

AN ACT Relating to establishing the joint legislative task force on jail standards; adding a new section to chapter 70.48 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. Sec. 1. The legislature finds that there is a statewide need to standardize rights and responsibilities of individuals confined in county, municipal, and juvenile detention facilities throughout the state. The legislature recognizes that the Washington corrections standards board previously existed from between 1981 and 1987, providing, monitoring, and enforcing jail operating standards. The legislature further finds that the elimination of the board has led to a reduction in consistency in jail standards and elimination of statewide enforcement and inspection mechanisms. The legislature finds that lack of a regulatory body with oversight powers has led to a jail system lacking in both transparency and oversight. The legislature concludes that this has had a negative impact upon those confined in such facilities. This negative impact has detrimentally affected the health, safety, and living conditions of those experiencing incarceration in jails.

The legislature finds that the living conditions of jails play an important role in the reentry process and that successful reentry has a tangible, positive effect upon reduced recidivism and overall public safety. The legislature finds that the mental and economic trauma imposed by substandard living conditions in such facilities can have a negative impact upon rehabilitation efforts. The legislature recognizes that in 2016, fifty-eight percent of people entering jails in Washington had mental health treatment needs, sixty-one percent had substance use disorder treatment needs, and forty-one percent had co-occurring disorder indicators. The legislature intends to improve access to needed treatment for these populations. The legislature finds that failure to address these challenges can result in public safety concerns for the

individual and staff providing services. The legislature further finds that standardizing this element of the justice system through uniform jail standards will result in better care, fewer negative incidents, and better staff safety.

The legislature finds that promoting family and community connection and economic stability for a family while a loved one is incarcerated are important factors in successful reentry. The legislature further finds that health and well-being are also critical factors for successful reentry and therefore key to reducing recidivism. The legislature therefore finds restoration of a statewide jail oversight board is in the interest of all Washingtonians.

Therefore, it is the intent of the legislature to convene a task force to collect data and make recommendations regarding the restoration of a statewide regulatory authority for mandatory jail standards, data collection, and inspection and enforcement of uniform jail standards for the health, safety, and welfare of the public, those who are confined, and staff.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.48 RCW to read as follows:

(1) A joint legislative task force on jail standards is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint twelve members representing the interests of: Prosecutors; defense attorneys; law enforcement; counties; cities; jail administrators; superior courts; district and municipal courts; a state designated protection and advocacy agency; medical and mental health service providers; a statewide civil legal

aid organization; and other entities involved with or interested in the operation of local jails.

(2) The legislative membership shall convene the initial meeting of the task force. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of the attorney general.

(4) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(6) The task force shall review the following issues:

(a) The adequacy of standards adopted and used by jails including, but not limited to, standards for conditions and operations, inspections, enforcement, and oversight;

(b) Current data on jails in the state including, but not limited to, square footage of living space per individual, jail capacity, average daily population over the previous five years, medical and dental services, mental health services, treatment programming options, accreditation status, use of force incidents over the previous five years, and in-custody deaths and the causes of those deaths;

(c) How the jails in the state compare to jail standards and practices in other states regarding safety and physical conditions; health and welfare; access to medical, mental health, dental care,

and substance use disorder treatment; food quality and quantity; use of force; use of solitary confinement; and recreational activities and programming;

(d) The revenue sources and funding mechanisms used by other states to pay for local jails and the kinds of services that are provided to inmates in jails in other states, including identifying the entity that is responsible for financing those services;

(e) Inmate access to jail telecommunication, electronic media, and commissary services, including the rates and fees charged by the jail for these services that are often borne by families of incarcerated individuals; and

(f) Other issues the task force deems relevant to the conditions of jails.

(7) The task force shall make recommendations regarding:

(a) Statewide minimum jail standards, oversight, or other policy changes to ensure jail conditions meet state and federal constitutional and statutory standards and include adequate safety and welfare safeguards for incarcerated persons and staff; and

(b) Restoration of a statewide authority to set mandatory minimum jail standards and conduct inspections of jails for compliance and enforcement of those standards.

(8) The task force shall consult with organizations and entities with interest or experience in jail standards and operations including, but not limited to, treatment providers, victims' advocates, inmate advocates, organizations representing jail employees and officers, and other community organizations.

(9) The Washington association of sheriffs and police chiefs and representatives from county, city, and regional jails must provide any data or information that is requested by the task force to perform its duties under this section.

(10) The task force shall report findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2022.

(11) This section expires on July 1, 2023.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

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