

Multiple Agency Fiscal Note Summary

Bill Number: 2277 2S HB	Title: Youth solitary confinement
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	112,200	112,200	.0	0	0	.0	0	0
Department of Children, Youth, and Families	5.4	1,059,024	1,059,024	43.9	8,305,427	8,305,427	42.6	8,014,906	8,014,906
Total \$	5.4	1,171,224	1,171,224	43.9	8,305,427	8,305,427	42.6	8,014,906	8,014,906

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 902-0562	Date Published: Final 3/ 1/2020
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Judicial Impact Fiscal Note

Bill Number: 2277 2S HB	Title: Youth solitary confinement	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
State FTE Staff Years					
Account					
General Fund-State 001-1		112,200	112,200		
State Subtotal \$		112,200	112,200		
COUNTY	FY 2020	FY 2021	2019-21	2021-23	2023-25
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2020	FY 2021	2019-21	2021-23	2023-25
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

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.

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/17/2020
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 02/19/2020
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/19/2020
OFM Review: Gaius Horton	Phone: (360) 902-0608	Date: 02/20/2020

159,757.00

Request # 2277 2SHB-1

Form FN (Rev 1/00)

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Bill # 2277 2S HB

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services		112,200	112,200		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$		112,200	112,200		

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

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

Task	Hours
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
Total IT Hours	748

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

	FY 2020	FY 2021	2019-21	2021-23	2023-25
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					
Total:		112,200	112,200		

III.B – Detail:

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

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 2277 2S HB	Title: Youth solitary confinement	Agency: 307-Department of Children, Youth, and Families
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	10.8	5.4	43.9	42.6
Account					
General Fund-State 001-1	0	1,059,024	1,059,024	8,305,427	8,014,906
Total \$	0	1,059,024	1,059,024	8,305,427	8,014,906

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/17/2020
Agency Preparation: Jay Treat	Phone: 360-725-4422	Date: 02/26/2020
Agency Approval: Carleton Georgina	Phone: 3609028107	Date: 02/26/2020
OFM Review: Cynthia Hollimon	Phone: (360) 902-0562	Date: 03/01/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Comparison of 2277 2SHB to 2277 SHB: No changes to fiscal impact.

The only change to this second substitute bill is the addition, in new section 2, to the definition of detention facility adding "Any juvenile correctional facility under alternative administration operated by a consortium of counties under RCW 13.04.035". this RCW pertains to juvenile courts.

Description of 2277 2SHB:

New Section 3 requires that total isolation and room confinement of a juvenile shall be limited in duration to no more than four hours in any twenty-four hour period. This will require additional staffing to increase structure in programming and allow staff to coach and deescalate youth to avoid room confinement. Due to the Prison Rape Elimination Act - PREA staffing standards, utilizing staff within the milieu current staffing will result in ongoing PREA non-compliance, as it will pull staff away from their supervision responsibilities and hinder the 1:8 required staff to youth ratio. Clinical services on each site will need to increase to support plan development for youth, provide needed psychological care and support for staff in implementation. In addition, this will require additional consultation if room confinement needs go over four hours by staff that are on call to approve.

New Section 4 requires, where needed, medical professionals must assess or evaluate any youth in isolation as soon as possible after placement in isolation, and requires that qualified mental health professionals must evaluate and develop a care plan for juveniles placed in isolation to prevent self-harm. This will require additional mental health professionals to meet this requirement.

New Section 5 requires new reporting for the Department, and will require additional IT staff to create a module to pull monthly data, provide quality assurance on data and set up reporting requirements.

New Section 7 requires DCYF to collect Juvenile Rehabilitation program, county and governing unit data on confinements, compile the data, and provide a report to the Legislature by December 1, 2022.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Juvenile Rehabilitation transitioned from the Department of Social and Health Services to the Department of Children Youth and Families (DCYF) on July 1, 2019. On November 1, 2019 the department implemented a policy to reduce the use of room confinement.

The agency policy has not yet been fully implemented. Challenges to full implementation are: current budgeted staffing levels, maintaining PREA compliance staffing ratios and supporting a new population of individuals transferring from adult facilities that have more lenient confinement practices.

