

JUVENILE REHABILITATION – DIVISION POLICY

Policy 1.80 – Notifying the Community of Youth Placement, Transfer or Release

Summary

- Establishes policy regarding notification procedures for certain JR youth and young adults.

Background

The existing policy was updated following changes during the 2019 legislative session extending some youth in JR to age 25. This also merges and incorporates applicable language from the DSHS Administrative Policies 8.06 (Notifications) and 8.07 (YSO Registration) following the July 1st merge with DCYF since the administrative policies now only apply to JR.

Policy Summary

This policy addresses which specific agencies should be notified when certain JR youth are in the community. This includes the forms and procedures for school notifications, law enforcement, DOC (for YOP youth), tribes, and victim/witnesses.

Changes from Current Practice

- Changes the language in the Youthful Offenders (YOP) section to “prior to age 25” and rewritten for clarity between JR and DOC responsibilities
- Adds a new statement about YOPs who are eligible for Electronic Home Monitoring (EHM)

Policy Effective Date: September 1, 2019

*Staff are responsible for reading and understanding the information contained in the full policy.
Review of this summary is not sufficient for full understanding.*

**POLICY 1.80 NOTIFYING THE COMMUNITY OF YOUTH
PLACEMENT, TRANSFER OR RELEASE**

Policy Committee Chair

Lori Kesi
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Approved



Marybeth Queral, Assistant
Secretary Juvenile Rehabilitation
8/30/2019

Authorizing Sources

RCW 4.24.550
RCW 9.41.333¹
RCW 9.94A.030
RCW 13.40.205
RCW 13.40.215
RCW 71.09.025
RCW 72.01.410
RCW 72.05.415

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Effective Date (*Technical Edit 9/1/2021*)
9/1/2019

Sunset Review Date
9/1/2023

I. PURPOSE AND SCOPE

The policy establishes community notification procedures for certain groups of youth and young adults (referred to as ‘youth’) in JR’s care. Notifications to specific agencies such as law enforcement, schools, Department of Corrections (DOC), Tribes and the DCYF Victim/Witness program are required in certain situations where JR youth will be in the community.

Unless otherwise noted, any out-of-state notifications must be determined and coordinated through the Interstate Compact Administrator for JR. The Administrator will assist in determining if any additional notification is required beyond the provision of the referral packet. See Policy 6.60, *Accessing Interstate Compact Services*.

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) are responsible for reviewing and complying with JR policies.

¹ 7/30/2020 Technical Edit: Added missing RCW for firearm registration.

II. POLICY

- 1. JR must notify law enforcement agencies, schools, the DCYF victim/witness program, employers, volunteer coordinators, and treatment providers on specific timelines when youth with specific offenses are involved in the following:**
 - 1.1. Authorized leave (per Policy 6.40, *Managing Authorized Leaves and Community Involvement Passes*),
 - 1.2. Transfer to a minimum security facility (per Policy 6.30, *Facilitating Transition To JR Community Facilities* and 6.31, *Transferring Residential Youth Between Facilities*),
 - 1.3. Release to parole supervision (per Policy 6.50, *Establishing the Release from Commitment Date*),
 - 1.4. Discharge from JR commitment (per Policy 6.50, *Establishing the Release from Commitment Date*),
 - 1.4.1. When a youth is transferred to a jail or DOC facility to serve a sentence after JR time ends, JR will complete the notification process as outlined in this policy.
 - 1.5. Escape (per Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*).
- 2. During the intake process, all youth must be provided a copy of the written notice regarding the requirements for school and law enforcement notification or registration for specific offenses (DCYF Form 20-236).**
 - 2.1. Youth must sign the form, and a copy of the signed notice will be placed into the youth's case file per Policy 2.40, *Managing Youth Case Files*.
- 3. JR must document and maintain records of notifications in ACT. Notification should include:**
 - 3.1. the offense or offense type requiring notification
 - 3.2. youth's name
 - 3.3. date of birth
 - 3.4. current address, when known
 - 3.5. new address
 - 3.6. agency or individual's name, phone number, and relationship to youth
 - 3.7. name of contact person
 - 3.8. date of notification
 - 3.9. information released.
- 4. Information in the notice of release may be changed provided law enforcement is notified of the change prior to the release date.**
- 5. Notification will include the last known address at time of release.**

Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

LAW ENFORCEMENT NOTIFICATION

6. Law enforcement notification is required in certain circumstances. (DCYF Form 09-747 or 09-747A)

- 6.1. The law enforcement notification must include, at a minimum, the identity of the offender, the criminal history of the offender and the youth's risk level classification if applicable (per Policy 3.52, *Establishing Risk Level for Youth who Sexually Offended*)
 - 6.2. Law enforcement notification is required for all youth with a current or former²:
 - 6.2.1. A sex offense
 - 6.2.2. A violent offense
 - 6.2.3. A kidnapping, stalking or unlawful imprisonment offense
 - 6.3. Law enforcement notification is required for all youth transferring to a minimum security facility (*see also EXCEPTIONS*).
 - 6.4. Law enforcement must be notified on specific timelines.
 - 6.4.1. For youth with sex, violent, kidnapping or stalking offenses, the notification must occur at least 30 days prior to authorized leave, transfer, discharge, or release.
 - 6.4.2. For youth without sex, violent, kidnapping or stalking offenses going on authorized leave, the notification will occur at least seven days in advance.
 - 6.4.3. For all other youth, notification must occur 72 hours prior to transfer to a community facility.
 - 6.5. Failure to notify within the prescribed time periods requires a change in the release date to meet the 30-day requirement unless the offender reached the maximum release date.
 - 6.6. Change in release destination requires a updated notification to the new law enforcement jurisdiction as soon as possible. Updated notifications are a courtesy for law enforcement and do not change the initial notification timelines.
 - 6.7. For youth at institution minimum security classification, one notice per law enforcement jurisdiction of destination is required for unsupervised on-going community program activities.
 - 6.8. For youth placed in minimum security facilities, one law enforcement notification specifying placement is sufficient to cover all subsequent unsupervised ongoing community activities from that facility.
 - 6.9. Youth in the community under the supervision of JR staff or contracted/volunteer staff are considered to be in custody and not subject to law enforcement notification procedures.
- 7. If a youth is releasing to an address on Tribal land, the Tribal law enforcement agency of the youth's affiliated tribe or the Tribal law enforcement agency where the youth will be residing must be notified in the same manner as any other law enforcement agency (*see also TRIBAL YOUTH*).**

² 9/10/2020 Technical Edit: Added "current or former" for clarification.

Policy **1.80**, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

SCHOOL NOTIFICATION³

8. School notification is required for certain youth 21 years of age or younger who do not have a high school diploma or equivalent (GED) when transferring to a minimum security facility (see also EXCEPTIONS), granted an authorized leave (see also AUTHORIZED LEAVE), releasing to parole supervision, or discharging from JR commitment. (DCYF Form 20-235).

8.1. Notification is required for the school the youth intends to attend or has attended previously.

8.2. School notifications are only required for certain youth, and must be notified on the following timeline:

8.2.1. For youth with sex or violent, offenses, the notification must occur at least 30 days prior to transfer, discharge, or release.

8.3. School notification is not required if the youth is being released and is over the age of 21.

9. If the youth attends a tribal school, notifications to the school must be completed in the same manner as any other school.

VICTIM/WITNESS PROGRAM NOTIFICATION

10. Victim/Witness notification must be completed for any youth whose victim or witness registered to be notified of any change of the youth's placement.⁴

10.1. The Victim/Witness program must be notified of any change in the youth's placement.

10.1.1. The notification must occur at least 30 days prior to any planned movement.

10.1.2. The notification must be completed within 3 hours of law enforcement notification, in the event of an escape or return back to an institution.

10.2. ACT sends programmed email Victim/Witness Notifications to the Victim/Witness Notification Program.

10.3. Staff must call the Victim/Witness Notification Program's 24-hour automated system at 833-833-9618 for any unplanned leave such as a medical emergency or escape.

10.4. Any change in release date after notification (such as an early release) requires an updated notification indicating the correct release date.

10.5. Victim/Witness notification requirements for the current commitment end when a youth is released from JR obligation.

³ 7/9/2020 Technical Edit: Updated per passing of HB1191 effective 6/11/2020.

⁴ 5/20/2020 Technical Edit: Updated Victim/Witness information.

COMMUNITY PARTNER NOTIFICATION

11. Community partners must be notified in writing of a youth’s criminal history and conditions of involvement if the youth will be involved through school, employment, treatment or volunteer activities in accordance with RCW 72.05.430.

- 11.1. Notification must be made prior to the first day of community partner involvement.
- 11.2. Notification is made using DCYF forms (Forms 20-229, 20-229A, 20-230). Forms must be signed by the youth, the youth’s planned supervisor at the community agency, the Assistant Secretary or designee, and the administrator of the minimum security facility.
- 11.3. Each person who signs the agreement will receive a copy. The original will be placed in the youth’s case file per Policy 2.40, *Managing Youth Case Files*.

