

WASHINGTON STATE DEPARTMENT OF SOCIAL & HEALTH SERVICES
REHABILITATION ADMINISTRATION
JUVENILE REHABILITATION

**POLICY 1.80 NOTIFYING THE COMMUNITY OF YOUTH
PLACEMENT, TRANSFER OR RELEASE**

Policy Committee Chair

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Approved



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Authorizing Sources

RCW 4.24.550
RCW 9.94A.030
RCW 13.40.205
RCW 13.40.215
RCW 71.09.025
RCW 72.01.410
RCW 72.05.415
DSHS Administrative Policy 8.06
DSHS Administrative Policy 8.07

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I. PURPOSE AND SCOPE

The policy establishes community notification procedures for certain groups of youth in JR's care. Notifications to specific agencies such as law enforcement, schools, Department of Corrections, Tribes and the DSHS Victim/Witness program are required in certain situations where JR youth will be in the community.

Unless otherwise noted, any out-of-state notifications must be determined and coordinated through the Interstate Compact Administrator for JR. The Administrator will assist in determining if any additional notification is required beyond the provision of the referral packet. See Policy 6.60, *Accessing Interstate Compact Services*.

All staff, contractors, volunteers, and interns working in the Division of Institution Programs, Division of Community and Parole Programs, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

II. POLICY

- 1. JR must notify law enforcement, schools, the DSHS victim/witness program, employers, volunteer coordinators, and treatment providers on specific timelines when youth with specific offenses are involved in the following:**
 - 1.1. Authorized leave (per Policy 6.40, *Earning Authorized Leaves and Community Involvement Passes*),
 - 1.2. Transfer to a minimum security facility (per Policy 6.30, *Facilitating Transition To JR Community Facilities* and 6.31, *Transferring Residential Youth*)
 - 1.3. Release to parole supervision (per Policy 6.50, *Establishing Release from Commitment Date*)
 - 1.4. Discharge from JR commitment (per Policy 6.50, *Establishing Release from Commitment Date*), and
 - 1.5. Escape (per Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*).
- 2. During the intake process, all youth must be provided a copy of the written notice regarding the requirements for school and law enforcement notification or registration for specific offenses (DSHS Form 20-236).**
 - 2.1. Youth must sign the form, and a copy of the signed notice will be placed into the youth's case file per Policy 2.40, *Managing Youth Case Files*.
- 3. Notification should include:**
 - 3.1. the offense or offense type requiring notification,
 - 3.2. youth's name,
 - 3.3. date of birth
 - 3.4. current address, when known
 - 3.5. new address,
 - 3.6. supervising agency's name and phone number
 - 3.7. name of contact person
- 4. Information in the notice of release may be changed provided law enforcement is notified of the change prior to the release date.**
- 5. Notification will include the last known address if a youth is homeless at time of release. The notification paperwork must make a note of the youth's homeless status.**
- 6. JR must document and maintain records of notifications completed in accordance with DSHS Administrative Policy 8.06. Documentation is completed in ACT.**

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LAW ENFORCEMENT NOTIFICATION

