

# Youthful Offender Status

Vermont Department of Corrections

Issued: June 13, 2018

**INTERNAL DOCUMENT**

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**INTERNAL DOCUMENT**

The Vermont Department of Corrections (DOC) shall collaborate with the Department of Children and Families – Family Services Division (DCF) in all cases in which an individual is adjudicated as a Youthful Offender. This guidance document shall:

1. Inform staff of the Youthful Offender filing options;
2. Provide instruction to staff regarding their role in Youthful Offender supervision from pre-adjudication through discharge;
3. Outline the procedure for Detaining a Youthful Offender in an Adult Correctional Facility Operated by DOC.

## YOUTHFUL OFFENDER FILING, CONSIDERATION, AND DETERMINATIONS

### YOUTHFUL OFFENDER FILING CHART

Age at the time of the alleged offense	Cases with Criminal Division Jurisdiction	Youthful Offender Eligibility (effective 7/1/18) 33 V.S.A. Chapter 52A
<b>10 and 11</b>	None	Not applicable.
<b>12 and 13</b>	Big Twelve	Big Twelve offenses must be filed in the Family Division per 33 VSA 5201(c). Court may transfer to Criminal Division per 33 VSA 5204(a). Can be transferred back down as Youthful Offender per 33 VSA 5281(a).
<b>14 and 15</b>	Big Twelve	Big Twelve offenses must be filed in Criminal Division per 33 VSA 5201(c). Can be transferred back down as Youthful Offender per 33 VSA 5281(a).
<b>16 and 17</b>	Felonies Big Twelve	Felonies must be filed in Family Division per 33 VSA 5201(e) but can be transferred to Criminal Division per 33 VSA 5204(a) and then transferred back down as Youthful Offender (33 VSA 5281(a)). Big Twelve offenses filed in Criminal Division per 33 VSA 5201(c) may be transferred down as Youthful Offender (33 VSA 5281(a)).
<b>18 – 21</b>	Any Offense	All cases start in Criminal Division unless the State’s Attorney decides to file Youthful Offender petition directly in Family Division (33 VSA 5280(b)). Any case that starts in Criminal Division may be transferred to Family Division for Youthful Offender status consideration upon motion (33 VSA 5281(b)).

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**BIG TWELVE OFFENSES**

1. Arson causing death as defined in [13 V.S.A. § 501](#);
2. Assault and robbery with a dangerous weapon as defined in [13 V.S.A. § 608\(b\)](#);
3. Assault and robbery causing bodily injury as defined in [13 V.S.A. § 608\(c\)](#);
4. Aggravated assault as defined in [13 V.S.A. § 1024](#);
5. Murder as defined in [13 V.S.A. § 2301](#);
6. Manslaughter as defined in [13 V.S.A. § 2304](#);
7. Kidnapping as defined in [13 V.S.A. § 2405](#);
8. Unlawful restraint as defined in [13 V.S.A. § 2406](#) or [§2407](#);
9. Maiming as defined in [13 V.S.A. § 2701](#);
10. Sexual assault as defined in [13 V.S.A. § 3252\(a\)\(1\)](#) or [\(a\)\(2\)](#);
11. Aggravated sexual assault as defined in [13 V.S.A. § 3253](#); or
12. Burglary into an occupied dwelling as defined in [13 V.S.A. § 1201\(c\)](#).

**DOC AND DCF TASK CHART**

STAGE OF CASE	DCF FAMILY SERVICES WORKER TASKS	DOC OFFICER TASKS
Pre-Consideration Hearing	Immediately reach out to the local DOC field office and collaborate on the development of joint consideration report.	Participate in developing joint consideration report. An assigned DOC officer shall attend these Youthful Offender Consideration Hearings.
Merits and Pre-Adjudication	DCF and DOC shall jointly attend a merits meeting to discuss the merits of the case as well as collaborate on the development of joint disposition case plan.	DCF and DOC shall jointly attend a merits meeting to discuss the merits of the case as well as collaborate on the development of joint disposition case plan.
Disposition Hearing	DCF shall contact local DOC field office to collaborate on the development of disposition report. DCF shall file the disposition report; the lead agency is outlined at that time.	Participate in developing joint disposition case plan; the lead agency is outlined at that time.  The assigned DOC officer shall attend all Youthful Offender Disposition Hearings.
Once YO Status has been Granted by the court	When DCF is assigned as lead agency, send a copy of Family Court approved disposition case plan to DOC.  Arrange with DOC to meet jointly with Youthful Offender within the first month.	Assign a DOC officer who will maintain collaboration with DCF.  Arrange with DCF to meet jointly with Youthful Offender.  When DOC is the lead, the assigned DOC officer shall follow this guidance document.

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<p>Ongoing Work</p>	<p>When DCF is the lead agency, keep DOC connected to the case by inviting them to case meetings and including them in any documentation, including treatment team notes, etc.</p> <p>When DOC is lead agency, DCF shall maintain monthly contact with the Youthful Offender and DOC, attend meetings as appropriate, attend all Court proceedings, and review any documentation received by DOC on the case.</p> <p>Notify DOC prior to any court action on the case.</p>	<p>When DCF is the lead agency, attend meetings as appropriate and review any documentation received from DCF. Attend any court proceedings when an action is being considered which may eventually lead to a recommendation that DOC assume the lead agency role.</p> <p>When DOC is lead agency, DOC shall maintain contact with the Youthful Offender as dictated by contact standards, shall invite DCF to case meetings and include them in any documentation.</p>
<p>Youthful Offender's 18th Birthday</p>	<p>Three months prior to the Youthful Offender's 18th birthday, work collaboratively with DOC to write the joint plan and report for mandatory court review prior to the Youthful Offender's 18th birthday.</p> <p>The report shall specify recommendations, with justifications, either for probation completion or continued supervision over the Youthful Offender past age 18. If continued supervision is recommended, the report shall address which department shall assume lead agency duties.</p> <p>If an agreement cannot be reached, seek guidance from administration team.</p>	<p>Work collaboratively with DCF to develop joint plan and report for mandatory court review prior to the Youthful Offender's 18th birthday.</p> <p>In the report, jointly agree on who will assume lead agency duties once the Youthful Offender turns 18.</p> <p>If an agreement cannot be reached, contact the Director of Classification and Facility Designations who will organize a meeting pursuant to the Mutual Decision-Making section.</p>
<p>Violations and/or Revocations</p>	<p>When there are concerns about compliance with conditions of the probation certificate, the lead Department shall consult with or notify the other Department of potential actions. The two case managers shall work collaboratively with each other to utilize graduated sanctions, file a VOP, or a motion to modify or revoke disposition at a hearing in the Family Court. DCF or DOC may detain a Youthful Offender in a DOC correctional facility if it is necessary and if the Youthful Offender is at least 18 years old.</p>	
<p>Closure</p>	<p>Follow regular case closure procedures and treat as regular juvenile case; details cannot be disclosed without release of information or Court Order.</p>	<p>If closing case at Youthful Offender's completion, treat as confidential juvenile record and destroy accordingly; details cannot be disclosed without release of information or Court Order.</p> <p>If closing case because of the case being return to Criminal Court, DOC shall assume sole supervision and responsibility.</p>

