

SENATE BILL REPORT

SB 5260

As of February 3, 2025

Title: An act relating to emergency measures for managing juvenile populations at state juvenile correctional institutions.

Brief Description: Concerning emergency measures for managing juvenile populations at state juvenile correctional institutions.

Sponsors: Senators Christian and Braun.

Brief History:

Committee Activity: Human Services: 2/03/25.

Brief Summary of Bill

- Allows a person over the age of 18 to request to be transferred from the Department of Children, Youth, and Families to the custody of the Department of Corrections.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Kelsey-anne Fung (786-7479)

Background: Juvenile Rehabilitation Institutions. The Juvenile Rehabilitation (JR) division of the Department of Children, Youth, and Families (DCYF) operates two secure residential facilities for juveniles who are convicted of crimes and sentenced to more than 30 days of confinement. The Echo Glen Children's Center in Snoqualmie serves younger males as well as female juveniles. The Green Hill School in Chehalis serves older male juveniles.

Juvenile Rehabilitation to Age 25. In 2018 and 2019, the Legislature passed legislation commonly referred to as JR to 25, which extended the period for which individuals convicted of offenses that occurred before the person turned 18 could remain in a juvenile

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rehabilitation facility from age 21 to age 25. If an individual has an earned release date that extends past their 25th birthday, when the individual reaches age 25, they must be transferred from DCYF custody to the Department of Corrections (DOC), except in limited circumstances where a person may be eligible for partial confinement.

Current law provides for transfers before age 25 if DCYF determines that retaining custody of the person presents a significant safety risk. DCYF must review the placement of a person over age 21 to determine whether the person should be transferred to DOC. The review must occur at least before the person turns age 23 if the person's commitment period in a juvenile institution extends beyond the person's 23rd birthday.

Transfer Hearings. The secretary of DCYF, with the consent of the secretary of DOC, may transfer a juvenile from DCYF to DOC if it is established at a hearing before a review board that continued placement of the juvenile offender in DCYF presents a continuing and serious threat to the safety of others in the institution. Assaults made against a staff member that are reported to a local law enforcement agency require a hearing within ten judicial working days. Upon conviction for custodial assault, a second hearing must be conducted within five working days, where the juvenile has the burden to show cause why the transfer to DOC should not occur.

If a juvenile is transferred to DOC, the juvenile can only remain until their maximum term of confinement imposed by the juvenile court. A juvenile transferred to DOC may be transferred back to DCYF in the discretion of the DCYF secretary and with the consent of the DOC secretary.

Voluntary Transfers. Internal JR policy allows a youth to be transferred to DOC to serve the balance of the term of confinement if the youth self-requests to transfer to DOC.

Summary of Bill: Any person who is at least 18 years old and is placed in a DCYF facility may request to be transferred to the custody of DOC. The DCYF secretary must coordinate with the DOC secretary to transfer any person who makes a transfer request.

Any person who makes a transfer request must have three days to reconsider the request. After the three-day waiting period, the person must be transferred from DCYF to DOC custody within ten days.

The DCYF and DOC secretaries must develop a form for a person to make a transfer request, and the form must be made available to the person upon request. The DCYF secretary must inform all persons presently in its custody and persons entering its custody of the ability to be transferred.

The administrative hearing before a review board required for transfers does not apply to transfer requests. A juvenile offender who is transferred may not remain in a DOC institution beyond the maximum term of confinement imposed by the juvenile court.

This act may be known and cited as the Youth Rehabilitation Pathways Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This bill will help persons who have earned release dates past their 26th birthday and who want to move into DOC earlier. They may want to participate in opportunities that DOC may have for work camps or school. This bill gives these folks a choice in their rehabilitation. This bill gives a waiting period to make sure the person makes the choice wisely but overall helps the person to help themselves.

CON: This bill will remove protections for young adults who may want to transfer to DOC, which are necessary to ensure that young people are not coerced into requesting to transfer, and that the reasons for transfer are not based on a wrongful denial of services or programming that they are entitled to. Especially when conditions are challenging, young people are vulnerable to choosing to transfer for some of the wrong reasons or based on things that could be improved.

Young people can already transfer to DOC from DCYF. Some have been pleased with that decision because they are in DOC facilities closer to their families and in less restrictive settings than if they stayed at DCYF, and some really regret it because they were not placed in a facility closer to home due to classification and did not have access to less restrictive programs, or were surprised with infractions they did not know about. This bill centers the young person's agency in making decisions about their rehabilitation and tries to address some of the overcrowding issues, but there should be more protections and transparency from DOC and DCYF on the continuum of services available to youth. Many youth do not know where they will be placed with their classification level until after they transfer to DOC, so they are making decisions without all the information they need to make a fully informed choice about their own rehabilitative journey. There should also be the opportunity for a person to return back to DCYF if their decision was not good, with some limitations.

OTHER: If there are more process protections and transparency between DCYF and DOC, there could be more voluntary transfers. There is concern about the ten-day time frame for DCYF to transfer the person, which can be really disruptive to programming if the young person is involved in treatment. It should be individualized with flexibility to allow for more planning for education and health care transitions. More information sharing and partnering between DCYF and DOC could be done to ensure the young person has

information about DOC options and future planning.

The bill should include protections to ensure the youth get to make a truly free and fully informed decision about their placement without duress or coercion. Currently, if a person wants to voluntarily transfer, they get to talk to a lawyer about their decision and explain their reasoning to the residential review board and be asked specific questions about their plans, the impact on their future, the effect on family, and that the transfer cannot be undone. This bill would eliminate those process rights. Without a process, youth can be pressured into transferring under threat of law enforcement prosecution, threat of infraction, threat of future punishment, or retaliation from staff for bringing grievances or complaints.

Young people should be able to make decisions about the placement that will best meet their needs and contribute to their rehabilitation but there should be a process in place so the youth is assured if they transfer, they will be going somewhere closer to their families or to a DOC facility with education or workforce pathways that align with their post release plans. The opportunity to consult with an attorney will ensure the youth understands the implications of the transfer on programming. There should be a pathway to transfer back, which may be important once overcrowding returns to a normal situation.

Persons Testifying: PRO: Senator Leonard Christian, Prime Sponsor.

CON: Sara Zier, TeamChild.

OTHER: Sarah Nagy, Columbia Legal Services; Allison Krutsinger, Dept of Children, Youth, and Families; Liz Trautman, Stand for Children Washington.

Persons Signed In To Testify But Not Testifying: No one.