

Policy 4.70– Managing Youth in the DOC’s Youthful Offender Program *Summary*

- Provides guidelines for treatment, care and reentry preparation of YOP youth.

Background:

The Interagency Memorandum of Agreement between the Department of Corrections and Juvenile Rehabilitation (JR) was recently updated following JR’s merge into the Department of Children, Youth & Families July 1, 2019. The existing policy was updated to incorporate changes from HB1646 in the 2019 legislative session extending the age of YOP youth, updates references, and adds hyperlinks.

Policy Summary

This policy establishes expectations so JR is in alignment with the MOU. The policy sections were developed to model the MOU. Sections in this policy include: Jurisdiction, Decision-Making Authority, Staff Support, JR Responsibility, Records, Health Care, Accounts for YOP Youth, Legal Services, Access to a Community Facility, Infractions, Subsequent Sentences, PREA, Notifications, Escapes, Transportation, Transition to DOC, Release, and Termination of the MOU.

Changes from Current Practice

- Extends the age of youth in the Youthful Offender Program (YOP) from age 21 to age 25
- Adds an option for YOP youth with an earned release date after their 25th birthday but before their 26th birthday to serve their remaining commitment on electronic home monitoring instead of going to DOC

Training Required: No

Policy Effective Date: October 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 4.70 - MANAGING YOUTH IN DOC'S YOUTHFUL OFFENDER PROGRAM

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Authorizing Sources

RCW 72.01.410

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10/4/2019

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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 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.

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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.
 - 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.**

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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.**

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 by JR per Policy 2.40, *Managing Youth Case Files*.**
 - 16.1. In the event that a YOP is discharged from a Community Facility, the case file will be returned to the institution of origin for

archiving. **HEALTH CARE**

- 17. JR will provide all YOP youth with health services in alignment with Policy 4.30, *Providing Health Care for JR Youth*, including routine and emergency care.**

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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

21. Only YOP youth with an ERD prior to age 26 will be eligible for placement at a community facility.

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.

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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. 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*.

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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.

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.

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III. DEFINITIONS

DOC Utilization Management Office: The DOC's medical contact that receives, reviews and determines if extraordinary medical expense requests will be approved for YOP offenders.

Extraordinary Medical Care: medical care that is not available through the on-site institutional health services.

JR Offender: any juvenile offender who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300.

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.

Medically Necessary Care: medical care that meets one or more of the following criteria for a given patient at a given time:

1. Is essential to life or preservation of limb;
2. Reduces intractable pain;
3. Prevents significant deterioration of activities of daily living (ADLs);
4. Is of proven value to significantly reduce the risk of one of the three outcomes above (e.g., certain immunizations);
5. Immediate intervention is not medically necessary, but delay of care would make future care or intervention for intractable pain or preservation of ADLs significantly more dangerous or complicated, or significantly less likely to succeed;
6. Reduces severe psychiatric symptoms to a degree that permits engagement in programming that advances correctional interests;
7. Is permitted in the Offender Health Plan;
8. From a public health perspective, is necessary for the health and safety of a community of individuals and is medically appropriate, but may not be medically necessary for the individual (e.g., treatment for head lice).

This does not include medical care that:

1. Is considered experimental or to be lacking in medically recognized professional documentation of efficacy;
2. Is administered solely for the convenience of the offender or the health care provider

Offender Health Plan (OHP): the DOC's OHP describes the medically necessary medical care, mental health, and dental care services available to offenders, as well as the services that are limited or not available. The OHP is not a guarantee of services to offenders. The DOC, under the OHP and consistent with RCW 70.48.130(2), does not consider experimental or elective procedures to be medically necessary.

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On-Site Medical Care: the medical care provided to offenders at the institution, including but not limited to prescriptions, over-the-counter medications, routine medical/mental health/dental care, regular medical screening, and emergent medical treatment.

Originating Agency: the agency with jurisdiction that is transferring the offender to the other agency pursuant to the MOU.

Receiving Agency: the agency without jurisdiction that is receiving a transferred offender from the other agency pursuant to the Memorandum of Agreement.

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

Transferred Offender: a juvenile offender who has been sentenced to a term of confinement within either DOC or JR, or both, and who has been transferred.

Youthful Offender Program (YOP): YOP provides for the housing of juvenile offenders convicted and sentenced as adults in JR facilities pursuant to RCW 72.01.410, the Memorandum of Agreement between JR and DOC, and DOC Policy 320.500, *Youthful Offender Program*.

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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 2.40 - Managing Youth Case Files

Policy 5.51 - Transferring Residential Youth to DOC

Policy 3.10 – Assessing and Placing Youth in JR

Policy 5.90 – Applying PREA Juvenile Standards in JR

Policy 4.30 - Providing Health Care for JR Youth
