

POLICY 4.50 (#) WORKING WITH YOUTH WHO HAVE SEXUALLY OFFENDED

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Approved



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Authorizing Sources

RCW 13.40
DSHS Administrative Policy 8.06
DSHS Administrative Policy 8.07

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I. PURPOSE AND SCOPE

This document establishes policy regarding the Juvenile Rehabilitation (JR) continuum of care for youth who have sexually offended, including the treatment of sexually abusive behaviors.

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.

II. POLICY

1. Youth committed to JR for a sex offense defined under RCW 9.94A.030 will be referred to as “youth who sexually offend” (YSO) and will not be referred to as “sex offenders”.
2. YSO will be treated with dignity and respect in accordance with requirements outlined in Policy 1.20 (20), *Establishing Standards of Conduct for Staff*, and Policy 5.90 (49), *Applying PREA Juvenile Standards in JR*.
3. Treatment for sexually abusive behaviors will be included in YSO treatment planning throughout the JR continuum of care in accordance with Policy 4.10 (35), *Adhering to the Integrated Treatment Model (ITM)*.
 - 3.1. Youth may receive both individual and group treatment based on individual needs and risk factors and in accordance with the Integrated Treatment Model for sexually abusive behaviors.
 - 3.2. Youth participation and progress in treatment will be documented in JR’s Automated Client Tracking (ACT) system.

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- 3.3. Individualized treatment plans, including the youth's Healthy Living Plan, will be shared along the JR continuum of care to ensure consistency in application of the Integrated Treatment Model and increase the likelihood of successful transition and reentry.
- 3.4. YSO Treatment Coordinators, under the guidance of the YSO Program Administrator and in accordance with the ITM for sexually abusive behaviors, are responsible for providing oversight and support to JR staff regarding YSO treatment.
- 3.5. Contracts with community based YSO treatment providers are managed and monitored in accordance with Policy 1.60, *Monitoring Contracts*, and Policy 1.61, *Managing Vendor and Contractor Compliance*.
- 4. YSO entering a JR facility will be oriented to the following: ITM for sexually abusive behaviors, the Healthy Living Plan, risk level classification, Sexual Assault Protection Orders (SAPO) and other protection or no contact orders, pre-registration, and the duty to register if applicable.**
 - 4.1. Youth required to register for a sex offense pursuant to RCW 9A.44.140 will be informed of their duty to register during the pre-registration process.
 - 4.2. Youth required to register for a sex offense will be informed of the process for seeking relief from the duty to register pursuant to RCW 9A.44.143 prior to release, or discharge from parole when applicable.
- 5. JR will oversee the civil commitment process for youth who meet criteria in accordance with Policy 3.51 (37), *Reviewing Youth for Civil Commitment*, and RCW 71.09.**
- 6. JR will assign a recommended risk for re-offense level prior to release in accordance with Policy 3.52 (40), *Establishing Risk Level for Youth who have Sexually Offended*.**
 - 6.1. The YSO Treatment Coordinator or designee will review the recommended Risk Level Classification Committee (RLCC) risk level with the youth, and parents or guardians when applicable. This review will be documented in ACT. Regional YSO Treatment Coordinators will review the recommended risk level with youth in community facilities in their region.
 - 6.2. Youth reviewed by the RLCC who remain in JR custody for one year or longer may have their risk level reviewed again by the RLCC prior to release, transfer, or discharge.
 - 6.3. Additional reviews may be completed by the RLCC when new or unreported information not previously included in a risk level assessment is discovered, or at the discretion of the YSO Program Administrator.
 - 6.4. YSO reviewed by the RLCC and assessed as a risk level 3 will remain in custody until their maximum release date. If a Current Established Release Date (CERD) adjustment is required, it must be documented in ACT.
- 7. All YSO risk levels recommended by Juvenile Rehabilitation are subject to review by the sheriff in the county of residence, and may be aggravated up or mitigated down.**
 - 7.1. Differences in school and community notifications based on assigned risk levels are set in RCW 4.24.550 and 9A.44.138.