Should full compliance be required by law, the Department needs additional staffing to do the following:

- Provide brief behavioral intervention services with juvenile to help prevent the need for confinement.
- Backfill coverage in a facility so that staff with the best relationship with the juvenile can focus solely on deescalating the youth in the moment without requiring unit confinement for compliance with staffing ratios such as PREA Standards 115.313 (c).
- Run recreational therapeutic activities that focus on unifying and bonding youth that currently respond violently toward each other and leading to the need for confinement, often for multiple parties involved.
- Minimize gang behavior and violence by mirroring practices of the Oregon Youth Authority Gang Intervention Program.
- Support youth to engage in their Dialectal Behavior Treatment skills in the school setting because in-the-moment assistance to re-regulate prevents youth from requiring removal from the school setting and reinforces the skills.
- Keep staff (and other youth) safe while attempting de-escalation with one or more individuals within the unit as an alternative to utilizing confinement for safety purposes.

The type and amount of staff, the cost and a longer description of job duties is described in detail below. It is important to note if additional staff are funded for other purposes in the 2020 supplemental budget, such as additional staffing to comply with Chapter 322, Laws of 2019 (ESHB 1646), the staffing needs to implement this bill would be lower.

NEW SECTION 3: Total costs in FY21 are \$908,841, FY22 \$3,566,131 and FY23 forward \$3,493,131.

FTE, Salary and Benefits:

For FY21 FTE, it is assumed that all staff will be hired by April 1, 2021 so that required training can be completed in time for the start of FY22. This start date would result in 9.78 FTE in FY21 comprised of 4.9 Juvenile Rehabilitation Counselor Assistants, 0.5 Juvenile Rehabilitation Residential Counselors, 1.05 Recreation Therapist 2, 0.25 Program Specialist 4, 2.73 Juvenile Rehabilitation Security Officer 1, 0.35 Juvenile Rehabilitation Security Officer 2, costing \$718,150.

FY22 and ongoing: 39.10 FTE each fiscal year, comprised of 19.60 Juvenile Rehabilitation Counselor Assistants, 2.0 Juvenile Rehabilitation Residential Counselors, 4.2 Recreation Therapist 2, 1.0 Program Specialist 4, 10.9 Juvenile Rehabilitation Security Officer 1, 1.40 Juvenile Rehabilitation Security Officer 2, costing \$2,838,643 each fiscal year.

The Juvenile Rehabilitation Counselor Assistants will serve as behavioral intervention specialists, roving the

facility and relieving wing staff so they can intervene with the youth or provide coverage in the facilities. They will conduct problem solving, engage in commitment to safety work, de-escalate and develop plans for the removal of confinement. Consultation will occur with the psychology associates and Program leaders in development of their plans. These staff will also serve as gang intervention specialists to help reduce incidents of aggression, which contribute to increased amount of room confinement hours.

The Juvenile Rehabilitation Residential Counselors will provide Dialectical Behavior Treatment, DBT, to support residents during School hours for in-the-moment interventions to quickly re- regulate and help reduce incidents of aggression in the school.

The Recreation Therapist 2 FTEs will assess, organize and implement therapeutic recreation services to meet the age appropriate and development needs of the youth at JR. This will provide 7-day coverage. This position would support behavioral interventions to maximize behavioral change for youth and provide a routine structure to practice and generalize skills to manage complex emotions that often interfere with programming. This position will be a key contributor to the individual planning required in the proposed bill to support the mitigation of room confinement incidents beyond 4 or more hours and the reduction of the overall use of room confinement.

The Program Specialist 4 will support the implementation of the solitary confinement bill. A majority of the longer term confinement incidents at Green Hill School is directly related to gang behavior and violence. The intent of this position, mirroring the Gang Intervention Administrator at Oregon Youth Authority, is to be proactive with potential gang conflicts. This can occur with a dedicated position gathering intel from across the state, orienting youth arriving to GHS, identifying potential conflict areas, facilitating problem solves and ommitment gathering across gangs, assisting in the transitioning of youth from one facility to another (institution or community facility) to ensure gang conflict potential is minimized and proactive problem solving is facilitated, and linking youth to community supports pre-release. This position will also serve as a gang trainer for JR to help maintain a workforce that is up to date on the evolving gangs and their risk factors across the state.

The Security Officers 1 & 2 will work weekends, evenings, Friday, Saturday, Sunday and Monday to provide support

the Clinical Response Team and living units. They will help with de-escalation, coaching and support for the youth and work with the JRSO 1 on calls and help cover sick calls. Staff shortages leaves us not as well staffed to cover activities and provide staff to de-escalation and work with the youth one on one for an extended amounts of time that may be required to avoid the use of Isolation or room confinement.

