

POLICY 6.50 (10) ESTABLISHING THE RELEASE-FROM-COMMITMENT DATE

Policy Committee Chair

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Approved



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Authorizing Sources

RCW 13.40.030,
RCW 13.40.210;
RCW 13.40.320;
RCW 71.09
State V. Beaver, 148 Wash. 2d. 338 (2002).

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I. PURPOSE AND SCOPE

This document establishes policies and procedures for setting release dates and releasing youth who have been committed to Juvenile Rehabilitation (JR). This policy does not pertain to parole violations or youth on revocation status.

All staff, contractors, volunteers, and interns working in the Division of Juvenile 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. The Juvenile Court establishes the disposition for youth committed to JR by court order.

- 1.1. If JR receives a court order that is incomplete, inconsistent with law, or is ambiguous, designated staff will contact the court of commitment to resolve the issue. JR Legal Services is available to assist with resolution.
- 1.2. The Central Office Diagnostic Liaison will develop guidelines and have oversight of this process.

2. JR establishes the youth's release date within the court ordered minimum and maximum disposition.

- 2.1. If a youth has multiple dispositions, JR will aggregate those dispositions to establish the total term of commitment and create one aggregated minimum release date and one aggregated maximum release date.

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- 2.2. JR must establish the release within this disposition range prior to the expiration of 60% of a youth's minimum term.
- 2.3. The date on which JR plans to release a youth will be referred to as the "Current Established Release Date" or CERD.
- 2.4. Release date changes are automatically documented in ACT.

3. Youth and parents or legal guardians must be notified whenever a CERD changes.

- 3.1. The case manager is responsible for notification per Policy 1.40 (29), *Maintaining Confidentiality when Releasing Records* and documentation of notification in ACT.

INITIAL RELEASE DATE

4. JR sets the initial release date upon completion of the intake and risk assessment process.

- 4.1. Initial release date is set based on RCW 13.40.210.
 - 4.1.1. The release date is set automatically in ACT based on the initial Risk Assessment - Recidivism (RAR) score.
 - 4.1.2. Staff will notify youth of the release date as soon as ACT sets the date.
- 4.2. Upon intake, all youth categorized as Very Low, Low and Moderate on the RAR will be eligible for release on their minimum release date.
- 4.3. Upon intake, all youth categorized as High on the RAR will have their release date set at the midpoint between their minimum and maximum release dates.
- 4.4. Upon intake, all youth categorized as Very High on the RAR will have their release date set at their maximum release dates.

CASE REVIEW PROCESS

5. **Case Reviews will be conducted on all youths categorized as High and Very High on the RAR if the court ordered minimum disposition is not the same as the maximum disposition.**
6. **Case Reviews will coincide with the Integrated Treatment Plan (ITP) due dates, which will include a list of Integrated Treatment Assessment (ITA) domains measuring risk and protective factors.**
7. **Youth's progress in treatment, transition/reentry needs and readiness, and relevant ITA domains will guide the team decision about whether to support a change in release date.**
8. **Final approval of the case review recommendation will be made by the Community Facility Administrator, Program Manager, or Supervisor. Case reviews must be approved within 7 days of the due date.**

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REDUCTION TO THE CERD

9. The Current Established Release Date for youth may be reduced based on the outcome of the Case Review process.

- 9.1. Youths may receive 90 days off from their Current Established Release Date at each Case Review.
- 9.2. Once a youth has received all possible time off, Case Reviews will continue in order to monitor continued treatment progress and goal attainment. Youth will demonstrate continued progress in order to retain their early release.

EXTENSION TO THE CERD

10. A youth's minimum and maximum release dates may be increased when a youth receives additional dispositions while under JR commitment.

- 10.1. If a youth receives an additional disposition while serving a commitment, the youth's release date will be adjusted, creating a new total term of commitment.
- 10.2. When an additional commitment is received, the youth cannot be released prior to the new minimum release date.

11. The Current Established Release Date for any youth may be extended for treatment-interfering behavior or major incidents.