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Mutual Decision-Making	In cases when the Family Services Worker and assigned DOC officer cannot reach an agreement regarding service delivery and/or placement for the Youthful Offender, they shall call together a local treatment team meeting, which shall include supervisors and may include District Managers or designees. If the local team cannot come to agreement, the local supervisor or designee should contact either the DCF Juvenile Justice Director or the DOC Director of Classification and Facility Designations who shall organize a meeting with the DCF Juvenile Justice Director, the DCF Residential Services Manager, DCF Operations Managers, DOC Director of Field Services or designees. These representatives shall provide consultation and shall make decisions. For cases which involve Youthful Offenders adjudicated for a sex offense, the Director of Field Services, or designee, shall be included; additional staff members may be included as determined necessary on a case-by-case basis.
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**CONSIDERATION OF YOUTHFUL OFFENDER STATUS**

Each District Manager (DM) shall appoint a DOC liaison to collaborate with DCF pre-adjudication for youthful offender cases.

Upon notification from DCF, the DOC liaison shall consult on the appropriateness of the individual for Youthful Offender Status. The DOC liaison shall attend all Youthful Offender Hearings. All pre-disposition documentation shall be kept in the Youthful Offender Management System (YOMS) using the same guidelines in place for investigations.

**APPROVAL OF YOUTHFUL OFFENDER STATUS AND DISPOSITION HEARING**

The DOC liaison shall participate in developing the joint disposition case plan with DCF.

The disposition case plan shall outline the lead agency and the supervision method for the case. The following are used in determining the supervision method:

**YOUTHFUL OFFENDER’S RISK ASSESSMENT SCORES**

1. DCF shall complete the YASI on all cases.
2. For Youthful Offender who score Low or Moderate on the YASI, the assigned DOC officer shall review the Youthful Offender’s charges to determine if the offense is one in which the affidavit indicates that the behavior was sexually offending, or domestic in nature against an intimate partner. If so, DOC shall supervise the case as Risk Management.
3. In cases where the Youthful Offender was over the age of 18 at the time the offense was committed and there are elements of domestic or sexual violence, the assigned DOC officer may choose to administer an ORAS/DVSIR/VASOR/Static 99R<sup>1</sup> to inform programming and case planning.

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<sup>1</sup> As the DOC’s sex offender assessments tools (DVSIR/VASOR/Static 99R) are designed for the male population, they shall not be administered to female Youthful Offender offenders; the ORAS may be administered.

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<b>Youthful Offender Supervision Type Grid</b>				
<b>Status</b>	<b>Offense</b>	<b>Risk Level As determined by YASI</b>		
		Low	Moderate	High
Youthful Offender	Listed and/or SV, DV Elements	Risk Management	Risk Management	Risk Management
	Non-listed	Response Supervision	Response Supervision	Risk Management

**CORRECTIONS RISK AND NEEDS REDUCING SERVICES DETERMINATION**

If the Youthful Offender is going to be supervised for Risk Management, the following steps shall be completed:

1. Prior to disposition, the DOC liaison shall review the affidavit(s), treatment/case plans, and risk assessment(s) and determine if the offender may require corrections risk and needs reducing services. If the DOC liaison determines services may be required, he/she shall forward the affidavit(s), treatment/case plans, and risk assessment(s) to the DOC Risk Intervention Services Manager for review.
2. The DOC Risk Intervention Services Manager shall review the affidavit(s), treatment/case plans, and risk assessment(s) and make any recommendations for corrections risk and needs reducing services to the Program Services Division.
3. The Program Services Division shall make a determination for services and notify the DOC liaison.
4. The DOC liaison shall coordinate with the DCF Family Services Worker to ensure the Program Services Division recommendations for programming are included in the disposition case plan.

*Note:* The lead agency shall have final decision-making authority over the case plan and provision of services.

**SUPERVISION OF YOUTHFUL OFFENDER OFFENDERS**

All Youthful Offenders, regardless of the lead agency, shall report to the Probation and Parole Office he/she is directed to report to. The field site shall follow the procedures below.

**INTAKE**

The following tasks shall be completed during intake of all Youthful Offenders, regardless of lead agency:



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1. Take a digital picture on a plain background, with no board, and import into YOMS;
  - a. This shall include frontal and side views.
  - b. Photograph any scars, identifying marks, and tattoos.
2. Verify the Youthful Offender's home address and enter into YOMS;
  - a. If the Youthful Offender is employed, collect and input work address.
3. Verify charges and legal status in YOMS and update if needed;
4. Verify the Youthful Offender's demographic information and enter it into YOMS;
5. Review the Probation Certificate;
6. Review the Collateral Consequences Notice;
7. Review and sign the ADA Orientation Form;
8. Review and sign the Grievance Procedure;
9. Determine Listed or Non-Listed offenses in YOMS;
10. Upload a copy of the DCF YASI assessment into the attachments section of YOMS;
11. Review and import all court documents into YOMS;
12. Request an updated Record Check to include Vermont, NCIC, Department of Motor Vehicles, and other states the Youthful Offender reports that he or she has resided in; and
13. Enter an alert in YOMS indicating who the lead agency is.