- 7. Law enforcement notification is required in certain circumstances. (DSHS Form 09-747 or 09-747A)**
 - 7.1. The law enforcement notification must include, at a minimum, the identity of the offender, the criminal history of the offender and the youth's risk level classification if applicable (per Policy 3.52, *Establishing Risk Level for Youth who have Sexually Offended*)
 - 7.2. Law enforcement notification is required for all youth with:
 - 7.2.1.A sex offense
 - 7.2.2.A violent offense
 - 7.2.3.A kidnapping, stalking or unlawful imprisonment offense
 - 7.3. Law enforcement notification is required for all youth transferring to a minimum security facility.
 - 7.4. Law enforcement must be notified on specific timelines.
 - 7.4.1.For youth with sex, violent, kidnapping or stalking offenses, the notification must occur at least 30 days prior to authorized leave, transfer, discharge, or release.
 - 7.4.2.For youth without sex, violent, kidnapping or stalking offenses who are going on authorized leave, the notification will occur at least seven days in advance.
 - 7.4.3.For all other youth, notification must occur 72 hours prior to transfer to a community facility.
 - 7.5. Failure to notify within the prescribed time periods requires a change in the release date to meet the 30-day requirement unless the offender has reached the maximum release date.
 - 7.6. Change in release destination requires a updated notification to the new law enforcement jurisdiction as soon as possible. Updated notifications are a courtesy for law enforcement and do not change the initial notification timelines.
 - 7.7. For youth at institution minimum security classification, one notice per law enforcement jurisdiction of destination is required for unsupervised on-going community program activities.
 - 7.8. For youth placed in minimum security facilities, one law enforcement notification specifying placement is sufficient to cover all subsequent unsupervised ongoing community activities from that facility.
 - 7.9. Youth in the community under the supervision of JR staff or contracted/volunteer staff are considered to be in custody and are not subject to law enforcement notification procedures.
- 8. If a youth is releasing to an address on Tribal land, the Tribal law enforcement agency of the youth's affiliated tribe or the Tribal law enforcement agency where the youth will be residing must be notified in the same manner as any other law enforcement agency.**

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SCHOOL NOTIFICATION

9. School notification is required for any youth transferring to a minimum security facility, granted an authorized leave, releasing to parole supervision, or discharging from JR commitment. (DSHS Form 20-235).

9.1. Notification is required for all public and approved private schools within the geographical boundaries of the school district within which the youth will be residing.

9.2. Schools must be notified on specific timelines.

9.2.1. For youth with sex, violent, kidnapping or stalking offenses, the notification must occur at least 30 days prior to transfer, discharge, release or authorized leave.

9.2.2. For all other youth, notification must occur 72 hours prior to transfer, discharge, release or authorized leave.

9.3. School notification is not required:

9.3.1. If the youth will be in the community for less than seven consecutive days on approved authorized leave and will not be attending school during that time per Policy 6.40, *Earning Authorized Leave and Community Involvement Passes*.

9.3.2. If the youth is being released because they have reached age 21.

10. If the youth attends a tribal school, notifications to the school must be completed in the same manner as any other school.

VICTIM/WITNESS PROGRAM NOTIFICATION

11. Victim/Witness notification must be completed for any youth whose victim or witness has registered to be notified of any change of the youth's placement in accordance with RCW and DSHS Administrative Policy 8.06.

11.1. The DSHS Victim/Witness program must be notified of any change in the youth's placement.

11.1.1. The notification must occur at least 30 days prior to any planned movement.

11.1.2. The notification must be completed within 3 hours of law enforcement notification, in the event of an escape or return back to an institution.

11.2. Victim/Witness Notifications will be made to:

11.2.1. The DSHS Victim/Witness Administrator's direct line at 360-902-7832 during business hours (8:00 a.m. – 4:30 p.m.).

11.2.2. The DSHS Victim/Witness message phone number after-hours at 360-902-7556. The message phone will provide the number for the on-call staff.

11.3. Personal contact with the Victim/Witness Coordinator is mandatory when reporting an escape.

11.4. Any change in release date after notification (such as an early release) requires an updated notification indicating the correct release date.

11.5. Victim/Witness notification requirements for the current commitment end when a youth is released from JR obligation.

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COMMUNITY PARTNER NOTIFICATION

12. Community partners must be notified in writing of a youth's criminal history and conditions of involvement if that youth will be involved through school, employment, treatment or volunteer activities in accordance with RCW 72.05.430.

- 12.1. The notification must be made prior to the first day of involvement with that community partner.
- 12.2. Notification is made using Department of Social and Health Services (DSHS) forms (Forms 20-229, 20-229A, 20-230). Forms must be signed by the youth, the youth's planned supervisor at the community agency, the Assistant Secretary or designee, and the administrator of the minimum security facility.
- 12.3. Each person who signs the agreement will receive a copy. The original will be placed in the youth's case file per Policy 2.40, *Managing Youth Case Files*.

