

HOUSE BILL REPORT

HB 2558

As Reported by House Committee On:
Public Safety

Title: An act relating to establishing the joint legislative task force on jail standards.

Brief Description: Establishing the joint legislative task force on jail standards.

Sponsors: Representatives Goodman and Klippert.

Brief History:

Committee Activity:

Public Safety: 1/29/16, 2/5/16 [DPS].

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Creates the Joint Legislative Task Force on Jail Standards.
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HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Kelly Leonard (786-7147).

Background:

Local governments are responsible for facilitating and paying for the incarceration of adult offenders convicted of offenses in their respective jurisdictions when those offenders are sentenced to less than one year of confinement. This responsibility covers misdemeanor, gross misdemeanor, and some felony convictions, regardless of whether the underlying charges are filed under state law or local ordinance. Local governments may use their own staff and jails or enter into contracts or interlocal agreements to provide these 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.

State law requires local governments that own or operate correctional facilities to adopt and follow standards for the operation of those facilities. Standards must meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff.

Summary of Substitute Bill:

The Joint Legislative Task Force on Jail Standards (Task Force) is established.

The Task Force is composed of one member from each of the two largest caucuses of the Senate and one member from each of the two largest caucuses of the House of Representatives. In addition, the Senate and House of Representatives must jointly appoint 12 members representing the interests of prosecutors, defense attorneys, law enforcement, counties, cities, judicial administration, superior courts, district and municipal courts, a state designated protection and advocacy agency, medical and mental health service providers, and other entities involved with or interested in the operation of local jails.

The Task Force must choose its chair from among its legislative membership.

The Task Force must review the following issues:

- the adequacy of standards adopted and used by jails including, but not limited to, standards for conditions and operations, inspections, enforcement, and oversight;
- the current process used by cities and counties to develop standards;
- the general condition of jails including, but not limited to, safety and physical conditions, health and welfare, and activities and programming, and whether those conditions meet adopted standards;
- inmates' access or lack thereof to medical, mental health, and substance abuse treatment in jails;
- the impact of fluctuating jail populations on jail conditions;
- the impact of fluctuating jail costs on jail conditions;
- the impact, if any, of competition between jails on jail conditions;
- whether statewide jail standards, oversight, or other policy changes are necessary to ensure jail conditions meet constitutional standards and include adequate safety and welfare safeguards for incarcerated persons; and
- other issues relevant to the conditions of jails.

The Task Force must consult with organizations and entities with interest or experience in jail standards and operations including, but not limited to, treatment providers, victims' advocates, inmate advocates, organizations representing jail employees and officers, and other community organizations.

The Task Force must report findings and recommendations to the Governor and the appropriate committees of the Legislature by December 1, 2018. The Task Force expires on July 1, 2019.

Substitute Bill Compared to Original Bill:

The substitute bill adds a representative of a state designated protection and advocacy agency to the membership of the Task Force.

Appropriation: None.

Fiscal Note: Not requested.

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) Washington used to have centralized oversight of jails prior to the mid-1980s. Each jail now operates as a world unto itself. Some jails have thorough policies, others are sparse and vague. What is actually practiced in a jail is usually only known to staff and inmates. Delegating standards to local jails has resulted in inconsistent, inefficient, and sometimes harmful treatment of inmates. Jails are not required to report information to any state entity, and there is no monitoring or oversight of jails. The Public Records Act protects jail records from disclosure, further hindering accountability and transparency. Recent deaths and recorded incidents in jails are calling attention to this very important issue.

Washington jails have become de facto mental health treatment facilities, and this creates massive challenges and safety issues for everyone involved—the inmates, their families and advocates, correctional officers, and others working in the system. There are systemic issues in the 39 county jails and several other municipal facilities across the state. The Task Force could facilitate an invaluable analysis of jail conditions and a collaborative effort to improve those conditions.

Disability Rights Washington is currently engaged in a statewide jail survey, and it is reviewing each county jail's policies. The work should produce useful information and could add to the efforts of the bill.

(Opposed) None.

(Other) The Task Force is a laudable proposal. However, the state cannot unhinge jail standards with funding. There needs to be a conversation about resources to fund changes to standards or other policies. The Task Force should not recommend any unfunded mandates.

The bill should be amended to include jail operations and add a representative of city managers and administrators.

There is a range of facilities in Washington, from large to very small, and any study of jails should take these differences into consideration. The Task Force should look at mental health services and lengths of stay, competency evaluations, electronic monitoring, television arraignment systems, and jail records management issues.

Persons Testifying: (In support) Representative Goodman, prime sponsor; Kimberly Mosolf, Amplifying Voices of Inmates with Disabilities Jail Project; and Nick Straley, Columbia Legal Services.

(Other) Subir Mukerjee, City of Fife; Doug Levy, Cities of Puyallup, Kent, and Renton; Candice Bock, Association of Washington Cities; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.