

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 2277 2SHB	<b>Title:</b> Youth Solitary Confinement	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)		112,200	112,200		
State Subtotal		112,200	112,200		
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>		<b>112,200</b>	<b>112,200</b>		

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

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## **Part II: Narrative Explanation**

This bill would create alternative solutions to solitary confinement for juveniles in all detention facilities and institutions and enhance the rehabilitative goals of Washington's juvenile justice system. The bill would provide for enhanced juvenile detention reporting requirements for the Department of Children, Youth, and Families (DCYF). The bill would limit the use of juvenile room confinement or isolation to no more than four hours in any 24-hour period, except under limited circumstances. The bill would prohibit a juvenile who is subject to adult court jurisdiction from being held in an adult jail or holding facility for a period exceeding 24 hours excluding weekends and holidays, unless court finds that it is in the interest of justice.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 5(1) – the Department of Children, Youth, and Families (DCYF) must compile, on a monthly basis until November 1, 2022, the following information with respect to juveniles confined in all state institutions and facilities used for juvenile rehabilitation:

- (a) The number of times isolation and room confinement were used;
- (b) The circumstances leading to the use of isolation and room confinement;
- (c) The duration of each use of isolation and whether, for each instance, the use of isolation lasted more or less than six hours within a twenty-four hour period;
- (d) Whether or not supervisory review occurred and was documented for each instance of isolation and room confinement;
- (e) The race and age of the juvenile;
- (f) Whether or not a medical assessment or review and a mental health assessment or review were conducted and documented for each instance of isolation; and
- (g) Whether or not the affected juvenile was afforded access to medication, meals, and reading material during the term of confinement.

Section 5(2) – Information collected under Section 5(1) must be compiled into a report and submitted in compliance with Section 7(1) of this draft bill.

Section 6(1) – A county operating a detention facility must compile, on a monthly basis until November 1, 2022, the following information with respect to the detention facility:

- (a) The number of times isolation and room confinement were used;
- (b) The circumstances leading to the use of isolation and room confinement;
- (c) The duration of each use of isolation and whether, for each instance, the use of isolation lasted more or less than six hours within a twenty-four hour period;
- (d) Whether or not supervisory review occurred and was documented for each instance of isolation and room confinement;
- (e) The race and age of the juvenile;
- (f) Whether or not a medical assessment or review and a mental health assessment or review were conducted and documented for each instance of isolation; and
- (g) Whether or not the affected juvenile was afforded access to medication, meals, and reading material during the term of confinement.

Section 6(2) – Information collected under Section 6(1) must be compiled into a report and submitted in compliance with Section 7(1) of this draft bill.

Section 8(c) – Would provide that for a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110, the juvenile may not be held in a jail or holding facility for a period exceeding 24 hours excluding weekends and holidays, unless a court finds, after hearing and in writing, that it is in the interest of justice.

Section 8(c)(i) – Would provide that if a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has to been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility, the juvenile may not have sight or sound contact with adult inmates, unless the court also finds, after a hearing and in writing, that it is in the interest of justice to permit sight or sound contact with adult inmates. In making the determination regarding sight and sound contact with adult inmates under this subsection, the court shall consider: (A) the age of the juvenile; (B) the physical and mental maturity of the juvenile; (C) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to himself or herself; (D) the nature and circumstances of the alleged offense; (E) the juvenile’s history of prior delinquent acts; (F) the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile, protect the safety of the public, and protect other detained juveniles; and (G) any other relevant factors.

Section 8(c)(ii) – Would provide that if a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.100 to be held in a jail or holding facility or have sight or sound contact with adult inmates under this section: (A) the court shall hold a hearing at least once every thirty days to review whether it is still in the interest of justice to permit the juvenile to be held in a jail or holding facility or have sight or sound contact with adult inmates; and (B) the juvenile shall not be held in any jail or holding facility or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless (I) the court, in writing, determines that there is good cause to allow an extension beyond 180 days; or (II) the juvenile expressly waives this limitation.

Section 8(c)(iii) – Would provide that a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has the right to be represented to adult criminal court under RCW 13.40.110 has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court at any hearing held to determine whether to place the juvenile in a jail or holding facility or to continue the juvenile’s place in such a facility.

## **II.B - Cash Receipt Impact**

None.

## **II.C – Expenditures**

This bill would require modifications to the Juvenile Court System (JCS). These modifications would include new screens, update to existing screens, new reporting variables, and new reports developed in the Data Warehouse.

It is estimated this work would require 748 hours of Information Technology (IT) development. IT costs are estimated at \$150 per hour. Thus the estimated cost is  $\$150 \times 748 = \$112,200$ .

The following provides a summary and detail:

1. New JCS screens in respect to confinement would be required (confinement and isolation). The new screens would include:
  - a. fields for verification of: date/time showing “in confinement” or “out of confinement”;
  - b. Authorizations;
  - c. Supervisory review / individual plan;
  - d. Reason for isolation;

- e. Medical assessment completion; and
  - f. Mental health assessment completion.
2. New reports would be required that would provide the following information:
- a. Number of times confinement / isolation were used;
  - b. Reason for isolation;
  - c. Person's age;
  - d. Person's race; and
  - e. Verification of supervisory review.

**Table I – Detail of IT Impacts**

<b>Task</b>	<b>Hours</b>
Implement new data tables	100
Implement user interface(s) (concurrent with implementation of data tables)	100
Implement Report Requirements and Develop Report	424
Conversion of existing information for use with reporting processes	124
<b>Total IT Hours</b>	<b>748</b>

It is assumed that development of business requirements (estimated at 80 hours) and education (estimated at 60 hours) would be managed within existing resources.

### **Part III: Expenditure Detail**

#### **III.A – Expenditures by Object or Purpose**

	<b>FY 2020</b>	<b>FY 2021</b>	<b>2019-21</b>	<b>2021-23</b>	<b>2023-25</b>
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services		112,200	112,200		
G – Travel					
J – Capital Outlays					
P – Debt Service					
<b>Total:</b>		<b>112,200</b>	<b>112,200</b>		

#### **III.B – Detail:**

<b>Job Classification</b>	<b>Salary</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>2019-21</b>	<b>2021-23</b>	<b>2023-25</b>
<b>Total FTE's</b>						

### **Part IV: Capital Budget Impact**

None.

### **Part V: New Rule Making Required**

None.