



OREGON YOUTH AUTHORITY
Policy Statement
Part II – Youth Services (Facilities)



Subject:

Agency Case Review and DOC Return Protocol

Section – Policy Number:

A: Security – 1.5

Supersedes:

II-A-1.5 (7/08)
II-A-1.5 (3/04)

Effective Date:

05/29/2012

Date of Last Revised:

05/24/2016

Related Standards and References:

- [ORS 420.011](#) (Admissions to youth correction facilities; assignment of persons within custody of Department of Corrections; temporary assignment; return to Department of Corrections custody)
- [OAR 291-052-0140](#) (Return of an Inmate to the Department of Corrections)
- [OAR 416-410-0010](#) (Definitions)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities*; Safety
- OYA policy: [II-A-3.1](#) (Facility Youth Transports and Escorted Trips)
- [JJIS policy](#): Alerts
 OYA Decision Points Definitions
 OYA Decision Points
- [OYA form](#): YA 4105 (Agency Case Review)
 YA 4106 (ACR DOC Return Request)
 YA 4107 (Agency Case Review Findings and Order)
- DOC form: CD 1206 (Administrative Transfer Request)

Related Procedures:

- None

Policy Owner:

Facility Services Assistant
 Director

Approved:


 Fariborz Pakseresht, Director

I. PURPOSE:

This policy defines an OYA executive-level review process of certain youth (DOC youth and youth adjudicated for specific crimes) in close-custody facilities prior to any change in status, location or release into the community.

Guidelines for returning Department of Corrections (DOC) youth to DOC are also outlined.

II. POLICY DEFINITIONS:

Administrative Review Board (ARB): The facility committee that reviews and is responsible for all major decisions concerning youth who currently reside in facilities. The ARB recommends initial placement of youth, length of stay, and transfers to other levels of custody, and initiates placements to parole, foster care, or to the community.

Agency Case Review Committee: A committee that conducts the executive-level review of all specified youth and their identified movements within and from OYA facilities, including the return of DOC youth to the Department of Corrections. Upon review, an approval or denial will be documented in a Findings and Order. The Agency Case Review Committee will have a minimum of two representatives from OYA's executive team comprised of at least two assistant directors.

Added
05/24/16

Community safety protocol: A time-limited intervention that is focused on re-regulation, problem solving, and conflict resolution. This intervention occurs away from a youth's normal housing area.

Revised
05/24/16

DOC Return Review Committee: A committee comprised of an OYA Facility Services manager, OYA Community Services manager, the OYA Office of Inclusion and Intercultural Relations manager or designee, the youth's treatment manager, a DOC representative, and an available staff representative selected by the youth and determined appropriate by the superintendent or designee to support the youth throughout the process. The committee reviews all DOC return requests from OYA facilities.

DOC youth: A person in the legal custody of the Department of Corrections (DOC) and physical custody of the Oregon Youth Authority (OYA) in an OYA facility.

Youth: A person in the legal and physical custody of OYA, either in an OYA facility or placed in the community under supervision, or a person in the legal custody of the Department of Corrections and the physical custody of OYA in an OYA facility.

III. POLICY:

OYA recognizes an executive-level review of certain youth's changes in status, location, or release into the community is necessary in cases with community safety, sensitivity, or public perception concerns. Transporting, transferring, and releasing of certain youth in close-custody facilities requires an executive-level review by the Agency Case Review Committee.

When a DOC youth is considered for transfer to DOC for behavioral reasons, an in-person review must be conducted. The DOC Return Review Committee is designated by the OYA director to review such cases. DOC Return Review Committee recommendations must be reviewed by the ACR Committee and OYA director, or designee, for final transfer decisions.

IV. GENERAL STANDARDS:

A. Committee review designation

The Agency Case Review (ACR) Committee must review the following types of youth cases prior to any change in status, location, or release into the community.

1. All youth placed within OYA facilities for the following offenses or behaviors:
 - a) Aggravated Murder, as defined by ORS [163.095](#);
 - b) Murder, as defined by ORS [163.115](#);
 - c) Attempted Murder, as defined by ORS [161.405](#)(2)(a);
 - d) Manslaughter I, as defined by ORS [163.118](#);
 - e) Manslaughter II, as defined by ORS [163.125](#);
 - f) Criminally Negligent Homicide, as defined by ORS [163.145](#);
 - g) Conspiracy to commit any of the offenses listed above, as defined by ORS [161.450](#); or
 - h) Youth whose cases pose unusual or special circumstances affecting facility safety and security, or are sensitive due to the nature of the crime and the community as defined by the director, Facilities Services assistant director, superintendent, camp director, or the Administrative Review Board (ARB).
2. All DOC youth placed within OYA facilities.

