

# HOUSE BILL REPORT

## E2SSB 5278

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to management of individuals who are placed in juvenile rehabilitation institutions.

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

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Braun, Christian, Dozier and Wilson, J.).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 3/18/25, 4/1/25 [DPA].

**Brief Summary of Engrossed Second Substitute Bill**  
**(As Amended by Committee)**

- Requires the Department of Children, Youth, and Families (DCYF) to develop rules for the rated bed capacity of juvenile rehabilitation institutions and monitor the number of persons residing in each institution and when that number reaches 90 percent of rated bed capacity begin planning and identifying methods to avoid exceeding the rated bed capacity, and to take certain discretionary actions to reduce the population of a juvenile rehabilitation institution when the population exceeds 105 percent of rated capacity.
- 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 when the facility is at or above 105 percent of rated bed capacity, and requires that those individuals be placed in a Department of Corrections (DOC) institution.
- Allows the DCYF to transfer persons convicted in adult court to the

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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.*

custody of the DOC when continued placement of the person in a DCYF facility presents a continuous and serious threat to others in the facility, and when the population of the institution exceeds 105 percent of the rated bed capacity, for people of certain ages who consistently refuse to participate in available rehabilitative programming or engage in planning for such programming.

- Requires the DCYF to establish rules for defining and developing an internal behavioral management infraction system and procedures to respond to a continuing and serious threat to the safety of others in a juvenile institution.

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## HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Bergquist, Chair; Cortes, Vice Chair; Eslick, Ranking Minority Member; Burnett, Assistant Ranking Minority Member; Bernbaum, Dent, Goodman and Penner.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Hill and Taylor.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Ortiz-Self.

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

### **Background:**

*Juvenile Justice in the State of Washington.*

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 that 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 1 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 supervision, 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.

*Transfer from a Juvenile Institution to a Department of Corrections Institution.*

The DCYF, with the consent of the DOC, may transfer a juvenile offender to the DOC if it is established before a review board that continued placement of the juvenile presents a continuing and serious threat to the safety of others in the institution.

*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 pretransfer 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, in Wenatchee;
- Oakridge, in Lakewood;
- Parke Creek, in Ellensburg;
- Ridgeview, in Yakima;
- Sunrise, in Ephrata;
- Touchstone, in Olympia;
- Twin Rivers, in Richland; and
- Woodinville, in Kirkland.

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### **Summary of Amended Bill:**

Defines "rated bed capacity" to mean the number of in-residence individuals at a juvenile rehabilitation institution that should not be exceeded in order to provide treatment aligned with juvenile justice standards.

The Department of Children, Youth, and Families (DCYF) must promulgate rules related to the rated bed capacity of juvenile rehabilitation institutions. The rated bed capacity number established by DCYF must include the following conditions:

- single capacity rooms;
- 10 percent of facility beds reserved for intensive management unit beds for flexibility of movement;
- appropriate bathroom and shower ratio to youth;
- adequate education space to ensure that all youth can maintain a full schedule; and
- indoor education and outdoor recreation space to safely manage population groups.

Before transferring individuals to the Department of Corrections (DOC), the DCYF must take discretionary action to reduce the population of a juvenile rehabilitation institution when the population exceeds 105 percent of rated bed capacity, on a case-by-case basis, in the following order of priority:

- transfer a sufficient number of people from a community facility to community transition services; and
- transfer a sufficient number of people from a juvenile rehabilitation institution to community facilities or community transition services.

Certain people may not be transferred from a juvenile institution into a community facility when the population of the juvenile institution exceeds 105 percent of rated bed capacity, including:

- a person that is deemed a high risk to reoffend;
- a person that would be better served by the services provided at an institution; and
- a person who would be unable to comply with residential disciplinary standards.

When placing a person in a community facility to reduce the juvenile institution population below 105 percent of the rated bed capacity, the requirement:

- that an individual spend at least 10 percent of their sentence and no less than 30 days in an institution does not apply; and
- that the DCYF send written notice to law enforcement and certain schools for individuals found to have committed a violent offense, sex offense, or stalking, may be provided less than 30 days before the individual's transfer.

