

JUVENILE REHABILITATION – DIVISION POLICY

Policy 4.50 – Working with Youth Who Sexually Offended

Summary

- This policy establishes expectations for working with youth and young adults who sexually offended.

Background

The existing policy was updated following the four-year sunset review. The policy incorporates recent legislative changes extending the age of some JR youth up to age 25, updates references, adds hyperlinks, and incorporates prior technical edits.

Policy Summary

This policy addresses the supervision and treatment of YSOs in JR. The policy:

- Identifies and clarifies staff roles and responsibilities related to the supervision and treatment of YSO.
- Highlights the use of the Integrated Treatment Model (ITM) and the Healthy Living Plan to guide treatment planning for sexually abusive behaviors.
- References from and links to existing policies to increase staff effectiveness in locating relevant information specific to working with YSO.

Changes from Current Practice

- Statement #11: YSO parole is now extended from a youth's 21st birthday up to their 25th birthday.
- No other changes to current practice.

Training Required: No

Policy Effective Date: 10/4/2019

*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 4.50 WORKING WITH YOUTH WHO SEXUALLY OFFENDED

Policy Committee Chair

Lori Kesl
Regional Administrator, Regions 1 & 2
Juvenile Rehabilitation

Approved



Marybeth Queral, Assistant
Secretary Juvenile Rehabilitation
9/24/2019

Authorizing Sources

RCW 4.24.550
RCW 9A.44.138
RCW 9A.44.140
RCW 9A.44.143
RCW 13.40
RCW 71.09

Information Contact

Andrea Ruiz
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Juvenile Rehabilitation

Effective Date *(Technical Edit 5/20/2021)*¹
10/4/2019

Sunset Review Date
10/4/2023

I. PURPOSE AND SCOPE

This document establishes policy regarding the Juvenile Rehabilitation (JR) continuum of care for youth and young adults (referred to as “youth”) who sexually offended, including the treatment of sexually abusive behaviors.

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

II. POLICY

- 1. Youth committed to JR for a sex offense defined under RCW 9.94A.030 will be referred to as “youth who sexually offend” (YSO) and will not be referred to as “sex offenders.”**
- 2. YSOs will be treated with dignity and respect in accordance with requirements outlined in Policy 1.20, *Establishing Standards of Conduct for Staff*, and Policy 5.90, *Applying PREA Juvenile Standards in JR*.**
- 3. Treatment for sexually abusive behaviors will be included in YSO treatment planning throughout the JR continuum of care in accordance with Policy 4.10, *Developing Youth & Young Adults through Case Management*.**
 - 3.1. Youth may receive both individual and group treatment based on individual needs and risk factors and in accordance with the Integrated Treatment Model for sexually abusive behaviors.

¹ 1/21/2021 Technical Edit: Updated references and links to Parole Standards.

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- 3.2. Youth participation and progress in treatment will be documented in JR's Automated Client Tracking (ACT) system.
- 3.3. Individualized treatment plans, including the youth's Healthy Living Plan, will be shared along the JR continuum of care to ensure consistency in application of the Integrated Treatment Model and increase the likelihood of successful transition and reentry. (Refer to PRO 4.50.1, Managing a Youth's Healthy Living Plan)
- 3.4. YSO Treatment Coordinators, under the guidance of the YSO Program Administrator and in accordance with the ITM for sexually abusive behaviors, are responsible for providing oversight and support to JR staff regarding YSO treatment.
- 3.5. Contracts with community based YSO treatment providers are managed and monitored in accordance with DCYF AP 4.01 - Contracting².
- 4. YSO entering a JR facility will be oriented to the following: ITM for sexually abusive behaviors, the Healthy Living Plan, risk level classification, Sexual Assault Protection Orders (SAPO) and other protection or no contact orders, pre-registration, and the duty to register if applicable.**
 - 4.1. Youth required to register for a sex offense pursuant to RCW 9A.44.140 will be informed of their duty to register during the pre-registration process.
 - 4.2. Youth required to register for a sex offense will be informed of the process for seeking relief from the duty to register pursuant to RCW 9A.44.143 prior to release, or discharge from parole when applicable.
- 5. JR will oversee the civil commitment process for youth who meet criteria in accordance with Policy 3.51, *Reviewing Youth for Civil Commitment*, and RCW 71.09.**
- 6. JR will assign a recommended risk for re-offense level prior to release in accordance with Policy 3.52, *Establishing Risk Level for Youth who Sexually Offended*.**
 - 6.1. The YSO Treatment Coordinator or designee will review the recommended Risk Level Classification Committee (RLCC) risk level with the youth, and parents or guardians when applicable.
 - 6.1.1. This review will be documented in ACT.
 - 6.1.2. Regional YSO Treatment Coordinators will review the recommended risk level with youth in community facilities in their region.
 - 6.2. Youth reviewed by the RLCC who remain in JR custody for one year or longer may have their risk level reviewed again by the RLCC prior to release, transfer, or discharge in accordance with Policy 3.52, *Establishing Risk Level for Youth who Sexually Offended*.
 - 6.3. Additional reviews may be completed by the RLCC when new or unreported information not previously included in a risk level assessment is discovered, or at the discretion of the YSO Program Administrator.
 - 6.4. YSO reviewed by the RLCC and assessed as a Risk Level III will remain in custody until their release date. If a release date adjustment is required, it must be documented in ACT.³

² 1/21/2021 Technical Edit: Replaced link from JR policy 1.60 (archived) to DCYF Admin policy.

