

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

Policy No.: 08-05

Effective Date: 07/04

Revision Date: 09-09-15

Subject: Individual Hearings

I. Policy Statement

The Youth Parole Authority (YPA) shall conduct a series of hearings regarding each juvenile committed to a secure facility, to establish a suggested length of stay, ascertain progress on treatment objectives, and determine release criteria. Additional hearings (to consider rescission or revocation) may be conducted regarding a juvenile who violates the terms of a release agreement.

II. Rationale

The purpose of this policy is to ensure juveniles a fair and impartial administrative hearing process.

III. Procedures

A. Legal Counselor Participation in YPA Hearings

1. While a juvenile is under the jurisdiction of the YPA, the YPA will conduct a series of review hearings. For each such hearing (except the special administrative hearing, which has limited appearance and representation rights as described in III-E), the juvenile is allowed and ordinarily expected to attend, family members of the juvenile are allowed and ordinarily expected to attend, clergy or other such personal advisors for the juvenile or family may attend, and the juvenile or their family members may choose to have their own legal counselor present to provide advice and assist the juvenile or family in understanding the proceedings.
2. For *Revocation* Hearings only, due to the nature of such hearings and serious consequences of a revocation decision, the Division considers the presence of a legal counselor representing the juvenile to be of high importance. The Division will appoint, at the Division's expense, a legal counselor for purposes of that hearing, and a legal counselor attending such a hearing will ordinarily present a defense on behalf of the juvenile, as well as providing advice and explaining the proceedings.
3. For all other types of hearings which legal counselors are allowed to attend, which are not considered to be adversarial in nature, the Division will not provide or pay for a legal counselor. The attendance of a legal counselor privately arranged for is entirely optional, and any legal counselor who does

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attend is expected to have the non-adversarial role of providing advice and assisting the juvenile or family in understanding the proceedings.

B. Initial Parole Hearings

1. Juveniles committed to the Division for secure care shall be placed on a calendar for an *Initial Parole Hearing* with the YPA within ninety- (90) days from the date of commitment. The purpose of this hearing is for the YPA to establish a suggested length of stay for the juvenile, to explain the reasons for his or her suggested length of stay, to review the competency development plan, to outline expectations that the YPA has regarding the juvenile's conduct at the facility, and to establish a date for the next hearing.
2. The assigned case manager and unit coordinator or designee from the secure care facility shall attend the Initial Parole Hearing.
3. The initial report will be prepared by the case manager and submitted to the YPA at least two weeks prior to the scheduled hearing. The case manager is responsible for submitting the following:
 - a. identifying information,
 - b. delinquency history,
 - c. summary of committing offenses, police reports when requested,
 - d. pending charges,
 - e. summary of placement history,
 - f. social information,
 - g. restitution orders/victim information,
 - h. disciplinary problems (coordinate with secure care facility staff),
 - i. treatment plan (coordinate with secure care facility staff),
 - j. school/vocational status,
 - k. date and signature of case manager, and supervisor.

C. Progress Review Hearings

1. A *Progress Review Hearing* will be held at least three months from the date of the initial hearing and every three to six months thereafter. The purpose of this hearing is to review the juvenile's overall progress in secure care and to establish a date for a Parole Review Hearing, if appropriate.

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2. The supervisor and advocate or designee from the secure care facility shall attend the hearing. The assigned case manager or designee should be present at the hearing when possible.
3. Facility staff shall submit a progress report to the YPA administrative officer at least two weeks prior to the hearing. The report will consist of:
 - a. the progress the juvenile has made in regards to the individual treatment plan and objectives;
 - b. an update regarding social, psychological, and/or psychiatric information when appropriate;
 - c. an update of educational or vocational progress and plans;
 - d. copies of any incident reports and an explanation of any major violations of the law or rules and regulations of the secure care facility; and
 - e. recommendations.

D. Parole Review Hearings

1. A *Parole Review Hearing* may be scheduled to be held near the beginning point of the suggested length of stay. The purposes of such a hearing are to 1) review the juvenile's progress on his/her individual treatment plan and objectives, 2) consider recommendations regarding a parole release plan as developed by the secure-care staff and case manager, 3) establish conditions of parole, and 4) set a date for parole release, if appropriate. Parole release dates can be scheduled to begin in time frames of zero (0) days to ninety (90) days, but cannot exceed one hundred twenty (120) days. The parole release date may commence the date of the parole review hearing, or it could begin at some future date designated by the YPA or secure care staff. The Director of the secure-care facility or their designee will approve the parole release date within the given parole release time frame. A finding by the YPA that the juvenile has not made sufficient progress on his/her individual treatment plan and objectives may result in the hearing being modified to serve as a Progress Review hearing, and the Parole hearing being rescheduled for a later date.
2. The assigned case manager and facility supervisor or designee shall be present at the hearing.
3. The parole report will be reviewed by the unit supervisor and submitted to the administrative officer of the YPA two weeks prior to the scheduled hearing. The unit supervisor is responsible for submitting the following information:

