

POLICY 4.70 - MANAGING YOUTH IN DOC'S YOUTHFUL OFFENDER PROGRAM

Policy Committee Chair

Lori Kesl
Regional Administrator, Regions 1 & 2
Juvenile Rehabilitation

Approved



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

Authorizing Sources

RCW 72.01.410

Information Contact

Andrea Ruiz
Policy, Planning & Lean Administrator
Juvenile Rehabilitation

Effective Date (*Technical Edit 12/21/2022*)
10/4/2019

Sunset Review Date
10/4/2023

I. PURPOSE AND SCOPE

This policy is pursuant to the Interagency Agreement between the Department of Corrections and the Department of Children, Youth and Families (DCYF) – Juvenile Rehabilitation (DCYF 1361-28731(2)).

The policy provides guidelines for treatment, care and reentry preparation of youth and young adults (referred to as ‘youth’) who are in the Department of Corrections’ Youthful Offender Program (YOPs). YOP youth are placed with Juvenile Rehabilitation (JR) so that treatment, education, and vocational opportunities can be provided consistent with the adolescent’s developmental level and needs.

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

II. POLICY

JURISDICTION

1. Youth under age 25 who are convicted and sentenced as adults are part of DOC’s Youthful Offender Program (YOPs).

- 1.1. JR will maintain custody of all YOP youth completing their sentence and releasing from JR until the age of 25.
- 1.2. Youth with an Earned Release Date (ERD) after their 26th birthday who will return to DOC will stay in JR’s custody until the youth turns 25, when they will return to DOC.

Policy 4.70, Managing Youth in DOC's Youthful Offender Program 10/4/2019

- 1.2.1. Youth with an ERD after their 25th birthday, but on or before their 26th birthday, may qualify to serve the remainder of their commitment on partial confinement under JR electric home monitoring.
- 1.3. Exceptions must be agreed to by JR and DOC.
2. **Youth convicted as an adult for an offense committed under the age of 18 and sentenced to a term of confinement will be transported to a JR facility and notified by DOC of the youth's Earned Release Date (ERD).**
3. **YOP youth transferred to JR will be bound by all applicable JR policies and procedures.**
4. **JR youth who are transferred to DOC in accordance with Policy 5.51, *Transferring Residential Youth to DOC*, will be bound by all applicable DOC policies and procedures.**

DECISION-MAKING AUTHORITY

5. **JR will have sole discretion to make treatment, placement and program decisions for YOP youth who complete their sentence within JR.**
 - 5.1. JR will provide YOP youth access to treatment services, educational opportunities, occupational training, and vocational or employment opportunities in the same manner as JR youth.
6. **DOC will maintain authority over custody decisions for YOP youth who completed their sentence at DOC.**
 - 6.1. DOC must approve any leave from a JR facility for YOP youth with an ERD after age 25. JR must receive approval no later than five business days prior to the leave.
 - 6.2. JR will maintain authority for all routine and day to day operations for these youth while in JR custody.

STAFF SUPPORT

7. **DOC will provide the FTE for a YOP Classification Counselor to serve as liaison between JR and DOC. JR will provide office space and technology at Green Hill School.**

JR RESPONSIBILITY

8. **YOP youth will be assessed and placed at a JR institution in alignment with Policy 3.10, *Assessing and Placing JR Youth*.**
9. **JR must provide the YOP Classification Counselor with the following information on a monthly basis:**
 - 9.1. The number of days a YOP youth has been assigned to isolation or Intensive Management Unit, for any behavior other than valid protective custody concerns.
 - 9.2. Any job terminations, refusals to program, or refusals to work (not including sick days, temporary time-outs and/or staff initiated protective custody issues).
10. **For youth with an ERD past age 25, JR will notify DOC as soon as possible, no later than 96 hours (4 days) prior to any scheduled transfer.**

Policy 4.70, **Managing Youth in DOC's Youthful Offender Program 10/4/2019****RECORDS**

