

## 20 YOUTH WITH ADULT CONVICTIONS

### OVERVIEW OF CHAPTER CONTENTS

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### OVERVIEW

#### ADULT SENTENCE ONLY

A youth may be placed at a JCI even though he or she does not have a juvenile court order, but only an adult sentence stemming from a conviction as an adult in a criminal court. This sub-population of youth in a JCI is generally quite small. The majority of JCI youth have only a juvenile court order.

#### DUAL COMMITMENT

A youth at a **JCI** may have **both an adjudication and a conviction** (referred to as a dual commitment).

#### DUAL SUPERVISION

A youth under DJC community supervision may have a juvenile adjudication only, or **both an adjudication and an adult conviction** (dual supervision). The majority of youth on DJC community supervision have a juvenile court order only.

### DEFINITIONS

“BOCM” means the DOC Bureau of Offender Classification and Movement that determines the classification and movement of convicted individuals through the correctional system.

“Conviction” means a criminal court finding of guilt for violation of a criminal statute by an individual subject to the jurisdiction of criminal court.

“Commitment” means a juvenile court order placing a youth adjudicated delinquent under DOC supervision until the expiration of the order.

“DAI” means the DOC Division of Adult Institutions that operates the prisons that house convicted offenders.

“DCC” means the DOC Division of Community Corrections that provides community supervision of convicted offenders on probation, parole or extended supervision.

“DCI” means the Dodge Correctional Institution

“Judgment of Conviction” means a court order stating an individual has been found guilty of one or more criminal charges.

“MSDF” means the Milwaukee Secure Detention Facility

“PRC” means the Program Review Committee that meets with an offender in a DAI institution or a youth in a JCI with an adult sentence. PRC functions in a manner similar to the JPRC in DJC.

“Probation” means that a court places a convicted individual on DOC supervision in the community instead of in a prison. Probation may be served in a JCI by a convicted youth with a concurrent juvenile commitment.

“Parole” means that a court places a convicted individual on DOC supervision in the community after he or she serves time in a prison.

“RCI” means the Racine Correctional Institution

“RYOCF” means the Racine Youthful Offender Correctional Facility

“Sentence” means a period of time for which a criminal court orders an individual to be in a prison. There are three types of sentences:

- “Imposed” means a sentence that an individual begins to serve immediately following the conviction.
- “Imposed and Stayed” means that the court orders a prison sentence, but places the individual on probation with the condition that if probation is revoked due to a violation of conditions of supervision by the individual; the stay is lifted and the sentence is imposed.
- “Withheld” means that the court places an individual on probation without determining a prison sentence with the condition that if probation is revoked due to a violation of conditions of supervision by an individual, then the court will determine and impose a sentence.

“TCI” means the Taycheedah Correctional Institution

“WICS” means the Wisconsin Integrated Corrections System

## PLACEMENT OF YOUTH WITH CONVICTION-ONLY

### APPROPRIATE PLACEMENT

#### **By Age and Gender**

The court may place a youth under the age of 17 years with no adjudication as a delinquent, but with an **adult-sentence-only in a JCI or DCI or TCI for the A&E process**. DOC placement policy is as listed below:

- Female under 17 years old: Copper Lake School (CLS).
- Female 17 years and older: TCI.
- Male under 17 years old: Lincoln Hills School (LHS).
- Male 17 years and older: DCI.

### **Court Order Inconsistent with DOC Placement Policy**

Occasionally, a court order states that a youth 17 years or older should be received at a JCI. The JCI contacts DCI or TCI, so that DCI or TCI can resolve with the court questions regarding the court order.

### **INITIAL PLACEMENT IN A JCI FOR A & E**

#### **Responsibilities of JCI Social Worker**

- **E-mail the registrar at DCI or TCI** regarding a youth's admission to the JCI providing the youth's name, DOC number, SID number, information regarding the sentence, and stating that the social worker will mail either the original or a copy of the Judgment of Conviction.
- The OOA notifies the social worker within 2 working days of receipt of the Judgment of Conviction.
- Mail a copy of the **Judgment of Conviction to the DCI or TCI registrar**. If the JCI receives the original Judgment at anytime, it should be forwarded to DCI or TCI. [see Chapter 3]
- **Notify the OJOR-CO** regarding the adult sentence including charges, length of sentence and DOC number.
- Obtain a DNA specimen within 30 days of the date the JCI receives a copy of the Judgment of Conviction for a felony. [see Chapter 22]

#### **Responsibilities of DCI or TCI Registrar**

- Enter the youth's name and initial sentencing information into **WICS** as a "paper admission."
- Compute the youth's parole eligibility date, mandatory release date and maximum discharge date.
- Prepare a **temporary release order** for the warden's signature stating that the youth has been admitted to a JCI.
- **At DCI, notify a classification specialist at MSDF** that a youth with an adult-sentence-only has been received at a JCI and entered into WICS.

