

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF JUVENILE JUSTICE SERVICES  
YOUTH PAROLE AUTHORITY  
POLICY AND PROCEDURES

Policy No.: 08-04

Effective Date: 07/04

Revision Date: 09-09-15

Subject: YPA Guidelines for Length of Stay

**I. Policy Statement**

The Youth Parole Authority (YPA) shall establish written, uniform criteria for length of stay and parole release decisions. Criteria shall be based on the Suggested Length of Stay Matrix (Appendix 08-04-A), which takes into account the juvenile's offense severity and delinquency history. A suggested length of stay may be adjusted by the YPA based upon the mitigating and aggravating circumstances of the committing offense (Appendix 08-04-B). Treatment progress and participation may affect actual length of stay.

**II. Rationale**

To establish suggested length of stay criteria upon which YPA Board Members can make fair and equitable decisions regarding lengths of stay and treatment objectives.

**III. Procedures**

The YPA member shall determine an appropriate parole date, based upon the Suggested Length of Stay Matrix approved by the Board of Juvenile Justice Services. The Board of Juvenile Justice Services must approve any modification to the Suggested Length of Stay Matrix.

The Suggested Length of Stay Matrix is developed to provide structure for professional decisions regarding the level of restrictiveness and length of secure confinement. The Suggested Length of Stay Matrix provides a fair means of determining length of stay so that juveniles who have similar delinquency histories and commit similar offenses will have similar lengths of stay. The suggested length of stay is determined at the Initial hearing.

A Suggested Length of Stay Matrix represents two dimensions in projecting the length of stay in a secure care facility. 1)The juvenile's Offense Category (I, II, III) is determined by the Presenting Offense Episode (POE) or the most serious conviction within the last twelve (12) months prior to the date of commitment; and 2) The juvenile's Delinquency History rating (A,B,C) is based upon all adjudications in juvenile court, prior commitments, and placement status at time of commitment. Based upon these two (2) criteria, the juvenile's suggested length of stay is prescribed by the specific grid within the Suggested Length of Stay Matrix. The prescribed suggested length of stay may be adjusted by the YPA based upon the mitigating and aggravating circumstances of the offense. Based upon documented circumstances, the YPA member may place the juvenile in a grid different from the one prescribed.

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A. Offense Category

1. The POE or Offenses are ranked into three (3) severity categories, ranging from low severity (Category I), to high severity (Category III). The severity category is located on the Suggested Length of Stay Matrix. It is clearly recognized that the committing offense is not always the most serious offense on the juvenile's record, nor is it always the reason for the commitment. Therefore, the most serious adjudicated offense within twelve (12) months from the date of commitment determines the offense category. It is hoped that this method will encourage judicial professionals to try less restrictive alternatives first without the fear that if such attempts do not succeed, the juvenile would, in effect, avoid the consequences of inappropriate behavior at a later date.
2. The offense categories are separated into three (3) classifications:
  - 1) All misdemeanor offenses and all 2<sup>nd</sup> and 3<sup>rd</sup> degree public/property felony offenses, 2) 1<sup>st</sup> degree public/property offenses and all person felony offenses without injury, and 3) All person felonies resulting in injury. In essence, juveniles who commit life-endangering felonies resulting in serious injury to victims will have a longer prescribed length of stay than juveniles who commit property offenses. The average suggested length of stay for the property offender is projected at 5-9 months, while the average suggested length of stay for life endangering offenders is projected at 9 -16 months.
3. The offense history is derived from CARE (Courts and Agency Records Exchange). The YPA Administrative Officer is responsible for obtaining and verifying the case history of all juveniles committed to the Division for secure confinement, determining the most serious offense (s) within the last 12 months, and assigning the offense category.

B. Delinquency History

1. The Delinquency History Form illustrated in Appendix 08-04-A is used by the YPA in determining the juvenile's delinquency history classification. The delinquency rating was designed primarily to distinguish between offenses and to hold those juvenile's with long offense records accountable. Consequently, those juveniles with chronic delinquency histories are prescribed longer lengths of stay than a juvenile with a less serious history. Longer periods of confinement are justified based upon public safety considerations and the rehabilitation needs of the offender. This recognizes

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that a chronic history of delinquency would likely require a longer period of treatment intervention and competency development.

2. The delinquency history rating is determined by total number of felony and misdemeanor convictions, and the number of life-endangering felonies against persons. The delinquency history is categorized into three (3) groups from least serious (A) to most serious (C). These ratings are reflected on the Suggested Length of Stay Matrix.
- C. The YPA recognizes that each juvenile is unique and that individual circumstances must be considered in all parole decisions. The YPA has the discretion to depart from the suggested length of stay when it is determined there are compelling and substantial reasons to do so. Reasons for departure are set forth in writing.
- D. Mitigating and aggravating circumstances, previously not incorporated in the structure of the Suggested Length of Stay Matrix, were developed to assist the YPA in making individual case decisions. The YPA may depart from the prescribed length of stay based upon mitigating and/or aggravating circumstances listed in Appendix 08-04-B. The list is an example and not comprehensive. The circumstances will be determined by the YPA at the initial hearing and must be documented in the juvenile's record.
- E. Prescriptive Length of Stay Ranges Related to Treatment Progress
1. Length of stay is calculated in months as shown on the Matrix. Once the offense category and delinquency history are determined, the juvenile can be placed in the corresponding grid, which reflects a suggested length of stay that has a minimum and maximum length of time period.
  2. To encourage and enhance program participation, those juveniles who make substantial progress in their treatment plans will be given consideration for release at the lower end of their suggested length of stay. The secure care facility staff must document treatment progress and facility adjustment. Each juvenile's treatment progress will be considered at the Progress/Parole Review Hearing.

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F. Subsequent Commitments

When a juvenile is paroled from a secure care facility and is then subsequently re-committed for a new offense, a new suggested length of stay will be established in accordance with this policy and procedures, with one exception; the most serious offense at the time of the new commitment will determine the new offense category. Credit will not be given for time served on a previous commitment or revocation.

G Technical Parole Violations

A juvenile placed on parole generally remains on conditional liberty until discharged or until/unless revocation occurs. If a juvenile's parole is revoked by the YPA on a technical violation, and no other charges exist which would constitute a felony or misdemeanor if committed by an adult; the YPA has the discretion to detain the juvenile in secure confinement up to ninety-(90) days. A technical violation is defined as a violation of one of the conditions included in the parole agreement signed by the juvenile at the time of parole.

H. Detention Time Credit

The YPA has the discretion to award full credit for time served in detention after the initial commitment or revocation. Credit for detention time is awarded only if the custody was due to the original commitment or the revocation.

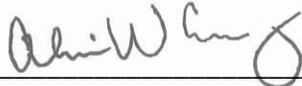
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**IV. Continuous Renewal**

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.

 _____ Alvin W. Emery, Chairman Youth Parole Authority	09-09-15 _____ Review Date
 _____ Russell K. Van Vleet, Chairman Board of Juvenile Justice Services	09-09-15 _____ Review Date
 _____ Susan V. Burke, Director Division of Juvenile Justice Services	09-09-15 _____ Review Date