### **DCF LEAD AGENCY IN SUPERVISING YOUTHFUL OFFENDER**

The assigned DOC officer shall do the following:

1. Attend meetings with DCF and the Youthful Offender, as appropriate;
2. Review any documentation received from DCF; and
3. Attend any court proceedings when an action is being considered which may eventually lead to a recommendation that DOC assume the lead agency role.

### **DOC LEAD AGENCY IN SUPERVISING YOUTHFUL OFFENDER**

#### INITIAL YOUTHFUL OFFENDER MEETING

The initial meeting between the Youthful Offender and the assigned DOC officer shall occur within ten business days from intake. If it is possible, the DCF Family Services Worker shall attend the initial meeting. During the initial meeting, the assigned DOC officer shall:

1. Explain that the goal of supervision is to assist the Youthful Offender in becoming law-abiding citizen;
2. Explain the assigned DOC officer's role, which includes:
  - a. Facilitating behavior change (including referral to risk and needs reducing services as needed);
  - b. Responding to non-compliance; and
  - c. Contacting partners, employers, and other collateral contacts.
3. Have the Youthful Offender sign any applicable Release of Information;
4. Set tone of collaboration and support;

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5. Collaborate with the Youthful Offender on an appropriate treatment or program referral if needed; and
6. Review the conditions of community supervision with the Youthful Offender.

### **RESPONSE SUPERVISION**

Response Supervision cases shall include, at a minimum:

1. A supervision contract to address a Youthful Offender's court-ordered special condition(s);
2. Direct contact every ninety days; and
3. Services that shall be defined and guided by the Youthful Offender's conditions set by the court.

*Note:* Cases may be transferred from Response Supervision to Risk Management supervision with the approval of the DM or designee. The transfer shall only be approved if the Youthful Offender's risk poses a threat to public safety.

#### *SUPERVISION CONTRACTS*

1. A supervision contract shall be made with Youthful Offenders on Response Supervision that outline his/her responsibilities to comply with court conditions.
  - a. Contacts with these Youthful Offenders shall be to monitor his/her compliance with contract deadlines.
  - b. Supervision contracts shall be entered into YOMS utilizing the Response Supervision Case Plan in the Case Management tab.
2. Youthful Offenders on Response Supervision shall not get case planning services.
  - a. Youthful Offenders in this category shall occasionally require staff response to their behavior, but resources are not designed to provide planned risk control or risk reduction services.

### **RISK MANAGEMENT SUPERVISION**

1. Risk Management cases include, at a minimum:
  - a. Risk assessments, both standard and specialized, as required.
  - b. Consideration of the egregiousness/harm of the offense; and
  - c. Case planning to address the Youthful Offender's risk areas and required court-ordered conditions.
    - i. All case plans shall be updated at a minimum of every ninety days.
2. Services shall be defined and guided by the Youthful Offender's level of risk and by the conditions set by the court.
3. All contacts and communication regarding Risk Management supervision and supervision level adjustments shall be documented in YOMS.

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*RISK MANAGEMENT SUPERVISION LEVELS*

1. The assigned DOC officer shall assign a supervision level in accordance with the following *Risk Management Supervision Level (RMSL) Grids* for all Risk Management cases.
2. All cases shall have the RMSL scores entered into YOMS based on the defined criteria below.
  - a. Staff shall not override the RMSL score up for the purposes of increasing contacts.
  - b. Contact frequencies may be increased at any time, however, the RMSL score shall not be increased for the purpose of increasing contacts.

*Note:* If a case is recommended for discharge, and the court chooses not to discharge a Youthful Offender, the Youthful Offender’s Risk Management case may be transferred to Response Supervision. The exceptions are sex offenses; Youthful Offender sex offenders shall remain on Risk Management Supervision during their supervision unless the transfer is approved by the Director of Field Services or designee.

*Standard Youthful Offenders*

A review of the risk assessment places a Youthful Offender in one of four supervision levels.

<b>Standard Youthful Offender Supervision Level Grid</b>				
<b>Status</b>	<b>Offense</b>	<b>Risk Level As determined by YASI</b>		
		Low	Moderate	High
Youthful Offender	Listed	Level 2	Level 3	Level 4
	Non-listed	Level 1	Level 2	Level 3

*Domestic Youthful Offenders*

For Youthful Offenders convicted of intimate partner domestic violence, staff shall follow the procedures below to determine supervision level.

1. If the offender was younger than the age of 18 when the offense was committed, the YASI score shall determine the Youthful Offender’s supervision level.
2. If the offender was 18 or older when the offense was committed, the DVSIR (or other appropriate risk assessment) score shall determine the Youthful Offender’s supervision level.

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All domestic violence Youthful Offenders, while being supervised on Risk Management supervision, shall be supervised no lower than a Domestic Level 3 (D3 in chart).<sup>2</sup>

1. Qualifying offenses (to include attempted) for Domestic Violence supervision:
  - a. Any Domestic Assault, Stalking, Violation of Abuse, or Restraining Order against an intimate partner, or
  - b. Any offense where the affidavit indicates that the behavior was domestic in nature and does not fall into one of the above offenses.
    - i. These cases require supervisory approval for supervision within the Domestic Violence RMSL.
2. If the victim is a non-intimate partner (e.g., brother, roommate, etc.) then the Youthful Offender shall be supervised as a standard Youthful Offender.

<b>Intimate Partner DV Youthful Offender Supervision Level Grid</b>				
<b>Status</b>	<b>Offense</b>	<b>Risk Level As determined by YASI or DVSIR<sup>3</sup></b>		
		Low and Low Moderate	Moderate	High
Youthful Offender Domestic Violence	Listed	D3	D3	D4
	Non-listed	D3	D3	D3

*Youthful Offender Sex Offenders*

For Youthful Offenders convicted of a sexual offense, staff shall follow the procedures below to determine supervision level.

1. At the initial meeting, the assigned DOC officer shall assign the Youthful Offender sex offender to Supervision Level S5.
2. The Youthful Offender sex offender shall be assigned Supervision Level S5 for the first ninety days of supervision.
3. After ninety days of supervision, the assigned officer shall staff the case with the Supervision Team, the Director of Field Services or designee, and Director of Program Services or designee. The group shall review the supervision level and determine the appropriate supervision level.
  - a. To staff the case, the assigned DOC officer shall notify the Director of Field Services, or designee of the need to determine a supervision level.