³ 5/20/2021 Technical Edit: Removed "maximum" and changed CERD to release date per interim directive.

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- 7. All YSO risk levels recommended by Juvenile Rehabilitation are subject to review by the sheriff in the county of residence, and may be aggravated up or mitigated down.**
 - 7.1. Differences in school and community notifications based on assigned risk levels are set in RCW 4.24.550 and RCW 9A.44.138.
 - 7.2. Juvenile Rehabilitation does not differentiate between Risk Level I and Risk Level II in its treatment planning and continuum of care.
 - 7.3. Placement and community eligibility/suitability is determined on a case by case basis.
- 8. Community notifications including law enforcement, victim witness, and school notifications must be completed in accordance with Policy 1.80, *Notifying the Community of Youth Placement, Transfer, or Release*.**
- 9. Eligible youth who are mandated to have a DNA sample collected or HIV test will have testing completed in accordance with Policy 4.40, *Determining the Need for DNA and HIV Testing*.**
- 10. YSO may be eligible for community placement within the JR continuum of care.**
 - 10.1. Eligibility and suitability for YSO community placement will be determined utilizing the Client Behavior Assessment and Community Placement Suitability Screen. The youth will pose no more than a minimum risk to public safety
 - 10.2. A YSO who is assessed as a Risk Level III by the RLCC or who is eligible for civil commitment referral is not eligible for community placement.
 - 10.3. If a YSO residing in a community facility is assigned a Risk Level III by the RLCC during a reassessment, the youth must be returned to a medium or maximum security institution and placed in the least restrictive environment based on treatment needs and population considerations.
- 11. YSO parole eligibility will be determined in accordance with RCW 13.40.210 and Policy 6.50, *Setting Juvenile Release Dates*, and will be supervised according to Parole Standard 2B, *Managing Parole Aftercare*.**
 - 11.1. YSO will receive a mandatory 24 to 36 months of parole, not to exceed their 25th birthday until jurisdiction ends, for the following offenses:
 - 11.1.1. Rape 1 or Rape 2,
 - 11.1.2. Rape of a Child 1 or Rape of a Child 2,
 - 11.1.3. Child Molestation 1,
 - 11.1.4. Indecent Liberties with Forcible Compulsion.
 - 11.2. Youth with mandatory YSO parole as outlined in 11.1 who are also assessed as a Risk Level III by the RLCC will have their parole extended to 36 months or their 25th birthday, whichever occurs first. Parole Standard 7, *Extending Parole for Youth who Sexually Offended*, provides additional information.
 - 11.3. Any youth who has an unmet mandatory YSO parole obligation and is assessed as a Risk Level III by the RLCC will receive an additional 12 months of supervision not to exceed 36 months.

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11.4. If a youth's offense does not qualify for mandatory YSO parole as outlined in 11.1, but the youth has been assessed as a Risk Level III by the RLCC, the youth will receive 26 weeks of intensive parole as outlined in Parole Standard 1, *Assigning Parole Aftercare Obligations*.

12. YSO on parole supervision may be required to participate in YSO treatment as directed in the order of parole conditions.

12.1. Failure to attend, participate, and make progress in treatment may result in parole interventions in accordance with Parole Standard 4, *Using Graduated Responses*.

12.2. JR may use a polygraph for treatment purposes only, in accordance with Policy 3.50, *Using the Polygraph in YSO Treatment*.

13. The YSO Program Administrator is responsible for the oversight of YSO programs, policies, and treatment within the JR continuum of care.

13.1. The YSO Program Administrator will oversee membership and structure of the JR YSO Oversight Committee and Risk Level Classification Committee, a sub-committee of the End of Sentence Review Committee.

III. DEFINITIONS

Civil Commitment⁴: A legal process defined by RCW 71.09 to confine and provide treatment to an individual identified as a sexually violent predator.

Continuum of Care⁵: A comprehensive system of integrated rehabilitative services and treatment in mental, behavioral, and physical healthcare and social services facilitated via case management. The continuum organizes these services, treatments and placements according to assessed strengths and needs in determining the intensity of services delivered in appropriate settings. The movement in and through the continuum of care can either be promotional or demotional. Treatment and services are provided consistent with statutory authority. The JR continuum begins with commitment to JR by the local juvenile court, progresses through diagnostic, institutions, potential community facility placement, release to community with or without parole, and ends with discharge from commitment.

