

RESOLUTION 2024-0970

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF JUVENILE DETENTION SERVICES IN BENTON AND FRANKLIN COUNTIES AND THE AUTHORIZATION OF THE FRANKLIN COUNTY BOARD OF COMMISSIONERS AND BY A MAJORITY OF THE JUDGES OF THE BENTON AND FRANKLIN COUNTY SUPERIOR COURT FOR THE TRANSFER OF AND THE RESPONSIBILITY FOR AND ADMINISTRATION OF JUVENILE DETENTION SERVICES TO THE BENTON COUNTY CORRECTIONS DEPARTMENT

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Benton County, Washington (hereinafter sometimes referred to as the "Board") has the care of county property and the management of county funds and business; and

WHEREAS, pursuant to the provisions of RCW 70.48.090(4), a city or county primarily responsible for the operation of a jail or jails may create a department of corrections to oversee such jail and of all persons confined therein by law, subject to the authority of the governing body; and

WHEREAS, pursuant to the provisions of RCW 70.48.090(4), the Board of Benton County Commissioners in 2019 passed Resolution 2019-767 creating a corrections department as an agency for the administration of criminal justice related to the detention and rehabilitation of accused adult persons or adult criminal offenders to be known as the Benton County Corrections Department; and

WHEREAS, an agreement has been entered into between Benton County, Franklin County, and a majority of the Judges of the Benton and Franklin County Superior Court for the transfer of the responsibility for and administration of Juvenile Detention Services to the Benton County Corrections Department; and

WHEREAS, the scope of responsibilities for the Benton County Corrections Department therefore needs to be expanded to include the supervision of Juvenile Detention Services and Juvenile detention staff at the Benton-Franklin Juvenile Justice Center.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Board of County Commissioners of Benton County, Washington that effective January 1, 2025, the scope of responsibilities for the Benton County Corrections Department be hereby expanded to include the responsibility for and the administration of Juvenile Detention Services and Juvenile detention staff at the Benton-Franklin Juvenile Justice Center, and authorize the Chairman or Chairman Pro Tem to sign the agreement on behalf of the Board.

Dated this 17th day of December, 2024.

DocuSigned by:
Amanda Pearson
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Attest...
Clerk of the Board

Jerome Delvin - Absent
Chairman of the Board
DocuSigned by:
Michael Alvarez
D6C6F57E34874E4...
Chair Pro Tem
DocuSigned by:
Will McKay
135987D784E74CF...
Commissioner

Constituting the Board of Commissioners
of Benton County, Washington

AGREEMENT REGARDING THE PROVISION OF JUVENILE DETENTION SERVICES IN BENTON & FRANKLIN COUNTIES

This Agreement between the Benton County Board of County Commissioners, (hereinafter the “BC – BOCC”), the Franklin County Board of County Commissioners (hereinafter “FC- BOCC”) and the Judges of the Benton & Franklin County Superior Court (hereinafter the “Court”) is effective January 1, 2025.

RECITALS

WHEREAS, on December 16th, 2024, the Court, acting pursuant to RCW 13.04.035, authorized by majority vote by Local Administrative Rule #5, the transfer to the BC-BOCC and FC-BOCC the responsibility for and administration of juvenile detention services;

WHEREAS, the BC-BOCC and FC-BOCC are willing to assume such responsibilities outlined herein under the terms set forth in this Agreement; and

WHEREAS, on December 17th, 2024, the Benton County Commissioners passed Resolution # 2024-0970 authorizing the Benton County Corrections Department (“Corrections”) take responsibility for and administration of detention related services at the Benton-Franklin Juvenile Justice Center.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

I. TRANSFER OF DETENTION SERVICES

1. Subject to the terms of this Agreement, the Court hereby transfers to the BC-BOCC and FC-BOCC, pursuant to RCW 13.04.035, the responsibility for the juvenile detention services at the Benton-Franklin Counties Juvenile Justice Center (“Juvenile Justice Center”) effective January 1, 2025. These services are outlined on the attached Exhibit A.

2. The services transferred herein shall be maintained by the counties at a level consistent with and providing for the needs of the juveniles, over whom the Court has jurisdiction, and the needs of the community in relation to those juveniles.

