

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
JUVENILE REHABILITATION ADMINISTRATION  
JRA POLICY 25**

**SUBJECT:**                   **TRANSFER OF RESIDENTIAL YOUTH BETWEEN THE  
DEPARTMENT OF CORRECTIONS AND THE JUVENILE  
REHABILITATION ADMINISTRATION**

**INFORMATION**

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**AUTHORIZING**               **RCW 13.40.210(4)(c)**               **RCW 13.40.280**  
**SOURCE:**                   **RCW 13.40.285**                   **RCW 72.01.410**  
                                  **Chapter 388-740-0070(1) WAC**  
                                  **Chapter 388-745 WAC**  
                                  **Interagency Agreement between Department of Corrections and  
Department of Social and Health Services (CDOC6528)  
Juvenile Justice and Delinquency Prevention Act of 2002**

**EFFECTIVE DATE:**           November 1, 2009

**APPROVED BY:**             **J. C. 11-09**  
                                  John Clayton, Assistant Secretary  
                                  Juvenile Rehabilitation Administration

**SUNSET REVIEW**  
**DATE:**                       November 1, 2011

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**25-100**                   **PURPOSE**  
This policy establishes procedures regarding transfers of youth committed to the Juvenile Rehabilitation Administration (JRA) to the Department of Corrections (DOC), and of DOC inmates to the Department of Social and Health Services, JRA and supplements the Interagency Agreement between DOC and JRA.

**25-200**                   **SCOPE**  
This policy applies to JRA organizational units and contracted programs.

**25-300**                   **DEFINITIONS**  
1. **Administrative Review Board.** A board chaired by a JRA Director or designee and two other Juvenile Rehabilitation Administrators

appointed by the chairperson. This board conducts a hearing to determine if a recommendation should be made to the JRA Assistant Secretary to transfer a JRA youth to DOC.

2. **Department of Corrections (DOC) Liaison:** JRA Central Office staff designated to manage and provide direction and oversight of JRA and DOC agreements and protocols.
3. **Dual Sentence Commitment:** A circumstance when a youth has both a JRA and a DOC sentence.
4. **Residential Review Committee.** A committee appointed by a Superintendent or Regional Administrator to conduct an informal review. An administrator at the Community Programs Administrator/ Associate Superintendent level or above will chair the Committee.

## 25-400

### POLICY

1. **JRA and DOC may transfer residents to the custody of the other department with the consent of each Department's Secretary.**
  - A. An Interagency Agreement will be maintained to govern the transfer, custody, care, and management of identified DOC and JRA offenders.
  - B. JRA and DOC will incorporate or consider federal mandates and national standards in implementing this Agreement and Policy.
2. **Transfers between JRA and DOC require a review.**
  - A. **DOC to JRA transfers:**

DOC may transfer DOC inmates to JRA custody. Youth convicted under the age of 18 and sentenced to DOC may be transferred to JRA for a period of time as agreed upon between JRA and DOC, based on national rules and standards. The length of stay must not continue beyond the youth's 21<sup>st</sup> birthday. DOC inmates remain under the jurisdiction of DOC, and JRA is responsible for DOC inmates in JRA custody pursuant to the Interagency Agreement. JRA policies will apply with the exception of classification, transportation, and security policies identified by DOC. DOC and JRA representatives may determine application of DOC and JRA policies.
  - B. **JRA to DOC Dual Sentence Transfers:**
    - 1) JRA youth with dual sentences may be transferred to DOC custody based on safety, security, resource, or programmatic reasons. In making the decision, consideration should be given to placing the youth in the least restrictive setting consistent with programmatic needs, resources, and safety or security

concerns. The “DOC Transfer Process, JRA Youth with a Dual Sentence Commitment” (Attachment A) will be followed.

- 2) These transfers may be initiated and take place during the diagnostic process or before the youth is transferred to a JRA residential facility.
- 3) When it is known that a youth has a dual sentence or pending dual sentence, designated regional or diagnostic staff will notify the DOC Liaison or designee as soon as reasonable.
- 4) Regional or institutional staff will notify the Regional Administrator or Superintendent or designee when it is known a youth has a dual sentence or one is pending so they can determine if they want to initiate the next step of the transfer review process through the JRA Division Director.
- 5) Dual sentence youth in residential programs who pose a continuing and serious threat to the safety of others will be reviewed by a Residential Review Committee to assist the Superintendent, Regional Administrator, or designee to determine if a recommendation should be made to the JRA Division Director for transfer to DOC.
- 6) An Administrative Review board hearing is not required for dual sentence transfers. Any transfer request to DOC will be made by the JRA Assistant Secretary to the DSHS Secretary, who will communicate the request to the DOC Secretary.

**C. JRA to DOC transfers for youth who only have JRA commitment(s) and who pose a continuing and serious threat to the safety of others in the institution:**

JRA youth in residential programs who only have a sentence to JRA may be transferred to DOC custody if it is determined that they present a continuing and serious threat to the safety of others in the facility and JRA. The “DOC Transfer Process, JRA Youth without DOC Sentence” (Attachment B) will be followed.

- 1) Residential youth who pose a continuing and serious threat to the safety of others in the facility will be reviewed by a Residential Review Committee to assist the Superintendent or designee to determine if a recommendation should be made to the JRA Division Director for transfer to DOC.
- 2) The Superintendent or designee will initiate the transfer review process, when appropriate, through contacting the JRA Division Director or designee.
- 3) The JRA Division Director or designee will determine if an Administrative Review Board hearing should be held and convene one if appropriate, followed by the process outlined in

“DOC Transfer Process, JRA Youth without DOC Sentence,”  
(Attachment B).