- 11. JR will receive all applicable court documents, physical and clinical record, and case history from DOC upon initial placement in JR, including those that could affect visitation restrictions for family members.**
- 12. JR will provide any reports generated during the current residential stay of YOP youth in JR to DOC upon DOC's written request to the Institution Program Administrator.**
- 13. Upon transfer of a YOP youth back to DOC custody, JR will provide DOC with an electronic copy of the case file, medical file, and case notes.**
 - 13.1. For YOP youth returning to DOC custody on a temporary basis, which may include but is not limited to returns for infraction hearings or medical treatment, JR will provide specific documents related to the reason for the transfer and all updated medical information.
- 14. DOC will provide copies of the case file, medical file, other case management information and infraction information to JR upon request for any JR youth who is at DOC.**
- 15. JR and DOC will provide updated information on Judgment and Sentencing, dispositions, victim/witness notifications and any other information that may change the status of a YOP youth pursuant to a court order.**
- 16. Upon discharge, case files will be archived according to DCYF Admin Policy 13.06 Records Management and Retention.**

HEALTH CARE

- 17. JR will provide all YOP youth with health services in alignment with Policy 4.30₂, *Providing Health Care for JR Youth*, including routine and emergency care.**

ACCOUNTS FOR YOP YOUTH

- 18. JR will manage accounts for YOP youth in alignment with Policy 2.30, *Managing Youth Property and Residential Accounts*.**

LEGAL SERVICES

- 19. JR will provide YOP youth access to legal services in the same manner as JR youth.**
- 20. JR will be responsible for the cost of legal services provided to YOP youth.**

ACCESS TO A COMMUNITY FACILITY^{1,2,3}

- 21. Only YOP youth with an ERD on or prior to their 25th birthday will be eligible for placement at a community facility.**

¹ 3/17/2022 Technical Edit: Changed language from "prior to age 26" to "past their 25th birthday" to align with policy 5.20 language.

² 4/14/2022 Technical Edit CORRECTION: Should have been changed to "*prior to* their 25th birthday"

³ 12/21/2022 Technical Edit: Changed to "on or prior to their 25th birthday" to align with policy 5.20 language.

Policy 4.70, **Managing Youth in DOC's Youthful Offender Program 10/4/2019****INFRACTIONS**

22. Prior to the infraction, JR will convene a multi-disciplinary team (MDT) meeting with DOC to determine whether the behavior was serious enough to require an infraction.

23. If it is determined that a serious infraction is necessary, the youth will be returned to DOC for the purpose of a disciplinary hearing. (see *Definitions for the list of serious infractions*)

23.1. All serious infractions committed by YOP youth residing in institutions will be reported to the Superintendent or designee.

23.2. All serious infractions committed by YOP youth residing in community facilities will be reported to the Regional Administrator or designee.

23.2.1. YOP youth who commit a serious infraction while residing in a community facility will be returned to the JR institution.

24. JR will complete the appropriate DOC forms and supply documentation related to the offense.

24.1. DOC may require JR staff to testify or provide statements.

25. DOC will notify JR of the disposition of the disciplinary hearing.

25.1. JR will determine if the youth may be returned to the institution.

26. DOC will coordinate transportation if needed in accordance with Policy 5.40, *Transporting JR Youth*.

27. All other infractions will be addressed through the JR treatment model, policies and procedures.

SUBSEQUENT SENTENCES

28. If a JR youth under commitment receives a subsequent sentence to a DOC institution, JR must transfer the youth to DOC for intake and processing. The youth will be returned to JR for the remainder of the original juvenile commitment, unless there is an agreement between JR and DOC for the youth to remain with DOC.

PREA

29. JR will maintain compliance with Policy 5.90, *Applying PREA Juvenile Standards in JR* and will make documentation of compliance available to DOC upon request.

30. The JR PREA Administrator will provide identified staff at DOC with copies of PREA investigations for YOP youth with an ERD past age 25.

30.1. For any documentation provided to DOC relating to an investigation, if it contains any named non-DOC offenders, names must be redacted.

30.2. The JR PREA Administrator or designee will be responsible for communicating any investigation updates to identified staff at DOC.