Standard Costs: FY21 \$190,691. FY22 \$667,488. FY23 and ongoing \$654,488. These costs are for goods and services, travel, equipment (capital outlay) and intra-agency reimbursements. All costs are ongoing. Ongoing costs are based on the following standard rates:

--Standard goods and services include supplies and materials, communications, employee development and training and computer lease, calculated at the rate of \$1,800 per FTE per fiscal year.

--Standard travel assumes \$2,400 per FTE per fiscal year, based on historic trends.

--Intra-Agency Reimbursements, calculated at the rate of 17.05 percent of combined salaries and benefits, are for indirect expenditures including agency administration and central services.

Other Costs: A one-time expenditure of \$60,000 in FY21 for a professional service contract for group mentoring to support gang violence reduction and intervention, behavioral, emotional and academic needs at Green Hill School and Echo Glen Children's Center.

NEW SECTION 4: Total costs \$120,291 in FY21 and \$394,758 in FY22 and ongoing.

FTE, Salary and Benefits: 0.75 FTE Psychology Associate (PA) costing \$81,623 in FY21, 3.00 FTE PA costing \$326,491 in FY22 and ongoing. This assumes a start date of April 1, 2021 for 3.00 PAs. The Psychology Associates will provide leadership, regular consultation, re-engagement plan reviews and proper oversight of confinement.

Standard costs: FY21 \$38,668 FY22 and ongoing \$68,267. These costs are for goods and services, travel, equipment (capital outlay) and intra-agency reimbursements. All costs are ongoing, based on the standard rates identified above, except for a one-time expenditure of \$21,600 in FY21 for equipment for the 3 new PA FTE.

NEW SECTION 5: Total costs \$210,321 one-time expenditure in FY22 for one-time expenditures

FTE, Salary and Benefits: 0.4 IT Business Analyst Journey, 0.4 IT Quality Assurance Journey and .81 IT App Development Journey with salary and benefits costs of \$207,423 for FY 22 only.

The IT staff will modify the Automated Client Tracking System, requiring a new module and update to a legacy module.

Standard Costs: FY22 \$2,898 one time costs. These costs are for goods and services only. Travel, equipment (capital outlay) and intra-agency reimbursements are not needed.

NEW SECTION 7: Total costs \$29,892 in FY21 and \$126,764 in FY22 \$119,564 in FY23 and ongoing.

FTE, Salary and Benefits: 0.25 WMS Band 1 with salary and benefits costs of \$24,640 for FY 21 WMS Band 1 costing \$98,560 for FY22 and ongoing.

The WMS Band 1 FTE will conduct periodic reviews and site visits of juvenile detention policies, procedures, and use of solitary confinement, isolation, and room confinement. The department shall review each facility at least once every three years. At the end of each three-year cycle, the department shall prepare a report to the legislature summarizing its reviews.

Standard Costs: FY21 \$5,252, FY22 \$28,204, FY23 and ongoing \$21,004. These costs are for goods and services, travel, equipment (capital outlay) and intra-agency reimbursements. All costs are ongoing, based on the standard rates identified above, except for a one-time expenditure of \$7,200 in FY22 for equipment for the new WMS Band 1 FTE.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	0	1,059,024	1,059,024	8,305,427	8,014,906
Total \$			0	1,059,024	1,059,024	8,305,427	8,014,906

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		10.8	5.4	43.9	42.6
A-Salaries and Wages		604,746	604,746	4,992,009	4,836,016
B-Employee Benefits		219,667	219,667	1,742,802	1,691,372
C-Professional Service Contracts				60,000	
E-Goods and Other Services		46,406	46,406	171,058	155,160
G-Travel		20,160	20,160	161,280	161,280
J-Capital Outlays		21,600	21,600	7,200	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		146,445	146,445	1,171,078	1,171,078
9-					
Total \$	0	1,059,024	1,059,024	8,305,427	8,014,906

