Act of 1974. This act requires participating states to provide for an adequate system of monitoring adult jails, juvenile detention facilities, juvenile correctional facilities, and non-secure facilities (i.e., mental health or drug/alcohol programs). Each year the GJJAC works with the Juvenile Court Administrators of the 18 detention facilities to collect and analyze data on juveniles detained and the risk factors which may have lead to delinquency.

Detention facilities are operated by a governing unit primarily designed, staffed, and used for the housing of juveniles under the age of 18 years old charged with a criminal offense prior to trial or sentencing and for the housing of juveniles for purposes of punishment and correction after sentencing. Detention facilities also include county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring. Detention facilities are used for dependent and delinquent children coming under the jurisdiction of the juvenile court and serves to keep the juvenile and adult population separate and apart.

Each county superior court has initial responsibility for administering the county's juvenile detention services, except: (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) when a consortium of three or more counties, located in eastern Washington and having a combined population in excess of 530,000, jointly operates a juvenile correctional facility, the county legislative authorities may adopt ordinances prescribing alternative administration of the facility; and (3) in any county with a population of one million or more detention services shall be administered by a board of managers appointed by the judges of the superior court.

It is state policy that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible. Counties are responsible for developing and implementing detention intake standards and risk assessment standards to determine whether detention is warranted for a youth and if so whether the juvenile should be placed in secure, nonsecure, or home detention.

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?
- (18) Do background checks include ensuring that hired employees have appropriate qualifications and minimum standards for the specific job they are to be hired for?

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

- (19) 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?
- (20) Are the policies and rules governing infractions and violations uniformly applied and consistently followed?
- (21) What barriers, if any, are preventing consistent application from occurring?
- (22) 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?
- (23) What are the consequences for committing a violation or infraction?
- (24) 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:

- (25) 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?
- (26) 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?
- (27) 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?
- (28) Compare the Department of Corrections' practices in obtaining community comment and participation in siting facilities and placement of offenders.
- (29) Identify models in other jurisdictions that provide for greater community comment and participation in siting facilities and placement of offenders.
- (30) 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.

Governor's Juvenile Justice Advisory Committee (GJJAC) & Detention Facilities. The Governor's Juvenile Justice Advisory Committee is required to conduct a study of juvenile detention standards.

The study must:

1. Include a survey of standards in place and proposed for all existing and planned detention facilities in this state;
2. Document current compliance of detention standards with those recommended by the American Correctional Association and those delineated by the state;
3. Document any concerns, problems, or issues regarding current standard that have a direct impact on the safety and health offenders, staff, and the community;
4. Make recommendations as to improvements needed and a time line for the implementation of such improvements;
5. Recommend a schedule of periodic review of juvenile detention standards;
6. Conduct an analysis of the costs to implement the recommendations in accordance with the recommended timeline; and

The Governor's Juvenile Justice Advisory Committee must submit a report to the Legislature and Governor by December 31, 1998.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Criminal Justice & Corrections) 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.

(Appropriations) None.

Testimony Against: (Criminal Justice & Corrections) None.

(Appropriations) None.

Testified: (Criminal Justice & Corrections) 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.

(Appropriations) None.