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## Early Learning & Human Services Committee

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### HB 1917

**Brief Description:** Concerning management of individuals who are placed in juvenile rehabilitation institutions.

**Sponsors:** Representatives Callan and Eslick.

#### Brief Summary of Bill

- Requires the Department of Children, Youth, and Families (DCYF) to develop rules for the safe operational capacity of institutions that includes developing the maximum number of people that constitute safe operating capacity.
- Allows DCYF, when the population of a juvenile institution reaches 105 percent of the safe operational capacity, to transfer people adjudicated in adult court to community facilities and to transfer the oldest people with the longest sentences who were convicted in adult court to Department of Corrections institutions.
- Discontinues the placement of individuals convicted in adult court who are over age 21 and have an earned release date after the age of 26 from placement in a DCYF institution.

**Hearing Date:** 2/11/25

**Staff:** Luke Wickham (786-7146).

**Background:**

*Juvenile Justice in the State of Washington.*

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

In Washington, juvenile courts are a division of the state's superior court system. Juvenile courts have jurisdiction over persons under the age of 18 who are alleged to have committed a crime. However, there are several exceptions to that jurisdiction where state law requires youth to be tried in adult courts.

There are three situations where adult criminal courts may have jurisdiction over persons under the age of 18:

- The juvenile court declines jurisdiction to adult court following a discretionary decline hearing, which a court can initiate on its own motion or any party may file a motion requesting the court transfer the juvenile to adult court, only if:
  - the respondent is at least age 15 and is charged with a serious violent offense;
  - the respondent is age 14 or younger and is charged with Murder in the first or second degree; or
  - the respondent is any age and is charged with Custodial Assault and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age 21.
- The juvenile court is required to hold a decline hearing in circumstances when the information alleges an escape and the juvenile is serving a minimum juvenile sentence to age 21.
- Adult criminal courts have exclusive jurisdiction over juveniles age 16 or 17 on the date of the offense when the offense is:
  - a serious violent offense;
  - a violent offense and the juvenile has a criminal history consisting of a prior serious violent offense, two or more prior violent offenses, or three or more of any combination of class A felonies, class B felonies, Vehicular Assault, or Manslaughter in the second degree; or
  - Rape of a Child in the first degree.

Juvenile court dispositions are subject to statutory sentencing guidelines. Juvenile offenses are categorized using letters E through A++ to indicate the seriousness level of the offense. A statutory grid establishes the standard sentencing range for a particular offense based on the offense category and an individual's prior adjudications. Each prior felony adjudication counts as one point, and each prior violation, misdemeanor, or gross misdemeanor counts as 0.25 points. Fractional points are rounded down.

If a court finds that a disposition within the standard range would create a manifest injustice, the court must impose a disposition outside the standard range. The following factors may be used to form the basis for a manifest injustice finding:

- the age of the juvenile;
- the crime for which the juvenile is to be sentenced;
- the number of previous offenses committed by the juvenile;
- the nature of the previous offenses committed by the juvenile; and
- the length of time since the juvenile's last offense.

The sentencing category called local sanctions is the least serious category for juvenile

sentencing purposes. Local sanctions include a range of up to 30 days in confinement, up to 12 months of community service, up to 150 hours of community service, and up to a \$500 fine.

When a juvenile court sentences a juvenile offender to local sanctions, the court must impose a determinate sentence within the standard range. Confinement imposed by a juvenile court up to 30 days is served in a county juvenile detention facility. Any confinement imposed that is greater than 30 days is served through commitment at a Department of Children, Youth, and Families (DCYF) juvenile rehabilitation institution.

There are two juvenile rehabilitation institutions: (1) Green Hill School in Chehalis, which serves males ages 17 through 25; and (2) Echo Glen Children's Center in Snoqualmie which serves females ages 12 through 25 and males ages 11 through 17.

*Placement of Individuals Convicted in Adult Court in Juvenile Institutions.*

Any person who is convicted in adult court of a felony offense that was committed when the person was under age 18 and committed for a term of confinement is initially placed in a facility operated by DCYF. While the person is placed in a DCYF facility, the person must have the same treatment, housing, transfer, and access to program resources as any other person committed to that juvenile institution.

