



**STATE OF WASHINGTON  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

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**May 18, 2021**

**Interim Directive**

**TO:** ALL JR Employees

**FROM:** Rebecca Kelly, Acting Assistant Secretary  
Kathleen Harvey, Director, Community, Reentry and Parole Programs  
Harvey Perez, Director, Institution Programs

**SUBJECT:** **Addressing Risk Assessment Tool Inequities:** Short Term Change to Disconnect the Risk Assessment for Recidivism (RAR) Tool from Release Dates and Set Release Dates to Minimum

**EFFECTIVE:** **Immediately**

To address risk assessment tool inequities, on May 26 2021 the ACT team will move all individuals with a juvenile sentence range to their minimum on an interim basis. This begins a multi-phased process to revamp the juvenile risk assessment tools JR currently uses. The current assessment tools are found<sup>1</sup> to lack predictive accuracy with youth and young adults of color, and females. This has disproportionate outcomes and must be addressed immediately.

**The first step is to disconnect the Risk Assessment Recidivism (RAR) tool from the Current Established Release Date (CERD) and set release dates at the minimum for juvenile sentenced individuals until we have the recommended replacement tool or process in place. The targeted timeframe to identify this is December 2021, with implementation early 2022. Release dates will only be extended through a formal review process for young people who engaged in recent threats or violent behavior, or have last minute placement issues. An investment in reentry planning is essential to ensure future success after release.**

**During the interim, the release dates for the following groups of juvenile sentenced individuals will be impacted:**

- Current individuals who met their minimum on or before 7/15/2021 will move to a 7/15/2021 release date.

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<sup>1</sup> See <https://www.dcyf.wa.gov/sites/default/files/pdf/reports/jr-itm2020.pdf> and [JR Risk Assessment Validation Study: RAR, RAI and RACF](#)

- Current individuals with a minimum release date after 7/15/2021 will be set at their minimum.
- The release date for all incoming individuals with a range will be set at the minimum during this interim period. If an individual has less than 45 days between intake and the minimum, then the release date will be set 45 days from intake.

#### **Exceptions:**

- Individuals can request to stay up to 30 days beyond their new release date for treatment or housing arrangements.
- Up to 4 days of release adjustment are allowed for transportation, transition, mental health crisis, or to request a formal review.
- Staff may request a formal review if they identify a high level concern releasing someone to the community by emailing the [Release Date Extension Request \(DCYF 21-006\)](#) form to their supervisor. After local review, the Associate Superintendent or CFA will forward recommended requests to [DCYF.JRReleasePlanning@dcyf.wa.gov](mailto:DCYF.JRReleasePlanning@dcyf.wa.gov) with the name of the individual and details. Override extensions must be reviewed by the Release Review Committee, made up of Appointing Authorities, and may be approved for up to 90 days. Extensions must be documented in ACT. Examples of extensions may include:
  - Staff assault (or unprovoked attacks on others)
  - Escape
  - Riot (multiple individuals attacking)
  - Specific threat releasing to the community
  - For July 15<sup>th</sup> releases: Placement or housing supports

The Current Established Release Date (CERD) will now be referred to as the Release Date. The release process will follow the current practice outlined in JR Release Checklist ([DCYF 21-005](#)) form referenced in the case management policy ([4.10](#)).

#### **Action**

1. Guidance will be provided to staff across the continuum regarding this change by Appointing Authorities and the Assessment Workgroup members as requested.
2. ACT will move all individuals with a range to their minimum release date through a May 26th ACT release (for effective release dates on or after July 15, 2021), as an interim strategy while we develop a long-term plan to address the disproportionate outcomes of the assessments. This will not apply to the DOC population in JR.
3. Effective with the ACT release, JR case managers will no longer be required to conduct residential sentence release case reviews.
4. Staff are directed to follow [Interim Policy 6.50 Setting the Juvenile Release Date](#), which includes the exception process, until the Assessment Workgroup identifies new risk assessment tools and a final policy is implemented.

#### **Background:**

JR's current method of establishing the Current Established Release Date (CERD), for youth and young adults with juvenile sentence ranges relies on the Risk Assessment-Recidivism (RAR) tool which was developed in 2012. There are a number of growing concerns with the current process. First, the tool has inequitable impacts that increase racial disproportionality. Second,

given the changes in population, three of JR's risk assessment tools were [evaluated](#) for statistical validity, which showed disparate impacts on people of color and females. In response, the agency is identifying alternative approaches to ensure equitable decision making.

In response to these findings, the JR Executive Management Team [assigned a workgroup](#) to develop both short and long term fixes. The approach adopted in this interim directive aligns with overarching rehabilitative and adolescent brain development principles. Some research<sup>2</sup> indicates having a person serve a higher percent of their maximum sentence does not necessarily reduce recidivism, and could actually increase recidivism for lengthier sentences. Our overarching goal is to make equitable decisions regarding release dates, with a focus on transitioning individuals back into their community using best practice treatment and reentry principles.

This action directly supports the DCYF Integrated Strategic Racial Equity Plan's priorities to:

- Eliminate racial disproportionalities and advance racial equity
- Create successful transitions into adulthood for youth and young adults in JR's care.

If you have any questions about this change, please contact your supervisor, appointing authority, or email the assessment workgroup at [DCYF.JRReleasePlanning@dcyf.wa.gov](mailto:DCYF.JRReleasePlanning@dcyf.wa.gov).

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<sup>2</sup> <https://www.brennancenter.org/issues/end-mass-incarceration> and <https://www.brennancenter.org/our-work/research-reports/how-many-americans-are-unnecessarily-incarcerated>.

Other research articles are available - contact [Dr. Fox](#) in Office of Innovation, Alignment & Accountability.