- 11.1. Youth who exhibit repeated and documented behavior that interferes with treatment or who do not participate in treatment resulting in a regression of progress may have the CERD extended by 90 days.
 - 11.1.1. When youth categorized as Very Low, Low and Moderate on the RAR receive an increase in their CERD for behavior, case reviews will be conducted until the youth returns to their earliest possible CERD.
- 11.2. Youth who exhibit behavior representing a significant risk to the community may have their CERD set at the maximum release date. Such behavior includes but is not limited to assault, escape and significant property damage.
- 11.3. Youth returning to an institution from a community facility may have the CERD adjusted.
 - 11.3.1. If the transfer to the institution is for 30 days or less, a CERD adjustment will be approved by the sending Regional Administrator.
 - 11.3.2. If the transfer to the institution is for 30 days or more, a CERD adjustment will be approved by the Superintendent with recommendations from the CF treatment team.

12. Extending the youth's CERD by 90 days may only occur one time in a youth's commitment. Any additional extension will be to the maximum release date.

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DUE PROCESS FOR EXTENDING THE CERD

13. For any situation where staff propose an extension to the CERD, due process must be followed to protect youth rights.

- 13.1. If the recommendation to extend the CERD is made during the case review process, the youth must be present to participate in the discussion.
- 13.2. If the extension to the CERD is as a result of a major incident or treatment interfering behavior outside of a case review, a secondary review must be held within 20 days of the incident to determine whether or not to add time. The secondary review must be chaired by an Associate Superintendent or Community Facility Administrator.
- 13.3. Youth must be afforded due process provisions for any proposed CERD extension.
 - 13.3.1. Youth must be provided a written notice at least three working days in advance of the review indicating the reason(s) for the consideration;
 - 13.3.2. Youth have the right to appear in person at the review and present documentary evidence regarding the incident. Youth may also ask a staff advocate to attend with them.
 - 13.3.3. Youth have the right to ask questions of the decisionmaker.
 - 13.3.4. Youth have the right to appeal the decision to extend a release date through the youth complaint process in accordance with Policy 2.10 (13), *Handling Youth Complaints*.
- 13.4. Due process must be documented on the Administrative Approval form in ACT. Documentation of the decision must include:
 - 13.4.1. Date of the review
 - 13.4.2. Participants
 - 13.4.3. Youth input
- 13.5. The Superintendent, Regional Administrator or designee is responsible for the final determination regarding the adjustment to the CERD. The decision must be documented in ACT.

14. Youth who qualify for release may be held for more than 30 days past their CERD for specific treatment or transition purposes. Youth must be afforded the due process rights outlined in section 13.3 whenever the release date is considered for extension.

- 14.1. Youth may not be held past their maximum release dates.
- 14.2. The treatment team must recommend that the reason for remaining past the CERD is beneficial for the youth as demonstrated by risk and protective factors on the Integrated Treatment Assessment (ITA), including arranging stable housing.
- 14.3. A local administrative review must be conducted. The administrative review must follow the case review process.
- 14.4. The Superintendent, Regional Administrator or designee is responsible for making the final recommendation for retention beyond the minimum release date to the Director.
- 14.5. The Director makes the final decision regarding approval for the youth to remain in JR.

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ADJUSTMENT TO CERD OF LESS THAN 30 DAYS

15. A youth may be released up to four calendar days prior to their release date for transitional purposes such as transportation, school, and employment. Approval is required from the Supervisor.

16. The CERD may be adjusted by adding or subtracting up to 30 days to accommodate transition needs. Youth must be afforded the due process rights outlined in section 13.3 whenever the release date is considered for extension.

16.1. If the release date is to be adjusted for more than four days, approval is needed from the Superintendent, Regional Administrator or designee.

16.2. Release dates may be extended to accommodate transitional purposes when required except for youth at their maximum release date. Reasons for adding days may include:

16.2.1. Completion of an educational or vocational program

16.2.2. Completion of a required treatment program

16.2.3. Acceptance to a post-release program

16.2.4. Changes to a youth's placement arrangements

16.3. Release dates may be reduced to accommodate transitional purposes. Reasons for subtracting days may include:

16.3.1. Release to coincide with the beginning of an educational or vocational program semester or quarter

16.3.2. Acceptance to a post-release program

16.3.3. Other events with a specific timeline may be considered for early release if there is benefit to transition and reentry purposes.