B. Review parameters

Staff must refer all cases that meet the above criteria to the ACR Committee for review and approval of the following activities:

1. Any offsite or community activity such as work assignments, and home, bedside, or funeral visits;
2. Non-emergent medical or dental appointments off facility grounds when such transport is without restraints as defined in OYA policy [II-A-3.1 \(Facility Youth Transports and Escorted Trips\)](#);
3. Movement to a placement with a decreased level of security (such as from a secure facility to a work/study or transition program); and
4. Community placement.

C. Review process

1. At least two members of the ACR Committee must review the cases.
2. The Facility Services assistant director must forward the supporting information for review to the other member(s) of the ACR Committee.
 - a) Facility staff must complete an Agency Case Review form (YA 4105) to compile required information.
 - b) In addition to the YA 4105, the following information must be provided:
 - 1) ARB recommendation;
 - 2) Transition plan;
 - 3) Documented recommendation from the DOC OYA case manager,(for DOC youth); and
 - 4) Any other supportive information.
3. The approval or denial of a request may be delayed if the ACR Committee requires additional information to make a decision.

D. Documentation of ACR Committee decision

The Facility Services assistant director must issue an ACR Findings and Order (YA 4107) at the conclusion of the review.

1. The Findings and Order must reflect an approval or denial of the request, and document any conditions that must be met prior to or during the movement or status change.

The reasons for either approving or denying the request will be clearly described in the Findings and Order.

2. A Decision Point reflecting the decision must be noted in JJIS.
3. The Findings and Order must be saved in JJIS, and a copy placed in the youth's case file.

V. DOC Return Protocol

- A. A DOC youth may be considered for return to DOC if the DOC youth:
1. Poses a substantial danger to others; or
 2. Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by OYA and is appropriate for placement in a DOC institution.

- B. The requests are processed centrally, following these guidelines:
1. An OYA manager must complete a Request to Return to DOC form (YA 4106).
 2. The superintendent or camp director will evaluate any request to return a DOC youth to the physical custody of DOC with the facility's management team.
 3. The superintendent or camp director will send the completed Request to Return to DOC to the Facilities Services chief of operations.
 4. The Facility Services chief of operations will schedule an in-person review of the request and forward the Request to Return to DOC to the DOC Return Review Committee.

The in-person review may be conducted by video conference if no other option is available.

5. An in-person review with the DOC youth must take place within 10 business days of the Facility Services chief of operations receiving the request.
6. The DOC Return Review Committee must review all pertinent information and conduct an in-person review with the DOC youth.
7. The DOC Return Review Committee must forward a recommendation for DOC return approval or denial to the ACR Committee within seven business days of the in-person review.
8. The recommendation for approval or denial of a request may be delayed if the DOC Return Review Committee requires additional information to make a recommendation.
9. The ACR Committee must review the case as described in section IV.C. above.
10. An ACR Findings and Order must be issued by the Facilities Services assistant director upon approval or denial of the DOC return request.
 - a) The Findings and Order will reflect an approval or denial of the request, and document any conditions that must be met prior to or during the movement or status change.

The reasons for either approving or denying the request must be clearly described in the Findings and Order.
 - b) The Findings and Order must be saved in JJIS, and a copy placed in the DOC youth's case file.

c) A Decision Point reflecting the decision must be noted in JJIS.

C. Facility staff must complete an Administrative Transfer Request (DOC form: CD 1206) when a DOC youth is approved for return to DOC.

The form must be sent to the DOC Classification and Transfer Division. The Classification and Transfer Division will arrange the DOC youth's transportation.

Revised
05/24/16 D. DOC youth will be placed on a community safety protocol as an available opportunity afforded them for treatment and engagement in safe behavior prior to being transported to DOC.

E. Female DOC youth will remain at Oak Creek YCF as the last available opportunity afforded them for treatment prior to returning to DOC or pending transport to DOC.

F. This review process does not apply to DOC youth who have -

1. requested program opportunities at DOC such as Shutter Creek or other transitional services;
2. escaped; or
3. reached the age of 25.

G. Staff must follow OAR 291-052-0140 when a DOC youth escapes or reaches age 25.

VI. LOCAL OPERATING PROTOCOL REQUIRED: NO