#### **DJC A&E & BOCM Assessment**

- Youth participates in **DJC A&E process**. [see Chapter 4]
- Additionally, the **BOCM initial assessment process described below** will be followed so that BOCM can decide whether the youth remains at the JCI or moves to a DAI institution.

#### **Continuing Placement at a JCI**

Youth with an **adult-sentence-only may remain at JCI unless the youth's adjustment and program participation at the JCI becomes counter-productive**.

The DJC administrative rules and case management procedures, aside from the OJOR process, govern the youth while he or she remains at the JCI.

No DJC agent will be assigned to an adult conviction-only youth.

## **INITIAL PLACEMENT AT DCI OR TCI FOR A & E**

### **Responsibilities of DCI or TCI registrar:**

- Enters the youth's name and initial sentencing information into WICS.
- Computes the youth's extended supervision date.
- **At DCI, notifies a classification specialist at MSDF** that a youth with an adult-sentence-only has been received at DCI and entered into WICS.

### **Responsibilities of the DCI A&E director**

Conduct the required A & E process and consider whether transfer to a JCI is appropriate. If transfer appears appropriate, follow transfer procedures from DCI to a JCI described later in this chapter.

## **INMATE REVIEW PROCESS**

### **INITIAL ASSESSMENT**

#### **Purpose, Membership and Forms**

A BOCM classification specialist analyzes case factors, and **recommends a security classification** (maximum, medium or minimum), **program need assignments and institution placement**.

**Please note that the forms referred to in this section, ICCS011B and ICCS030B are computer generated forms available on WICS.**

#### **Interview with Youth**

The specialist interviews the youth, discusses the content of the COMPAS-youth assessment, DJC Assessment and Evaluation Report (AER) (DOC-1933) and other A & E documents [see *Chapter 4*]. They explain the BOCM classification process including the criteria and basis for custody level, program assignment and institution placement recommendations.

#### **Review Documents**

- An A&E Initial Classification Action (ICCS011B) is referenced for sentence information, anticipated program assignment, etc.
- A Risk Rating Assessment (ICCS030B) determines the risk rating pertaining to the current offense(s), offense history, sentence structure, institution adjustment, escape history, emotional and mental health, behavior and attitude, and temporary factors (e.g., detainers or pending charges).
- The appropriate COMPAS assessment provides further information on criminogenic needs and risk factors.

#### **Results of Initial Assessment**

The **youth has the opportunity to dispute facts** given and indicate his or her beliefs regarding the appropriate classification and assignment.

Classification specialist prepares a **report outlining the information** and the **rationale** for the custody level, program need assignments and institution placement. Once approved by the specialist's supervisor or designee, the report serves as the **basis for an individualized correctional service delivery plan**.

BOCM staff may modify the service delivery plan in terms of program and work assignments without a formal referral to PRC.

### **PRC RECLASSIFICATION HEARINGS**

#### **General**

The multidisciplinary Program Review Committee members for a youth at a JCI generally consist of the BOCM classification specialist (chair), JCI section manager, supervising youth counselor, and supervisory educational representative, or a guidance counselor. Program and work performance factors are addressed at PRC reclassification hearings scheduled at a **minimum of once every 6 months**. The recall hearings bear similarity to the quarterly formal JPRC conferences. [see Chapter 5]

#### **Reason for Early Reclassification**

Early reclassification hearings may be conducted if the formal review process will have a meaningful impact on the youth's adjustment, a site change is being considered or a **significant change** in circumstances arise such as serious institution misconduct, a sentence modification, or a parole commission action. The Program Review Office at MSDF is notified at (414) 212-3535 of a need for an early reclassification.

### **PRC HEARING PROCEDURES**

#### **Overview of PRC Hearings**

Classification review hearings are conducted on a schedule every 6 month or early reclassification basis by the **same committee members as the initial assessment**.

Youth's BOCM classification specialist completes program review **worksheets, reviews information from the JCI including COMPAS case plan update, and the risk rating** to facilitate the committee's review of the youth's adjustment and progress in addressing program needs.

#### **Role of Social Worker**

The social worker reviews the youth's social services file and interviews the youth. From the review and interview, the social worker completes the COMPAS case plan update following these steps:

- ✓ Document whether the youth agrees to see PRC or waives an appearance.
- ✓ Supply a short description of the offense or refer to a previous PRC entry with description of offense noted.
- ✓ Reference pending charges, if any.
- ✓ Comments about the youth's participation in essential (offense related) treatment.
- ✓ What is the youth's position regarding treatment?
- ✓ What needs have been addressed and what needs remain? (sex offender treatment, AODA, anger management, etc.)