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
IT App Dev Journey	94,068				0.4	
IT Business Analyst Journey	94,068				0.2	
IT Quality Assurance Journey	94,068				0.2	
Juvenile Rehabilitation Counselor Assistant	52,536		4.9	2.5	19.6	19.6
Juvenile Rehabilitation Resident Counselor	57,948		0.5	0.3	2.0	2.0
Juvenile Rehabilitation Security Officer 1	47,568		2.7	1.4	10.9	10.9
Juvenile Rehabilitation Security Officer 2	51,240		0.4	0.2	1.4	1.4
Program Specialist 4	70,632		0.3	0.1	1.0	0.5
Psychology Associate	77,952		0.8	0.4	3.0	3.0
Recreation Therapist 2	56,568		1.1	0.5	4.2	4.2
WMS Band 1	69,678		0.3	0.1	1.0	1.0
Total FTEs			10.8	5.4	43.9	42.6

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact**IV. A - Capital Budget Expenditures**

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

None.

Part V: New Rule Making Required

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2277 2S HB	Title: Youth solitary confinement
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

☐ Cities:

☒ Counties: Indeterminate increase in county expenditures due to more staff time required to address new juvenile isolation and room confinement practices and policy.

☐ Special Districts:

☐ Specific jurisdictions only:

☐ Variance occurs due to:

Part II: Estimates

☐ No fiscal impacts.

☐ Expenditures represent one-time costs:

☐ Legislation provides local option:

☒ Key variables cannot be estimated with certainty at this time: The number of juveniles that would be placed in isolation or room confinement under this new legislation; the specific needs of these juveniles in regards to isolation; how facilities would address the model policy prepared by DCYF.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Rebecca Duncan	Phone: 360-725-5040	Date: 02/19/2020
Leg. Committee Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/17/2020
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/19/2020
OFM Review: Cynthia Hollimon	Phone: (360) 902-0562	Date: 02/20/2020

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

CHANGES FROM PREVIOUS BILL VERSION:

This bill version would change the definition of “detention facility” to “any detention facility as defined under RCW 13.40.020, and any juvenile correctional administration operated by a consortium of counties under RCW 13.04.035.” This would expand the number of facilities included in the term “detention facility”, leading to an increase in fiscal impacts for local governments.

SUMMARY OF CURRENT BILL VERSION:

This bill would prohibit the use of solitary confinement for juveniles, establish practices for juveniles placed in limited isolation, and establish periodic reviews and reports regarding juvenile isolation and room confinement.

Section 2 would establish definitions for the chapter, including expanding the definition of “detention facility” to be “any detention facility as defined under RCW 13.40.020, and any juvenile correctional administration operated by a consortium of counties under RCW 13.04.035.”

Section 3 would prohibit the use of solitary confinement for juveniles. According to this section, a juvenile may only be placed in isolation or room confinement for no more than four hours in any 24-hour period except in limited circumstances. During isolation or room confinement, staff must check on the juvenile at least every 15 minutes to communicate, attend to their needs, and evaluate them. Every instance of such isolation must be documented in accordance with sections 5, 6, or 7. The section goes into detail on what amenities and objects a juvenile may have access to, and establishes the requirements for when staff must remove the juvenile from isolation and room confinement. The section would require documented authorization from the DCYF secretary or juvenile court administrator if the total isolation or room confinement exceeds 24 hours.

Section 4 would require the Department of Children, Youth and Families (DCYF) to adopt a model policy regarding the use of juvenile room confinement and isolation by July 1, 2021, and detention facilities or institutions to either adopt or indicating why they are not adopting this policy by December 1, 2021, including how the detention facility or institution's policies and procedures differ from the model policy.. In creating this policy, DCYF would need to consult with appropriate stakeholders including, but not limited to, juvenile court administrators, impacted youth, and representatives of staff.

Section 6 would require counties operating a juvenile detention facility to compile, on a monthly basis until November 1, 2022, certain information regarding juveniles receiving isolation or room confinement in those facilities and report this information to the DCYF. The report must include:

- a) The number of times isolation and room confinement were used;
- b) The circumstances leading to the use of isolation and room confinement;
- c) A determination of whether, for each instance of isolation, the use of isolation lasted more or less than four hours within a twenty-four hour period, and, for instances lasting more than four hours, the length of time the juvenile remained in isolation;
- d) Whether or not supervisory review occurred and was documented for each instance of isolation and room confinement;
- e) The race and ages of the juvenile for each instance of isolation and room confinement;
- 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 full access to education, programming, and ordinary necessities such as medication, meals, and reading material during the term of confinement.