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- 7.2. Juvenile Rehabilitation does not differentiate between Risk Level 1 and Risk Level 2 in its treatment planning and continuum of care.
- 7.3. Placement and community eligibility/suitability is determined on a case by case basis.
- 8. Community notifications including law enforcement, victim witness, and school notifications must be completed in accordance with Policy 1.80 (9), *Notifying the Community of Youth Placement, Transfer, or Release.***
- 9. Eligible youth who are mandated to have a DNA sample collected or HIV test will have testing completed in accordance with Policy 4.40 (27), *Collecting and Analyzing Youth DNA and HIV Testing.***
- 10. YSO may be eligible for community placement within the JR continuum of care.**
 - 10.1. Eligibility and suitability for YSO community placement will be determined utilizing the Client Behavior Assessment and Community Placement Suitability Screen. The youth will pose not more than a minimum risk to public safety
 - 10.2. A YSO who is assessed as a risk level 3 by the RLCC or who is eligible for civil commitment referral is not eligible for community placement.
 - 10.3. If a YSO residing in a community facility is assigned a risk level 3 by the RLCC during a reassessment, the youth must be returned to a medium or maximum security institution and placed in the least restrictive environment based on treatment needs and population considerations.
- 11. YSO parole eligibility will be determined in accordance with RCW 13.40.210 and Policy 6.50 (10), *Establishing Release from Commitment Date*, and will be supervised according to Parole Standard 5, *Community Case Responsibilities.***
 - 11.1. YSO will receive a mandatory 24 to 36 months of parole, not to exceed their 21st birthday, for the following offenses:
 - 11.1.1. Rape 1 or Rape 2,
 - 11.1.2. Rape of a Child 1 or Rape of a Child 2,
 - 11.1.3. Child Molestation 1,
 - 11.1.4. Indecent Liberties with Forcible Compulsion.
 - 11.2. Youth with mandatory YSO parole as outlined in 11.1 who are also assessed as a Risk Level 3 by the RLCC will have their parole extended to 36 months or their 21st birthday, whichever occurs first. JR Parole Standard 11, *Sex Offender Parole Supervision Extension*, provides additional information.
 - 11.3. Any youth who has an unmet mandatory YSO parole obligation and is assessed as a risk level 3 by the RLCC will receive an additional 12 months of supervision not to exceed 36 months.
 - 11.4. If a youth's offense does not qualify for mandatory YSO parole as outlined in 11.1, but the youth has been assessed as a risk level 3 by the RLCC, the youth will receive 26 weeks of intensive parole as outlined in Parole Standard 5, *Community Case Responsibilities.*

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12. YSO on parole supervision may be required to participate in YSO treatment as directed in the order of parole conditions.

12.1. Failure to attend, participate, and make progress in treatment may result in parole interventions in accordance with Parole Standard 10, *Graduated Interventions*.

12.2. JR may use a polygraph or plethysmograph for treatment purposes only, in accordance with Policy 3.50, *Using the Polygraph or Plethysmograph in YSO Treatment*.

13. The YSO Program Administrator is responsible for the oversight of YSO programs, policies, and treatment within the JR continuum of care.

13.1. The YSO Program Administrator will oversee membership and structure of the JR YSO Oversight Committee and Risk Level Classification Committee, a sub-committee of the End of Sentence Review Committee.

III. DEFINITIONS

Civil Commitment: A legal process defined by RCW 71.09 to confine and provide treatment for persons who are determined to be sexually violent predators. In Washington state, a sexually violent predator is defined as “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.”

Healthy Living Plan: A treatment tool within the JR YSO treatment curriculum which utilizes principles from the Integrated Treatment Model for sexually abusive behaviors. Some of the components of the Healthy Living Plan include goal setting, relapse prevention and safety planning, and identifying risk and protective factors.

Integrated Treatment Model (ITM): The rehabilitative and case management service delivery system for youth committed to JR ([ITM Report](#)). It is a comprehensive menu of disciplines, treatment services, therapies and case management in JR from which case managers can choose, that is applied to addressing the risk and protective factors during a comprehensive assessment of youth remanded to JR’s care and their families. Transition and Re-entry assessment, planning and operationalization are integral to treatment as they provide a bridge for a as seamless as possible return to the community.

JR Continuum of Care: All rehabilitative services consistent with statutory authority provided by JR to JR youth, from commitment through discharge, including intake and placement, residential and parole services.

Risk Level Classification Committee (RLCC): An interagency subcommittee of the State’s End-of-Sentence Review Committee assigned to review and approve the risk level classification recommendations for youth that have sexually offended.

Risk Level 3: A youth whose risk assessment indicates a high risk of sexual re-offense within the community at large.

Sexual Assault Protection Order (SAPO): An ex parte temporary order or a final order granted under RCW 7.90, *Sexual Assault Protection Order Act*, which includes a remedy authorized by RCW 7.90.090.

Youth who Sexually Offend (YSO): Youth committed to JR whose current term of incarceration includes a sex offense defined under RCW 9.94A.030 or who has a criminal history of a prior sex offense.

YSO Program Administrator: A JR program administrator serving at the discretion of the Assistant Secretary who is responsible for the oversight of YSO programs, policies, and treatment within the JR continuum of care.

YSO Treatment Coordinator: A JR staff responsible for oversight and support of YSO programs within the JR continuum of care and the completion of mandated notifications, risk level assessments for YSO, the referral of eligible youth for the civil commitment process, and other duties related to YSO treatment and supervision.

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IV. REFERENCES

Parole Standard 5

Parole Standard 11

Parole Standard 10

V. RELATED JR POLICIES

Policy 1.20 (20) - Establishing Standards of Conduct for Staff

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

Policy 1.30 (26) - Reporting Serious and Emergent Incidents

Policy 4.10 (35) - Adhering to the Integrated Treatment Model

Policy 1.60 (41) - Monitoring Contracts

Policy 4.40 (27) - Determining the Need for DNA or HIV Testing

Policy 1.61 (43) - Managing Vendor/Contractor Compliance

Policy 5.90 (49) - Applying PREA Juvenile Standards in JR

Policy 1.80 (09) - Notifying the Community of Youth Placement, Transfer or Release

Policy 5.91 (34) - Reporting Abuse and Neglect of JR Youth

Policy 3.51 (37) - Reviewing Youth for Civil Commitment

Policy 6.50 (10) - Establishing Release from Commitment Date