- ✓ Describe major misconduct if it is being used to recommend movement to an adult institution.
- ✓ Identify any past or present escape behaviors.
- ✓ Highlight any Special Placement Needs (SPN) and list locations where the SPNs exist for a youth in an adult facility.
- ✓ Note the youth's request for custody level, program assignment and institution placement.
- ✓ **Submit a recommendation** regarding custody level, programming assignment and institution placement. Accompany recommendations with justification statements.

### **Role of the classification specialist**

Within DJC, the OJOR reviewer chairs the JPRC conferences. The classification specialist likewise chairs PRC hearings at which time committee considers the youth's sentence structure, risk rating, medical and dental information, program participation, requests, and social worker recommendations.

- Complete the ICCS011B and ICCS030B.
- Consult with the social worker, if additional information is needed.
- **Determine and justify placement, either in a JCI or an adult institution.**
- A reclassification date will be scheduled, but no longer than 6 months from the current date of review.

### **BOCM DECISION**

The **BOCM director/designee evaluates all PRC recommendations** and makes final decisions by taking one of the following actions:

- Approve the recommendations without modification
- Revise and then approve the recommendations
- Disapprove the recommendations
- Withhold a decision pending case factor clarification, or consultation with the director if designee is reviewing the recommendations

Subsequent to a decision by the BOCM director/designee, report **documents will be distributed to the youth, social worker, social services file, and education department.**

### **APPEAL BY YOUTH**

- If the youth disagrees with any aspect of his or her classification, the youth may file an appeal by submitting a Request for Review of Assessment and Evaluation or a Program Review Action (DOC-1292 English or DOC-1292S Spanish). The DOC-1292 must be copied on both sides.
- Youth's statement of reasons for review must be in writing and mailed to the BOCM director.
- Director will provide a written response to the youth within approximately 30 days.

## **TRANSFER OF YOUTH WITH CONVICTION-ONLY FROM DCI OR TCI TO A JCI**

### **EXPEDITED TRANSFER OF YOUTH TO A JCI**

At any point **during DCI or TCI A&E, DCI or TCI may find the youth to be “vulnerable” and appropriate for transfer to a JCI** because of his or her mental and/or physical condition which may place the youth’s health and/or safety at risk. The procedures below are followed:

#### **Responsibilities of the DCI or TCI A&E director**

- Contact the BOCM director to discuss the recommendation.
- If BOCM concurs with the expedited transfer, the DCI or TCI A&E director:
  - ✓ Contacts the JCI superintendent to provide notification of the pending transfer.
  - ✓ Provides the JCI with all documentation prepared by the DCI or TCI A&E Unit.
  - ✓ Notifies PRC of the pending transfer of the youth from DCI or TCI to a JCI.
  - ✓ Notifies the security director, so that he or she may arrange transportation from DCI or TCI to the JCI.

#### **Responsibilities of DCI or TCI Registrar**

- Prepare a temporary release order for the warden’s signature stating that the youth has been admitted to a JCI.
- At DCI, notify a classification specialist at MSDF that the youth has been transferred to a JCI and information has been entered into WICS.

### **TRANSFER TO A JCI UPON COMPLETION OF A&E**

When a youth completes the A&E process at DCI or TCI, the initial BOCM assessment (PRC Hearing) takes place to determine the appropriate placement for the youth. [*see description of the PRC process above*]

When BOCM recommends placement at a JCI, the A&E director and DCI or TCI registrar follow the steps described in the section directly above for an expedited transfer.

In COMPAS, the “person” remains assigned to DAI and the “case” is re-assigned to the JCI social worker as case manager.

### **JCI RESPONSIBILITIES UPON YOUTH’S TRANSFER TO A JCI**

- At whatever point a youth transfers from DCI or TCI to a JCI, the **DJC case management procedures, administrative rules, and DJC policies and procedures apply to the youth** as long as the youth remains at the JCI.
- DJC lacks legal authority to move the youth out of the JCI without approval of BOCM. The DJC policies and procedures pertaining to OJOR reviews and JPRC recommendations do not apply to sentenced-only youth.

## **TRANSFER OF YOUTH WITH CONVICTION-ONLY FROM JCI TO DCI OR TCI: SECURITY REASONS**

### **TRANSFER OF YOUTH 16 YEARS OR OLDER FOR SECURITY REASONS**

#### **JCI Recommendation**

A JCI may **transfer a youth** with an adult-sentence-only to DCI or TCI when he or she reaches the age of 16 if his or her **behavior presents a security risk**. However, efforts generally are made to retain a youth at a JCI to enable the youth to benefit from program resources.

