

Policy 5.30– Handling Youth Escapes or Unauthorized Absences Summary

- Establishes policy relating to escape, unauthorized absence, and whereabouts unknown status of youth for institutions, community facilities and parole

Background:

The existing policy needed to be updated to include provisions regarding escapes of youth in the DOC's Youthful Offender Program (YOP), and to add contact information for the Victim/Witness Office.

Policy Summary

The policy sets the expectation that staff will work to prevent escapes, and that each facility must have a local protocol for handling escapes. The policy establishes protocols for handling escapes, including reporting to law enforcement and communicating up the chain of command. A formal procedure is included for reporting apprehensions. A section is included addressing requirements for community facilities and one for parole (relating to Whereabouts Unknown). A new section is added to incorporate requirements relating to escapes of youth in the DOC's Youthful Offender Program. Sections are included relating to sanctions for escape and documentation requirements.

Changes from Current Practice

- The new section establishes the protocol for handling the escape of a YOP youth, including communication protocols with DOC.

Training Required: No

Local Protocol Required: YES *Policy*

Effective Date: March 10, 2017

POLICY 5.30 - HANDLING YOUTH ESCAPES OR UNAUTHORIZED ABSENCES

Policy Committee Chair

Lori Kesl
Regional Administrator, Regions 1 & 2
Juvenile Rehabilitation

Approved



Marybeth Queral, Assistant
Secretary Juvenile Rehabilitation
2/24/2017

Authorizing Sources

RCW Chapter 9A.76
RCW Chapter 13.40
RCW Chapter 72.05
WAC Chapter 110-740
WAC 110-730-0070
WAC 110-730-0080

Information Contact

Andrea Ruiz
Policy, Planning & Lean Administrator
Juvenile Rehabilitation

Effective Date (*Technical Edit 5/19/2021*)
3/10/2017

Sunset Review Date
3/10/2021

I. PURPOSE AND SCOPE

This document establishes policy relating to escape, unauthorized absence, and whereabouts unknown status of youth and young adults (referred to as “youth”) for institutions, community facilities and parole. It establishes expectations for responders in situations where escape is a concern. JR serves a difficult population and considers it developmentally normal for youth to be impulsive and make mistakes when assigning sanctions. JR will not further criminalize individuals and interfere with successful reentry to their communities by adding new charges unless it is absolutely necessary.

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. JR acknowledges the risk of escape and unauthorized absence for youth committed to JR. All staff will work to reduce risk and prevent escape while on duty.

- 1.1. Physical and structural safety and security procedures must be followed.
- 1.2. Staff will develop and maintain relationships with youth in their care and be aware of changes to behavior that may indicate warning signs for escape.

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2. Every residential facility must have a local protocol on responding to escapes. Each local protocol must address:

- 2.1. Referral to law enforcement
- 2.2. Notification of the Victim/Witness program if required
- 2.3. Notification of Department of Correction (DOC) staff for youth in the Youthful Offender Program (YOP)
- 2.4. Notification to facility administration
- 2.5. Notification to Central Office administration
- 2.6. A checklist for staff that includes search procedures for youth who are unaccounted for.

ESCAPE PROCEDURES**3. Reviews of unauthorized absences will occur as soon as possible in order to appropriately determine whether an escape has occurred.****4. Youth who attempt to escape or make plans to escape from residential programs may be referred to law enforcement if the Superintendent, Regional Administrator or designee determines it is necessary, even if the planned or attempted escape was not completed.****5. Escape procedures will begin immediately upon knowledge of any intentional escape.**

- 5.1. Local law enforcement notification must be completed immediately upon confirmation of an escape.
- 5.2. A warrant must be issued immediately through Green Hill School or the local law enforcement agency.
- 5.3. Additional notifications of escape, such as Victim/Witness, must be completed in accordance with Policy 1.80, *Notifying the Community of Youth Placement, Transfer or Release*. Notifications must be completed within 3 hours of law enforcement notification.
 - 5.3.1. Staff must call the Victim/Witness Notification Program's 24-hour automated system at 833-833-9618 for any escape.¹
- 5.4. Staff will secure the youth's property as soon as possible, but no later than 2 hours of notifying law enforcement of the escape and will inventory property following timelines of Policy 2.30, *Managing Youth Property and Residential Accounts*.
- 5.5. Staff at residential facilities will make reasonable and proactive efforts to locate youth who have escaped or who are on unauthorized absence in order to facilitate their apprehension or return to the program. Each facility will have a local protocol addressing search and apprehension.
- 5.6. The CFA, in consultation with the Regional Administrator or designee, has the authority to stop or suspend the process outlined in this policy at any time if the youth returns voluntarily to the community facility.

¹ 5/20/2020 Technical Edit: Updated Victim/Witness contact information.