**D. JRA to DOC transfers for youth who only have JRA commitment(s) and have committed staff assault or youth who have Custodial Assault adjudications while in JRA custody.**

- 1) A Residential Review Committee review is required if there appears to be a staff assault or there is an adjudication for Custodial Assault against JRA staff. (See JRA Policy 45, “Staff Assault Review and Reporting”).
- 2) The Superintendent or designee will review the recommendation and determine if a recommendation should be made to the JRA Director/designee for transfer to DOC, following the process outlined in “DOC Transfer Process, JRA Youth without DOC Sentence,” (Attachment B).
- 3) Custodial Assault adjudications, per RCW 9A.36.100, require a second Residential Review Committee review (if the youth has not been previously transferred to DOC) within five working days of receiving the disposition order. The review is to determine if a recommendation should be made to the Superintendent before referring to the JRA Division Director or designee to transfer the youth to DOC.
- 4) The JRA Division Director or designee will determine if an Administrative Review Board hearing should be held, following the process outlined in “DOC Transfer Process, JRA Youth without DOC Sentence,” (Attachment B). If a hearing is held based on a staff assault allegation, the hearing must be held within 14 days of the law enforcement referral.

**E. An Administrative Review Board hearing must take place as a step in the process of transferring a JRA youth to DOC when the youth has only a JRA commitment(s) as described in 25-400, 2. (C) and (D).**

- 1) The JRA Division Director/designee will review the recommendation to determine whether to pursue a transfer. If the Division Director or designee decides to pursue a transfer, s/he must convene an Administrative Review Board hearing. The Administrative Review Board hearing will be conducted based on the requirements in Chapter 388-745 WAC and this policy.  
The Administrative Review Board hearing must be held within 14 days of a referral to law enforcement for an alleged staff assault of Custodial Assault.
- 2) Youth must be notified in writing at least five days in advance of any Administrative Review Board hearing to consider transfer of the youth to DOC. Such written notice must include

the reasons the transfer is being considered and a copy of the rules pertaining to the hearing. Prior to any hearing, the youth or the youth's attorney has the right of access to records of the department pertaining to the proposed transfer, consistent with Policy 29, "Confidentiality of Juvenile Records."

- 3) Youth being considered in an Administrative Review Board hearing for transfer to DOC will be afforded access to legal counsel during the administrative review hearing process. Youth may waive any rights available under this policy only with the advice of an attorney.
  - 4) Attendance at the Administrative Review Board hearing will be limited to parties directly concerned. The chairperson may exclude unauthorized persons unless the parties agree to their presence. Parties have the right to present evidence, cross-examine witnesses, and make recommendations to the hearing panel. All relevant and material evidence is admissible which, in the opinion of the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness.
  - 5) At the conclusion of the hearing, the Administrative Review Board will consider all evidence presented and make a decision whether continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution.
  - 6) The chair of the Administrative Review Board will prepare a written record of the decision and reasons for the decision. The Board hearing must be recorded manually, or by mechanical, electronic, or other device capable of transcription.
  - 7) Transfer requests will be made by the JRA Assistant Secretary to the DSHS Secretary, who will communicate the request to the DOC Secretary.
3. **The decision not to transfer a youth may be made at any step in the review process.**
4. **Documentation and tracking is required.**
- A. Superintendents and Regional Administrators are responsible for designating staff to track, monitor, and document transfers to and from DOC and jails, changes in release dates, and releases from JRA sentences.
  - B. Residential Review Committee recommendations approved by the Superintendent or Regional Administrator or designee and Administrative Review Board decisions under this policy will be

documented in a "Record of Official Actions" (ROA) in the Automated Client Tracking (ACT) computer system.

- C. JRA youth in DOC or jail must have a JRA [No Bail Administrative Hold and/or Request for Notification form](#) (Attachment C) completed and sent to the DOC Liaison for youth in DOC, or directly to the jail depending on where the youth is held. A copy will be placed in the youth's Case File.
- 5. Release dates may be adjusted for JRA youth transferred to DOC or jail.**
- A. Youth under JRA jurisdiction will be assigned their maximum release date prior to being transferred to DOC or jail. An exception to this requirement may be granted by the Superintendent or Regional Administrator or designee.
  - B. Youth transferred to DOC will have the opportunity to earn time off their maximum JRA release date, but not less than their minimum release date.
  - C. At least 60 days before the release date, the designated JRA residential facility staff should notify DOC in writing of a pending release from a JRA sentence.
- 6. JRA youth in DOC confinement may need to serve JRA parole upon release from DOC.**
- A. JRA youth transferred to DOC with remaining sex offender, Basic Training Camp, or auto theft parole obligations, who are under the age of 21 upon release from DOC, must serve parole through JRA. These youth will not be discharged from JRA until they complete their parole obligation or turn 21 years of age.
  - B. JRA parolees who possess a firearm or use a deadly weapon on parole will be revoked and confined for at least 30 days. If they have served at least 30 days' confinement in the Department of Corrections for the same act, JRA will consider their confinement obligation satisfied and no additional confinement is required upon release from DOC. See Parole Standards Memo Counting Parole Revocation Time in DOC Confinement for specific procedures.
  - C. JRA youth serving only a JRA sentence in DOC may have a JRA parole obligation.

**7. Notification of transfer is required.**

The Superintendent or Regional Administrator or designee will notify the parents or legal guardians, committing court, and JRA Regional Office of assignment of a youth being transferred to DOC under this

policy. Notification must comply with JRA Policy 29, “Confidentiality and Release of Juvenile Records and Operations Records”

Attachment A: DOC TRANSFER PROCESS JRA Youth with a Dual Sentence Commitment

Attachment B: DOC TRANSFER PROCESS JRA Youth without DOC Sentence

Attachment C: [“No Bail Administrative Hold and/or Request for Notification” form](#)