NOTIFICATION IN THE EVENT OF ESCAPE

13. Escape of a youth is handled in accordance with Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*.

14. In the event that a youth who has committed a violent offense, sex offense, kidnapping or stalking offense escapes from a JR facility, the Superintendent, Regional Administrator or designee shall immediately notify:

- 14.1. The chief of police in the city and the sheriff of the county in which the youth resides,
- 14.2. The chief of police in the city and the sheriff of the county in which the adjudication occurred,
- 14.3. The Washington State Patrol
- 14.4. The tribal law enforcement agency, if applicable
- 14.5. The Victim/Witness Program, if required

15. When the youth is apprehended or returned, JR must notify the same agencies no later than the next business day following the return.

AUTHORIZED LEAVE

16. For youth with violent, kidnapping, stalking, or sex offenses, notification to law enforcement in the jurisdiction where the youth will reside must be given at least 30 days prior to the authorized leave in accordance with RCW 13.40.205.

17. For youth with Victim/Witness requirements, notification to the Victim/Witness Program must be given at least 30 days prior to the authorized leave in accordance with RCW 13.40.205.

18. For all other youth, the law enforcement notification must be completed at least seven days in advance of the authorized leave. JR regional offices must also receive notification of the authorized leave.

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19. School notification is not required for youth on approved authorized leave if the youth will not be attending school during the authorized leave.

EMERGENCY LEAVE

20. In the event of an emergency or medical leave per Policy 6.40, *Earning Authorized Leave or Community Involvement Passes*, the Assistant Secretary or designee may waive notification timeline requirements. (RCW 13.40.215)

21. In-state emergency leave requires notification as early as possible to:

21.1. Law enforcement in the jurisdiction in which the youth will reside.

21.2. The Victim/Witness Program if the youth has victim/witness requirements.

22. School notifications are not required for emergency leaves because youth are not going to be attending school on emergency leave.

TRIBAL YOUTH

23. If a youth reports that they are a member of a Tribe during the intake process or at any time during the youth's commitment, staff must:

23.1. Notify the Tribe that the youth is committed to JR using the Tribal notification form (DSHS Form 09-539A).

23.2. Update the youth's profile in ACT.

24. If a youth is releasing to an address on Tribal land and has a violent, sex, kidnapping or stalking offense, the Tribal law enforcement agency of the youth's affiliated Tribe or the Tribal law enforcement agency where the youth will be residing must be notified at least 30 days prior to any discharge from commitment in addition to any other required notifications.

25. Notifications for youth committed by a Tribal court will be completed in accordance with the Tribal court order.

26. Notification may be provided to Tribes outside the geographical borders of Washington State at the discretion of the JR Tribal Liaison.

YOUTH WHO HAVE SEXUALLY OFFENDED (YSO)

27. The Sex Offender release packet information must be completed at least 30 days prior to any transfer, discharge, release or authorized leave of a youth who has sexually offended. The packet includes:

27.1. Notification of Sex Offender Release (DSHS Form 09-747A),

27.2. Washington State Sex Offender Risk Level Classification (WSSORLC) Tool per Policy 3.52, *Establishing Risk Level for Youth who have Sexually Offended*,

27.3. Supporting social and legal file information,

27.4. Pre-registration information for youth requiring registration (DSHS Form 09-746A).

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28. JR may provide additional notification information on youth with sex and kidnapping offenses if JR determines it is relevant and necessary for community protection.

29. Notification to law enforcement will be completed for youth who have sexually offended when parole is revoked or when there is a change of residence resulting in a change of law enforcement jurisdiction.

29.1. The Sex Offender Treatment Coordinators will complete notifications in Offender Watch in consultation with parole counselors.

30. Youth who have sexually offended must not attend the same school as their victim(s) or the siblings of their victims per RCW 13.40.215.

30.1. The Sex Offender School Attendance Program within the DSHS Victim/Witness Program must be notified whenever a youth with a sex offense who plans to attend school is transferred or released.