The DCYF must monitor the number of persons residing in each institution and when that number reaches 90 percent of rated bed capacity, begin planning and identifying methods to avoid exceeding the rated bed capacity, including:

- notifying individuals who may be released or transferred to community transition services or community facilities;
- discussing with the DOC any early release options for individuals convicted in adult court of offenses that occurred before turning age 18; and
- notifying county juvenile court administrators, the Legislature, and the Governor of current rated bed capacity and any measures or plans to reduce rated bed capacity.

The DCYF must submit an annual report to the Legislature and the Governor on the number of transfers that occurred in the last 12 months, the reason for each transfer, the age of the person transferred, information about which DOC facilities people were transferred to, and the outcome of each transfer hearing.

The Secretary of the DOC, with the consent of the Secretary of the DCYF, may directly transfer a person who was convicted in adult court of an offense that occurred before turning age 18 and who is placed in a DCYF institution and place the person in a work release program, if the DCYF concludes that the population of any juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity and the person meets eligibility criteria. To be eligible for this transfer to a DOC work release facility:

- the person must be above the age of 21;
- the person must be within 18 months of their earned release date; and
- the DOC must determine that the transfer would be appropriate.

Persons who are convicted in adult court of felony offenses committed under age 18 are no longer placed in a DCYF facility when the facility is at or above 105 percent of rated bed capacity and the person is over the age of 21 at the time of placement with an earned release date after age 26. Individuals who are no longer placed in a DCYF institution and instead placed in a DOC facility because the DCYF facility is at or above 105 percent of the rated bed capacity may request a transfer to a DCYF facility when the institutional population is below 95 percent of the rated bed capacity.

The DCYF is not allowed to transfer a person placed in a DCYF institution to the custody of the DOC unless:

- the DCYF establishes at a review board hearing that continued placement of the person in a DCYF facility presents a continuing and serious threat to the safety of others in the facility; or
- if the population exceeds 105 percent of the rated bed capacity and the rehabilitative goals cannot be met, the DCYF, with the consent of the DOC, transfers a sufficient number of persons to the custody of the DOC to reduce the population to 95 percent of the rated bed capacity, subject to the conditions provided below.

The persons who may be transferred to the DOC to reduce the population of the DCYF institution include persons age 21 or older, or those under age 21 but over age 19, who have served at least three years in DCYF custody and who consistently refuse to participate in available programming, or engage in planning for such programming, provided the person receives a transfer hearing. These transfer hearings must take into account whether the DCYF has offered the person age and culturally appropriate services based on the person's assessment conducted during the person's intake to the DCYF institution; the person's engagement in programming, treatment needs, goals, future plans, length of confinement, classification, current behavior, mental and emotional health; and any disabilities or special needs impacting the safety or suitability of transferring the person to the DOC. Individuals must have at least seven calendar days to prepare for this hearing. This authority terminates on January 1, 2031, and will terminate earlier than that date if there is an increase in the rated bed capacity of all available juvenile rehabilitation institutions that would allow equal to or greater than 144 individuals above the rated bed capacity as it existed on the effective date of the bill.

The DCYF must provide information to persons placed in juvenile institutions regarding voluntary transfer to the custody of the DOC during their placement reviews. During these placement reviews, the DCYF must provide information on all available placement options and availability of those options at the DOC, and the person's specific eligibility for those options based on their classification and custody level determination made by the DOC before any voluntary transfer decision. The person shall be provided an opportunity to consult with counsel during the review to confirm that the person is making a knowing, voluntary, and fully informed request.

A person who requests transfer from a DCYF institution to the DOC must have seven days to reconsider the transfer request. After that period, the person must be transferred directly into the placement agreed upon by the DCYF and the DOC. A person who has been transferred to the DOC may request to be returned to the DCYF once within one year after transferring, provided the population of the DCYF institution is below 95 percent of the rated bed capacity.