NOTIFICATION IN THE EVENT OF ESCAPE

12. Escape of a youth is handled in accordance with Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*.

13. In the event a youth who committed a violent offense, sex offense, kidnapping or stalking offense escapes from a JR facility, the Superintendent, Regional Administrator or designee shall immediately notify:

- 13.1. The chief of police in the city and the sheriff of the county in which the youth resides, 13.2. The chief of police in the city and the sheriff of the county in which the adjudication occurred,
- 13.3. Washington State Patrol,
- 13.4. tribal law enforcement agency, if applicable
- 13.5. Victim/Witness Program, if required

14. When the youth is apprehended or returned, JR must notify the same agencies no later than the next business day following the return.

AUTHORIZED LEAVE

15. For youth with violent, kidnapping, stalking, or sex offenses, notification to law enforcement in the jurisdiction where the youth will reside must be given at least 30 days prior to the authorized leave in accordance with RCW 13.40.205.

- 15.1. For all other youth, the law enforcement notification must be completed at least seven days in advance of the authorized leave.

16. For youth with Victim/Witness requirements, notification to the Victim/Witness Program must be given at least 30 days prior to the authorized leave in accordance with RCW 13.40.205.

Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

17. If youth will be attending school while on authorized leave, school notifications will be completed on the timelines below:

- 17.1. For youth with sex, violent, kidnapping or stalking offenses, the notification must occur at least 30 days prior to authorized leave.
- 17.2. For all other youth, notification must occur seven days prior to authorized leave.
- 17.3. School notification is not required for youth if the youth will not be attending school during the authorized leave.

18. For all youth, the JR regional office in the region where the authorized leave will occur must receive notification of the authorized leave on approved timelines in accordance with Policy 6.40, *Managing Authorized Leave and Community Involvement Passes*.**EMERGENCY LEAVE****19. In the event of an emergency or medical leave per Policy 6.40, *Managing Authorized Leave and Community Involvement Passes*, the Assistant Secretary or designee may waive notification timeline requirements. (RCW 13.40.215)****20. In-state emergency leave requires notification as early as possible to:**

- 20.1. Law enforcement in the jurisdiction in which the youth will reside.
- 20.2. The Victim/Witness Program if the youth has victim/witness requirements.

21. School notifications are not required for emergency leave (youth do not go to school during emergency leave).**TRIBAL YOUTH****22. If a youth reports they are a member of a Tribe during the intake process or at any time during the youth's commitment, staff must:**

- 22.1. Notify the Tribe the youth is committed to JR using the Tribal notification form (DCYF Form 09-539A).
- 22.2. Update the youth's profile in ACT.

23. If a youth is releasing to an address on Tribal land and has a violent, sex, kidnapping or stalking offense, the Tribal law enforcement agency of the youth's affiliated Tribe or the Tribal law enforcement agency where the youth will be residing must be notified at least 30 days prior to any discharge from commitment in addition to any other required notifications.**24. Notifications for youth committed by a Tribal court will be completed in accordance with the Tribal court order.****25. Notification may be provided to Tribes outside the geographical borders of Washington State at the discretion of the JR Tribal Liaison.**

Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

YOUTH WHO SEXUALLY OFFENDED (YSO)

26. The Sex Offender release packet information must be completed at least 30 days prior to any transfer, discharge, release or authorized leave of a youth who sexually offended.

The packet includes:

- 26.1. Notification of Sex Offender Release (DCYF Form 09-747A),
- 26.2. Washington State Sex Offender Risk Level Classification (WSSORLC) Tool per Policy 3.52, *Establishing Risk Level for Youth who Sexually Offended*,
- 26.3. Supporting social and legal file information,
- 26.4. Pre-registration information for youth requiring registration (DCYF Form 09-746A).

27. JR must provide narrative notices to law enforcement on the “Notification of Sex Offender Release” (DCYF Form 09-747a) in accordance with RCW 13.40.217.

27.1. Narrative notices must include a description of the physical identity, criminal history and

offense behavior, and risk level classification of the youth who sexually offended.

27.2. Narrative notices must explain the reasons for the classification, including any mitigating or aggravating factors impacting the assigned risk level.

27.3. Narrative notices will be sent to law enforcement through the OffenderWatch database.

The completed form must be uploaded to ACT after it is sent to law enforcement.

