

SENATE BILL REPORT

ESB 5429

As Amended by House, April 12, 2019

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: Senators Nguyen, Das, Saldaña, Hasegawa, Salomon, Darneille, Wilson, C., Zeiger, Randall and Kuderer.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/22/19, 1/23/19 [DP].

Floor Activity:

Passed Senate: 2/20/19, 48-0.

Passed House: 4/12/19, 94-0.

Brief Summary of Engrossed Bill

- Requires the Department of Children, Youth & Families (DCYF) to allow proposals to receive Community Juvenile Accountability Program (CJAP) funds to be submitted to support programs for youth who are referred to the program by law enforcement rather than being formally diverted or charged within the juvenile justice system.
- Requires DCYF to implement a stop loss policy limiting the loss in funding for any juvenile court from one year to the next based on funding formula changes.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

Staff: Kevin Black (786-7747)

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.

Background: Juvenile Rehabilitation (JR) administers CJAP, which provides funding to local governments to implement programs designed to reduce youth violence and juvenile crime. JR must distribute CJAP funds according to a grant formula it maintains in consultation with the Washington Association of Juvenile Court Administrators. JR is a division of the Department of Social and Health Services which will transfer to the Department of Children, Youth & Families (DCYF) on July 1, 2019. CJAP was established pursuant to the Community Juvenile Accountability Act in 1997.

Local governments may apply to receive CJAP funds to benefit programs in their communities. Proposals to receive CJAP funding must be developed with the input of local law and justice councils and describe how local community groups or members will be involved in the implementation of the program. The funding must be used to support programs that reduce reliance on secure confinement as the sole means of holding juvenile offenders accountable. Programs must:

- target diverted and adjudicated juvenile offenders;
- include effectiveness assessment methods;
- provide structured community supervision, using natural guardians such as employers, relatives, teachers, clergy, and community mentors to the extent possible;
- promote good work ethic values, educations, and competencies necessary to succeed;
- maximize services that reduce risk factors associated with the commission of juvenile offenses;
- maximize reintegration of the juvenile into the community;
- maximize the juvenile's opportunity to make full restitution to victims and amends to the community;
- support and encourage court discretion in implementing community-based intervention strategies;
- be compatible with research into best practices;
- be outcome-based and include outcome measurement and an evaluation; and
- recognize the diversity of local needs.

Summary of Engrossed Bill: DCYF must allow proposals for CJAP funding to support programs that target youth who are referred to the program by law enforcement, instead of being diverted or charged with a juvenile offense. The proposals must require the law enforcement officer who refers the youth to have probable cause to believe the youth has committed a crime which would have been diverted or charged if not for the program referral.

DCYF must provide reports on December 1, 2019, and December 1, 2020, that include a county-by-county description of the youth served by CJAP programs, including the number of youth who were referred by law enforcement prior to being diverted or charged with a juvenile offense. The December 1, 2019, report must include a description of how funding is used for referred youth and the impact of that use on overall CJAP funding.

DCYF must implement a stop loss policy that limits the loss in funding for any juvenile court from one year to the next based on changes to the funding allocation formula. The block grant oversight committee must establish a minimum base level of funding for juvenile courts that have lower numbers of at-risk youth who are 10 to 17 years of age.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This provides another tool that can be used to help our youth. For over a decade we have been working hard to increase services for youth involved in the juvenile justice system and develop alternatives to incarceration. This removes a barrier to improved outcomes for youth. It helps move towards early prevention by deploying services upstream to prevent youth from entering the criminal justice system. There is no intent to shift funds between counties; current bill language should prevent this from happening.

Persons Testifying: PRO: Senator Joe Nguyen, Prime Sponsor; Celia Jackson, King County.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S): Authority to implement a stop loss policy to limit the loss of CJAP funding from one year to the next for any juvenile court is transferred from DCYF to a block grant oversight committee consisting of representatives of JR and juvenile courts, with equal representation and cochairs selected from each group, with the purpose of assessing the ongoing implementation of the block grant funding formula.