
ENGROSSED HOUSE BILL 2570

State of Washington

55th Legislature

1998 Regular Session

By Representatives Ballasiotes, O'Brien, Radcliff, Lambert, Dunshee, Costa and Mitchell

Read first time 01/15/98. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to community residential facilities for juvenile
2 offenders; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The department of social and health
5 services, within existing funds, shall conduct a special study of the
6 contracts, operations, and monitoring of community residential
7 facilities that house juvenile offenders who are under the jurisdiction
8 of the department's juvenile rehabilitation administration.

9 (2) The department shall enter into a contract with an independent
10 consultant to conduct the study.

11 (3) The contract must require the independent consultant to
12 investigate and report on community residential security, staffing, and
13 operation; offender intake and assessment procedures; employee hiring
14 practices and background checks; violations and infractions committed
15 by offenders; and community notification and participation in the
16 facility siting and offender placement process.

17 (4) The contract must require the independent contractor to consult
18 with nearby residents, local sheriffs and police chiefs, courts,

1 probation departments, schools, and employers in the community in which
2 the community residential facility is located.

3 (5) The independent consultant shall investigate and report on at
4 least the following issues:

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

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

10 (ii) What legal barriers exist, if any, that prevent equipping
11 community residential facilities with locks, alarms, video monitors,
12 and other equipment that would make the facilities more physically
13 secure?

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

16 (iv) For each facility describe:

17 (A) The staffing level by shift;

18 (B) The times, if any, in which offenders are either locked inside
19 secure rooms or locked inside the facility;

20 (C) What constitutes an escape;

21 (D) How much time must elapse before an unauthorized absence
22 becomes an escape;

23 (E) The escape reporting procedure;

24 (F) Who may visit the offender and at what hours;

25 (G) What is the screening process used to authorize visitors; and

26 (H) Whether offenders share bedrooms.

27 (v) Describe the monitoring level by the juvenile rehabilitation
28 administration and specifically address the following:

29 (A) How often does the juvenile rehabilitation staff visit the
30 community residential facilities?

31 (B) How many of these visits are random, unannounced, or conducted
32 at night and on weekends and holidays?

33 (C) What does the juvenile rehabilitation staff person investigate
34 when conducting these visits?

35 (D) How often does the juvenile rehabilitation staff contact
36 neighbors, schools, employers, and law enforcement to determine whether
37 juvenile offenders in the community residential facilities are
38 disruptive or that staff is responsive to community concerns?

39 (b) Offender intake and assessment procedures:

1 (i) Identify legal, procedural, and financial barriers to sharing
2 information about juvenile offenders in community residential
3 facilities between the juvenile rehabilitation administration, schools,
4 courts, law enforcement, other department of social and health
5 services' programs including the division of children and family
6 services and the division of alcohol and substance abuse, and the
7 public.

8 (ii) What authority does the state have to remove the barriers?

9 (iii) Identify what entity, the county, the juvenile rehabilitation
10 administration, or the community residential facility, is responsible
11 for collecting risk assessment data. Describe the process and if it
12 varies in different counties.

13 (iv) What types and sources of data are being collected
14 inconsistently?

15 (v) What types and sources of data are being used inconsistently in
16 performing risk assessments?

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

19 (c) Employee hiring practices and background checks:

20 (i) Review the laws, policies, and rules that govern conducting
21 criminal history and disciplinary history background checks for
22 employees of community residential facilities.

23 (ii) Are the laws, policies, and rules consistently and uniformly
24 followed?

25 (iii) Are background checks conducted on all employees and if not
26 what is the criteria to conduct one?

27 (iv) Are there existing employees on whom background checks have
28 not been conducted?

29 (v) What are the specific offenses or disciplinary violations that
30 disqualify potential employees from working in a community residential
31 facility, whether state operated or contracted?

32 (vi) How many current employees have a felony conviction, for what
33 offense or offenses, and what is the date of conviction?

34 (vii) Do background checks include ensuring that hired employees
35 have appropriate qualifications and minimum standards for the specific
36 job they are being hired for?

37 (d) Violations or infractions committed by juvenile offenders in
38 community residential facilities:

1 (i) What constitutes an infraction or violation under policies or
2 rules of the juvenile rehabilitation administration or community
3 residential facilities? Are some infractions considered more serious
4 and result in more severe punishment than others?

5 (ii) Are the policies and rules governing infractions and
6 violations uniformly applied and consistently followed?

7 (iii) What barriers, if any, are preventing consistent application
8 from occurring?

9 (iv) How many violations, by type and seriousness level, have
10 occurred or have been reported about juvenile offenders residing in
11 community residential facilities during fiscal year 1997?

12 (v) What are the consequences for committing a violation or
13 infraction?

14 (vi) What appeals process, if any, exists that governs an
15 offender's appeal from a finding that the offender committed an
16 infraction?

17 (e) Community notification and participation in the facility siting
18 and offender placement process:

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

23 (ii) What process, if any, does the juvenile rehabilitation
24 administration or the community residential facilities use to notify
25 the individuals and entities identified in (e)(i) of this subsection
26 regarding the placement of specific offenders into a community
27 residential facility?

28 (iii) To what extent, if any, does the juvenile rehabilitation
29 administration or the community residential facility seek public
30 comment on or participation in siting community residential facilities
31 or placing particular offenders in those facilities?

32 (iv) Compare the department of corrections' practices in obtaining
33 community comment and participation in siting facilities and placement
34 of offenders.

35 (v) Identify models in other jurisdictions that provide for greater
36 community comment and participation in siting facilities and placement
37 of offenders.

1 (vi) Identify any legal, procedural, practical barriers to
2 increasing community comment and participation in siting facilities and
3 placement of offenders.

4 (6) The department shall require the independent contractor to
5 recommend changes to existing laws, procedures, and practices governing
6 community residential facilities to increase public safety, community
7 residential facility security, protection of juvenile offenders housed
8 in community residential facilities, and community comment and
9 participation in siting facilities and placement of offenders. The
10 contractor shall also identify costs associated with implementing
11 recommended changes.

12 (7) An initial status report of the progress of the study shall be
13 presented to the house criminal justice and corrections committee and
14 the senate human services and corrections committee no later than May
15 1, 1998. The department shall present a final report to those
16 committees no later than September 1, 1998.

17 NEW SECTION. **Sec. 2.** The governor's juvenile justice advisory
18 committee shall conduct a study of juvenile detention standards. The
19 study shall:

20 (1) Include a survey of standards in place and proposed for all
21 existing and planned detention facilities in this state;

22 (2) Document current compliance of detention standards with
23 recommended American correctional association standards and those
24 delineated in RCW 13.06.050;

25 (3) Document any concerns, problems, or issues regarding current
26 standards that have a direct impact on the safety and health of
27 offenders, staff, and the community;

28 (4) Make recommendations as to improvements needed and a timeline
29 for the implementation of such improvements;

30 (5) Recommend a schedule of periodic review of juvenile detention
31 standards;

32 (6) Conduct an analysis of the costs to implement the
33 recommendations in accordance with the recommended timeline; and

34 (7) Submit a report to the legislature and governor by December 31,
35 1998.

--- END ---