REENTRY PLANNING

17. Planning for reentry and transition will begin at intake to an institution.

17.1. Youth and families will be engaged in planning for reentry.

17.2. Reentry planning will address the seven reentry domains:

17.2.1. Family and living arrangements

17.2.2. Peer groups and friends

17.2.3. Mental, behavioral and physical health needs

17.2.4. Substance abuse

17.2.5. Education and vocation

17.2.6. Employment

17.2.7. Leisure and recreation

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- 17.3. Reentry planning must include vocational and education activities for the youth while in JR, development of life skills, community inreach to identify connections for youth upon release, and goal setting exercises for long term success.
- 17.4. Reentry planning will be reviewed regularly during a youth's stay in JR to ensure accuracy and completeness.

RELEASE

18. All youth who release from commitment are assigned to the appropriate parole type or are released to the community without parole services.

- 18.1. Youth are released from commitment and receive parole services if they qualify for YSO Parole, Intensive Parole, FIT Parole, Firearm Enhanced Parole, Auto Theft Parole, or have an unfulfilled obligation for any mandatory parole.
- 18.2. Youth who have a sexual offense that does not qualify for mandatory YSO parole and are assessed as Risk Level III will be assigned to Intensive Parole. All Level III YSOs are assigned Intensive Parole, even if they are eligible for YSO Parole.
- 18.3. Youth released to non-JR court-ordered juvenile or adult community supervision should be supervised in accordance with Parole Standard 8, *Discharge Matrix*.
- 18.4. Youth in a JR residential facility who receive an adult conviction and sentence to the Department of Corrections or an adult jail consecutive to his or her juvenile disposition, will be discharged from JR upon release from a JR residential facility. Exceptions include youth who are assigned to YSO Parole, Basic Training Camp Parole or Auto Theft Parole.
- 18.5. Parole services are provided in accordance with Parole Standard 5, *Managing Community Case Responsibilities*.

19. Youth who have sexually offended and are in the civil commitment referral process pursuant to RCW 71.09 and Policy 3.51 (37), *Reviewing for Civil Commitment* or have been assessed as a Risk Level III must not be released to parole or discharged prior to their maximum release date. These youth are exempt from administrative review.

20. Prior to the release of any youth staff must ensure that requirements have been met for:

- 20.1. Policy 1.80 (9), *Notifying the Community of Youth Placement, Transfer or Release*
- 20.2. Policy 2.60 (38), *Managing Youth who are Foreign Nationals*
- 20.3. Policy 4.40 (27), *Determining the Need for DNA or HIV Testing*
- 20.4. Policy 5.20 (5), *Assigning Security Classification Levels for Youth*

21. Staff will complete and submit a Request for Warrant Check at least 45 days but not earlier than 90 days prior to release from residential obligation.

- 21.1. Youth with an identified warrant are prohibited from leaving the institution or community facility until the warrant is resolved.
 - 21.1.1. If a warrant is identified after a youth has been placed into a community facility, the youth must be returned to an institution until the warrant is resolved per Policy 6.31 (3), *Transferring Residential Youth Between Facilities*.

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21.2. JR staff will work with the issuing law enforcement jurisdiction for resolution.

21.3. Youth with an Immigrations & Customs Enforcement (ICE) warrant will be advised to work with their assigned immigration attorney for resolution.

22. Regional offices, juvenile courts, Tribes, custodial parents/legal guardians and Children's Administration social workers must be notified of the youth's release from commitment consistent with Policy 1.40 (29), *Maintaining Confidentiality when Releasing Records*.

23. Exceptions to provisions of this policy, within legal requirements, require approval from the Superintendent, Regional Administrator or designee.

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III. DEFINITIONS

Auto Theft Parole: Mandatory parole for youth committed to JR for any of the following offenses: Theft of a Motor Vehicle 1, Possession of a Stolen Motor Vehicle, Taking a Motor Vehicle Without Permission 1.

Basic Training Camp Automatic Eligibility: Eligibility for BTC is determined by RCW 13.40.320. Automatic eligibility criteria are as follows:

- Categorized as Very Low, Low or Moderate on the RAR;
- Does not have a violent or sex offense on this current commitment;
- Does not have a prior serious violent offense as defined by RCW 9.94A.030;
- Does not have a prior sex offense requiring leveling and registration;
- Has an aggregate minimum disposition of less than 65 weeks;
- Has at least a minimum of 29 weeks remaining until maximum disposition upon admission to the BTC.

