

# SENATE BILL REPORT

## SB 5815

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As of February 28, 2019

**Title:** An act relating to individuals placed in minimum security status by the department of children, youth, and families.

**Brief Description:** Concerning individuals placed in minimum security status by the department of children, youth, and families.

**Sponsors:** Senators Nguyen, Darneille, Wilson, C., Saldaña, Das, Keiser and Kuderer.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 2/13/19, 2/19/19 [DPS-WM, w/oRec].

**Ways & Means:** 2/28/19.

**Brief Summary of First Substitute Bill**

- Increases authorization for Juvenile Rehabilitation (JR) to allow a juvenile in minimum security custody to be away from a community facility from 12 to up to 16 hours per day to participate in approved work, educational, community restitution, or treatment programs, within existing appropriations.
- Excludes unlawful use or possession of alcohol or a controlled substance in a community facility from a list of serious infractions requiring mandatory return to a JR institution.
- Requires JR to consult empirically validated best practices and evidence concerning most effective interventions before adopting an amended policy to address infractions involving unlawful use or possession of a controlled substance or alcoholic beverage

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**SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION**

**Majority Report:** That Substitute Senate Bill No. 5815 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

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*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.*

**Minority Report:** That it be referred without recommendation.

Signed by Senator O'Ban.

**Staff:** Kevin Black (786-7747)

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Maria Hovde (786-7474)

**Background:** Juvenile Rehabilitation. JR is a division of the Department of Social and Health Services which is scheduled to transfer to the Department of Children, Youth and Families (DCYF) on July 1, 2019. JR operates three juvenile institutions for adjudicated juveniles sentenced to serve more than 30 days of confinement. Echo Glen Children's Center in Snoqualmie serves younger male offenders and female offenders. Green Hill School in Chehalis serves older male offenders. Naselle Youth Camp in Naselle provides services to male offenders and offers a forestry work program.

Community Facilities. JR operates eight community facilities for minimum security juvenile offenders who have transferred after serving time in an institution. These facilities provide group and educational programming and allow juveniles to have approved leave for up to 12 hours per day to attend school or participate in approved work, educational, community restitution, or treatment programs. Certain activities in a community facility are defined under statute as serious infractions requiring JR to remove the juvenile from the community facility and return them to an institution until a new risk assessment has been completed and JR reasonably believes the juvenile can adhere to the conditions set by JR. Serious infractions must include any criminal law violation, unlawful use or possession of a controlled substance, or unlawful use or possession of an alcoholic beverage.

**Summary of Bill (First Substitute):** The authorization for JR to allow a juvenile placed in minimum security to be in the community for up to 12 hours a day to participate in approved work, educational, community restitution, or treatment programs may be increased from 12 to up to 16 hours a day if operated within existing appropriations.

Unlawful use or possession of a controlled substance or an alcoholic beverage while in a community facility are excluded from a list of serious infractions requiring mandatory return to an institution. JR must consult empirically validated best practices and evidence concerning most effective interventions before adopting an amended policy to address infractions involving unlawful use or possession of a controlled substance or alcoholic beverage.

### **EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):**

- Requires increase in authority to allow a juvenile to leave a community facility in a single day to participate in approved activities to be managed within existing resources.

- Requires JR to consult empirically validated best practices and evidence concerning most effective interventions before amending its infraction policy relating to use or possession of alcohol or controlled substances.

**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 on Original Bill (Human Services, Reentry & Rehabilitation):** *The committee recommended a different version of the bill than what was heard.* PRO: This allows youth in our system to be able to spend more time out in the community working and even in sports activities without having the risk of being returned to an institution.

OTHER: We ask you to consider an amendment that would stop JR from choosing to do nothing in response to alcohol and controlled substance violations. A study shows that controlled substance violations are a consistent predictor of more serious offenses at a later date. We want rules that are adopted to be consistent with evidence-based practices on how to deal with alcohol and substance abuse violations.

**Persons Testifying (Human Services, Reentry & Rehabilitation):** PRO: Senator Joe Nguyen, Prime Sponsor.

OTHER: James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation):** No one.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** None.

**Persons Testifying (Ways & Means):** No one.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.