YOUTHFUL OFFENDERS (YOP)

31. Notifications for YOP's with DOC Earned Release Dates (ERDs) after age 21 will be completed by DOC.

32. Notifications for YOP's with ERD's prior to age 21 who are discharging from JR commitment will be completed by DOC.

33. Law enforcement and school notifications for YOP's with an ERD prior to age 21 who are transferring to a community facility or going on authorized leave will be completed by JR.

34. Victim/Witness notification for YOP youth with ERD's prior to age 21 will be completed by JR.

34.1. If a victim responds to the Victim/Witness office with concerns about the youth's placement in a CF, those concerns will be referred to the Institutions Program Administrator and the Community and Parole Programs Administrator for review. Placement will be on hold until the review is complete.

35. If it is determined that a YOP youth has escaped from a JR facility, JR will:

35.1. Enter the warrant into WACIC, following JR's warrant procedures and the procedures outlined in Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*.

35.2. Notify the DSHS Victim/Witness program immediately if a YOP youth with a victim/witness notification requirement escapes from a JR facility.

35.3. Notify DOC in accordance with the procedures outlined in Policy 5.30, *Handling Youth Escapes or Unauthorized Absences*.

36. Law enforcement, victim/witness, and school notification requirements will be noted in the initial transfer request for JR youth transferred to the Department of Corrections (DOC) due to management or security risks per Policy 5.51, *Transferring Residential Youth to DOC*.

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YOUTH REQUIRING DEVELOPMENTAL DISABILITY SERVICES

37. The Developmental Disabilities Administration (DDA) must be notified of the release of a youth with a sex or kidnapping offense who is known to be eligible for DDA services in alignment with DSHS Administrative Policy 8.07. Notification must occur at least 30 days prior to discharge or release to parole. JR and DDA will collaboratively assist the youth in meeting the initial law enforcement registration requirements.

YOUTH REQUIRING CHILDREN'S ADMINISTRATION SERVICES

38. If a youth will require Children's Administration services for purposes of placement, staff must provide results of the SAVY assessment to Children's Administration at least 60 days prior to a youth's release to parole or discharge from commitment, per Policy 3.20, *Assessing Sexually Aggressive or Vulnerable Youth (SAVY)*.

REGISTRATION REQUIREMENTS

39. Where registration with law enforcement is required post-release or discharge based on offense, youth must be provided notice of the requirement and instructions for registering in alignment with DSHS Administrative Policy 8.07. (DSHS FORM 09-746)

40. Residential case managers will assist youth with the registration process during the transition to the community facility, to parole, or during discharge.

41. Youth who have sexually offended and youth with a kidnapping or unlawful imprisonment offense must be pre-registered with law enforcement within 72 hours of leaving a JR institution in alignment with DSHS Administrative Policy 8.07. (DSHS FORM 09-746A)

42. Felony firearm offenders who have been ordered by the court to register must be registered with the local sheriff in the county where they plan to live. Registration must occur in person within 48 hours of leaving a JR institution, including when transferring to a community facility. (DSHS FORM 27-102)

EXCEPTIONS

43. Law enforcement and school notification is not required for youth returned to an institution from a minimum security facility for 30 days or less or for youth on parole revocation status, provided the youth is returning to the same minimum-security facility or law enforcement jurisdiction.

44. Exception to this policy requires the approval of the Assistant Secretary or designee.

III. DEFINITIONS

Approved Private Schools: Private schools approved by the Office of Superintendent of Public Instruction and listed in the Washington Education Directory.

Criminal History: A youth's offenses known to JR including the number of counts and degree of offense. Criminal history does not include successfully completed deferred dispositions or deferred adjudications entered prior to July 1, 1998.

Law Enforcement Notification: to the Chief of Police of the city and the Sheriff of the county of the residence the youth is being released to.

Minimum Security Community Facility (CF): A group care residential program operated for the care of juveniles committed to the JR under RCW 13.40.185. A county detention facility that houses juveniles committed to JR under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

School Notification: to the approved private schools and superintendent of the public school district in which the youth intends to reside.