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6. **Persons and agencies notified of the escape will be notified of apprehension within one business day after JR becomes aware of the apprehension in accordance with Procedure 5.30.1.**

INSTITUTIONS

7. **The Superintendent will determine whether an absence from an institution is classified as an escape, attempted escape or out of bounds using the definitions provided in this policy and will initiate the appropriate response procedures.**

COMMUNITY FACILITIES

8. **The Community Facility Administrator, in consultation with the Regional Administrator or designee, will determine whether an absence is classified as an escape or unauthorized absence using the definitions provided in this policy and will initiate the appropriate response procedures. The CFA must consider:**

- 8.1. Whether the youth attempted to contact staff in advance to inform of possible or probable schedule violation;
- 8.2. Whether the absence was unusual for the youth (there is no prior known history of unaccounted for time and whereabouts; the youth demonstrates overall compliance with schedules; or the youth is engaged and motivated in community based programs);
- 8.3. Whether the youth made a concerted effort to return to the facility;
- 8.4. Whether there are other mitigating or aggravating factors.

9. **An incident will be treated as an unauthorized absence when youth do not comply with an approved community supervision plan but return voluntarily to the community facility within a reasonable period of time (determined by the CFA or designee).**

- 9.1. Youth whose absence is classified as unauthorized absence will be sanctioned under provisions of WAC 110-730-0070, *Residential Disciplinary Standards*.

PAROLE

10. **Escape procedures will begin immediately upon knowledge of any intentional escape from electronic home monitoring (EHM).**

- 10.1. Local law enforcement notification must be completed immediately upon confirmation of an escape.
- 10.2. A warrant must be issued immediately through Green Hill School or the local law enforcement agency.
- 10.3. Additional notifications of escape, such as Victim/Witness, must be completed in accordance with Policy 1.80, *Notifying the Community of Youth Placement, Transfer or Release*. Notifications must be completed within 3 hours of law enforcement notification.

11. **Youth who are not on EHM will be placed on Whereabouts Unknown status consistent with JR Parole Standards.**

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- 11.1. A parole arrest warrant will be completed and submitted by the Community Counselor within 5 working days of having reason to believe a youth is on whereabouts unknown status.
- 11.2. Parole programs will make reasonable and proactive efforts to search for youth on whereabouts unknown status in order to facilitate their apprehension. Each local office will have a local protocol addressing search and apprehension.

ESCAPES BY A YOP²**12. If a YOP youth escapes while under JR custody, staff must follow protocols outlined in this policy to locate the youth.**

- 12.1. JR will have primary responsibility for authority to direct the process of returning the youth to custody. JR will be responsible for costs associated with the recovery.

13. JR may request the aid of DOC's fugitive recovery services at no cost by contacting the Senior Operations Administrator – Offender Programs.**14. If a YOP with an ERD prior to age 25 and with Victim/Witness requirements escapes from a JR facility, JR must notify the Office of Victim/Witness, who will complete the notification process.****15. If a YOP youth escapes or is recaptured after an escape, staff must complete the following notifications within one hour:**

- 15.1. Local Law Enforcement
- 15.2. DOC Headquarters at 360-725-8888
- 15.3. DOC Victim/Witness Unit (only for YOP youth with an ERD past age 25) at 360-725-9350
- 15.4. DOC HQ Classification Unit at 360-725-8207
- 15.5. If the escape occurs after normal business hours, on holidays or on weekends, staff must notify:
 - 15.5.1. Local law enforcement
 - 15.5.2. WCCW Shift Lieutenant (for females) at 253-858-4200 x370
 - 15.5.3. WCC Shift Lieutenant (for males) at 360-427-4622

16. YOP youth who escape are subject to the infraction process in alignment with Policy 4.70, *Managing Youth in DOC's Youthful Offender Program.*

² 10/1/19 Technical Edit: Updated YOP age to 25 per legislative passage of E2SHB 1646.

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SANCTIONS

- 17. The Superintendent, Regional Administrator or designee must ensure appropriate sanctions are imposed.**
- 18. Youth who escape or attempt to escape from residential programs will be transferred to a maximum security facility as soon as possible. Staff will attempt to place youth at the facility in which they last resided.**
- 19. Youth who escape from electronic home monitoring may be placed in a maximum security facility for the remainder of the parole revocation period.**
 - 19.1. Youth will be required to complete their original parole revocation period.
 - 19.2. A new revocation may be initiated for the escape from electronic monitoring parole revocation.
- 20. The youth's Release Date³ will be adjusted to reflect the period of time on escape and Whereabouts Unknown status. This time period does not count toward fulfillment of sentence or parole obligation.**
- 21. If there is a decision to extend the release date, the youth must be afforded the due process rights outlined in *Policy 6.50, Setting Juvenile Release Dates*.**