3. The parties agree that the services transferred under this Agreement will continue to be handled by bi-county employees at the Juvenile Justice Center, but they will now be subject to the supervision of the Chief of Corrections of Benton County Corrections. The Court, BC-BOCC, and FC-BOCC agree that the Chief of Corrections of Benton County Corrections shall serve as the Detention Administrator for the Juvenile Justice Center. The current bi-county employee positions at the Juvenile Justice Center shall be subject to the supervision of the Detention Administrator position as agreed to herein and as identified on the attached Exhibit B.

4. The parties agree that effective January 1, 2025, the Juvenile Justice Center Detention Manual, Signed Policies & Procedures, First Updated Policy Signed: 03/01/2001, Last Updated Policy Signed: 09/12/2024, is hereby adopted as the policies that Corrections shall continue to follow until such time as Corrections, in its sole discretion, adopts policies to amend or supersede them.

5. The parties agree that the budget for Department 171 of the Juvenile Justice Center for the years 2025 and thereafter while this Agreement is in effect shall reflect the expenses incurred by Corrections to perform its duties hereunder and to supervise the detention services at the Juvenile Justice Center.

6. The parties agree that all current Benton County – Franklin County Joint Resolutions and interlocal agreements relating to the operations and governance of the Juvenile Justice Center remain in full force and effect and nothing in this Agreement modifies or amends those resolutions or agreements. The parties further agree that the supervision of bi-county employees by the Benton County Chief of Corrections pursuant to this Agreement shall not alter any future liability that the counties may incur related to the operations at the Juvenile Justice Center, and the allocation of liabilities between the counties therefore shall be no different as a result of this Agreement than it is/was when detention services are supervised by a bi-county employee.

7. The Detention Administrator identified hereunder will be responsible for the policies and procedures for all functions related to the 24/7 secured detention facility at the Juvenile Justice Center that are listed on Exhibit A.

II. CONTINUED JUDICIAL AUTHORITY

1. The Court will continue responsibility for all judicial functions and for the probation related services at the Juvenile Justice Center. The probation related services are identified in Exhibit C attached hereto.

2. The Court shall remain as the supervisor of all employee positions at the Juvenile Justice Center except for those positions identified in Exhibit B and any future created positions that are reflected in the detention services portion of the budget for Department 171.

III. RE-TRANSFER OF RESPONSIBILITY

1. All responsibility for detention services transferred by the Court to the BC-BOCC and FC-BOCC hereunder shall revert to the Court if the judges of the Superior Court, by a majority vote, find that any of the following conditions are not being complied with and that the interest of the juveniles require reversion:

a. The detention services transferred hereunder shall be maintained at a level consistent with providing for the needs of the juveniles, over whom the Court has jurisdiction, and of the needs of the community in relation to those juveniles.

b. The Juvenile Justice Center detention facility and all detention services for juveniles shall be operated at all times separately from all adult correctional facilities so that there is no contact, physically or programmatically, between juvenile offenders and adult inmates.

c. Upon a vacancy in the Benton County Chief of Corrections position, the BC-BOCC shall retain sole discretion to name such replacement.

d. Except for the Chief of Corrections and the Corrections’ Finance Administrator, the staff of the adult detention and juvenile detention shall be separate and distinct. No adult correctional facility staff person shall be assigned to the Juvenile Justice Center as a detention officer without having adequate training to qualify as a juvenile detention officer.

2. Prior to any vote by the judges on any possible exercise of the right to re-transfer detention responsibilities under this Agreement, the Court shall meet with representatives on behalf of the BC-BOCC and FC-BOCC to discuss any concern over the terms of the condition and attempt to resolve any concerns.

3. The effective date of any re-transfer of responsibilities to the Court under this section shall not be less than ninety (90) days from the date of delivery by the Court to the county administrators for Benton County and Franklin County, respectively, written notice of the re-transfer of responsibilities unless a short time is agreed to by both the BC-BOCC and FC-BOCC.

IV. RIGHTS AFFECTED

Nothing in this Agreement shall be construed to limit the rights of the parties to reorganize the provision of the services to juveniles in accordance with RCW 13.04.035.

V. EFFECTIVE DATE OF TRANSFER

The effective date of the transfer of responsibilities as outlined in this Agreement shall be January 1, 2025.

Signed by:
Jacqueline I. Stam
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Date: 12/16/2024

Jacqueline I. Stam, Presiding Judge
Superior Court of the State of
Washington for Benton &
Franklin Counties

BENTON COUNTY APPROVAL

By: DocuSigned by:
Michael Alvarez
D6C0F97E34574E...