These individuals may not be transferred to the custody of the Department of Corrections (DOC) without the approval of the DCYF until the person reaches age 25.

If the DCYF determines that retaining custody of the person in a facility of the DCYF presents a significant safety risk, the DCYF may transfer the person to the DOC.

The DCYF must review the placement of a person over age 21 to determine whether the person should be transferred to the custody of the DOC. This review must occur before the person turns age 23 if their commitment period extends beyond that age.

*Settlement Agreement.*

A settlement agreement between the DCYF and class members represented by Columbia Legal Services provides additional procedural requirements for the DCYF before transferring individuals convicted in adult court of offenses that occurred before turning age 18 to the DOC, including a requirement that all class members receive a residential review board hearing.

If the circumstances necessitating the transfer are so severe that the DCYF cannot ensure the safety of the facility or others while the pre-transfer hearing is pending, the DCYF may file an emergency motion before the court seeking an exception to move the class member to the DOC pending the residential review board hearing.

The residential review board consists of the Assistant Secretary of Juvenile Rehabilitation of the DCYF or a designee who acts as chairperson, and two administrators with the Juvenile Rehabilitation division of the DCYF appointed by the chair.

### *Community Facilities.*

Community facilities allow youth to begin transitioning back to the community after being committed to a juvenile rehabilitation institution. These facilities provide treatment, education, and vocational services. To be eligible for community facility placement, a youth must be placed on minimum security status. Minimum security status is based on risk and behavior assessments and requires that the individual has served 10 percent of his or her aggregate minimum disposition or 30 days, whichever is greater, and all placement assessment requirements have been met. Individuals who escape or attempt to escape, individuals who are eligible for civil commitment, and individuals who meet other criteria are not eligible for minimum security status.

There are eight community facilities across the state including:

- Canyon View (Wenatchee);
- Oakridge (Lakewood);
- Parke Creek (Ellensburg);
- Ridgeview (Yakima);
- Sunrise (Ephrata);
- Touchstone (Olympia);
- Twin Rivers (Richland); and
- Woodinville (Kirkland).

### **Summary of Bill:**

#### *Safe Operational Capacity.*

"Safe operational capacity" is defined as the maximum number of inmates that can reside in a juvenile rehabilitation institution in order to safely provide treatment aligned with juvenile justice standards.

The Department of Children, Youth, and Families (DCYF) must develop rules for the safe operational capacity of institutions that includes developing the maximum number of people that constitute safe operating capacity.

The DCYF must take action to reduce the population at any institution if the inmate population exceeds 105 percent of the safe operational capacity, including:

- transferring people adjudicated in juvenile court to community facilities; and
- releasing inmates adjudicated in juvenile court on the minimum of their standard range.

The DCYF must monitor the number of people residing at each institution and when that number reaches 90 percent of the safe operational capacity, begin planning for methods to avoid exceeding the safe operational capacity. The planning required at this stage includes:

- notifying those that may be released or transferred to the Department of Corrections (DOC);
- discussing with the DOC early release options; and

- reviewing community facility capacity.

Individuals convicted in adult court of offenses that occurred before turning age 18 are no longer placed in a DCYF facility when the facility is at or above 105 percent of safe operational capacity and the person is over age 21 with an earned release date after the age of 26.

If the population exceeds 105 percent of the safe operational capacity at an institution, the DCYF may transfer individuals convicted in adult court of offenses that occurred before turning age 18 to the DOC, and must prioritize the transfer of the oldest individuals with the longest terms of confinement following approval from the residential review board.

*Transfer Provisions.*

The DCYF may transfer individuals convicted in adult court of offenses that occurred before turning age 18 to DOC after establishing, at a hearing before a review board, that:

- continued placement of the person presents a significant safety risk to other people in the facility;
- the individual knowingly, voluntarily, and willingly requests a transfer;
- the population exceeds 105 percent of the safe operational capacity at in institution, which allows the DCYF to transfer and prioritize the transfer of the oldest individuals with the longest terms of confinement.

*Review of Placement.*

The DCYF must review the placement of persons age 21 or older who are placed in the custody of the DCYF to provide information to individuals regarding voluntary transfer to the custody of the DOC based on considerations of the inmate's treatment needs, goals, future plans, length of confinement, classification, and current behavior.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.