To facilitate a transfer from a JCI to DCI or TCI, the steps below are followed:

- **JCI social worker and section manager meet** to decide whether to recommend transfer to an adult institution.
- **PRC** meets to discuss the case and make a **recommendation to BOCM** considering the **following factors**:
  - ✓ Extent to which the youth's conduct in the JCI is violent and disruptive.
  - ✓ Security needs of the youth and the JCI.
  - ✓ Extent to which the youth is refusing to participate in the JCI treatment and educational/vocational programs.
  - ✓ Maturity of the youth and his or her likely vulnerability in an older, adult population.
  - ✓ Extent to which the program needs of the youth can be met in an adult institution.
- **BOCM classification review process described below** must be followed.

#### **BOCM Decision to Transfer**

- When **BOCM approves PRC recommendation for transfer**, the JCI superintendent arranges transportation from the JCI to DCI or TCI.
- The JCI closes the youth's case (offender life cycle) and DAI creates a new COMPAS case.
- Youth participates in the **3-day A&E process at DCI or TCI** where he or she is processed into and orientated to the DAI system.
- Youth is governed by the DAI administrative rules and the policies and procedures of the specific adult institution in which the youth is placed.

### **TRANSFER OF A YOUTH UNDER 16 YEARS TO DCI OR TCI FOR SECURITY REASONS**

A transfer may occur **prior to the age of 16 after the steps described above for youth 16 years and older are followed with exception described below**:

**PRC considers the following factors**, in accordance with s. 973.013 (3m), Stats.,: instead of the ones described under PRC bullet above

- Prior record of institution adjustment.
- Present and potential vocational and educational needs.
- Interests and abilities.
- Adequacy and suitability of available facilities.

- Services available for treatment of the youth within the various adult institutions.
- Protection of the public.
- Other considerations promulgated by DOC administrative rules

## YOUTH WITH DUAL COMMITMENTS AT A JCI

### DUAL COMMITMENT UPON ADMISSION

When a youth at a JCI has an **adjudication and a conviction**, he or she may be referred to as having a **dual commitment**. A youth could enter a JCI with a dual commitment

**DJC, DCI or TCI, OJOR and BOCM each have specific responsibilities** with respect to a youth with a dual commitment.

### PENDING OR NEW CHARGES

#### **Role of JCI Social Worker**

An adjudicated youth at a JCI may have a **pending criminal charge upon admission** that may result in a conviction. Additionally, a youth may commit a **new offense** while under DJC supervision that results in criminal charges.

Whenever the social worker becomes aware that a youth has a pending charge in adult court, he or she does the following:

- Notifies OJOR
- Informs JCI section manager.
- Informs the state agent if one is assigned.
- Verifies that the OOA and the security director are aware of the pending charge.
- Assures that COMPAS notes and other program documentation reflect the status of the charge.
- Ensures that JCI policy is followed before a youth leaves to go to court so that an **Order to Detain** (DOC-1780) is completed. The detainer requires that the youth be returned to the JCI after the court proceeding; unless the court orders the youth to be placed directly at DCI or TCI.

#### **Court Options Upon New Conviction**

- Conviction with placement on “**probation with an imposed, but stayed sentence**” means that the youth **returns to the JCI**.
- Conviction with placement on “**probation with sentence withheld**” means that the youth **returns to the JCI**
- Conviction with “**sentence imposed**” means the **youth may or may not return to JCI**.
  - ✓ Responsibilities of JCI social worker
    - \* Verifies that the DJC detainer remains in effect.
    - \* Notifies the JCI section manager.

- \* Obtains a copy of the Judgment of Conviction from DCI or TCI.
- \* Completes the Juvenile Release Authorization form (DOC-1788) [see Chapter 5] if the youth is not returned to the JCI.
- \* Attaches a copy of the Judgment of Conviction to the DOC-1788 for distribution to JPRC members. [see Chapter 5]
- \* If the youth is returned to the JCI, the case should be discussed with the section manager to determine if the youth should be sent to DCI/TCI.
- \* Discusses the case with section manager to determine if youth should be recommended for administrative discharge from DJC supervision.
- ✓ Responsibilities of DCI or TCI registrar:
  - \* Enters the youth's name and initial sentencing information into WICS.
  - \* Computes the youth's extended supervision date and maximum discharge date.
  - \* DCI or TCI notifies DCC, so an agent can be assigned.

## TRANSFER OF DUAL COMMITMENT YOUTH FROM A JCI TO DCI OR TCI

### FACTORS TO EVALUATE

At some point, a youth with a dual commitment in a JCI **may be appropriate for transfer to an adult institution**. Pursuant to DOC 371.11 (3), Stats., DOC (DJC-OJOR and BOCM) considers the following factors:

- Extent to which the youth's JCI conduct is violent and disruptive.
- Security needs of the JCI.
- Extent to which the youth is refusing to participate in the JCI treatment programs.
- Maturity of the youth, the extent to which the program needs of the youth can be met
- vulnerability of the youth in an older, adult population.