The DCYF must establish rules for defining and developing an internal behavioral



management infraction system and procedures to respond to a continuing and serious threat to the safety of others in the institution. These rules must provide guidance on when the following circumstances present a continuing and serious threat and warrant imposition of an infraction:

- assault involving serious bodily harm; and
- possession of any contraband that puts the safety of others or the security of the institution at risk.

The requirement that a juvenile has the burden to show cause as to why a transfer to an adult correctional facility, during a hearing alleging that continued placement of the juvenile in a DCYF institution presents a continuing and serious threat to the safety of others, is removed. The requirement that a transfer hearing must occur within 10 days after an assault on a staff member and that a second hearing occur within five days of a conviction for custodial assault are replaced with a requirement that the DCYF establish rules for the length of time required for a board hearing.

A person in the custody of the DCYF who was convicted in adult court of an offense that occurred before turning age 18 is eligible to be released by the DOC on or after the person's early release date if:

- the person's earned release date is within six months of the person's twenty-fifth birthday;
- the person has not been deemed a high risk to reoffend; and
- the person has not committed any serious infractions as defined by the DCYF internal behavioral management infraction system.

#### **Amended Bill Compared to Engrossed Second Substitute Bill:**

The striking amendment requires the Department of Children, Youth, and Families (DCYF) to engage in transfer or transition planning for any individual leaving a juvenile institution.

The striking amendment modifies the rated bed capacity percentage that triggers actions authorized in the underlying bill to reduce the institutional population, and the threshold that allows individuals to request a return to a DCYF facility after a voluntary transfer to a DOC facility, from 100 percent to 95 percent.

The striking amendment allows individuals who are no longer placed in a DCYF institution, and instead placed in a DOC facility because the DCYF facility is at or above 105 percent of the rated bed capacity, to request a transfer to a DCYF facility when the institutional population is below 95 percent of the rated bed capacity.

The striking amendment terminates the authority provided to the DCYF to transfer certain people who consistently refuse to engage in available programming when the rated bed capacity is at or above 105 percent on January 1, 2031, and specifies that this authority will terminate earlier than that date if there is an increase in the rated bed capacity of all



available juvenile rehabilitation institutions that would allow equal to or greater than 144 individuals above the rated bed capacity as it existed on the effective date of the bill.

The striking amendment modifies the ages of individuals for whom the DCYF is provided authority to transfer, when those individuals consistently refuse to engage in available programming and when the rated bed capacity at the institution is at or above 105 percent, from over 21, or under 21 but over age 18 and has served at least three years in a DCYF institution, to age 21 or older, or under age 21 but age 19 or older and has served at least three years in a DCYF institution.

The striking amendment specifies that the transfer hearings provided for certain people who consistently refuse to engage in available programming when the rated bed capacity is at or above 105 percent must take into account whether the DCYF has offered the person culturally and age appropriate services based on the person's diagnostic evaluation process used at intake, or any other assessment conducted during the person's intake to the DCYF institution.

The striking amendment modifies the general standard that must be met before transferring a person from a DCYF facility to a DOC facility that applies to individuals convicted in adult court of offenses that occurred before turning age 18 to match the standard that applies to individuals adjudicated in juvenile court who are transferred from a DCYF facility to a DOC facility (the person presents a continuing and serious threat to the safety of others in the institution).

The striking amendment limits the early release provision in the underlying bill to only allow release on or after the person's early release date and under the conditions in the underlying bill providing that the earned release date is within six months of the person's twenty-fifth birthday, the person is not deemed a high risk to reoffend, and the person has not committed any serious infractions.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) This bill relates to the policy that was developed by this state to provide treatment in juvenile institutions to young people up to age 25. Whether a person agrees with that policy or not, it is hard not to agree with the intentions of that policy. There is severe overcrowding at Green Hill and the state is not getting the intended results.

This bill gives the Department of Children, Youth, and Families (DCYF) some tools to manage the Green Hill population. This bill allows people to be transferred from a juvenile institution to a community facility and when that isn't enough, allows transfer of people to the Department of Corrections (DOC). This bill smooths out the process to allow for voluntary transfer of people to the DOC.

