

**POLICY 3.51 (37) REVIEWING YOUTH FOR CIVIL COMMITMENT**

**Policy Committee Chair**

Don Mead, Ed. D.  
Superintendent, Echo Glen  
Juvenile Justice & Rehabilitation Administration

**Approved**



John Clayton, Assistant Secretary  
Juvenile Justice & Rehabilitation Administration  
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**Authorizing Sources**

RCW 71.09  
DSHS Administrative Policy 8.08

**Information Contact**

Jennifer Zipoy, Policy & Planning Administrator  
Juvenile Justice & Rehabilitation Administration  
[jrapolicy@dshs.wa.gov](mailto:jrapolicy@dshs.wa.gov), Ph: 360-902-8092

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## I. PURPOSE AND SCOPE

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This document establishes policy and practice for reviewing youth that have sexually offended (YSO) for civil commitment as sexually violent predators. This policy supplements DSHS Administrative Policy 8.08, *Sexual Predator Review and Referral Process*.

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

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## II. POLICY

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**1. At intake, the receiving facility's Youth who Sexually Offend (YSO) Treatment Coordinator must conduct an initial file review of youth adjudicated for a current or prior sexually violent offense to determine if the youth may meet the legal definition of a sexually violent predator. If a youth meets criteria, they are required to be reviewed by the End of Sentence Review Committee (ESRC) for a civil commitment referral.**

1.1. The initial file review must occur within 30 days of admission to Juvenile Rehabilitation (JR). Youth meeting criteria must be referred to the YSO Program Administrator immediately.

1.2. The initial review must be completed prior to:

1.2.1. Transfer to a less secure facility;

1.2.2. Release from their residential obligation; and

1.3. If a recent overt act has been committed, an additional review is required.

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- 1.4. Additional reviews may also occur at other times during commitment or parole as deemed necessary by staff because of youth behavior or receipt of additional information relevant to this type of civil commitment.
- 1.5. Review decisions must be documented in the Automated Client Tracking (ACT) system consistent with case management requirements. Decisions are documented in a Record of Official Action (ROA) or designated module in ACT.
- 2. Youth who meet the criteria for a civil commitment review will be oriented to the civil commitment process and updated about each step of the process. When applicable, parents or legal guardians will also be provided updates about the process. Updates will be documented in ACT.**
- 3. Youth initially assessed as eligible for referral for civil commitment must be referred to the JR Sex Offense Treatment Oversight Committee by the YSO Program Administrator within 30 days of receiving the initial referral.**
  - 3.1. A review by the YSO Oversight Committee must occur no later than 7 months before the youth's planned release date, if possible.
  - 3.2. If the JR Sex Offense Treatment Oversight Committee determines the youth will be referred to the ESRC, they will consider transition planning issues for the youth based on the potential decisions of the ESRC. This review will include discussions regarding the youth's security and risk level classifications, release date, treatment, safety, and placement needs.
  - 3.3. Review decisions must be documented in ACT consistent with case management requirements. Decisions and meeting participants are documented in a Record of Official Action (ROA) or designated module in the Automated Client Tracking (ACT) system.
- 4. Youth assessed as eligible for referral for civil commitment by the JR Sex Offense Treatment Oversight Committee must be referred to the ESRC. Prior to presentation at the ESRC:**
  - 4.1. The YSO Program Administrator or designee to the ESRC must review and prepare material on youth who are being referred to the ESRC.
    - 4.1.1. The Superintendent, Regional Administrator or designee will review the referral prior to presentation to the ESRC.
    - 4.1.2. The Assistant Secretary or designee must review and approve the referral to the ESRC for persons 16 years of age or younger.
  - 4.2. The YSO Program Administrator or designee will present the case to the ESRC within 6 months of the youth's planned release.
  - 4.3. The YSO Program Administrator or designee will assist the ESRC in coordinating forensic evaluations when required as part of the assessment to determine eligibility.
  - 4.4. Following the ESRC review, the YSO Program Administrator or designee will inform the JR Assistant Secretary or designee of the ESRC recommendations.
  - 4.5. Following the ESRC decision, the YSO Oversight Committee will conduct a review to determine a transition plan for the youth. This review will include consideration of the

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youth's security and risk level classifications, release date, treatment, safety, and placement needs.