Sex Offender School Attendance Program: Youth with an adjudicated sex offense cannot attend the same school as their victim or the sibling of a victim. This program assists in ensuring that JR youth that have sexually offended do not attend the same school as their victims.
(See RCW 13.40.215 (5),

Victim: Any person who has sustained emotional, psychological, physical or financial injury to person or property as a direct result of the crime charged. In terms of Victim/Witness Notification this includes non-adjudicated victims if the Prosecuting Attorney requests enrollment for them.
(See RCW 9.94A.030 (53))

Victim's Sibling: A person related to the victim by biological or adoptive parentage; or who share parents by marriage.

Victim/Witness Notification Program: If requested by the victim, witness or any person specified in writing by the Prosecuting Attorney, the Program provides notification when a youth is released (parole, discharged, authorized leave), transferred to a less secure setting, or escapes from any DSHS facility. (See RCW 13.40.215)

Youth that has a Felony Firearm Offense: A youth who has been convicted or found not guilty by reason of insanity in the state of Washington for any felony firearm offense (see RCW 9.41.010 for the list of qualifying offenses) **and has been ordered by the court to register.** A youth is not a felony firearm offender if any and all qualifying offenses have been expunged, pardoned, or if there was finding of not guilty.

Youth that has a Kidnapping Offense: A youth whose current term of incarceration or criminal history includes a commitment for a kidnapping offense or for unlawful imprisonment where the victim is a minor and the offender is not the minor's parent. (See DSHS Administrative Policy 8.06 for list of offenses).

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Youth that has Sexually Offended (YSO): A youth whose current term of incarceration includes a sex offense or who has a criminal history of a prior sex offense. (See DSHS Administrative Policy 8.06 for list of offenses).

Youth that has a Stalking Offense: A youth whose current term of incarceration or criminal history includes a commitment for a stalking offense. (See DSHS Administrative Policy 8.06 for list of offenses).

Youth that has a Violent Offense: A youth whose current term of incarceration or criminal history includes a commitment for a violent offense. (See DSHS Administrative Policy 8.06 for list of offenses).

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 Social and Health Services (DSHS) serving youthful offenders. A youthful offender is any person under the age of 18 who is tried, convicted, and sentenced as an adult. Youthful offenders under DOC jurisdiction will be housed at a DSHS JR facility until the age of 21 in order to ensure their medical, mental health, and developmental needs are addressed, and they are provided a safe and secure environment.

IV. RELATED JR POLICIES

Policy 1.40 – Confidentiality and Release of Records	Policy 5.30 - Handling Youth Escapes or Unauthorized Absences
Policy 2.40 – Managing Youth Case Files	Policy 6.40 – Earning Authorized Leaves and Community Involvement Passes
Policy 3.10 – Assessing and Placing Youth in JR	Policy 6.50 – Establishing Release from Commitment Date
Policy 3.52 – Establishing Risk Level for Youth who have Sexually Offended	Policy 6.60– Accessing Interstate Compact Services

V. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Indian Heritage Questionnaire and Notice to an Indian Tribe, Nation Or Band of Youth Committed to JR		DSHS 09-539A
Notice of Sex/Kidnapping Offender Registration Requirements		DSHS 09-746
DSHS Sex/Kidnapping Offender Preregistration		DSHS 09-746A
Notice of Sex Offender Release		DSHS 09-747A
Notification of Release (“Notice of Release”?)		DSHS 09-747
Conditions of School Involvement/ School Agreement” K-12		DSHS 20-228
Conditions of School Involvement/School Agreement” Non-K-12		DSHS 20-228A
Conditions of Treatment Provider Agreement		DSHS 20-229
Conditions of Employment/Employer Agreement		DSHS 20-229A
Juvenile Volunteer Project Supervisor Agreement		DSHS 20-230
School Notification		DSHS 20-235
Notification of Legal Requirements		DSHS 20-236
Felony Firearm Offender Registration		DSHS 27-102