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- a. identifying information,
- b. educational update,
- c. medical information/status of medications where appropriate,
- d. outstanding court obligations,
- e. discipline problems (report all serious and major incidents and include disciplinary findings if any),
- f. psychological and/or psychiatric information (when specifically requested by the YPA member and any additional information gained since last hearing,
- g. progress made in relationship to Competency Development Plan and treatment goals. The unit coordinator will address each treatment issue, and document in the report;
- h. the degree of progress the juvenile has made regarding each treatment issue. Progress in regards to each treatment issue will be rated as: Needs Improvement, Fair, Good, or Excellent;
- i. Needs Assessment Transition Plan (from case manager);
 - i. Prospective placement
 - ii. Specific conditions of parole
 - iii. Authorization for parole status will not be considered without a comprehensive placement plan.
- j. date and signature of unit coordinator. The case manager and secure care facility staff will assist the juvenile in respect to the parole release hearing to help them in appearances before the YPA in executing appeals, and in dealing effectively with the release progress.

E. Rescission Hearings

1. When the YPA has established an effective parole date, release is contingent on continued satisfactory conduct by the juvenile. If a juvenile who has been granted a parole date violates facility rules or commits new delinquent act(s) at any time prior to release on parole, staff shall notify the Director of the secure care facility.
2. Following receipt of such information, the facility Director may request a *Rescission Hearing* before the YPA. Incident reports regarding violations or alleged delinquency shall be forwarded to the YPA before the hearing.
3. A Rescission Hearing will be scheduled by the YPA on the next available docket at the secure-care facility in which the action was initiated. The juvenile shall not be released until the YPA has heard the matter. If the next

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available docket is after the release date, the YPA may extend the parole date to the next available docket without a hearing.

4. The juvenile is given written notice by the YPA at least forty-eight (48) hours prior to the hearing specifying the information to be considered at the hearing. The notice states the allegation and the purpose of the hearing to decide whether rescission of the parole date is warranted.
 - a. The juvenile shall be afforded an opportunity at the rescission hearing to explain any mitigating circumstances and to present documentary evidence in mitigation of the misconduct. The YPA may consider documentary evidence and/or written testimony presented by other persons.
 - b. The juvenile has the option of having a responsible person of their choice attend and represent the juvenile at the rescission hearing. The function of the juvenile's representative will be to offer a statement following the discussion of the charges with the juvenile and to provide such additional information as the YPA may require. (And see III-A.1 above describing possible attendance of family members, clergy or other personal advisor, or legal counselor).
 - c. If a parole date is rescinded, the YPA gives to the juvenile a written statement of the findings and the evidence relied upon.
5. Based on its findings, the YPA may or may not rescind the parole date. In the event the juvenile's parole is rescinded, the YPA may establish a new parole date or schedule a new hearing for parole determination.
6. The Director or designee of the secure-care facility may request the YPA to extend a parole release date when, due to no fault of the juvenile, a placement and/or condition of parole has changed or cannot be fulfilled. The Director or designee must give reasons for the extension. Upon receipt of the request he YPA may, without holding a hearing, extend the release date up to thirty- (30) days. If the juvenile disagrees with the request, he or she will be permitted a personal appearance to show cause why the date should not be extended.

F. Special Administrative Hearings

1. The YPA can request a *Special Administrative Hearing* when circumstances require immediate action. The Director or designee of the secure-care facility will request such a special administrative hearing in writing when he or she believes special conditions exist which warrant an early release or a change in

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conditions of a previous decision. These circumstances could include, but not be limited to;

- a. illness in family,
- b. illness of juvenile requiring extensive medical attention,
- c. exceptional performance or progress in the facility, or
- d. exceptional opportunity for employment.

2. The juvenile's family may also prepare a report for the YPA outlining the circumstances needing consideration
3. The juvenile is not afforded a right to make a personal appearance or a right to have legal representation or other representative at this type of hearing, but a member of the secure-care facility staff may be present at the hearing. The juvenile will be notified in writing of the YPA decision.