Basic Training Camp Parole: Youth eligible per RCW 13.40.320, who graduate from the Basic Training Camp Program receive Intensive Parole for 12 weeks or until they reach their original minimum disposition release date, whichever is longer.

Client Behavior Assessment (CBA): The assessment tool completed in Automated Client Tracking (ACT) system used to measure a youth's rehabilitation progress in residence. The results of the CBA are used in the overall RAR and RACF.

Commitment: The aggregate of all consecutive dispositions.

Community Supervision: An order of disposition by the court of an adjudicated youth not resulting in a commitment to the JR.

Confinement: Physical custody by JR in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with the county.

Current Established Release Date (CERD) An established release date set between a youth's minimum and maximum disposition.

Discharge: When a youth committed to JR for a term of confinement is released with no further JR jurisdiction. This includes completion of a youth's parole period.

Family Integrated Transition Parole: Youth who do not qualify for Intensive Parole, but are enrolled in the Family Integrated Transitions (FIT) program receive 20 weeks of parole.

Firearm Enhanced Parole (FEP): a parole program that uses intensive parole standards for 26 weeks to serve youth with a disposition for Unlawful Possession of a Firearm (1 or 2), Drive-by Shooting, Theft of a Firearm, or Possession of a Stolen Firearm.

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Intensive Parole : A type of parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a youth will commit further offenses.

Integrated Treatment Assessment (ITA): a structured tool that helps predict recidivism (reoffending). The ITA assesses both risk and protective factors. Protective factors are strengths and resources inside of youth (personal skills, attributes, past accomplishments, pro-social values) and around them (e.g. family, community). Protective factors can mitigate the impact of risks and potentially reduce recidivism. ITA information is used to prioritize treatment, programming and resources that can reduce the most important risk factors.

Integrated Treatment Plan (ITP): The documentation of the youth's engagement & motivation to participate in programming; relevant behavior history organized in to a treatment hierarchy that determines priority and sequencing of treatment targets; descriptions of specific behaviors being targeted during the current 90-day treatment period, which includes plans to increase skillful behavior; and plans for transition and reentry. The ITP is completed within 30 days of intake and every 90 days thereafter.

Maximum Release Date: Based on court order and law the last day a youth may be held in confinement on the aggregate of all dispositions.

Minimum Release Date: Based on court order and law the earliest day a youth may be released from confinement on the aggregate of all dispositions.

Release: Official action that takes place when a youth is relieved of his/her current residential obligation(s) including but not limited to release to parole, release to recommitment, release to discharge. Release does not include moves within an obligation (i.e., transfer from one JR residential facility to another (in accordance with Policy 6.31 (3)) or transfer to a temporary assignment such as DOC (in accordance with Policy 5.51 (25)), jail, court or changes in security classification (in accordance with Policy 5.20 (5))).

Risk Assessment Recidivism (RAR): Risk assessment tool completed in ACT to determine a youth's risk for recidivism. Youth are assigned one of five risk levels: Very Low, Low, Moderate, High And Very High.

Disposition: A court ordered term of confinement for a specified range of time based on an adjudication and disposition in juvenile court. A disposition is the same as the sentence in the adult system.

Youth who have Sexually Offended Parole (YSOP): Mandatory parole for youth with a disposition for felony Rape First or Second Degree, Rape of Child First or Second Degree, Child Molestation First Degree, or Indecent Liberties with Forcible Compulsion.

IV. REFERENCES

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V. RELATED JR POLICIES

Policy 1.40 (29) – Maintaining Confidentiality when Releasing Records	Policy 5.20 (5) – Assigning Security Classification Levels for Youth
Policy 1.80 (9) – Notifying the Community of Youth Placement, Transfer or Release	Policy 5.51 (25) – Transferring Residential Youth to DOC
Policy 2.10 (13) – Handling Youth Complaints	Policy 5.80 (45) - Reviewing and Reporting Staff Assaults by Youth
Policy 2.60 (38) – Managing Youth who are Foreign Nationals	Policy 6.20 (28) – Managing Residential Youth Communications
Policy 3.51 (37) – Reviewing Youth for Civil Commitment	Policy 6.31 (3) – Transferring Residential Youth Between Facilities
Policy 4.40 (27) - Determining the Need for DNA OR HIV Testing	

VI. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Request for Warrant Check		
ITP/Case Review Process		