Name: Michael Alvarez

Title: Chair or Pro Tem, Board of Commissioners

Date: 12/17/2024

Attest:

DocuSigned by:
Amanda Pearson
04025A97CE0340E
Clerk to the Board

Approved as to form:

Signed by:
Ryan Brown
D3PBB31A94B0474...
Ryan Brown, Chief Civil Deputy
Prosecuting Attorney

FRANKLIN COUNTY APPROVAL

By: Clint Didier
Chair Vice

Name: ~~Rocky~~ Clint Didier

Title: Chair or Pro Tem, Board of Commissioners

Date: 12/18/2024

Attest:

Shelley J. [Signature]
Clerk to the Board (ACTIAS)

Approved as to form:

Civil Deputy Prosecuting Attorney

RESOLUTION 2024-333

BEFORE THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON:

IN THE MATTER OF JUVENILE DETENTION SERVICES IN BENTON AND FRANKLIN COUNTIES AND THE AUTHORIZATION OF THE BENTON COUNTY BOARD OF COMMISSIONERS AND BY A MAJORITY OF THE JUDGES OF THE BENTON AND FRANKLIN COUNTY SUPERIOR COURT FOR THE TRANSFER OF AND THE RESPONSIBILITY FOR AND ADMINISTRATION OF JUVENILE DETENTION SERVICES TO THE BENTON COUNTY CORRECTIONS DEPARTMENT

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Franklin County, Washington (hereinafter sometimes referred to as the "Board") has the care of county property and the management of county funds and business; and

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NOW, THEREFORE BE IT HEREBY RESOLVED by the Board of County Commissioners of Franklin County, Washington that effective January 1, 2025, the scope of responsibilities for the Benton County Corrections Department be hereby expanded to include the responsibility for and the administration of Juvenile Detention Services and Juvenile detention staff at the Benton-Franklin Juvenile Justice Center, and authorize the Chairman or Chairman Pro Tem to sign the agreement on behalf of the Board.

Dated this 18th day of December, 2024.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

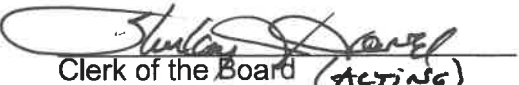
ABSENT

Chair

Pro Tem

Member

Attest:


Clerk of the Board *(Acting)*

Commissioners' Agenda Action Sheet



Meeting Date: December 17, 2024
Subject: Transfer of Responsibility for Juvenile Detention Services at the Benton-Franklin Juvenile Justice Center ~ J MacPherson
Presenter: Jerrod MacPherson
Prepared By: Jerrod MacPherson
Reviewed By: Jerrod MacPherson
PA Review: **Approved:** Yes **Denied:** No **N/A:** No
(If denied, include reasoning)

Type of Agenda Item: Scheduled Business

Summary / Background Information

The Judges of the Benton and Franklin Counties Superior Court have been working with Benton County Administration and Franklin County Administration on the potential transfer of and the responsibility for and administration of Juvenile Detention Services to the Benton County Corrections Department. An agreement among all three parties (Benton County, Franklin County, and the Superior Court Bench), has been prepared outlining the terms of said transfer with an effective date of January 1, 2025.

With the approval of the above-described three-party agreement (Benton County, Franklin County, and the Superior Court Bench), the scope of responsibilities for the Benton County Corrections Department will be expanded to include the supervision of Juvenile Detention Services and Juvenile detention staff at the Benton-Franklin Juvenile Justice Center.

Fiscal Impact

Cost savings.

Recommendation

It is the recommendation of the County Administration that the Board approve the attached Resolution and the attached Agreement between the Judges of the Benton and Franklin County Superior Court, the Board of Franklin County Commissioners, and the Board of Benton County Commissioners, that effective January 1, 2025, the scope of responsibilities for the Benton County Corrections Department be expanded to include the responsibility for and the administration of Juvenile Detention Services and Juvenile detention staff at the Benton-Franklin Juvenile Justice Center.

Suggested Motion

I move to approve and sign the attached Resolution and Agreement between the Judges of the Benton and Franklin Counties Superior Court, the Board of Franklin County Commissioners, and the Board of Benton County Commissioners, effective January 1, 2025, and the scope of responsibilities for the Benton County Corrections Department be expanded to include the responsibility for and the administration of Juvenile Detention Services and Juvenile detention staff at the Benton-Franklin Juvenile Justice Center.

Signatures Required on Agreements/Contracts

Resolution and Agreement.