As a matter of sound correctional practice these **additional factors** will be considered:

- When does a youth's juvenile commitment expire?
- What would be the extended supervision date and maximum discharge date if sent to an adult institution?
- Does the sentence include probation or may the youth be considered for community placement (e.g., home, work, school release program)?

### DECISION: TRANSFER APPROPRIATE

When OJOR finds the transfer of a youth to be appropriate via the JPRC process [see Chapter 5], the steps described below are followed:

- OJOR-local notifies the DCI or TCI registrar of the pending transfer.
- JCI superintendent arranges for transportation to DCI or TCI.
- The JCI closes the youth's case (offender life cycle) and DAI creates a new COMPAS case.
- DCI or TCI registrar:

- ✓ Updates the information in WICS to reflect the youth's transfer.
- ✓ If a male youth is sent to DCI, notifies a classification specialist at MSDF that the youth has been admitted to DCI.
- Upon transfer, a youth follows all policies, procedures and rules of DAI.

**Exception:** The **JPRC process will not be followed when a youth's behavior poses an immediate and serious threat of harm to self or others.** In that situation, the superintendent and DCI or TCI warden may consult and authorize an immediate transfer of a youth to DCI or TCI. If the superintendent and warden disagree, the DJC administrator/designee and the DAI administrator/designee resolve the matter.

## YOUTH ON DUAL SUPERVISION ASSIGNED TO A DJC AGENT

### OVERVIEW

#### Applicability

The following procedures apply to a DJC youth with a concurrent juvenile court and criminal (adult) court order. These youth are under the dual supervision of DJC and DCC.

#### Authority

The procedures in this section are based upon Chapters 301 and 938 of the Wisconsin Statutes, and a 1999 Memorandum co-issued by DCC and DJC administrators.

#### Purposes of Procedures

- Provide direction and **guidance to DJC and DCC agents who are co-responsible for a dual supervision case.** The procedures define how the **concurrent juvenile and adult court orders will be supervised and transferred between DJC and DCC agents.**
- Assign a DJC agent, as the primary agent, to any state supervised youth with dual orders for the duration of the juvenile court order.
- Decrease confusion and save money
  - ✓ Eliminate the confusion of DJC and DCC agents trying to manage the same youth at the same time under different sets of community supervision rules.
  - ✓ Resolve the problem created by 2 agents being assigned to the same case when our current DOC field tracking software, WICS, can only track one agent number.
  - ✓ Reduce DOC staff time and financial resources by eliminating direct supervision of one youth by 2 agents.
- Increase placement options
  - ✓ Allows DOC to place appropriate dual supervision youth into DJC contracted alternate care facilities, subject to available DOC funding.
  - ✓ Allows DJC to place youth who are too old for juvenile alternate care facility into a DJC or DCC contracted half-way house, such as a transitional living program.

## **PROCEDURES FOR DUAL SUPERVISION DJC YOUTH**

### **Identification of Dual Supervision Cases**

Every new youth admitted to a JCI or DCI or TCI for A&E, or under supervision at a local DJC or DCC field office, is screened through WICS or JJIS to determine if a DJC or DCC agent is currently assigned to the case.

- If there is no DJC agent assigned, the DCC office proceeds with the case as usual.
- If there is a DJC agent assigned, the DCC supervisor/designee calls the DJC agent's supervisor/designee within 2 business days after receiving the new court order to determine the status of the juvenile case.

### **Decision Regarding Juvenile Court Order**

#### Youth on Type 1 Status:

If a youth is convicted of an adult offense while on Type 1 status, follow the administrative discharge procedures in Chapter 18 of the CMM, if appropriate.

#### Youth on Community Supervision:

If a youth is on community supervision and is convicted of an adult offense, DJC field supervisor and agent immediately review the case to determine whether to recommend to the DJC Administrator that the youth be administratively discharged thereby terminating the juvenile order, or that the juvenile order be allowed to continue in force.

- DJC decides to administratively discharge the youth, DJC staff follow administrative discharge procedures. [see *Chapter 18*]
  - ✓ DJC closes the case (offender life cycle) and DCC starts a new case in COMPAS.
  - ✓ DCC directly assigns the case (following the procedures in the DCC Manual) to the DCC office in the county of the youth's legal residence.
  - ✓ Receiving DCC office accepts and assigns the case immediately to an agent.
- DJC decides to continue the juvenile court order in force [see *DJC agent and DCC responsibilities directly below*].

### **DJC Agent Responsibilities**

DJC agent is the **primary agent** and supervises both the juvenile and adult court orders **until the juvenile order expires**.

