
SUBSTITUTE SENATE BILL 5097

State of Washington

62nd Legislature

2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Delvin, Kohl-Welles, McAuliffe, and Chase)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to juveniles with developmental disabilities who
2 are in correctional detention centers, juvenile correction institutions
3 or facilities, and jails; creating new sections; and providing an
4 expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) A number of juveniles with developmental disabilities are
8 arrested for criminal conduct, held in places of detention pending
9 competency evaluations and/or adjudication, tried for their offenses,
10 and are sentenced to serve time in our juvenile justice system;

11 (b) The developmental disabilities of some youth who are arrested
12 and detained are not identified or appropriately addressed;

13 (c) Juveniles with developmental disabilities are often confused
14 with juveniles with mental illness. These populations are different
15 and must be understood as distinct groups, with different reasonable
16 accommodation needs; and

17 (d) A developmental disability often stems from a mix of causes and
18 many persons with developmental disabilities have cognitive impairments
19 that require reasonable accommodations to assist them in understanding

1 what is happening to them and what is expected of them when they
2 encounter the juvenile justice system and in identifying community
3 resources.

4 (2) The legislature intends to improve the ability of the juvenile
5 justice system to better identify and provide safe, appropriate
6 accommodations for juveniles with developmental disabilities.

7 NEW SECTION. **Sec. 2.** (1) Within state and federal funds
8 appropriated or otherwise available for this purpose, a work group is
9 established, to be cochaired by representatives of the developmental
10 disabilities council, the Washington association of juvenile court
11 administrators, and a representative of the juvenile rehabilitation
12 administration within the department of social and health services, to
13 address issues relating to juveniles with developmental disabilities
14 who are confined in places of detention and juvenile correction
15 institutions or facilities.

16 (2) In addition to the cochairs, the work group shall also have as
17 members the following:

18 (a) A representative of the Washington association of sheriffs and
19 police chiefs;

20 (b) A representative of the division of developmental disabilities
21 within the department of social and health services;

22 (c) A representative of disability rights Washington;

23 (d) A representative of the office of the superintendent of public
24 instruction;

25 (e) Consumer advocates;

26 (f) A representative of the Washington state defenders'
27 association; and

28 (g) Representatives of other interested organizations as identified
29 by the developmental disabilities council, the Washington association
30 of juvenile court administrators, and the juvenile rehabilitation
31 administration, including parents of developmentally disabled youth.

32 (3) By December 1, 2011, the work group shall develop
33 recommendations and report to the appropriate committees of the
34 legislature on the following:

35 (a) How to expeditiously review and determine eligibility for
36 developmental disabilities services provided through the department of

1 social and health services prior to a juvenile's release from detention
2 or confinement in a juvenile correction institution or facility;

3 (b) The appropriate role of the department of social and health
4 services in providing potential alternatives to confinement for persons
5 with developmental disabilities as well as consultation and technical
6 assistance to places of detention and juvenile correction institutions
7 or facilities in their efforts to provide reasonable accommodations for
8 persons with developmental disabilities who are confined in their
9 institution or facility. The fiscal impact to the department of social
10 and health services of providing consultation and technical assistance
11 must be included with this recommendation;

12 (c) How to increase the appropriate use of the authority granted
13 the courts under current juvenile justice act provisions, Title 13 RCW,
14 to order alternatives to secure confinement;

15 (d) The establishment of new options under Title 13 RCW to divert
16 juveniles with developmental disabilities from the juvenile justice
17 system while maintaining public safety;

18 (e) The feasibility of developing and adopting law enforcement
19 training for responding to juveniles with developmental disabilities
20 that is analogous to the crisis intervention training currently
21 provided to law enforcement officers for responding to alleged criminal
22 behavior by persons with mental illness;

23 (f) The feasibility of adopting standardized statewide screening
24 and application practices and forms designed to facilitate the
25 application of juveniles who are likely to be eligible for medical
26 assistance services by the division of developmental disabilities;

27 (g) The need for and feasibility of developing a screening tool and
28 training for juvenile justice system staff to be used to identify
29 persons with developmental disabilities who are detained in places of
30 detention and facing a criminal charge.

31 (4) By September 1, 2012, if recommended by the work group under
32 subsection (3) of this section, the work group shall develop:

33 (a) A simple screening tool that may be used by juvenile detention
34 and correction institutions and facilities as part of the facility's
35 intake and/or classification process and which will assist in the
36 identification of offenders with the most common types of developmental
37 disabilities;

38 (b) A model policy for the use of the screening tool;

1 (c) A cost-effective means to provide concise training to juvenile
2 detention, juvenile correction, and juvenile probation and parole staff
3 on the use of the tool;

4 (d) Information on best practices and training regarding
5 appropriate accommodations for persons with developmental disabilities
6 during their confinement; and

7 (e) A practical guide for families and juvenile justice staff,
8 informed by the division of developmental disabilities, inclusive of
9 comprehensive information about programs and services available to
10 youth with developmental disabilities who are referred to the juvenile
11 justice system.

12 NEW SECTION. **Sec. 3.** This act expires January 1, 2013.

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