

HOUSE BILL REPORT

HB 2432

As Reported by House Committee On:
Early Learning & Human Services
Ways & Means

Title: An act relating to local intervention and prevention programs for reducing youth involvement in criminal street gang activities.

Brief Description: Promoting local intervention and prevention programs for reducing gang violence.

Sponsors: Representatives Moscoso, Ladenburg, Haigh, Jinkins, Appleton, Hope, Orwall, Kirby, Armstrong, Lytton, Goodman, Pollet, Moeller, Reykdal, Hasegawa, Kenney, Maxwell, Tharinger, Sells, Fitzgibbon, Liias, Probst, Blake, Ryu, Hansen, McCoy, Upthegrove, Dunshee, Roberts, Stanford, Kagi, Miloscia and Darneille.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/23/12, 1/26/12 [DPS];

Ways & Means: 2/6/12 [DP2S(w/o sub ELHS)].

Brief Summary of Second Substitute Bill

- Authorizes the Washington State Partnership Council on Juvenile Justice (Council) to award grants to support local projects focused on criminal street gang prevention and intervention and designates a grant application review committee.
- Provides minimum requirements for grant applicants.
- Creates the Criminal Street Gang Prevention and Intervention Grant Program Account, a nonappropriated account that authorizes the Secretary of the Department of Social and Health Services to spend funds on the grant program created by the act.
- Requires entities receiving awards from the Council to report to the Council on the use of those funds, and requires the Council to report to the Legislature regarding the grant program.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson and Orwall.

Minority Report: Do not pass. Signed by 1 member: Representative Overstreet.

Staff: Linda Merelle (786-7092).

Background:

The Washington State Partnership Council on Juvenile Justice (Council) is the state's advisory group regarding juvenile justice matters. As the state's advisory group, it awards funds from the federal Office of Juvenile Justice and Delinquency Prevention. The Council was established in September 2010 and replaced the Governor's Juvenile Justice Advisory Committee. The members to the Council were appointed in November 2010.

The Council establishes priorities for granting federal juvenile delinquency and delinquency prevention funds and has recently issued requests for proposals for grants to assist communities in addressing disproportionate minority contact with the juvenile justice system and for delinquency prevention.

Summary of Substitute Bill:

Award of Grants.

The Council is authorized to award grants to support local projects focused on criminal street gang prevention and intervention. A grant application review committee shall be comprised of the following members, each of whom will have a vote when determining awards:

- the Chair of the Council or designee;
- the Secretary of the Department of Social and Health Services (DSHS) or designee;
- the Executive Director of the Washington Association of Sheriffs and Police Chiefs or the Executive Director's designee;
- the Attorney General or designee;
- one representative from the counties;
- one representative from the cities; and
- one representative from nongovernmental organizations, appointed by the Chair of the Council.

Eligible Entities for Grants.

Coalitions composed of at least one local governmental entity and one nonprofit nongovernmental organization may apply for funding. The nongovernmental organization must have a documented history of creating and administering effective criminal street gang prevention and intervention programs. The applying entity must submit its application to the

Council in the form and manner prescribed by the Council. The applications must demonstrate the following:

- that a significant criminal street gang problem exists in its jurisdiction or jurisdictions;
- that addressing the impact of criminal street gangs is a high priority in the jurisdiction or jurisdictions seeking the grant;
- that the funds will be used to offer services to prevent the expansion of criminal street gang membership or support criminal street gang membership intervention through the use of evidence-based or research-based programs and the use of one or more innovative culturally relevant practices;
- that the applicant will provide at least 25 percent of the requested grant amount through local matching funds, either as cash or in-kind; and
- that the applicant's cost of administering the grant will not exceed 4 percent of the grant award.

A "criminal street gang" under this act has the same meaning as the term used under the Sentencing Reform Act. It is defined as "any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity."

Any money awarded under the grants authorized under this act must be used to supplement, not supplant, other moneys that are available for prevention and intervention programs.

Reports.

Within one month of the one-year anniversary of the awarding of a grant under this act, each entity must submit a report describing the activities carried out with the grant funds. The report must include:

- a description of the number and types of youth served;
- the services provided; and
- the impact of those services upon the youth and the community.

By December 31, 2012, the Council must report to the appropriate legislative policy and fiscal committees regarding the status of the grant program authorized under this act.

Account.

The Criminal Street Gang Prevention and Intervention Grant Program Account (Account) is a nonappropriated account in the custody of the State Treasurer. Receipts from gifts, grants, and other funds from public or private sources to support the grant program authorized in this act must be deposited in the Account, as well as receipts from civil penalties or recoveries from suits brought by the Attorney General for unfair competition or deceptive acts in trade or commerce. Deposits as a result of legal actions brought by the Attorney General must not exceed \$1 million per fiscal year. Money in the Account may be spent upon authorization of the Secretary of the DSHS. Expenditures from the Account may be made only for

establishing, administering, funding, and maintaining the grant program authorized by this act.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that the Account is a non-appropriated account. Deposits in the Account will not include settlements from suits brought by the Office of the Attorney General. Other recoveries from law suits brought by the Office of the Attorney General will be deposited into the Account as long as they are not subject to any other court order regarding how the funds will be used.