Section 6 would require that, after November 1, 2022, a county operating a detention facility or a governing unit operating one or more jails when a juvenile is in custody must annually compile this report information. The information collected must be posted on the relevant facility's web site.

Furthermore, section 7 would require that, beginning in January 2023, the DCYF conduct a review of juvenile detention policies, procedures, and use of solitary confinement, isolation, and room confinement at least once every three years.

Section 8 would amend RCW 13.04.116 to establish rules for juveniles who are subject to adult court jurisdiction being held in an adult jail or holding facility. The section 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 a court finds that it is in the interest of justice. Juveniles in jails or holding facilities may not have sight or sound contact with adult inmates unless the court finds that it is in the interest of justice to permit such contact. The court must hold a hearing every 30 days to review whether the sight or sound contact with adults and the placement in a jail or holding facility is still in the interest of justice. Juveniles cannot be held in a jail or holding facility or allowed to have sight or sound contact with adults for more than 180 days unless the court makes a finding of good cause or the juvenile waives the

limitation. Juveniles have a right to counsel during hearings to determine placement in a jail or holding facility.

A new section, section 9, would clarify that if any part of the act is in conflict with federal requirements, the conflicting elements are inoperative, but the rest of the act remains in effect.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

CHANGES FROM PREVIOUS BILL VERSION:

The expansion of the definition of “detention facility” would increase the number of facilities that would be considered county-run juvenile detention facilities to include those run by a consortium of counties. This would lead to an indeterminate increase in expenditures compared to the previous bill version. However, the overall fiscal impact of the bill is still indeterminate.

SUMMARY OF CURRENT BILL VERSION:

This bill would result in an indeterminate increase in expenditures for counties.

Section 3 would increase costs for county-run juvenile detention facilities due to the extra staff time required to check in with juveniles in isolation or room confinement, attend to an isolated juvenile’s needs, to be present with the juvenile to ensure a juvenile is not placed in isolation or room confinement for more than four hours and to document these instances. The DCYF assumes that this section would require additional staffing to increase structure in programming and allow staff to coach and deescalate youth to avoid room confinement. In addition, the clinical services on each site would need to increase to support plan development for youth, provide needed psychological care and support for staff in implementation. The Local Government Fiscal Note Program assumes that additional staff needs in regards to this section would be similar in both state- and local government-operated facilities. The number of juveniles that would be placed in isolation or room confinement under this new legislation is not known at this time, and the needs of each juvenile that would be confined cannot be accurately predicted. Therefore, the impact to staff time cannot be measured, so the increase to county costs is indeterminate.

Section 4 would increase costs for county-run juvenile detention facilities due to the requirement that by July 1, 2021, detention facilities or institutions either adopt or indicating why they are not adopting model policy developed by the DCYF by December 1, 2021, including how the detention facility or institution's policies and procedures differ from the model policy. The process of addressing this policy may take some additional staff time for county-run juvenile facilities, but the amount of work required to do this work as well as whether or not a given facility would adopt the model policy is unknown. In addition, there may be some staff time needed to engage with the DCYF as they reach out to stakeholders to craft their model policy, but the extent of this impact is also unknown. Therefore, the impact to staff time cannot be measured, so the increase to county costs is indeterminate.

Section 6 would increase costs for county-run juvenile detention facilities due to the requirement that counties operating a juvenile detention facility must compile report certain information regarding juveniles receiving isolation or room confinement in excess of one hour to the DCYF, as well as reporting and publishing this information annually after November 1, 2022. This new reporting would require additional staff time. The number of juveniles that would be placed in isolation or room confinement under this new legislation is not known at this time, and the needs of each juvenile that would be confined cannot be accurately predicted. Therefore, the impact to staff time cannot be measured, so the increase to county costs is indeterminate.

Section 8 would increase costs for adult jails and holding facilities due to the establishment rules for juveniles who are subject to adult court jurisdiction being held in an adult jail or holding facility would lead to an indeterminate increase in local government expenditures. To follow these rules, local adult jails or holding facilities may need to train staff and change their practices, which would require additional staff time. However, the exact impact of these changes on expenditures for adult jails and holding facilities is unknown.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This bill would have no impact on local government revenues.

SOURCES:

Department of Children, Youth and Families
Administrative Office of the Courts
Washington State Association of Counties