- **Makes all case decisions** regarding the supervision, revocation, type 2 termination, or return to a JCI in consultation with his or her supervisor and pursuant to DJC case management procedures.
- **Maintains separate** juvenile and adult case **files**, segregating all confidential juvenile records in the juvenile case file.
- **On the date of sentencing or as soon as possible thereafter, explains the Community Rules of Supervision and incorporates them into the existing juvenile rules in COMPAS. Has the youth sign the rules and also signs the form as the assigned agent.**
- **Enforces all juvenile and adult rules** of supervision and **court ordered obligations**.

- Receives information via the Judgment of Conviction as to the restitution and other costs ordered by the adult court.
- Determines an appropriate monthly amount of adult restitution for youth to pay and incorporates it into supervision rules.
- Advises youth to pay adult restitution amounts to DCC Cashier's Unit.

### **DCC Responsibilities**

- Directly assigns the case to the current DJC agent.
- Establishes reporting instructions for the youth based on the adult court order.
- Completes all PSI's prior to sentencing.
- May contact DJC to provide any available information relevant to a PSI.
- Waives the normal supervision fees, case documentation requirements and case classification procedures during the time DJC supervises the adult order.

### **CRIMINAL COURT ORDERED FINANCIAL OBLIGATIONS**

#### **Responsibilities of DCC**

- Determine, if the court did not determine, all criminal court ordered obligations including restitution amounts based upon victim information.
- Obtain court approval of obligations based upon this information.
- Forward information to DOC Cashiers Unit and the DJC agent

#### **Responsibilities of DJC**

- Field office maintains a DCC receipt book.
- Agent collects all debts by money order from the youth following the DCC financial procedures.
- If the adult court order terminates prior to the expiration of the juvenile court order, and court obligations incurred by the adult order remain unpaid, the agent:
  - ✓ Reviews the case with his or her supervisor prior to the termination date to determine if an extension of the adult court order should be requested to allow more time for payment of court ordered debts.
  - ✓ If an extension of the order is necessary, agent prepares it and forwards to the court and other appropriate persons.

### **JUVENILE COURT ORDERED DEBTS**

DJC agent for youth in the community follows the DJC procedures. [see Chapter 22]

### **CONCURRENT JUVENILE AND ADULT COURT ORDERED DEBTS**

DJC agent consults with his or her supervisor to determine the priority of payment on all obligations. Priorities established by DJC and DCC should be considered.

## **VIOLATIONS BY DUAL SUPERVISION YOUTH**

### **VIOLATION OF JUVENILE RULES**

If a youth violates the rules of DJC supervision in the community, the DJC agent consults with his or her supervisor to determine a response to the violation which may include:

**Youth on aftercare:** Follow counseling, summary disposition and revocation procedures. [see Chapter 17]

**Type 2 youth:** Follow sanction, administrative detention and termination of type 2 status procedures. [see Chapter 15].

- If the youth is held at a JCI or juvenile secure detention center for a sanction, DJC agent keeps a case file ledger of days in secure confinement in the adult case file.
- Sanction days will be credited against any sentence ordered by the adult court.

### **VIOLATION OF ADULT RULES**

If a youth is in the JCI and is in violation of adult rules of supervision, the DJC agent will consult with his or her supervisor. The agent may initiate the adult revocation proceedings at the JCI or the youth may be moved to a county jail on adult probation hold status and the revocation proceedings could be held in the county jail. The adult revocation process will be followed.

If a youth needs to be placed in custody due to a violation of adult rules of supervision, the DJC agent may put the youth in a county jail on hold, rather than juvenile detention or a JCI.

If the youth's adult probation is revoked, DJC agent notifies the juvenile committing court of the adult revocation.

### **ADULT REVOCATION PROCESS**

#### **DJC Agent Responsibilities**

Review and follow the Division of Community Corrections revocation procedures found in Chapter 10 of the DCC Operations Manual. To access this, go to MyDOC, then About DOC. Click on DCC Manuals, then choose Operations Manual and go to Chapter 10 Revocation. Also, follow the CUSTODY/REVOCATION TIME FRAMES located in the back of CMM chapter 20.

### **SPECIAL CIRCUMSTANCES**

#### **Youth on Probation with Imposed and Stayed Adult Sentence**

A youth under DJC supervision and "adult probation with an imposed, but stayed adult sentence" who is alleged to have violated a term of his or her probation remains at the JCI, or if on DJC supervision in the community, is admitted to a JCI or DCI or TCI.

Placement depends on the youth's age and sex, according to the DOC policy described in the first section of this chapter.

The youth remains at that placement (JCI or DCI or TCI) pending the adult revocation proceedings. If the youth's adult probation is revoked, the A&E procedures of the JCI or DCI will be followed.