Appropriation: The sum of \$5 million from the State General Fund for fiscal year 2013.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The way to address gangs is prevention and intervention. This program must be funded so that proven processes may be utilized. Tacoma, during the early 1990s, was experiencing severe problems with gang activities and was considered the gang capitol of the Northwest. In response, the prevention and intervention strategies of the Office of Juvenile Justice and Delinquency Program were applied. That model has led to success stories. The strategies focus on five areas: grass roots opportunities, such as providing education, training, and employment; social intervention, connecting service providers to gang members and family; suppression; organizational change; and development. Hopefully, this legislation can address the gang problems in Washington. The problem of juveniles entering into the gang lifestyle has to be focused on prevention. A response that is reactive is too late. More arrests will not solve the gang problem. Juveniles become better criminals when they get to the prison environment. Throughout Washington, there are different strategies that work effectively for different communities. To be successful, funding must be provided to sustain prevention and intervention programs; sustainability is the key. Public defenders like bills that put them out of business. This is a way to reduce reliance on the courts and provide greater public safety. Many kids are extremely vulnerable to the influences of gangs. Prevention is the most economically viable way of keeping kids out of gangs. Supportive services may not be available in small communities, but rural communities should not be neglected. Often, reactions to gang activity treat a symptom rather than a cause. This bill looks at the cause. It is important to have a counterculture which is about looking for jobs and going to school. Assisting youth in achieving success means success for society.

(In support with concerns) This bill is designed to get money into the hands of folks who understand what is going on in their communities. Existing language of settlement is a little overbroad. An amendment to cure this will cure any problem of a fiscal impact.

(Opposed) The restorative justice model is effective. This bill is expensive. The most expensive thing you can do is incarcerate people.

Persons Testifying: (In support) Representative Moscoso, prime sponsor; Representative Ladenburg; Uriel Iniguez, Commission on Hispanic Affairs; Travis Stearns, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Craig Daly, Snohomish County Juvenile Court Gang Community Response Team; Julio Cortes, Cocoon House; Joe Ingoglia, Washington Alliance of Boys and Girls Clubs; Joe Walsh, Safe Community Task Force; Enrique Gonzalez, El Centro de la Raza; Priscilla Lisicich, Safe Streets Campaign; Randy Town, Yakima County Gang Committee, Gangs in Schools Task Force; David Haapala, Bold Solutions; Leno Rose-Avila, Latino Equity Initiative; Ken Thomas, Kent Police Department; Doug Levy, Cities of Everett, Kent, and Puyallup and Washington Recreation and Parks Association; Patricia Flores; Candice Beck, Association of Washington Cities; and Shankar Narayan, American Civil Liberties Union of Washington.

(In support with concerns) Chris Johnson and Doug Walsh, Office of the Attorney General.

(Opposed) Toshiko Hasegawa.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by 27 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Staff: Amy Skei (786-7109).

Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Early Learning & Human Services:

The Ways and Means Committee (Committee) recommended the inclusion of language giving priority for grant awards to those applicants who have demonstrated the greatest level of gang problems within their jurisdictions. In addition, the Committee recommended the removal of the \$5 million appropriation from the State General Fund and removal of the diversion of Attorney General recoveries into the Criminal Street Gang Prevention and Intervention Grant Program Account.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Establishing the Criminal Street Gang Prevention and Intervention Grant Program Account (Account) will provide consistency and sustainability for prevention and intervention programs. The programs need to be evidence-based, and they need to include regional partnership. Studies by the federal government and the Washington State Institute for Public Policy show that these programs work. Pierce County has decreased the use of juvenile detention due to these programs. The 25 percent matching requirement to the grants is important. Gangs have great costs to communities, with many lives lost. These problems will be addressed one way or another, but the costs are much higher if kids are not kept out of gangs.

The car show shooting in the city of Kent where 12 people were shot was a huge wake-up call. There are 12,000 documented gang members in King County alone. Law enforcement agencies in King County work together to enforce laws, but prevention and intervention programs provide a better way. This will provide coordinated leadership and sustainable funding. Areas that want to partner regionally with non-profits to keep kids from turning to gangs will be able to under this program. The money that would come from Attorney General settlements would be \$250,000 to \$500,000 per year. This will make a difference in the lives of many young people. Gangs fill a social void that prevention and intervention programs can fill. There are funders interested in helping with this. There are programs working now to keep kids out of gangs, but the programs are underfunded. At a minimum, please at least set up the Account.

(Opposed) None.

Persons Testifying: Representative Moscoso, prime sponsor; Representative Ladenburg; Ken Thomas, City of Kent Police Department; Doug Levy, Cities of Everett, Kent, Federal Way, Renton, and Puyallup, Washington Recreation and Parks Association, and Association of Washington Cities; Leno Rose-Avila, Latino Equity Initiative; Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Shankar Narayan, American Civil Liberties Association of Washington.

Persons Signed In To Testify But Not Testifying: None.