

POLICY 5.51 TRANSFERRING YOUTH TO DOC

Policy Committee Chair

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Region 1 Administrator
Juvenile Rehabilitation

Approved



Felice Upton, Assistant Secretary
Juvenile Rehabilitation
1/26/2024

Authorizing Sources

RCW 9A.36.100
RCW 13.40.210 (4) (c)
RCW 13.40.280
RCW 13.40.285
RCW 34.05
RCW 72.01.410
WAC 110-740-0070 (1)
WAC 110-745

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Effective Date

3/1/2024

Sunset Review Date

3/1/2027

I. PURPOSE AND SCOPE

This policy establishes expectations regarding the transfer of youth from Juvenile Rehabilitation (JR) to the Department of Corrections (DOC). This policy applies to both juvenile sentenced and adult sentenced youth, and supplements the Interagency Agreement between DOC and JR (DCYF Contract #2361-44692).

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

II. POLICY

TRANSFERRING YOUTH TO DOC

1. Youth may be transferred to DOC to serve the balance of the term of confinement ordered by the court based on safety, security, resource or programmatic needs, including:

- 1.1. If the youth presents a significant safety risk (RCW 72.01.410), or a continuing and serious threat to the safety of the others in a JR residential facility (RCW 13.40.280).
- 1.2. If the youth commits staff assault or is adjudicated for custodial assault while in JR. See JR Policy 5.80 Reviewing and Reporting Staff Assaults by Youth. (RCW 9A.36.100 and RCW 13.40.280)
- 1.3. If the youth self-requests to transfer to DOC.

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- 1.4. Following a review of placement for youth over the age of 21, but prior to the age of 23 for adult-sentenced youth. (RCW 72.01.410(3))
- 2. Any youth being considered for transfer to DOC custody must be provided due process rights through the Residential Review Board Hearing Process outlined in WAC 110-745 prior to transfer.**
- 3. Designated staff must receive annual training on this policy.**

RESIDENTIAL REVIEW BOARD HEARING PROCESS

- 4. A youth being considered for transfer to DOC must be notified in writing at least seven calendar days in advance of the review board hearing. This written notice must include:**
 - 4.1. Reasons transfer is being considered;
 - 4.2. The youth's right to counsel for the hearing;
 - 4.3. Copy of rules pertaining to the review board hearing.
 - 4.4. Prior to any review board hearing, the youth or their attorney has the right to access and examine any files and records pertaining to the proposed transfer to DOC.
- 5. If the circumstances leading to a Residential Review Board hearing are so severe that JR cannot ensure the safety of the facility or others while the pre-transfer hearing is pending:**
 - 5.1. JR may file an emergency motion with the court seeking an exception to move the youth to DOC custody pending the results of the hearing.
 - 5.2. JR must serve the youth and their attorney (and class counsel if applicable) at the same time the emergency motion is filed with the court.
 - 5.3. All parties may present evidence at the emergency hearing to support or refute whether pre-hearing removal to DOC custody is necessary.
- 6. The review board will be composed of the Assistant Secretary or a designee who will act as chairperson, and two JR administrators appointed by the chairperson. The chairperson may also appoint up to three members of the Legal Office.**
- 7. Attendance at the review board hearing should be limited to the parties directly concerned, including the youth's attorney if applicable. The chairperson may exclude unauthorized individuals unless the parties agree to their presence.**
- 8. During the hearing:**
 - 8.1. The parties will have the right to present evidence, call witnesses, cross-examine witnesses, and make recommendations to the board.
 - 8.2. When the transfer to DOC is contested, the burden of proof is on DCYF to show that the youth presents a continuing and serious threat to the safety of others in the institution.
 - 8.3. When the youth has been convicted of custodial assault, the youth has the burden to show why transfer to a DOC facility should not occur per RCW 13.40.280.

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- 8.4. The review board must consider all evidence presented at the hearing by assessing the relevance, credibility, and usefulness of the evidence.
- 8.5. The review board will consider all evidence presented and decide whether continued placement of the youth in a JR facility presents a continuing and serious threat to the safety of others in the facility.
- 8.6. The hearing must be recorded by a certified court reporter or a suitable recording device.
- 9. The review board will prepare a written record of the decision and reasons no later than seven calendar days after the hearing, unless extended by the secretary.**
 - 9.1. A Record of Official Action will be entered into Automated Client Tracking (ACT) system, which must also include all steps taken by JR staff during this process, and any other supporting documentation must be uploaded via the document uploader in ACT.
- 10. The final agency order must be served to the youth and their attorney (and class counsel if applicable) after the hearing.**
 - 10.1. If the board decides to transfer the youth from DCYF to DOC custody, JR must provide the youth and their attorney (and class counsel if applicable) with a notice informing them of the decision of the review board and their right to appeal the decision under RCW 34.05 before the youth's departure to DOC.
- 11. JR must obtain consent from DOC prior to the transfer of the youth.**
- 12. Following a request from the DOC Secretary as the custodian, and with the consent of the DCYF Secretary, a youth may transfer from DOC to a DCYF JR facility.**
- 13. A youth serving a juvenile sentence who has been transferred to DOC under this policy may be returned to a JR facility at the discretion of the DCYF Secretary and with the consent of the DOC Secretary. (RCW 13.40.280)**

NOTIFICATION OF TRANSFER

- 14. The Superintendent or designee will notify the parents or legal guardians, committing court, and JR regional office of assignment of the youth's transfer to DOC under this policy.**
 - 14.1. Notifications must be consistent with DCYF Administrative Policy 13.06 *Records Management and Retention*.

ADJUSTMENT OF RELEASE DATE

- 15. Youth with a JR commitment who are transferred to DOC through this process will have their release date adjusted to the maximum allowed by the juvenile court prior to the physical transfer to DOC.**
 - 15.1. The Superintendent may grant an exception if appropriate.
- 16. Youth transferred to DOC may earn time off their maximum release date but may not go below the minimum release date.**
- 17. Youth serving a juvenile sentence who are transferred to DOC under this policy must not remain at DOC beyond the maximum term of confinement imposed by the juvenile court.(RCW 13.40.280)**

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18. JR will notify DOC at least 60 days in advance of the youth’s upcoming release date.

JR MANDATORY PAROLE OBLIGATIONS

19. JR youth transferred to DOC with outstanding JR parole obligations who are under the age of 26 upon release from DOC must serve parole with JR. (Parole Standard 08: Discharging Youth From Parole Aftercare)

19.1. Youth will not be discharged from JR until they complete their parole obligation or turn 26 years old.

DOCUMENTATION AND TRACKING

20. Residential Review Board recommendations and decisions will be documented in a Record of Official Action (ROA) in ACT.

21. The Superintendent must designate a staff to track and monitor the transfer process at the time a Residential Review Board is convened.

III. DEFINITIONS

Residential Review Board: A formal board that conducts a hearing to determine if a recommendation should be made to the Juvenile Rehabilitation’s Assistant Secretary to transfer a youth to DOC.

IV. REFERENCES

Interagency Agreement between Department of Corrections and Department of Children, Youth & Families
DCYF Administrative Policy 13.06: Records Management and Retention

Parole Standard 08:
Discharging Youth from Parole Aftercare
Parole Discharge Matrix

Procedure 1: RRB Hearing Request Process

V. RELATED JR POLICIES

Policy 5.80 - Reviewing and Reporting Staff Assaults by Youth

VI. FORMS AND DOCUMENTS

Document Title

Available In ACT

Link to Form

No Bail Administrative Hold and/or Request for Notification



DCYF Form 20-251