

SENATE BILL REPORT

SB 6333

As of January 25, 2012

Title: An act relating to the use of restraints on juveniles.

Brief Description: Limiting the use of restraints on juveniles.

Sponsors: Senators Harper, Kline, Regala, McAuliffe, Rolfes, Ranker and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 1/26/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: Detention. A court may order a juvenile to be placed in detention as part of an offender disposition or a bench warrant. Law enforcement, in limited circumstances, may take a juvenile or child into custody upon notification by a court that the juvenile may be in contempt for failing to follow the terms of a court order. For a child who may be in contempt of a court order for a status offense, the court must promptly set the matter for a hearing. If a juvenile is being held in detention as an offender, the juvenile may be required to appear at hearings prior to and during a trial.

Use of Restraints. Approximately half of the 39 county superior courts in Washington physically restrain juveniles who have court appearances while they are in custody. The juveniles are also restrained during transportation to and from court, irrespective of whether the juvenile is before the court as an offender or for a status offense, such as truancy. The nature of the restraint varies, but many courts use ankle restraints, as well as handcuffs.

Summary of Bill: Status Offenses. If a court orders a child or juvenile to be placed in or remain in detention, and the child or juvenile is to appear in court for a hearing, restraints may not be placed on the child or juvenile during the court appearance or during transportation to or from the hearing unless an employee from the detention facility makes an individualized determination that restraints are necessary to prevent escape or injury to others.

Juvenile Offenders. The use of restraints is permitted under limited circumstances. Anytime restraints are used, they must be the least restrictive and most reasonable under the

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circumstances. Restraints are not permitted during the juvenile's court appearance unless the court makes an individualized determination that such restraints are necessary to prevent escape or injury to the juvenile or others. Restraints may be used during transportation to and from a court hearing if the detention staff makes an individualized determination that the restraints are necessary to prevent escape or injury.

If restraint of a juvenile is permitted, the use of such restraints must be fully documented in writing describing the kind of restraints used and the reason that such restraints were considered the least restrictive available.

Information Packets. The director or secretary of any juvenile facility covered by this act must provide an informational packet, jointly developed by the Washington Association of Sheriffs and Police Chiefs, the Juvenile Rehabilitation Administration, the Criminal Justice Training Commission, and the Administrative Office of the Courts. The packet must describe the requirements of the act to all staff involved in transporting youth and to other staff, as appropriate.

Civil Liability. No civil liability may be imposed by any court except upon the county or its employees where there is showing of gross negligence on the part of the county or its employees.

Appropriation: None.

Fiscal Note: Preliminary note for HB 2298 available.

Committee/Commission/Task Force Created: No.

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