<sup>2</sup> Domestic offenders on risk management can however qualify for transfer to response supervision per the [transfer requirements](#).

<sup>3</sup> The assigned officer shall use which ever risk assessment (YASI or DVSIR) scores higher when making determinations regarding the domestic youthful offender supervision level grid.

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**CONTACT STANDARDS**

There are three contact requirement grids: Standard Youthful Offenders, Domestic Youthful Offenders, and Youthful Offender Sex Offenders. The grids below outline the minimum contact standards for the number of Youthful Offender direct contacts per month.

1. *Total* indicates the number of Youthful Offender direct contacts.
2. *Field* indicates the number of Youthful Offender direct contacts in the field.
  - a. The field contacts count toward the number of total contacts.

The assigned DOC officer shall use his/her discretion and judgment as to the amount of contact the Youthful Offender needs but shall at least meet the minimum standard. In general, a Youthful Offender direct contact shall include the same [contact activities as outlined in Case Management](#).

*Note:* The assigned officer shall ensure they have a signed release to discuss the Youthful Offender before conducting any collateral contacts.

**STANDARD YOUTHFUL OFFENDERS**

Minimum Contact Requirements for Standard Youthful Offender Offenders				
	(R1)	(R2)	(R3)	(R4)
Total	1 per month	1 per month	2 per month	3 per month
Field	n/a	n/a	n/a	1 per month

**DOMESTIC YOUTHFUL OFFENDERS**

Minimum Contact Requirements for Domestic Youthful Offender Offenders		
	Level 3 (D3)	Level 4 (D4)
Total	2 per month	3 per month
Field	n/a	1 per month
Partner Contact	1 per month	1 per month

*Partner contact applies to the Youthful Offender’s current partner if the Youthful Offender is in a relationship – this is to ensure that the relationship is healthy. If the partner is under the age of 18, DOC shall contact the partner’s parents or legal guardian.*

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**YOUTHFUL OFFENDER SEX OFFENDERS**

Minimum Contact Requirements for Youthful Offender Sex Offenders				
Requirement	Level 2 (S2)	Level 3 (S3)	Level 4 (S4)	Level 5 (S5)
Total Youthful Offender Direct	1 per month	2 per month	3 per month	4 per month
Offender Youthful Offender Direct in the Field	1 per year	1 per year	1 per month	2 per month
Treatment Provider	1 per month if still in treatment	1 per month if still in treatment	1 per month if still in treatment	1 per month
Collateral Contact	Quarterly	1 per month	1 per month	2 per month
Reviewed by SO Team	Annually	Semi-annually	Semi-annually	Semi-annually
Record Check	Annually	Annually	Annually	Annually

*It is best practice to verify all offender addresses, however the assigned DOC officer shall verify the address of a sex offender at least once per year.*

**ELECTRONIC MONITORING**

Electronic Monitoring (EM) may only be used if ordered on the Youthful Offender Probation Certificate at adjudication or as a result of a violation.

1. If a violation of conditions occur, DOC shall work with DCF to ask the court as part of a Violation of Probation (VOP) to order electronic monitoring to provide a higher level of supervision.

**EM INTAKE**

Before a Youthful Offender can be placed in the EM program, an intake for EM supervision must be conducted. The intake must include the following steps:

1. Eligibility Review: The assigned DOC officer shall review the probation certificate to determine if the Youthful Offender is eligible.
2. Agreement Forms: Staff who place EM equipment on a Youthful Offender shall ensure

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that all agreements are explained and understood by the Youthful Offender before obtaining a signature on any associated forms.

- a. Agreement forms shall be kept in an EM file for reference by field staff during the EM supervision and uploaded into the YOMS.
3. Upon placement of a device, staff shall fill out the Electronic Monitoring Placement Custom form in the Youthful Offender Offender's YOMS record.

### REVIEW OF EM

1. EM compliance shall be reviewed daily unless staff is unavailable. If EM compliance is not reviewed daily, it must be reviewed the next day staff are available, but no longer than seventy-two hours later.
2. At least once every thirty days, the assigned DOC officer shall physically inspect the EM device and strap for evidence of tampering and proper fit.
  - a. All reviews shall be documented in the Electronic Monitoring 30 Day District Manager Review Custom form within the Youthful Offender Offender's YOMS record.

### RESPONSE TO EM ALERTS

1. EM devices may generate alerts because of Youthful Offender actions and/or equipment failures. When these occur, the EM vendor notifies DOC by issuing an alert notification. Staff shall contact offenders as soon as reasonably possible when an alert is received.
2. Each site shall establish a protocol for the review and response of EM issues and alerts.
3. When possible, the assigned DOC officer should evaluate a Youthful Offender's behavior/compliance on the EM program. The assigned DOC officer shall be trained and responsible for the following actions:
  - a. Monitoring GPS tracking and Youthful Offender compliance with established schedules, curfews, and exclusion zones.
  - b. Review and document alert notifications requiring staff follow-up in the YOMS requiring staff follow-up include:
    - i. Consumption of alcohol;
    - ii. Equipment tampering;
    - iii. Equipment failures; or
    - iv. Other Youthful Offender compliance issues as necessary.
  - c. Responding directly to Youthful Offenders in a reasonable timeframe for non-critical violations, including but not limited to:
    - i. Resolved out of place GPS alerts.
    - ii. Consumption of alcohol.
    - iii. Miscellaneous equipment alerts, such as charging violations or periodic signal loss.
  - d. All alerts indicating Youthful Offender non-compliance shall require an incident to be completed in the YOMS.



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- e. Staff questions or concerns about the functionality of EM equipment shall be reported to the District Manager, or designee, and the EM Program Manager, or designee.

### EM REMOVAL

1. Once a Youthful Offender is removed from EM supervision, his/her associated EM file shall be destroyed, and any associated forms and documentation shall be placed in the Youthful Offender's YOMS record.
2. The removal of a Youthful Offender from EM shall be documented in the Electronic Monitoring Completion Custom Form in the Youthful Offender's YOMS record.
  - a. The staff person who removed the equipment is responsible for the documentation.
  - b. The documentation shall include:
    - i. The reason for discontinuance of EM;
    - ii. The date the Youthful Offender is removed from EM; and
    - iii. The condition of and return of the EM equipment.