- 5. Youth undergoing evaluation for referral for civil commitment as a sexually violent predator will be notified in writing of their lack of confidentiality.**
  - 5.1. Youth who may be considered for civil commitment as a sexually violent predator must be notified of the lack of confidentiality using the Notification and Legal Requirements form (DSHS Form 20-236) during the diagnostic process.
  - 5.2. Youth adjudicated for a sexually violent offense undergoing psychiatric or psychological evaluation must be advised in writing by JR of their lack of confidentiality in the interview/assessment process using the Sexually Violent Offender Assessment, Notification of Lack of Confidentiality (DSHS Form 20-226).
  - 5.3. For youth under the age of 13, a parent or legal guardian must also be advised of the lack of confidentiality prior to the evaluation.
- 6. Youth in JR residential custody who are being reviewed and evaluated to determine eligibility for referral for civil commitment must reside in a maximum-security facility and receive their maximum sentence release date.**
  - 6.1. If it is later determined the youth will not be referred for civil commitment, the youth may be placed in a less secure setting, if appropriate, and their release date may be changed if they meet requirements of Policy 5.20 (5), *Assigning Security Classification Levels for Youth*; Policy 6.50 (10), *Establishing Release from Commitment Date*; Policy 3.52 (40), *Establishing Risk Level for Youth who have Sexually Offended* or other applicable JR requirements.
- 7. When a youth on parole with a criminal history that includes a sexually violent offense is alleged to have committed a recent overt act, JR must initiate parole revocation proceedings.**
- 8. When a youth meets the requirements of mandatory sex offender parole and is referred for civil commitment by the ESRC, the youth must be placed on 36 months of parole or continue on parole until their 21<sup>st</sup> birthday, whichever comes first.**
  - 8.1. If the youth does not meet mandatory sex offender parole requirements, the youth will be placed on 18 months of parole or continue on parole until their 21<sup>st</sup> birthday, whichever comes first.
- 9. The JR Youth who have Sexually Offended Oversight Committee will follow the standards for conducting the JR civil commitment review process and for necessary documentation in accordance with the Department of Corrections ESRC "Rules of Order".**

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### III. DEFINITIONS

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**Recent Overt Act:** Any act, threat, or combination thereof that has either caused harm of a sexually violent nature or creates a reasonable concern of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act or behaviors ([RCW 71.09.020](#)).

**End of Sentence Review Committee (ESRC):** The ESRC consists of representatives of state and local agencies that release sex offenders. The ESRC reviews all sex offenders and registerable kidnapping offenders releasing from state prisons, mental hospitals or juvenile rehabilitation facilities. The committee also reviews offenders who have committed crimes against children and offenders of special interest who are considered a high risk to commit violent offenses.

**Sexually Violent Offense:** an offense defined by RCW 71.09.020.

**Sexually Violent Predator:** Any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. (RCW 71.09.020).

**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.

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### IV. REFERENCES

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DOC End of Sentence Review Committee, Rules of Order

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### V. RELATED JR POLICIES

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Policy 3.52 (40) - Establishing Risk Level for Youth who have Sexually Offended

Policy 6.50 (10) - Establishing Release from Commitment Date

Policy 5.20 (5) - Assigning Security Classification Levels for Youth

**VI. FORMS AND DOCUMENTS**

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<b>Document Title</b>	<b>Available In ACT</b>	<b>Link to Paper form</b>
Notification and Legal Requirements		<a href="#">DSHS 20-236</a>
Sexually Violent Offender Assessment, Notification of Lack of Confidentiality		<a href="#">DSHS 20-226</a>

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