28. JR may provide additional notification information on youth with sex and kidnapping offenses if JR determines it is relevant and necessary for community protection.

29. Notification to law enforcement will be completed for youth who sexually offended when parole is revoked or when there is a change of residence resulting in a change of law enforcement jurisdiction.

29.1. The Sex Offender Treatment Coordinators will complete notifications in the Offender Watch database in consultation with parole counselors.

30. Youth who sexually offended must not attend the same school as their victim(s) or the victim’s siblings per RCW 13.40.215⁵.

⁵ 10/23/2020 Technical Edit: Removed inaccurate statement that the Victim/Witness program must be notified for YSOs planning to attend school, and moved subbullet 30.1 to policy statement 30.

Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

YOUTHFUL OFFENDERS (YOP)

31. Notifications for YOP's with DOC Earned Release Dates (ERDs) after age 25 will be completed by DOC.

32. Notifications for YOP's with ERD's prior to age 25:

32.1. Transferring within the JR continuum will be completed by JR.

32.1.1. Law enforcement, schools, and victim witness notifications for YOP's transferring to a community facility or going on authorized leave will be completed by JR.

32.1.2. If a victim responds to the Victim/Witness office with concerns about the youth's placement in a CF, those concerns will be referred to the Institutions Program Administrator and the Community and Parole Programs Administrator for review. Placement will be on hold until the review is complete.

32.2. Releasing into the community will be completed by DOC.

33. Notifications for YOP's in JR past their 25th but before their 26th birthday eligible for Electronic Home Monitoring (EHM) will be completed by JR (Policy 4.70, *Managing Youth in DOC's Youthful Offender Program*).

34. If a YOP youth escapes from a JR facility, JR will:

34.1. Enter the warrant into WACIC, following JR's warrant procedures and the procedures outlined in Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*.

34.2. Notify the DCYF Victim/Witness program immediately if a YOP youth with a victim/witness notification requirement escapes from a JR facility.

34.3. Notify DOC in accordance with the procedures outlined in Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*.

35. Law enforcement, victim/witness, and school notification requirements will be noted in the initial transfer request for JR youth transferred to the Department of Corrections (DOC) due to management or security risks per Policy 5.51, *Transferring Residential Youth to DOC*.

YOUTH REQUIRING DEVELOPMENTAL DISABILITY SERVICES

36. The DSHS Developmental Disabilities Administration (DDA) must be notified of the release of a youth with a sex or kidnapping offense who is known to be eligible for DDA services (DCYF AP 6.03). Notification must occur at least 30 days prior to discharge or release to parole. JR and DDA will collaboratively assist the youth in meeting the initial law enforcement registration requirements.

Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

YOUTH REQUIRING CHILD WELFARE⁶ SERVICES

37. If a youth will require Child Welfare services for purposes of placement, staff must provide results of the SAVY assessment to Child Welfare at least 60 days prior to a youth’s release to parole or discharge from commitment, per Policy 3.20, *Assessing Sexually Aggressive or Vulnerable Youth (SAVY)*.

REGISTRATION REQUIREMENTS⁷

38. Where registration with law enforcement is required post-release or discharge based on offense, youth must be provided notice of the requirement and instructions for registering (DCYF FORM 09-746).

39. Residential case managers will assist youth with the registration process during the transition to the community facility, to parole, or during discharge.

40. Youth who sexually offended and youth with a kidnapping or unlawful imprisonment offense must be pre-registered with law enforcement within 72 hours of leaving a JR institution (DCYF FORM 09-746A)

41. Youth with a felony firearm offense who were ordered by the court to register under RCW 9.41.333 must be registered with the local sheriff in the county where they plan to live. Registration must occur in person within 48 hours of release or discharge to the community. (DCYF FORM 27-102)

EXCEPTIONS

42. Law enforcement and school notifications are not required:

42.1. For youth returning to the same Community Facility with the same commitment or for youth on parole revocation status, provided the youth is returning to the same facility or law enforcement jurisdiction.

42.2. For youth releasing out of state without a parole obligation⁸.

43. Exception to this policy requires the approval of the Assistant Secretary or designee.

III. DEFINITIONS

Criminal History: A youth’s offenses known to JR including the number of counts and degree of offense. Criminal history does not include successfully completed deferred dispositions or deferred adjudications entered prior to July 1, 1998.

Felony Firearm Offense: Convicted or found not guilty by reason of insanity in the state of Washington for any felony firearm offense (see RCW 9.41.010) **and ordered by the court to**

⁶ 7/30/2020 Technical Edit: Updated name from Children’s Administration to Child Welfare.