### **Youth on Probation with Adult Sentence Withheld**

A youth on “adult probation with no adult sentence imposed” who is placed in a county jail for an adult probation violation remains in jail pending revocation of adult probation and a possible return to court for sentencing. The youth cannot be placed in a JCI or an adult correctional facility until the court imposes a sentence. Depending on the circumstances, the youth could be placed in a JCI with an adult conviction only.

### **ESCAPE**

If a youth absconds from supervision, the DJC agent reviews the case with his or her supervisor and, if appropriate, submits a request to stop time on the adult order.

When the youth is apprehended, the DJC agent and supervisor again review the case to determine if the adult probation order should be revoked, reinstated with no time tolled, or reinstated with time tolled.

## **DUAL SUPERVISION YOUTH WITH NEW CONVICTION**

If a youth under DJC supervision is **convicted of a new crime, the DJC agent forwards to the DCI or TCI A&E Unit the following documents** upon receiving them:

- Judgment of Conviction from the criminal court.
- Copy of the adult criminal complaint and PSI (if completed by DCC).

### **YOUTH WITH IMPOSED AND STAYED ADULT PROBATION OR SENTENCE**

#### **Assignment of Case Upon Youth’s Admission to JCI**

If the stayed adult order will start on the expiration date of the juvenile order, the DCC agent directly assigns the stayed order to the DJC agent until the juvenile expiration dates nears.

#### **Prior to Expiration of Juvenile Order**

When the juvenile order is nearing expiration, the DJC agent transfers the case back to DCC following the procedures above.

#### **Revocation of Aftercare or Termination of Type 2 Supervision**

- DJC agent notifies the county jail if the youth is being held there to hold the youth for transport to DCI or TCI A&E Unit, or if the youth is in a JCI, he or she arranges for transportation to DCI or TCI.
- DJC agent forwards the revocation or type 2 termination order to Central Records Unit (CRU) for entry of an adult sentence or termination of the case.

### **YOUTH WITH WITHHELD SENTENCE**

When the DJC Administrator or an Administrative Law Judge revokes an aftercare youth [see *Chapter 17*] or terminates type 2 status [see *Chapter 15*], with a withheld sentence and returns the youth to a JCI, the DJC agent notifies the adult court to set a sentencing hearing.

## **CASE TRANSFERS FROM DJC TO DCC UPON EXPIRATION OF JUVENILE ORDER**

### **PLACEMENT IN ALTERNATE OR CONTRACTED FACILITIES**

#### **Youth Needs Change of Alternate Care Placement Due to Age**

- DJC supervisor contacts the DCC office in the youth's county of permanent residence to determine if the youth can be placed in a DCC contracted facility.
- If this requires placement of the youth in a different community, the DJC agent transfers the case to a DJC agent in that community until the case can be transferred to DCC upon expiration of the juvenile court order.

#### **Expiration of Juvenile Order**

When the juvenile order expires, the DCC agent may continue placement of a youth in a DJC alternate care facility only if the youth is still age appropriate and DCC has made direct financial arrangements with the facility to pay the daily rate.

### **60 DAYS PRIOR TO EXPIRATION**

**Sixty days prior to the expiration of the juvenile court order**, or immediately, if less than 60 days remains on the juvenile order, DJC and DCC have the following responsibilities.

#### **Responsibilities of DJC**

- DJC agent contacts his or her supervisor to determine which DCC office will receive the case when the juvenile order expires.
- DJC supervisor contacts the local DCC office in the youth's county or permanent residence to let the office know the following:
  - ✓ Impending transfer of the case DJC to DCC: name of youth and anticipated date of transfer
  - ✓ Name and phone number of the current DJC agent.
- DJC agent confers, in person where possible, with the assigned DCC agent to discuss the planned placement/living arrangement for the youth when the juvenile order expires.
  - ✓ If the agents disagree on an appropriate placement for the youth, they consult with their supervisors.
  - ✓ If the supervisors cannot resolve the issue, the DCC regional chief makes a final decision.

#### **Responsibilities of DCC Upon Contact from DJC**

Receiving DCC office designates and assigns a DCC agent to the case within 5 working days from the initial contact from the DJC supervisor.

### **15 DAYS PRIOR TO EXPIRATION: DJC AGENT**

- Send the following **to the DCC agent at least 15 days before expiration** of the juvenile order
  - ✓ Adult supervision file

- ✓ Appropriate DOC form
  - \* Youth in Community: Complete and distribute the DOC-44A.
  - \* Youth in JCI: Complete and distribute the DOC-34.
- Send a copy of the appropriate notice to OJOR-CO and others on distribution list
  - ✓ Youth in the Community: Notice of Release of Youth from Community Supervision (DOC-1626) [see Chapter 18]
  - ✓ Youth in a JCI: Complete and distribute the Notice of Discharge of Youth from Secured Correctional Facility (DOC-1630) [see Chapter 18]
- Close the youth's case in COMPAS.
- T-number (DOC termination number for juvenile court order)
  - ✓ Obtain T-number from OJOR-CO for the juvenile supervision file immediately upon expiration of the juvenile order.
  - ✓ Notify DCC agent of the T-number within 14 days.