### RESPONSE TO VIOLATIONS

When there are violations of conditions of the probation certificate, the lead Department shall consult with, or notify, the other Department of potential actions.

Regardless of lead, the DCF Family Services Worker shall file a VOP or a motion to modify or revoke disposition at a hearing in the Family Court.

DCF or DOC may detain a Youthful Offender in a DOC correctional facility if it is necessary and the Youthful Offender is at least 18 years old.

All violating behavior shall be documented in YOMS in the violations and incident sections.

### GRADUATED SANCTIONS

DOC may impose graduated sanctions for technical violations in lieu of filing a probation violation complaint for Youthful Offenders as authorized by the court in the probation certificate.

The purpose of graduated sanctions is to engage the Youthful Offender in the circumstances of the violation that has occurred.

1. The Youthful Offender should be involved in determining the appropriate graduated sanction based on the violation. The assigned DOC officer should encourage creativity in determining how the Youthful Offender can repair the harm.
2. In instances where the Youthful Offender repeatedly refuse to engage, or they do not participate in the graduated sanction, the assigned DOC officer shall consult with the Family Services Worker and recommend a VOP.



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- a. The DCF Family Services Worker may file a VOP.
3. The assigned DOC officer shall provide a copy of the Graduated Sanction Report to the DCF Family Services Worker.

*Note:* The DOC response to the Youthful Offender should be proportionate to the harm caused, risk, and patterns of behavior.

### SANCTION LEVELS

1. Sanctions are to be progressive in nature or as warranted based on the association between the offending behavior and Youthful Offender's risk factors. Sanctions may be used individually or in conjunction with each other.
2. There are three levels of graduated sanctions:
  - a. Level 1 sanctions – These shall be used when Youthful Offender violating behavior is non-risk related.
    - i. In general, these sanction strategies are used for first violations or violations that have not occurred within the previous ninety days.
    - ii. Level 1 sanctions are the least restrictive and are focused on discussion between the Youthful Offender and the assigned DOC officer.
    - iii. Level 1 sanctions are the initial starting point in addressing violating behavior.
  - b. Level 2 sanctions – these shall be used when non-listed Youthful Offender violating behavior is risk-related or recurring (two or more non-risk related violations in the past ninety days).
    - i. Level 2 sanctions are to address risk-related behavior of the Youthful Offender, to impose restorative justice concepts, and to impose restriction upon the Youthful Offender for violating behavior.
  - c. Level 3 sanctions – any combination of Level 1 or 2 sanction.

**INTERNAL DOCUMENT**
**YOUTHFUL OFFENDER VIOLATIONS GRID**

Level 1 Violations	Level 1 Sanctions
<ul style="list-style-type: none"> <li>➤ Failure to report as instructed</li> <li>➤ Out of Place</li> <li>➤ First Positive Drug/Alcohol Test</li> <li>➤ First Missed Treatment/Programming Group</li> <li>➤ Unemployment or Failure to Seek Employment to assigned DOC officer's satisfaction within forty-five days</li> <li>➤ Failure to Fulfill Financial Obligations</li> <li>➤ Failure to Follow Case Plan/OCP</li> </ul>	<ul style="list-style-type: none"> <li>➤ Graduated Sanction Thinking Report or other intervention that addresses criminal thinking/behavior</li> <li>➤ Apology (Verbal or Written)</li> <li>➤ Verbal Warning</li> <li>➤ Develop Relapse Prevention Plan</li> <li>➤ Written Essay/Educational Activities</li> <li>➤ Increase Contacts for up to thirty days</li> </ul>
Level 2 Violations	Level 2 Sanctions
<ul style="list-style-type: none"> <li>➤ Level 1 Violations within past ninety days</li> <li>➤ Non-compliance with Special Conditions Not Indicated Above</li> <li>➤ Continued Substance Abuse or second Positive Drug/Alcohol Test</li> <li>➤ Continued Missed Treatment/Programming Group</li> <li>➤ Failure to Comply with Level 1 Sanctions</li> <li>➤ Contact with Restricted Persons (Non-Sex Offender/Domestic Violence)</li> <li>➤ Other Risk Related Behavior Causing Violation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Referral for Treatment Assessment</li> <li>➤ Community Service Work for up to forty hours</li> <li>➤ Curfew and/or Restriction to Residence</li> <li>➤ Increased Reporting as directed for Alcosensor, drug testing, employment search, or other related activity</li> <li>➤ Activities to Address Risk Behaviors (i.e. self-help)</li> <li>➤ Loss of curfew/place on schedule</li> <li>➤ Use of Electronic Monitoring Equipment along with Level 1 sanction</li> <li>➤ Can include Level 1 Sanctions as well</li> </ul>
Level 3 Violations	Level 3 Sanctions
<ul style="list-style-type: none"> <li>➤ Level 2 Violations within past ninety days</li> <li>➤ Failure to Comply with Level 2 Sanctions</li> <li>➤ Non-compliance with Special Conditions and/or Youthful Offender Sex Offender/Domestic Violations</li> <li>➤ Non-threatening Contact with Victim</li> <li>➤ Risk related contact with Minors (Youthful Offender Sex Offender)</li> <li>➤ Suspension or Placed on Probation in Treatment/Programming Group</li> <li>➤ Misdemeanor behavior (Non-risk/Non-violent)</li> <li>➤ Threatening Behavior (Non-risk/Non-victim)</li> <li>➤ Out of Place for More than twenty-four Hours</li> </ul>	<ul style="list-style-type: none"> <li>➤ Any combination of Level 1 and 2</li> </ul>
Formal VOP	Court Action
<ul style="list-style-type: none"> <li>➤ Level 3 Violations with in past ninety days</li> </ul>	<ul style="list-style-type: none"> <li>➤ To be determined by the court.</li> </ul>

**INTERNAL DOCUMENT**

<ul style="list-style-type: none"> <li>➤ Failure to Comply with Level 3 Sanctions</li> <li>➤ Youthful Offender Charged with new criminal offense</li> <li>➤ Youthful Offender Risk to Public</li> <li>➤ Treatment/Program Failure</li> <li>➤ Risk-related or Violent Misdemeanor charge/behavior</li> <li>➤ Violent Behavior</li> <li>➤ Threatening Behavior (Risk/Victim)</li> <li>➤ Contact with Victim (Unwanted/Threatening)</li> <li>➤ Risk related Contact with Minors (Sex Offender)</li> <li>➤ Escape</li> <li>➤ Loss of Residence</li> </ul>	
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**PROCEDURE FOR DETAINING A YOUTHFUL OFFENDER IN AN ADULT CORRECTIONAL FACILITY OPERATED BY DOC - - YOUNGER THAN 18**

For individuals who are under the age of 18, and are charged with a new criminal offense, refer to the DOC directive on [housing individuals under 18](#).