⁷ 7/30/2020 Technical Edit: Updated Registration Requirements and Exceptions sections following clarification from AGO on requirements.

⁸ 9/1/2021 Technical Edit: Added statement 42.2 to clarify notifications are not required if no parole.

Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

register. A youth is not a felony firearm offender if any and all qualifying offenses were expunged, pardoned, or if there was finding of not guilty.

Kidnapping Offense: A current term of incarceration or criminal history includes a commitment for a kidnapping offense or for unlawful imprisonment where the victim is a minor and the offender is not the minor's parent.

Law Enforcement Notification: Notice to the Chief of Police of the city, and the Sheriff of the county, of the residence the youth is being released to.

Minimum Security Community Facility (CF): A group care residential program operated for the care of juveniles committed to JR under RCW 13.40.185. A county detention facility housing juveniles committed to JR under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

School Notification⁹: Notice to the private or tribal school, or public school district superintendent, where the youth under age 21 will attend, or was most recently enrolled if unknown.

Stalking Offense: A current term of incarceration or criminal history which includes a commitment for a stalking offense listed in RCW 9.94A.030.

Victim: Any person who sustained emotional, psychological, physical or financial injury to person or property as a direct result of the crime charged. In terms of Victim/Witness Notification this includes non-adjudicated victims if the Prosecuting Attorney requests enrollment for them. (See RCW 9.94A.030 (53))

Victim/Witness Notification Program: If requested by the victim, witness or any person specified in writing by the Prosecuting Attorney, the Program provides notification when a youth is released (parole, discharged, authorized leave), transferred to a less secure setting, or escapes from any DCYF facility. (See RCW 13.40.215)

Victim's Sibling: A person related to the victim by biological or adoptive parentage; or who share parents by marriage.

Violent Offense: A current term of incarceration or criminal history which includes a commitment for a violent offense listed in RCW 9.94A.030.

Youth who Sexually Offended (YSO): Youth committed to JR whose current term of incarceration includes a sex offense defined under RCW 9.94A.030 or who has a criminal history of a prior sex offense.

Youthful Offender: Youth serving an adult sentence committed to the DOC but residing in a JR facility per the Interagency Agreement between the DOC and Department of Children, Youth & Families.

⁹ 1/21/2021 Technical Edit: Updated per passage of HB1191.




Policy 1.80, Notifying the Community of Youth Placement, Transfer or Release 9/1/2019

Youthful Offender Program (YOP): A program operated by an Interagency Agreement Between the State of Washington Department of Corrections (DOC) and State of Washington Department of Children, Youth & Families (DCYF) serving youthful offenders.

IV. RELATED JR POLICIES

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|---|---|
| Policy 1.40 – Managing JR Juvenile and Operations Records | Policy 5.30 – Handling Youth Escapes or Unauthorized Absences |
| Policy 2.40 – Managing Youth Case Files | Policy 6.40 – Managing Authorized Leaves and Community Involvement Passes |
| Policy 3.10 – Assessing and Placing Youth in JR | Policy 6.50 – Establishing the Release from Commitment Date |
| Policy 3.52 – Establishing Risk Level for Youth who Sexually Offended | Policy 6.60 – Accessing Interstate Compact Services |
| Policy 4.70 – Managing Youth in the DOC’s Youthful Offender Program | |

V. FORMS AND DOCUMENTS

| Document Title | In ACT? | Link to Form |
|--|---|---------------------------------|
| Conditions of Employment: Employer Agreement | | DCYF |
| Conditions of School Involvement (Non-K-12) | | 20-229A |
| Conditions of School Involvement School Agreement | | DCYF |
| Conditions of Treatment: Provider Agreement | | 20-228A |
| DCYF Sex/Kidnapping Offender Preregistration |  | DCYF 20-228 |
| Indian Heritage Questionnaire and Notice to an Indian Tribe, Nation or Band of Youth Committed to JR | | DCYF DCYF 09-539A 20-229B |
| Juvenile Volunteer Project Supervisor Agreement | | DCYF 20-230 DCYF 09-746A |
| Legally Mandated School Notification | | DCYF 20-235 |
| Notice of Felony Firearm Offender Registration Requirements | | DCYF 27-102 |
| Notice of Sex Offender Release | | DCYF 09-747A |
| Notice of Sex/Kidnapping Offender Registration Requirements |  | DCYF 09-746 |
| Notification and Legal Requirements |  | DCYF 20-236 |