### **DCC RESPONSIBILITIES**

- Agent accepts the case as of the expiration date of the juvenile order.
- Agent completes all necessary documentation, case classification and supervision fees effective the date of the case transfer.
- Designated staff person in the DCC office opens a new offender case (life cycle) in COMPAS.
- Agent meets with the youth and re-signs the rules of supervision to be consistent with the remaining adult court order(s).
- Agent re-issues an apprehension request under his or her own agent number with the adult court case information, if the DJC agent has an outstanding apprehension request active on the date the juvenile order expires.

### **JOINT RESPONSIBILITY WHEN VIOLATION OF ADULT ORDER PENDING**

When a case transfers from DJC to DCC with an adult revocation proceeding pending, DCC and DCJ agents work together to conduct the investigation. DJC agent provides all evidence and documentation available to DJC and testifies at the DCC revocation hearing.

## **DNA SPECIMEN**

Upon admission to a JCI , at any point during placement at an institution, or while in the community if the youth is **convicted of a felony or certain misdemeanors**, the law requires the youth to submit a human biological specimen for **DNA** analysis. At an institution, the OOA notifies the social worker within 2 working days of receipt of a Judgment of Conviction. The youth's social worker or agent ensures that the youth submits the specimen within 30 days of receipt of a copy of the Judgment of Conviction for a felony. [see Chapter 22]

<b>CUSTODY / REVOCATION TIME FRAMES</b>
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√ **CLIENT PLACED IN CUSTODY:**

- Within 3 working days agent presents summary of facts and recommendation to supervisor (Manual 7.01.03)
- For Parolees, if possible revocation, send DOC-416 to DCI.

√ **DETENTION EXTENSIONS (NOT FOR DISCIPLINE):**

- Supervisor, first 3 working days.
- Regional Chief, second 5 working days.
- Division Administrator, any additional time. (delegated to chiefs)

NOTE: Supervisory approval must be obtained prior to placing an offender in detention for disciplinary purposes. Disciplinary detention cannot exceed 2 working days.

√ **DECISION TO REVOKE:**

- DOC-414 (Notice of Violation, Recommended Action ...) served within 2 working days of the decision to revoke, i.e., the custody staffing (Manual 10.02.02)
- Once DOC-414 is served, custody extension no longer necessary (Manual 7.01.08)

√ **CLIENT WAIVES HEARING:**

Custody status remains in effect pending revocation decisions and order (Manual 10.05.01).

√ **REVOCATION PACKET:**

Submit to supervisor within 10 working days of the service of DOC-414. The supervisor in turn must process within 5 working days and submit to the regional office. Waiver packets must be submitted within 10 days of obtaining the waiver. \* **Please note that if the waiver is obtained after the initial service of the 414 the waiver should be sent to the regional office within one working day.**

√ **CLIENT DOES NOT WAIVE HEARING:**

- DOC-414(a) and DOC-429, Request for Final Hearing, completed by agent and emailed within 1 working day of case review or preliminary hearing.
- Supervisor must sign and print 1 copy of the 429 for the file.

√ **PRELIMINARY HEARING NOT REQUIRED:**

If held in custody, agent serves 414 signed by supervisor to client within 2 working days of custody staffing. Custody remains in effect until final decision and order (Manual 10.06.04)

√ **PRELIMINARY HEARING REQUIRED:**

- Preliminary hearing shall begin within 15 working days of custody (Manual 10.01.05).
- Schedule a hearing in a timely fashion so that the Preliminary hearing will not be less than 1 working day nor more than 2 working days from service of DOC-415, (Notice of Prelim Hearing) (Manual 10.06.06).
- Magistrate's decision on custody remains final until hearing examiner decision and order (Manual 10.07.06-08).

√ **REVOCATION PACKET:**

- Prepare revocation packet and submit packet to Supervisor/Regional office within 10 days of Service of 414.
- A copy of the C44 with the chief's signature as well as a copy of the C429 with the supervisor's signature must be taken to revocation hearing. (This new step is requested by the ALJs and DOC).

√ **FINAL HEARING SHALL BE HELD WITHIN 50 DAYS OF CUSTODY:**

Written decision is issued within 10 days after the hearing.

√ **APPEAL HEARING DECISION:**

Agent has 10 days from date of written decision to appeal.  
If not appealed, the final decision and order is issued after 10 days from the written decision. Client remains in custody until final decision and order is issued from the appeal (Manual 10.10.01.01).

√ **HALFWAY HOUSE/TLP PACKETS:**

Referral packet to be submitted to Denise Williams within 3 working days