Policy 4.70, **Managing Youth in DOC's Youthful Offender Program 10/4/2019****NOTIFICATIONS**

- 31. JR is responsible for all notifications to law enforcement, school and victim/witness for any YOP youth transferring to community facilities per Policy 1.80, *Notifying the Community of Youth Placement, Transfer or Release.***
- 32. Victim/Witness notification will be processed through the DCYF Victim Witness Office per Policy 1.80, *Notifying the Community of Youth Placement, Transfer or Release.* 32.1. The DOC Victim Witness Administrator will notify the DCYF Victim Witness office when a Victim/Witness enrollment occurs for a YOP youth with an ERD prior to age 25.**
- 33. DOC will notify the clerk of the committing court and the youth's parents, guardians or next of kin of the initial transportation to a JR facility and of any permanent return to a DOC facility.**

ESCAPES

- 34. If a YOP escapes JR facility, staff must follow the location and notification protocols established in Policy 5.30, *Handling Youth Escapes or Unauthorized Absences.* Response to escapes will follow the serious infraction protocol outlined in the Infractions section of this policy.**

TRANSPORTATION

- 35. Transportation for YOP youth will be managed in accordance with Policy 5.40, *Transporting JR Youth.***

TRANSITION TO DOC

- 36. For youth with an ERD past age 25, JR will initiate the planning for transition to DOC for completion of sentence six months prior to transfer.**
 - 36.1. JR must notify the DOC Senior Program Administrator-Operations six months prior to transfer from JR to DOC.
 - 36.2. JR and DOC will collaboratively develop a transition plan for all YOP youth who began reentry planning at JR but who are required to return to DOC before release because their release date occurs up to six months after they reach age 25.

RELEASE

- 37. DOC will notify JR in writing no later than 60 days in advance of a pending YOP youth release. The notice will serve as verification of a release date and will include instructions or arrangements regarding the release.**
- 38. End of Sentence Reviews will be conducted in accordance with Policy 3.51, *Reviewing Youth for Civil Commitment* for YOP youth with an ERD prior to age 25.**
 - 38.1. For youth with an ERD past age 25, the DOC End of Sentence Review will be conducted in accordance with DOC policy.

Policy 4.70, **Managing Youth in DOC's Youthful Offender Program 10/4/2019**

39. DOC is responsible for all notifications to law enforcement, schools and victim/witness for YOP youth at release from commitment.

TERMINATION OF THE INTERAGENCY AGREEMENT

40. In the event that the Interagency Agreement is terminated, JR will transfer YOP youth to a facility designated by DOC within 14 days of the non-terminating party receiving notice of termination.

III. DEFINITIONS⁴

Jurisdiction: the authority granted to the agency to which the juvenile offender has been committed by a juvenile superior court or an adult superior court to serve a sentence.

Serious Infractions: the outcome of the behaviors listed in Section 9.a of the Interagency Agreement between DOC and JR, which requires mandatory return to DOC for a disciplinary hearing. The required behaviors are:

- Homicide (including attempt)
- Aggravated Assault, Aggravated Assault on staff, or Aggravated Assault on visitor or community member
- Assault on another offender, Assault on staff, Assault on visitor or community member
- Causing injury by resisting
- Taking a hostage
- Escape or possession of escape tools
- Setting a fire
- Possession of explosive device
- Riot or inciting a riot
- Making a bomb threat

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.

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. See also DOC Policy 320.500, *Youthful Offender Program*.

⁴ 3/17/2022 Technical Edit: Removed definitions that did not exist elsewhere in the policy. Added Youthful Offender definition and updated YOP definition to align with other JR policies.

Policy 4.70, **Managing Youth in DOC's Youthful Offender Program 10/4/2019**

IV. RELATED JR POLICIES

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

Policy 5.30 – Handling Youth Escapes or Unauthorized Absences

Policy 2.30 - Managing Youth Property and Residential Accounts

Policy 5.40 - Transporting JR Youth

Policy 3.10 – Assessing and Placing Youth in JR

Policy 5.51 - Transferring Residential Youth to DOC

Policy 4.30 - Providing Health Care for JR Youth

Policy 5.90 – Applying PREA Juvenile Standards in JR