G. Pre-revocation Hearings

1. The purpose of a *Pre-revocation Hearing* is to determine if there is probable cause or sufficient evidence that a parole violation has occurred and justifies proceeding with a Revocation Hearing.
2. The YPA's administrative officer either presides at the Pre-revocation Hearing or appoints a designated hearing officer.
3. When a warrant of arrest is issued, a juvenile may be held in a local detention facility for a period not to exceed forty-eight (48) hours, excluding weekends and legal holidays, to allow time for the Pre-revocation Hearing to occur.
4. Notice to Parolee
 - a. The case manager is to complete the Notice of Pre-revocation Hearing and alleged parole violation which includes the following information:
 - i. specific nature of the alleged violation(s).
 - ii. date and place of alleged violation(s).
 - iii. date of hearing.
 - b. The notice is to be delivered to the juvenile at least twenty- four (24) hours prior to the hearing.
 - i. The case manager is to deliver the original and copies of the notice to the juvenile.
 - ii. The case manager is to read the entire notice to the juvenile upon delivery.

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- iii. The juvenile will sign and date the notice and two (2) copies, indicating they received it.
 - iv. If the juvenile chooses to waive the Pre-revocation Hearing, they are to sign and date the waiver and two (2) copies.
 - v. If the parolee refuses to sign the notice or to waive hearing a statement to that effect will be noted by the case manager at the bottom of the form and two (2) copies. The case manager signs and dates this statement and a Pre-revocation Hearing is scheduled.
 - c. Distribution
 - i. The juvenile is to receive the original notice.
 - ii. The case manager is to keep one (1) copy of the notice with original signatures.
5. The following information is forwarded by the case manager to the hearing officer prior to the hearing:
 - a. the Notice of Preliminary Hearing and Alleged Parole Violations,
 - b. witness list,
 - c. parole violation report,
 - d. police reports and written statements,
 - e. Juvenile Court information,
 - f. other pertinent information,
6. At the hearing, the case manager will present the evidence to support the alleged violation to the hearing officer.
7. The hearing officer will base his or her decision to proceed with a revocation hearing based on conclusive evidence that a violation has occurred.
 - a. If there is no conclusive evidence of a violation, the parolee is released from temporary detention.
 - b. If there is conclusive evidence of a violation, the parolee is held in detention until a revocation hearing can be held, no more than twenty-one (21) working days from the date of the Pre-revocation Hearing or signed waiver.
 - c. The hearing officer shall notify the parolee of their decision at the conclusion of the Pre-revocation Hearing. A written finding of facts shall be forwarded to the parolee within at least 72 hours prior to the Revocation Hearing.

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H. Revocation Hearing

1. The purpose of a *revocation hearing* is to determine if the alleged parole violation occurred. As described in III-A. 2 above, the juvenile has the right to representation by a legal counselor at a revocation hearing. And further, for this type of hearing, the Division will appoint a legal counselor to represent the juvenile at the Divisions expense.
2. At the revocation hearing the charges are read and the parolee either admits to or denies the allegations.
 - a. If the charges are denied, an evidentiary hearing is conducted. Based upon pending Juvenile Court action, the YPA may continue the matter at the parolee's request. When the pending action is resolved, another hearing can be scheduled.
 - b. The parolee may admit to the charges and be given a disposition at that time.
3. If the alleged charges are found to be true and parole is revoked, the YPA may:
 - a. remand the parolee to a secure care facility and schedule a Progress or Parole hearing, or;
 - b. set a new parole date with revised special conditions of parole as warranted.
4. If the alleged charges are found to be not true, the parolee will be released immediately from secure confinement.
5. The juvenile is notified verbally and in writing by findings of fact and conclusion of law and order within fourteen days after a revocation hearing is held.
6. The administrative officer prepares and signs, on behalf of the YPA, the findings of fact and conclusions of law. The document is forwarded to the juvenile (and to the juvenile's legal counselor who participated in the hearing, if any). Copies are given to the secure care facility, parole officer, and case file.

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I. General Administrative Hearings

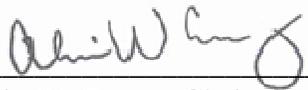
1. The YPA conducts administrative hearings for the purpose of determining termination from parole. The case manager and supervisor initiate requests for parole termination. The requests are submitted in writing to the YPA summarizing the performance of the juvenile during the period of supervision. The following criteria may be utilized in determining whether termination of parole supervision is appropriate:
 - a. stable full-time employment or educational involvement.
 - b. remaining incident free for at least 6 months from the secure-care release date.
 - c. good adjustment in the community.
 - d. age and rehabilitation.
 - e. involvement in the Adult Criminal Justice System.

2. Case Managers are encouraged to consider parole termination when it is clear that delivery of services is no longer required to protect the community and/or add to the juvenile's overall adjustment.

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.

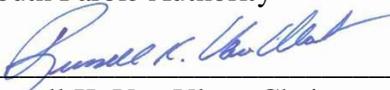
This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.



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