Healthy Living Plan: A treatment tool within the JR YSO treatment curriculum, which utilizes principles from the Integrated Treatment Model for sexually abusive behaviors. Some of the components of the Healthy Living Plan include goal setting, relapse prevention and safety planning, and identifying risk and protective factors.

Integrated Treatment Model (ITM): The rehabilitative and case management service delivery system for youth committed to JR (ITM Report). A comprehensive menu of disciplines, treatment services, therapies, and case management in JR from which case managers can choose, that is applied to addressing the risk and protective factors during a comprehensive assessment of youth remanded to JR's care and their families. Transition and Re-entry assessment, planning and operationalization are integral to treatment, providing a bridge for a seamless return to the community.

⁴ 1/21/2021 Technical Edit: Updated definition to align here and in Policy 3.51.

⁵ 1/21/2021 Technical Edit: Aligned definition to Policy 3.10.

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Risk Level Classification Committee (RLCC): An interagency subcommittee of the State’s End-of-Sentence Review Committee assigned to review and approve the risk level classification recommendations for youth who sexually offended.

Risk Level III: A high risk of sexual reoffense within the community at large.

Sexual Assault Protection Order (SAPO): An ex parte temporary order or a final order granted under RCW 7.90, *Sexual Assault Protection Order Act*, which includes a remedy authorized by RCW 7.90.090.

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.

YSO Program Administrator: A JR program administrator serving at the discretion of the Assistant Secretary who is responsible for the oversight of YSO programs, policies, and treatment within the JR continuum of care.

YSO Treatment Coordinator: A JR staff responsible for oversight and support of YSO programs within the JR continuum of care and the completion of mandated notifications, risk level assessments for YSO, the referral of eligible youth for the civil commitment process, and other duties related to YSO treatment and supervision.

IV. REFERENCES

Parole Standard 1	Parole Standard 4
Parole Standard 2B	Parole Standard 7

V. RELATED JR POLICIES

Policy 1.20 - Establishing Standards of Conduct for Staff	Policy 4.10 - Developing Youth & Young Adults through Case Management
Policy 1.30 - Reporting Serious and Emergent Incidents	Policy 4.40 - Determining the Need for DNA and HIV Testing
Policy 1.80 - Notifying the Community of Youth Placement, Transfer or Release	Policy 5.90 - Applying PREA Juvenile Standards in JR
Policy 3.51 - Reviewing Youth for Civil Commitment	Policy 5.91 - Reporting Abuse and Neglect of JR Youth
Policy 3.52 - Establishing Risk Level for Youth who Sexually Offended	Policy 6.50 - Setting Juvenile Release Dates

Procedure 1 – Policy 4.50 – Working With Youth Who Sexually Offended

Managing the Healthy Living Plan

Authorizing Sources	Information Contact
Policy 4.50	Andrea Ruiz Policy, Planning & Lean Administrator Juvenile Rehabilitation
Effective Date 10/4/2019	Sunset Review Date 10/4/2023

Action by:

Action

JR Case Manager

1. Notify Sex Offense Treatment Coordinator (SOTC) when youth begins working on Healthy Living Plan (HLP)
 - a. Notify the Institution SOTC when a youth begins working on their HLP in the institution.
 - b. Notify the Regional SOTC when a youth begins working on their HLP in a Community Facility or on parole.

Institution or
Regional SOTC

2. Document in ACT the date youth begins their Healthy Living Plan once notified by Case Manager
 - a. In the institution, documentation is located in the Reentry & Transition tab/Service Plan module.
 - b. In Community Facilities, documentation is located in the Reentry & Transition tab/Service Plan module.
 - c. On parole, documentation is completed in the Parole tab/Case Management/Service Plan module.

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Managing the Healthy Living Plan

JR Case Manager

3. Send the completed (or partially completed) HLP to the SOTC within five days prior to youth’s release, transfer or discharge.
 - a. For youth releasing or transferring from the institution, send the HLP to the Institution SOTC.
 - b. For youth releasing or transferring from a Community Facility, send the HLP to the Regional SOTC.
 - c. For youth discharging from parole supervision, send the HLP to the Regional SOTC.

Institution or Regional SOTC

4. Document in ACT the date a youth completed or partially completed their Healthy Living Plan.
 - a. In the institution, documentation is located in the Reentry & Transition tab/Service Plan module.
 - b. In Community Facilities, documentation is located in the Reentry & Transition tab/Service Plan module.
 - c. On parole, documentation is completed in the Parole tab/Case Management/Service Plan module.

Institution or Regional SOTC

5. Upload the final HLP into ACT using the document uploader feature.