

HOUSE BILL REPORT

2SHB 1280

As Passed House:
January 31, 2018

Title: An act relating to including referred and diverted youth in establishing community juvenile accountability program guidelines.

Brief Description: Including referred and diverted youth in establishing community juvenile accountability program guidelines.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kagi and Fey).

Brief History:

Committee Activity:

Early Learning & Human Services: 1/24/17, 2/14/17 [DPS];
Appropriations: 2/23/17, 2/24/17 [DP2S(w/o sub ELHS)].

Floor Activity:

Passed House: 3/6/17, 64-34.

Floor Activity:

Passed House: 1/31/18, 71-23.

Brief Summary of Second Substitute Bill

- Expands the target population of community juvenile accountability programs to include referred youth.
- Requires the Department of Social and Health Services to report on the number of individuals eligible for community juvenile accountability programs based on being a referred youth.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Frame, Goodman, Griffey, Kilduff, Lovick, McCaslin, Muri and Ortiz-Self.

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

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.

Staff: Luke Wickham (786-7146).

HOUSE COMMITTEE ON APPROPRIATIONS

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 25 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Cody, Fitzgibbon, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 8 members: Representatives Chandler, Ranking Minority Member; Caldier, Condotta, Haler, Taylor, Vick, Volz and Wilcox.

Staff: Kelci Karl-Robinson (786-7116).

Background:

Community Juvenile Accountability Act.

The Legislature enacted the Community Juvenile Accountability Act (CJAA) in 1997 as part of an omnibus juvenile justice bill. The CJAA allows local governments to submit proposals for funding community juvenile accountability programs in their communities. These proposals must be submitted to the Juvenile Rehabilitation Administration (JRA) of the Department of Social and Health Services (DSHS).

A Community Juvenile Accountability Program (CJAP) proposal must include:

- a demonstration that the proposal was developed with the input of the community public health and safety networks, and the local law and justice councils;
- a description of how local community groups or members are involved in the implementation of programs; and
- a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in the community.

Local governments that receive CJAP funding must agree that the funds they receive be used efficiently to encourage the use of community-based programs that reduce the reliance on juvenile offender secure confinement.

The JRA, in consultation with the Washington Association of Juvenile Court Administrators, the state law and justice advisory council, and the family policy council, establishes CJAP guidelines. These guidelines must:

- target diverted and adjudicated juvenile offenders;
- include assessment methods to determine services, programs, and intervention strategies;
- provide maximum structured supervision in the community;
- promote work ethic values and educational skills and competencies;
- maximize the efficient delivery of treatment services that reduce risk factors associated with committing juvenile offenses;

- maximize reintegration of the juvenile offenders into the community after release;
- maximize a juvenile offender's ability to make restitution to the victims;
- support an encourage increased court discretion in imposing community-based intervention;
- be compatible with research;
- be outcome-based;
- include an evaluation component; and
- recognize the diversity of local needs.

Washington State Institute for Public Policy Juvenile Justice Program Evaluations.

The CJAA required the Washington State Institute for Public Policy (Institute) to develop standards for measuring the effectiveness of juvenile accountability programs funded by the CJAP. The Institute has evaluated the effectiveness of several juvenile justice programs including the Coordination of Services Program, Aggression Replacement Therapy, Family Integrated Transitions, Functional Family Therapy, and Multisystemic Therapy.

Summary of Second Substitute Bill:

The target population of community juvenile accountability programs is expanded to include referred youth, in addition to the existing target populations that include diverted and adjudicated juvenile offenders. Referred youth are defined and include youth who: (1) were contacted by law enforcement who have probable cause to believe the youth committed a crime; (2) are referred to a program; and (3) if not for that program, would have been diverted or charged with a crime.

The DSHS is required to provide an annual report to the Legislature on December 1 for the next three years that includes the number of youth who were eligible for community juvenile accountability programs based on being a referred youth.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Early Learning & Human Services):

(In support) This bill expands the availability of CJAA funding to youth before youth have been charged or diverted. There are concerns about how this expansion would impact the juvenile block grant funding. This bill would allow expansion of the CJAA in one way, allowing the program to serve youth before charging. The CJAA was enacted in 1997 based on research to improve outcomes for juveniles. In courts, it is helpful to have resources available for juveniles adjudicated of juvenile offenses. King County has worked to meet the program goals. King County juvenile detention has reduced the average juvenile detention population over the last 18 years from approximately 200 to 50. This bill would allow these effective programs to target juveniles upstream. King County has incorporated restorative justice programs and would like to serve more youth with these effective programs. This bill

would be beneficial for all counties wishing to expand CJAA programs upstream to serve more juveniles. The law currently requires that a youth be diverted or adjudicated of an offense to be served by a program. A program like Family Intervention and Restorative Services (FIRS) targets youth immediately after arrest, when services are needed, but CJAA funding is not available to those youth because they have not yet been diverted or adjudicated.

(Opposed) There has been tremendous success in juvenile courts with evidence-based programs to help prevent secure confinement for juveniles. There is no philosophical objection to this bill, but a concern that this expansion would affect the juvenile block grant formula and counties that are dependent on receiving funds pursuant to that formula. There is anecdotal evidence suggesting that there is not currently enough funding under the CJAA to serve all adjudicated youth. The Superior Court Judges Association opposes this legislation. A program like FIRS is unique to King County and would increase the funding available to programs like King County that have these programs. The consequence of increasing the funding available to those counties is that counties without those programs would have less money available to them.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill would enable our courts to move toward an early prevention model by providing services more upstream and improving outcomes for at-risk youth. Evidence-based programs, where appropriate, would be provided immediately after being arrested rather than waiting for adjudication. There was concern about a potential cost shifting between counties that utilize this option from those that do not, but the bill was amended and there is a budget proviso to ensure implementation of a stop-loss policy to prevent the shift between counties. The amendment clarifying the definition of referred youth will not expand the number of youth, but instead will allow the same youth to get access to services sooner when they need the most help.

(Opposed) None.

Persons Testifying (Early Learning & Human Services): (In support) Representative Kagi, prime sponsor; and Laura Inveen, King County Superior Court.

(Opposed) Tom McBride, Washington Association of Juvenile Court Administrators; and Sean O'Donnell, Superior Court Judges Association.

Persons Testifying (Appropriations): April Putney, King County.

Persons Signed In To Testify But Not Testifying (Early Learning & Human Services): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.