REVIEW AND DOCUMENTATION

- 22. Administrative reviews of incidents will be conducted by the management and treatment team of the facility within seven days of the incident's resolution.**
 - 22.1. Reviews of unauthorized absences will address intent, sanctions, and timelines and identify possible preventive actions.
 - 22.2. Reviews of the escape or attempt to escape will determine appropriateness of placement, security classification, program status, and release dates.
 - 22.3. Youth will be allowed to participate in the review and provide information.
 - 22.4. Reviews will be documented in ACT.
- 23. Escape, attempted escape, unauthorized absence and whereabouts unknown must be documented in ACT.**

³ 5/19/2021 Technical Edit: Replaced Current Established Release Date (CERD) with Release Date per Interim Directive.

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III. DEFINITIONS⁴

Attempted Escape: When a youth tries or plans to leave the residential custody as evidenced by behavior, written or verbal plans, or being in an unauthorized location and having the means to escape.

Collateral Contacts: People who act as a source of information about a youth or family's situation and who may support information provided by a youth or be able to locate them in an emergency.

Electronic Home Monitoring (EHM): A parole revocation option that uses an electronic device to monitor movement, in lieu of confinement in a secure facility.

Escape: Unapproved absence from a residential program or from electronic home monitoring, except for unauthorized absence (residential or parole) and attempted escape.

Law Enforcement: Includes the sheriff of the county of commitment, the chief of police of the city of residence prior to commitment, the Washington State Patrol and the tribal law enforcement agency of the youth's affiliated tribe. In the event of an escape, notification to local law enforcement in the jurisdictions where the facility is located are included.

Out of Bounds - Institution: Time when a youth is not where they're supposed to be or when the youth is in an unauthorized area of an institution.

Release Date: The release date set between a juvenile sentenced individual's minimum and maximum disposition.

Unauthorized Absence - Residential: Unapproved or unaccounted for time away from a minimum security community facility or institutional program activities conducted outside the institution which meets all of the following conditions:

1. The youth voluntarily returns to the facility or institutional program activity within a reasonable period of time as determined by the facility administrator or designee.
2. No behavior which could result in a new juvenile or criminal offense was committed during the absence;
3. There is no intent to escape.

Unauthorized Absence - Parole: Unapproved or unaccounted for time away from electronic home monitoring, which meets all of the following conditions:

1. The youth voluntarily returns to electronic home monitoring within a reasonable period of time as determined by the regional administrator or designee.
2. No behavior which could result in a new juvenile or criminal offense was committed during the absence;
3. There is no intent to escape.

⁴ 5/19/2021 Technical Edit: Replaced the definition for CERD with Release Date per the Interim Directive.

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Whereabouts Unknown: While on parole supervision, unapproved and/or unaccounted for time away from identified residence, known programming, lacking contact with JR, and the youth has not been located.

IV. PROCEDURES

PRO 5.30.1 - Notification of Apprehension

V. RELATED JR POLICIES

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| Policy 1.80 - Notifying the Community of Youth Placement, Transfer or Release | Policy 6.50 - Setting Juvenile Release Dates |
| Policy 2.30 - Managing Youth Property and Residential Accounts | |

VI. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Wanted Person Notice of Cancellation		DCYF 20-227
No Bail Administrative Hold and/or Request for Notification		DCYF 20-251

**Procedure 5.30.1 – Policy 5.30 – Handling Youth Escapes
or Unauthorized Absences**

Reporting Apprehension

Authorizing Sources	Information Contact
Policy 5.30	Andrea Ruiz Policy, Planning & Lean Administrator Juvenile Rehabilitation
Effective Date 3/10/2017	Sunset Review Date 3/10/2021

<i>Action by:</i>	<i>Action</i>
Superintendent, Community Facility Administrator or designee Green Hill School Security	<ol style="list-style-type: none">1. Complete a Wanted Person Notice of Cancellation form (DCYF Form 20-227) in ACT.2. Remove Arrest Warrant from WACIC and NCIC.<ol style="list-style-type: none">a. If the agreement was submitted by agreement with local law enforcement, the warrant must be removed from WACIC/NCIC by the local law enforcement agency.
Superintendent, Community Facility Administrator or designee	<ol style="list-style-type: none">3. Complete the Administrative No Bail Hold form (DCYF Form 20-251) or equivalent.4. Update the youth’s status in the ACT <i>Moves</i> module from UL to TA to the holding facility to reflect date and time of booking.5. Submit the form to local law enforcement if the youth is in a county jail or detention facility.6. Notify the youth’s custodial parent or legal guardian by telephone that the youth has been returned to JR. Document notification in ACT.7. Notify other applicable agencies who received notification of the escape. Document notification in ACT.8. Update the original Administrative Report of Incident and notify all recipients of the original report.