**PROCEDURE FOR DETAINING A YOUTHFUL OFFENDER IN AN ADULT CORRECTIONAL FACILITY OPERATED BY DOC - - 18 YEARS OR OLDER**

1. The Youthful Offender must be 18 or older and adjudicated as a Youthful Offender.
2. The Youthful Offender must be in violation of probation.
3. The Youthful Offender must clearly pose a significant danger to self, others, or the community as well as demonstrating behavior that cannot be controlled in an available setting less secure than an adult facility.
4. The Family Services Worker and assigned DOC officer shall agree to detain the Youthful Offender.
  - a. The Family Services Worker and assigned DOC officer shall outline the reasons for detaining the Youthful Offender with their supervisors;
  - b. If the supervisors agree, they shall notify the District Directors or Managers of impending action as appropriate.
5. The Family Services Worker or assigned DOC officer shall complete a *Detaining a Youthful Offender* form.
6. The DCF Family Services Worker/assigned DOC officer or supervisor shall contact the Family Services Division (FSD) Juvenile Justice Director or designee to review the reasons for detaining the Youthful Offender.
  - a. If the Juvenile Justice Director or designee is not available, the DCF/DOC supervisor shall contact the appropriate FSD Policy and Operations Manager or designee to

## INTERNAL DOCUMENT

- discuss.
7. The Family Services Worker shall forward the *Detaining a Youthful Offender* form to the DCF Family Services Central Office.
    - a. The FSD Juvenile Justice Director or designee shall approve the detainment and sign the *Detaining a Youthful Offender* form.
    - b. The FSD Juvenile Justice Director or designee shall fax the form to the Family Services Worker with a copy to the Family Services Residential Services Manager or designee.
  8. The Family Services Worker or assigned DOC officer shall provide local law enforcement and/or the local DOC Probation & Parole Office with a copy of the signed *Detaining a Youthful Offender* form.
  9. The FSD Juvenile Justice Director shall notify the DOC Director of Classification and Facility Designations who shall notify the receiving correctional facility's Superintendent prior to the Youthful Offender's arrival.
    - a. The Director of Classification and Facility Designations shall review the case with the Superintendent to ensure there are no PREA concerns with the proposed detainment.
  10. When the Youthful Offender is picked up by law enforcement or the assigned DOC officer, the DCF Family Services Worker/assigned DOC officer shall provide the court with the *Violation of Probation Complaint* and *Detaining a Youthful Offender* forms.
  11. The DCF Family Services Worker shall file a VOP with the court the next business day after the Youthful Offender has been detained.
  12. Within five business days of the VOP hearing, the DCF Juvenile Justice Director, the DCF Residential Services Manager, the DOC Director of Classification and Facility Designations, the DOC Director of Field Services, and/or designees shall discuss the case with the DCF Family Services Worker/assigned DOC officer and/or supervisors and review the plan for the Youthful Offender.
    - a. If the court decides not to revoke Youthful Offender Status, DOC shall release the offender from the facility.

### **DETAINMENT AFTER BUSINESS HOURS**

1. The Family Services Worker and assigned DOC officer shall agree to detain the Youthful Offender.
2. The Family Services Worker and assigned DOC officer shall outline the reasons for detaining the Youthful Offender with their supervisors.
  - a. If the supervisors agree the DOC/DCF supervisor shall contact [DCF's Centralized Intake and Emergency Services \(CIES\)](#) to inform them of the Youthful Offender's situation.
  - b. CIES shall contact the FSD Juvenile Justice Director or designee to consult on the appropriateness of detainment.
  - c. If the FSD Juvenile Justice Director or designee agrees to detainment, CIES shall give authorization.
  - d. The Family Services Worker shall fax the completed *Detaining a Youthful Offender*

## INTERNAL DOCUMENT

- form to DCF-CIES and the DCF-CIES designee shall sign and fax a copy to the Family Services Worker, the assigned DOC officer, and the FSD Juvenile Justice Director or designee.
3. The Family Services Worker or assigned DOC officer shall provide local law enforcement and/or the local DOC Probation & Parole Office with a copy of the signed *Detaining a Youthful Offender* form.
  4. The Family Services Worker or assigned DOC officer shall notify the DOC Director of Classification and Facility Designations who shall notify the receiving correctional facility's Superintendent prior to the Youthful Offender's arrival.
    - a. The Director of Classification and Facility Designations shall review the case with the Superintendent to address concerns with the proposed detainment.
  5. When the Youthful Offender is picked up by law enforcement or the assigned DOC officer, the DCF Family Services Worker/assigned DOC officer shall provide the court with the *Violation of Probation Complaint* and *Detaining a Youthful Offender* form.
  6. The DCF Family Services Worker shall file a VOP with the court the next business day after the Youthful Offender has been detained.
    - a. Within five business days of the VOP hearing, the DCF Juvenile Justice Director, the DCF Residential Services Manager, the DOC Director of Classification and Facility Designations, the DOC Director of Field Services, and/or designees shall discuss the case with the DCF Family Services Worker/assigned DOC officer and/or supervisors and review the plan for the Youthful Offender.
    - b. If the court decides not to revoke Youthful Offender Status, DOC shall release the offender from the facility.