There are components of this bill that still could be improved.

There is support for this bill with the hopes that it is never again needed. This state passed the "JR to 25" policy, closed a facility, and our communities are plagued with youth violence.

The current situation at Green Hill is impacting recruitment and retention of staff.

This bill will not put the fiscal responsibility on counties like other proposals will. There are eight community facilities and this bill offers more flexibility for transfer from a DCYF facility to a community facility.

There are two issues here: the capacity issue and there is a direct correlation between the increase in juvenile crime and the loosening of juvenile justice punishment. Gangs are taking advantage of the decreased punishment for juveniles.

(Opposed) None.

(Other) There have been ups and downs at the Green Hill facility. Since Naselle was shut down, there has been a big increase in the population at Green Hill.

A number of young people at Green Hill were transferred to the DOC illegally. There was a choice to neglect the issues at Green Hill and the issues at Green Hill should not be blamed on the young people at the facility.

Passing this bill will decrease the morale among young people at Green Hill.

The issues at Green Hill have been put on a backburner so that now a change is necessary.

There are many young people at Green Hill who are college graduates and acting as leaders.

A policy or law should not prevent young people from succeeding. It is easy to give up on people. It is not fair to put a cap on anyone's rehabilitation without giving those people the services needed to thrive.

Many young people at Green Hill have given up hope because this bill will allow those

young people to be transferred to the DOC. This is a horrible bill.

Young people go to Green Hill because they need to be rehabilitated. There need to be more solid ways to help rehabilitate young people.

Young people deserve a chance.

There is a lack of community-related programming in juvenile institutions. The most effective programs are the ones that teach self-awareness. A lot of times there aren't enough staff to do the programming. There are young people who aren't able to talk to a counselor or their families. Green Hill needs additional staff for programming.

A sunset clause should be used in this legislation instead of creating a permanent revision to the "JR to 25" policy. The age of eligibility for transfer to the DOC should be raised. A person as young as 18 could be transferred to the DOC with the current language.

There is an overcrowding issue at Green Hill and that should be addressed, but we should not permanently create a pathway to adult prison.

Many young people are learning how to survive and avoid victimization in juvenile institutions. Many of these young people have to dissociate from their humanity to survive.

The age of minimum transfer should be raised to age 21, the threshold for this transfer to occur should be raised to 110 percent, and the bill should include a sunset clause.

There are technical concerns with this legislation. This is an incredibly complicated challenge that we face.

There is support for the provisions in the bill that reduce the barriers to work release and community facilities.

When the DCYF transfers young people to the DOC without a process, there is chaos as we saw last summer when young people were put on a bus without shirts and other belongings.

This bill provides a lot of tools that the DCYF can use to reduce the population at Green Hill and allows young people to have a hearing to address whether involuntary transfers are appropriate.

Involuntary transfers to the DOC begin to unravel the stated goals of "JR to 25."

In January, only seven youth were receiving community transition services. More people are eligible for this program than have been receiving this program. There should be clear progression to less restrictive placements like community facilities and community transition services.

There should be a staggered effective date to allow some other policies to take effect before having these take effect.

Youth and young adults should have due process. There is a lack of support for transfer from the DCYF to the DOC. There is a concern about the language that triggers a transfer to the DOC regarding a refusal to participate in available programming.

**Persons Testifying:** (In support) Senator John Braun, prime sponsor; James McMahan, Washington Association of Sheriffs & Police Chiefs; Nicole Gomez, Washington Federation of State Employees and Lobbyist; and LaDon Linde, Yakima County Commissioner.

(Other) Dr. Esther Matthews; Grete Schultz; Amity Bjork, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Sarah Nagy, Columbia Legal Services; Ronald Ackerson; Christen Ativalu-Ford; Bryan Hernandez-Rodriguez; Caya Lanay; Allison Krutsinger, Dept of Children, Youth, and Families; and Sara Zier, TeamChild.

**Persons Signed In To Testify But Not Testifying:** None.