

# SENATE BILL REPORT

## SB 6039

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As of January 22, 2010

**Title:** An act relating to creating a sentence for treatment program for juvenile offenders.

**Brief Description:** Creating a sentence for treatment program for juvenile offenders.

**Sponsors:** Senators Hatfield, Schoesler, Carrell, Delvin, Honeyford and Stevens.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/19/10.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

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**Staff:** Jennifer Strus (786-7316)

**Background:** Juveniles who commit criminal offenses in Washington are subject to the provisions of RCW Chapter 13.40, the Juvenile Justice Act of 1977. The Act contains guidelines and procedures for the imposition of sentences, dispositions, and is based on a determinate disposition model that prescribes presumptive sanctions commensurate with the offender's age, seriousness of the current offense, and prior criminal history. In those cases where the crime alone is serious enough or the crime and the youth's prior adjudications mean the youth has sufficient points, the youth is committed into the custody of the Juvenile Rehabilitation Administration (JRA) in the Department of Social and Health Services.

There are several juvenile offender disposition alternatives, other than the determinate disposition model known as Option A, available to the courts:

- OPTION B – If the offender is subject to a standard range disposition involving confinement by JRA and the court finds that the offender and community would benefit from the use of a suspended disposition, it may impose the standard range and suspend execution of the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs. There are a number of offenses for which this option is not available.
- OPTION C – If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a category A- or B+ offense, the court, under a finding that the offender is chemically dependent and amenable to treatment, may suspend an Option A disposition and impose a disposition outside of the standard range. The court may place the offender on

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community supervision for one year and, as a condition of the suspended Option A disposition, the court must require the offender to undergo available inpatient/outpatient drug or alcohol treatment and may require up to 30 days confinement, up to 150 hours of community service, and/or payment of legal financial obligations and restitution. The combination of inpatient treatment and confinement may not exceed 90 days.

- OPTION D – If the court determines that a disposition under Option A or B would effectuate a manifest injustice, the court may impose a disposition outside the standard range. *See RCW 13.40.160(2).* A manifest injustice arises when the standard range penalty is excessive or when the imposition of the standard range poses a clear and serious danger to society. The court's findings of a manifest injustice must be supported by clear and convincing evidence.

JRA operates the following facilities to which juvenile offenders are committed by county courts:

- Green Hill School is a medium/maximum security fenced facility that provides older male offenders academic education and prevocational training. It also provides specialized chemical dependency and sex offender treatment and services for youth with mental health issues.
- Maple Lane School is a medium/maximum security fenced facility that provides serious and middle offenders an academic program as well as on-campus work experience. It also has programs specifically designed for older youth experiencing serious mental and emotional problems, and provides inpatient chemical dependency treatment program and specializes in the treatment of sex offenders.
- Echo Glen Children's Center is a medium/maximum facility that serves younger males and the majority of female offenders committed to JRA. It provides an academic program with emphasis on special needs such as mental health and sex offender treatment. It also has an inpatient chemical dependency treatment program.
- Naselle Youth Camp is an unfenced facility that serves male and female offenders in a medium security setting. It provides an academic program, as well as a forestry work program in collaboration with the Department of Natural Resources, and an aquaculture program in collaboration with the Department of Fisheries and Wildlife.

**Summary of Bill:** A juvenile offender disposition alternative, Option E – Sentence for Treatment (SFT) is created. When a juvenile offender is subject to a disposition of more than 15 weeks and is not deemed to require confinement in a close security facility, the court may impose the SFT alternative. SFT is defined as an alternative sentencing option which is offered at the discretion of the court and carries a comprehensive mandate of certain educational attainment, successful completion of substance abuse, chemical dependency or sex offender treatment, and/or vocational experience for a particular juvenile offender.

JRA must maintain a medium security youth camp. Juveniles sentenced under the SFT option must be placed in a medium security youth camp. The youth camp must offer education, treatment options which include sex offender, aggression reduction and intensive inpatient chemical dependency programs, job training and community based work experience. The youth camp must also be a structured and regimented model that emphasizes building up the offender's self-esteem, confidence, and discipline.

JRA must develop standards for the safe and effective operation of the SFT program, for the successful program completion, and for the continued aftercare supervision of the offenders who have successfully completed the program.

Admission to the SFT program is voluntary. If the court who determines the youth's disposition finds that the youth is eligible for SFT, the court must recommend that JRA place the youth directly into the youth camp. JRA must assess the offender and provide the court with recommendations as to the offender's educational attainment, treatment, and length and type of work experience needed by the offender. No juvenile assessed as high risk or who suffers from any mental or physical problems that could endanger his or her health or could drastically affect his or her performance in the program shall be retained in the SFT program.

Offenders who successfully complete the SFT program must spend the remainder of their disposition on parole in a JRA intensive aftercare program in the local community. The aftercare program must monitor post-program offenders and assist them to successfully reintegrate into the community. The aftercare program must also develop a process to be designed and funded by JRA for closely monitoring the offenders and assessing their potential public safety risks.

JRA must develop and maintain a database to measure recidivism rates of offenders who participate in the SFT program.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2010.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is needed to keep Naselle Youth Camp open. Youth sent to Naselle need to stay longer under the bill so they can achieve all the work requirements listed in the bill. If cuts are made to Naselle then it would not be a viable institution to provide JRA youth with treatment. This bill would actually save the state money because the court would send youth directly to Naselle first and not to other institutions before they get to Naselle. The youth's stay at Naselle should match the school year so that they earn appropriate amount of credits and don't have to repeat the school work they have done the following year. Only 20 percent of the youth in JRA are classified as needing maximum security so about 80 percent of youth in JRA could potentially qualify for the programs at Naselle under this bill. Naselle is the least expensive of all the JRA institutions. Naselle serves a unique role in JRA because of the quality of its work programs in conjunction with the Department of Natural Resources and the Department of Fish & Wildlife. The experience of the Naselle program makes economic sense because it is an economic use of state dollars. This bill allows the separation of mid-range from high-range offenders. It is not good to house low-level youth with high-level youth and Naselle does not do that - this gives youth a chance to be in a supportive environment.

CON: Because of fiscal issues, and that the costs of this bill are not contained in the Governor's budget, JRA must oppose the bill. This bill would create a significant fiscal impact because it creates new programs and increases the responsibilities of parole services. Allowing a judge to place a youth directly into Naselle violates current law which allows the secretary of DSHS to make that determination.

**Persons Testifying:** PRO: Jerry Elliott, Jack Smith, Naselle Youth Camp/Washington State Federation of State Employees; Justin Line, Richard Rudolph, Naselle Grays River Valley Schools; Richard Cary, Naselle Assembly of God; John Didion, Pacific County Sheriff's Office; Arne Winkkala, Naselle Rock and Asphalt Company; Mitzi Hunter, Naselle Grays River School District.

CON: David Griffith, DSHS/JRA.