*Note:* If the Youthful Offender is charged with a new criminal offense, the Youthful Offender Status shall no longer be controlling – the new charge shall dictate the lodging procedure; staff shall follow the DOC directive on [Detentioners/Safekeepers](#).

## SIX MONTH CASE REVIEW

1. Every six months that a Youthful Offender is on Youthful Offender status, there shall be a review of the:
  - a. Goals of the Youthful Offender;
  - b. The case plan;
  - c. The Youthful Offender's progress toward completion of probation; and
  - d. The possibility for discharge.
2. If a Youthful Offender has completed all terms of the probation certificate, the assigned DOC officer and DCF Family Services Worker shall review the case and determine if discharge is appropriate.
3. DOC shall facilitate a criminal record check to ensure that there have not been any new charges filed before a discharge recommendation is made.

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### MANDATORY COURT REVIEW PRIOR TO AGE 18

1. The assigned DOC officer and DCF Family Services Worker shall review the Youthful Offender's case at least three months before the Youthful Offender reaches the age of 18 in anticipation of the mandatory review by the Family Division to determine whether the court's jurisdiction should be continued past the age of 18.
2. DCF shall file a report with the court prior to the hearing.
  - a. The report shall specify recommendations, with justifications, either for probation completion or continued jurisdiction over the Youthful Offender past age 18.
  - b. The assigned DOC officer shall work collaboratively with the DCF Family Services Worker to develop the report.
3. If the Family Court finds that it is in the best interest of the Youthful Offender, and consistent with public safety, to extend the Court's jurisdiction beyond the Youthful Offender's 18th birthday, it shall make an order continuing the court's jurisdiction up to the age of 22.
  - a. DCF and DOC shall jointly develop an updated disposition case plan for the Youthful Offender, coordinate services and share information to ensure compliance with and completion of all conditions on the probation certificate.
4. If the Family Court finds that it is not in the Youthful Offender's best interest to extend the court's jurisdiction beyond the Youthful Offender's 18th birthday, it will discharge the Youthful Offender and dismiss the criminal case.

*Note:* DOC shall not automatically become the lead agency upon the Youthful Offender's 18th birthday. The lead agency shall remain the same unless the determination to change the lead agency has been made by DOC and DCF collaboratively.

### DISCHARGE

DOC shall collaborate with DCF to determine criteria for discharge. DCF shall submit the discharge on behalf of DOC. When all conditions of the probation certificate are met, the discharge shall be submitted.

If the Youthful Offender successfully completes the conditions of juvenile probation, DCF or the Youthful Offender may file a motion for a hearing in the Family Court to determine whether the Youthful Offender should be successfully discharged.

In determining whether a Youthful Offender has successfully completed the terms of juvenile probation, DCF and/or DOC shall provide information to the court regarding:

1. The degree to which the Youthful Offender fulfilled the terms of the case plan and the probation certificate;
2. The Youthful Offender's performance during risk and needs reducing services;
3. Reports from outside treatment providers; and
4. Any other relevant facts associated with the Youthful Offender's behavior.

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If the Court finds that the Youthful Offender has not successfully completed the terms of the probation certificate, it may deny the motion and extend or amend the probation certificate as it deems necessary.

### CASE CLOSURE

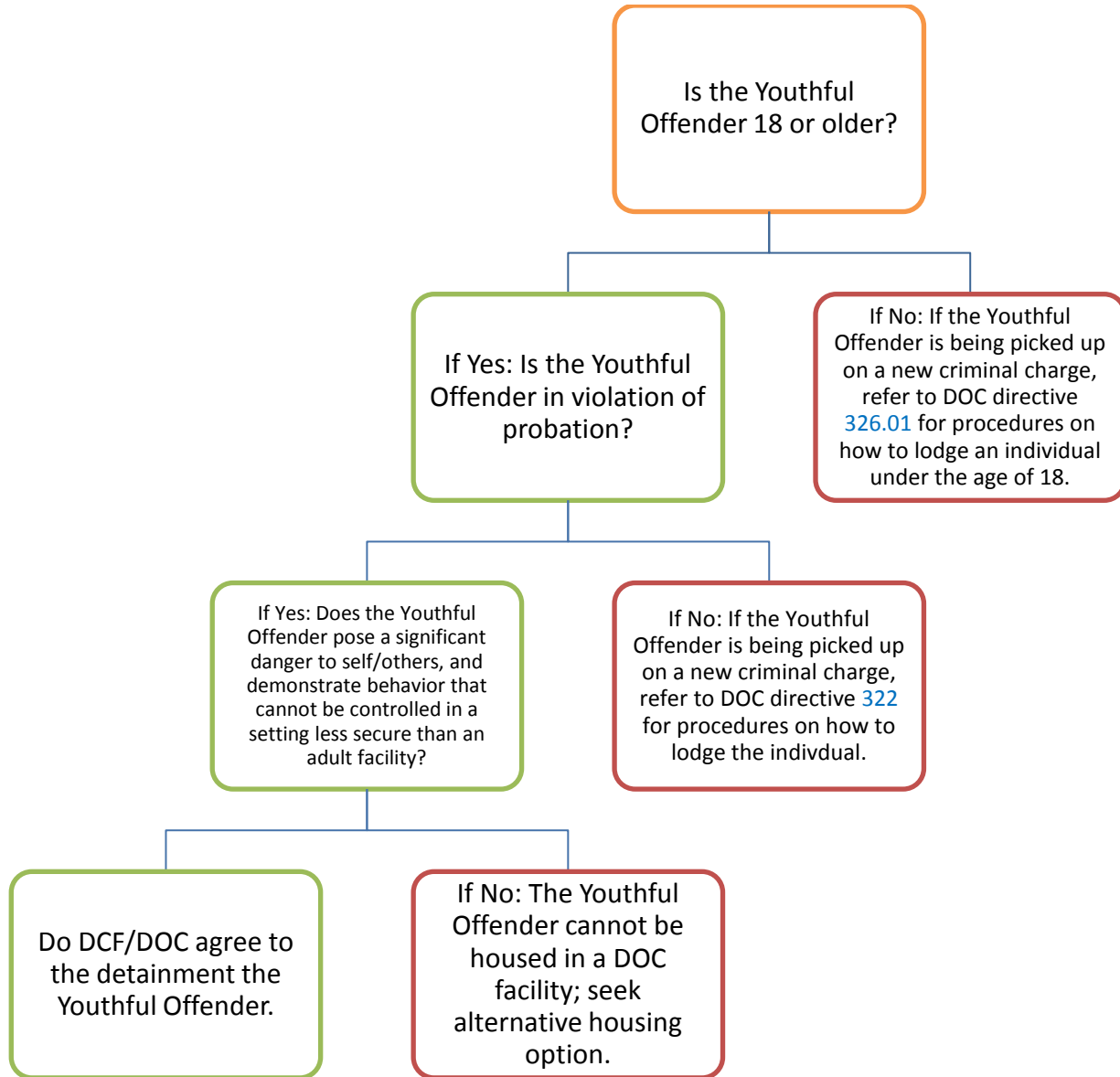
The Youthful Offender case shall be closed whenever:

