

**SGC JR Overcrowding Subcommittee Draft Proposals
For Consideration by the Full Commission**

	Draft Proposals to Address JR Overcrowding	Possible Caveats and/or Barriers to Implementation
1a.	JR shall presumptively release youth who have served 60% of their minimum sentence unless JR determines by a preponderance of the evidence that it is more likely than not that the person will commit new violent criminal law violations if released, with retroactive effect.	There is not a current internal system at JR that is set up for making these types of determinations. JR would need to create a system to evaluate preponderance standards. Potential impact may be low due to concerns of tort liability.
2a.	JR shall presumptively release youth who have been convicted of non-violent/non-sexual offense (as defined in RCW 9A.94A.030) after serving 30 days in custody unless JR determines by a preponderance of the evidence that it is more likely than not that the person will commit new violent criminal law violent or sex offense if released, with retroactive effect. Failure to Register shall not be considered a sex offense for this purpose.	There is not a current internal system at JR that is set up for making these types of determinations. JR would need to create a system to evaluate preponderance standards. Potential impact may be low due to concerns of tort liability. There are 13 youth at Green Hill School (GHS) whose most serious offense is not a violent or sexual offense. Examples include Poss of FA, Poss Stolen Vehicle, Burg 2. However, they may have a prior violent/sexual offense.
1b.	JR shall presumptively release youth who have served 60% of their minimum sentence. (Option: Create a committee of 2-3 HQ staff and members of Team Child (contracted legal rep) to meet 2x per week to determine eligible residents)	Most JR youth are released at their minimum range. Currently, only 12% of juvenile sentences at GHS have release dates above their minimum sentence (historically low number of youth who serve more than minimum).
2b.	JR shall presumptively release youth who have been convicted of non-violent/non-sexual offense (as defined in RCW 9A.94A.030) after serving 30 days in custody. Failure to register shall not be considered a sex offense for this purpose.	There are 13 youth at GHS whose most serious offense is not a violent or sexual offense. However, they may have a prior violent/sexual offense.

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3.	<p>Institute earned early release for offenses that are not defined as ‘serious violent offenses’ in RCW 9A.94A.030 so that youth can earn up to 50% earned early release off their minimum, with retroactive effect.</p>	<p>Most JR youth are released on their minimum term, however, there is a process that allows for time to be extended if deemed appropriate/necessary by the JR review committee.</p> <p>JR’s system doesn’t have a specific code for serious violent offenses so the number of youth this would impact is unknown.</p> <p>There is not a current internal system at JR that is set up for making these types of determinations. JR would need to create a new system of operations related to applying earned release time.</p> <p>Violent infractions have tripled (>300 now), likely minimizing the availability of earned time.</p>
4.	<p>Allow youth to serve their sentence in a Community Facility (CF) or Community Transition Services (CTS) even where the youth has a DOC sentence extending beyond age 26.</p>	<p>RCW 13.40.205(2)(a) requires juveniles to have served 60% of the minimum term of confinement.</p>
5a.	<p>JR must immediately begin transition services for residents within 145 days of their release to serve the remainder of their sentence in the community under CTS or in a CF. Those individuals must be transferred to CTS or a CF.</p>	<p>RCW 13.40.205(2)(a) requires juveniles to have served 60% of the minimum term of confinement.</p> <p>Gov must call a State of Emergency (SOE) to use an Executive Order. SOE is only good for 30 days. Extensions require approval from House/Senate.</p> <p>99% of youth do not qualify due to security classification.</p>
6.	<p>JR must immediately review the population of youth housed in a CF for potential transition to a CTS.</p>	<p>Gov must call a State of Emergency to use EO. SOE only good for 30 days. Extensions require approval from House/Senate.</p>
5b.	<p>Should any JR facility meet or exceed 115% of capacity, JR must immediately begin transition services for residents within 145 days of their release to serve the remainder of their sentence in the community under CTS or in a CF. Those individuals must be transferred to CTS or a CF. JR should also examine the current CF populations to identify youth who could successfully transfer to</p>	<p>RCW 13.40.210(2) already allows secretary to recommend reductions when in-residence population exceeds 105% of rated bed capacity.</p> <p>JR does not have a rated bed capacity in statute or in rules. DCYF’s legal team is working to seek clarity in determining the legal definition of “capacity” for each institution. Industry</p>

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	CTS, allowing for additional capacity in the CFs for those youth granted release from residential facilities.	standards and recommendations are being referenced, but there is no formal statute determination at this time.
7.	Amend RCW 13.40.180 to run sentences on a single juvenile disposition concurrently instead of consecutively--except for multiple serious violent offenses, which shall continue to run consecutively.	
8.	Amend RCW 13.40.180 (1)(b) to state that the aggregate of all consecutive terms shall not exceed 200% of the term imposed for the most serious offense.	
9.	Amend offense categories in RCW 13.40.0357 : a. Robbery 1 (currently A++ if 16 or 17) to B+. b. Robbery 1 (Currently A if under 16) to B+. c. Robbery 2 (currently B+- and a divertible offense) to B. d. Assault 2 (currently B+-- and a divertible offense) to B . e. Prison Riot (Class B offense) to C.	
10.	For youth sentenced as adults, currently at least 18 years of age, and housed at JR, upon receipt of 3 or more [Major? Serious?] DOC infractions while at JR, resident shall be transferred to a DOC facility to serve the remainder of their sentence. (Could resident have choice to stay at JR and get new felony or move to DOC and deal with infraction?)	RCW 13.40.280 already allows DCYF secretary to transfer JR 18-25 youth to DOC if the youth present a continuing and serious threat to the safety of others in the institution. This transfer process requires a hearing before a review board. (Would give DOC option to request youth be moved. Would also require buy-in by Chehalis PD and Lewis County PAO.)
11.	Encourage JR to offer more incentives for residents exhibiting positive/pro social behavior and utilize approved volunteer network at all facilities including community facilities for additional support in programming.	This is a management and programming tool option. Doesn't impact population levels.