1. The Family Court discharges the Youthful Offender.
  - a. The Site Legal Administrator shall complete the following tasks:
    - i. Complete the release wizard in YOMS and release the Youthful Offender with the release to reason of discharged.
    - ii. Verify all documents within the Offender Local Record are uploaded into YOMS and shred the Offender Local Record.
    - iii. Seal the YOMS record.
2. The Family Court issues an order revoking Youthful Offender status and transfers the case back to the Criminal Court.
  - a. The Site Legal Administrator shall complete the following tasks:
    - i. Complete the release wizard in YOMS and release the Youthful Offender with the release to reason of Probation Revoked.
    - ii. Export all information from the YOMS and upload it into OMS production.
3. The Youthful Offender reaches their 22nd birthday.
  - a. The Site Legal Administrator shall complete the following tasks:
    - i. Complete the release wizard in YOMS and release the Youthful Offender with the release to reason of age out.
    - ii. Verify all documents within the Offender Local Record are uploaded into YOMS and shred the Offender Local Record.
    - iii. Seal the YOMS record.



INTERNAL DOCUMENT

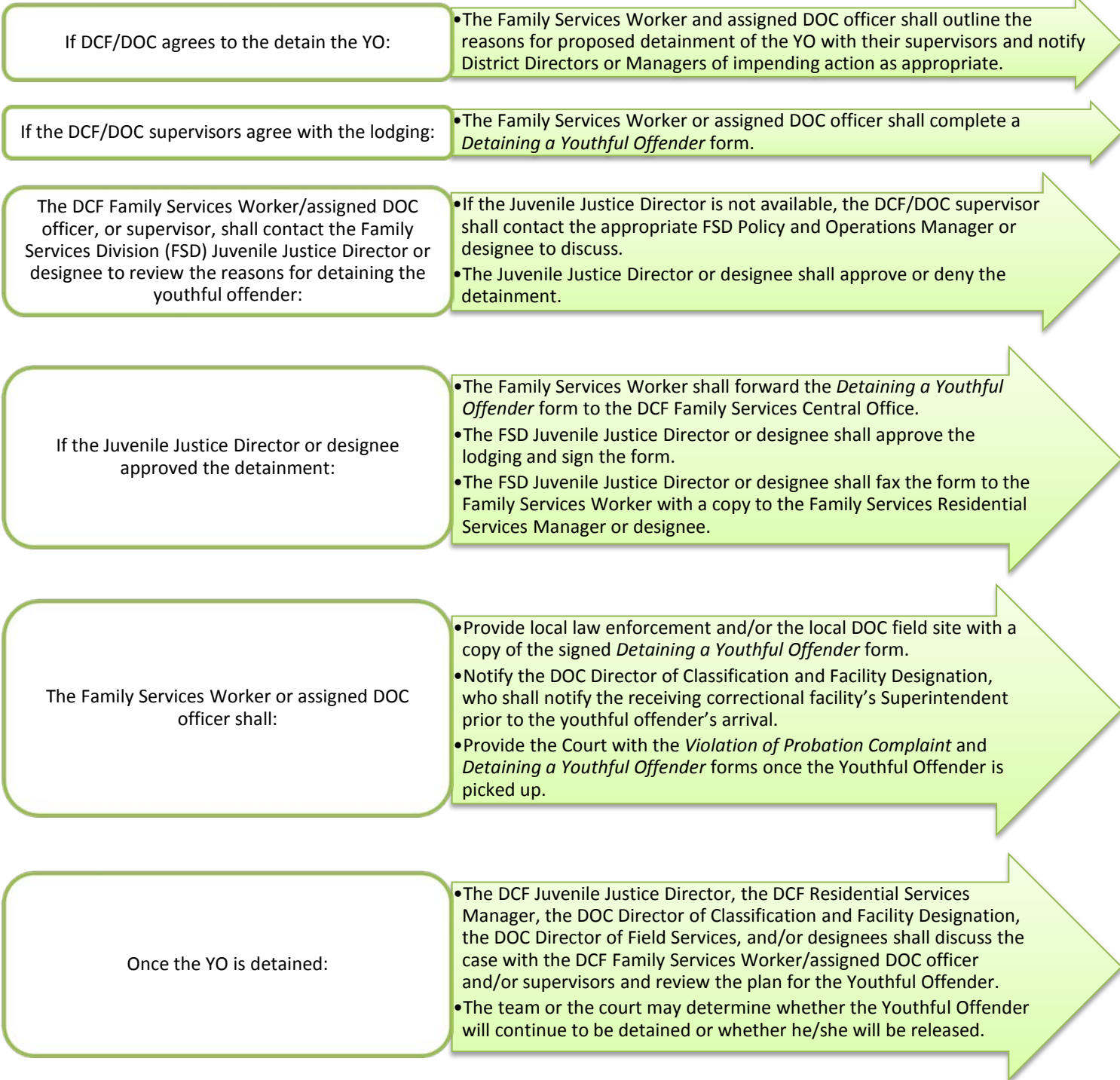
CAN A YOUTHFUL OFFENDER BE DETAINED IN A DOC FACILITY?





INTERNAL DOCUMENT

PROCEDURE FOR DETAINING A YOUTHFUL OFFENDER



INTERNAL DOCUMENT

DETAINING A YOUTHFUL OFFENDER AFTER HOURS

