



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part II – Youth Services (Facilities)



*Subject:*

#### Agency Case Review and DOC Early Transfer Protocol

*Section – Policy Number:*

**A: Security – 1.5**

*Supersedes:*

II-A-1.5 (5/19)  
II-A-1.5 (7/17)  
II-A-1.5 (5/12)  
II-A-1.5 (7/08)  
II-A-1.5 (3/04)

*Effective Date:*

**07/30/2020**

*Date of Last Revised:*

**07/30/2022**

#### Related Standards and References:

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


#### Related Procedures:

- None

#### Policy Owner:

Facility Services Assistant  
Director

#### Approved:

  
Joseph O'Leary, Director

## I. PURPOSE:

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

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

## II. POLICY DEFINITIONS:

**Agency Case Review Committee:** A committee that conducts the executive-level review of all specified youth and their identified movements within and from OYA facilities, including the early transfer of DOC youth to the Department of Corrections. The Agency Case Review Committee has a minimum of three representatives from OYA's executive team comprised of at least two assistant directors, and a representative from the Office of Inclusion and Intercultural Relations.

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

**DOC Transfer Review Committee:** A committee that reviews all DOC early transfer requests from OYA facilities. The committee membership includes an OYA Facility Services manager, OYA Community Services manager, the OYA Office of Inclusion and Intercultural Relations manager or designee, the youth's living unit manager and JPPO, a DOC representative, and an available staff representative selected by the youth and determined appropriate by the superintendent or designee to support the youth throughout the process.

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

**PSR:** Public Safety Reserve - A number of beds in youth correction facilities that are reserved for youth who have been adjudicated for committing a specified crime type.

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

## III. POLICY:

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

OYA has identified diversity, equity and inclusion as an agency priority and initiative, with a goal to build a respectful, diverse, equitable and inclusive environment for youth and staff that is free from harassment, discrimination and bias. Data shows youth of color and LGBTQ+ youth are disproportionately represented in the juvenile justice system. While OYA is only one part of that system, we play a critical role in addressing the historical and systemic inequities it perpetuates. Staff must be aware of their biases when assessing youth for status changes. Including advisors from the Office of Inclusion and Intercultural

Relations (OIIR) in decision-making committees helps ensure OYA is making decisions that are culturally appropriate for youth in its care.

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

#### **IV. GENERAL STANDARDS:**

##### **A. Committee review designation**

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

1. All youth placed within OYA facilities for the following offenses:
  - a) Aggravated murder, as defined by ORS [163.095](#);
  - b) Murder I, as defined by ORS [163.107](#)(1);
  - c) Murder II, as defined by ORS [163.115](#);
  - d) Attempt to commit murder, as defined by ORS [161.405](#)(2)(a);
  - e) Manslaughter I, as defined by ORS [163.118](#);
  - f) Manslaughter II, as defined by ORS [163.125](#);
  - g) Criminally Negligent Homicide, as defined by ORS [163.145](#);
  - h) Rape I, as defined by ORS [163.375](#);
  - i) Sodomy I, as defined by ORS [163.405](#);
  - j) Unlawful sexual penetration I, as defined by ORS [163.411](#);
  - k) Assault I, as defined by ORS [163.185](#);
  - l) Robbery I, as defined by ORS [164.415](#);
  - m) Arson I, as defined by ORS [164.325](#);
  - n) Kidnapping I, as defined by ORS [163.235](#);
  - o) Assault I, as defined by ORS [163.175](#);
  - p) Kidnapping II, as defined by ORS [163.225](#);
  - q) Rape II, as defined by ORS [163.365](#);

- r) Sodomy II, as defined by ORS [163.395](#);
  - s) Unlawful sexual penetration II, as defined by ORS [163.408](#);
  - t) Sexual abuse I, as defined by ORS [163.427](#);
  - u) Robbery II, as defined by ORS [164.405](#);
  - v) Using a child in a display of sexually explicit conduct, as defined by ORS [163.670](#);
  - w) Aggravated vehicular homicide, as defined by ORS [163.149](#);
  - x) Unlawful manufacture or delivery of a controlled substance thereby causing death, as defined by ORS [475.752](#)(6);
  - y) Compelling prostitution as defined by ORS [167.017](#); or
  - z) Conspiracy to commit any of the offenses listed above, as defined by ORS [161.450](#).
2. Youth whose cases pose unusual or special circumstances affecting facility safety and security, or are sensitive due to the nature of the crime and the community as defined by the director, Facility Services assistant director, superintendent, or camp director.
  3. All DOC youth placed within OYA facilities.

**B. JJIS population groups**

1. If a case meets the criteria listed in section 1 or 2 above, staff must record the ACR requirement by entering the proper JJIS “population group” of Agency Case Review, and a subgroup listed below:
  - a) PSR crime type required (youth adjudicated after 01/01/2020);
  - b) PSR pre-2020 (youth adjudicated before 01/01/2020); or
  - c) Special review requested.
2. DOC youth cases do not have a population group as they are tracked in JJIS differently.

**C. Review parameters**

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

1. Any offsite or community activity such as work assignments, and home, bedside, or funeral visits;
  2. Non-emergent medical or dental appointments off facility grounds when such transport is without restraints as defined in OYA policy [II-A-3.1 \(Facility Youth Transports and Escorted Trips\)](#);
  3. Movement to a placement with a decreased level of security (such as from a secure facility to a work/study or transition program); and
  4. Community placement.
- D. Review process
1. At least two members of the ACR Committee must review the cases.
  2. The Facility Services assistant director must forward the supporting information for review to the other member(s) of the ACR Committee.
    - a) Facility staff must complete an Agency Case Review form (YA 4105) to compile required information.
    - b) In addition to the YA 4105, the following information must be provided:
      - 1) MDT recommendation;
      - 2) Transition plan;
      - 3) Documented recommendation from the DOC OYA case manager,(for DOC youth); and
      - 4) Any other supportive information.
  3. The approval or denial of a request may be delayed if the ACR Committee requires additional information to make a decision.

E. Documentation of ACR Committee decision

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

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

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

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

3. The Findings and Order must be saved in JJIS, and a copy placed in the youth's case file.

## **V. DOC Early Transfer Protocol**

- A. A DOC youth may be considered for an early transfer (before age 25) to DOC if the DOC youth:
  1. Poses a substantial danger to others; or
  2. Is not likely, in the foreseeable future, to benefit from the rehabilitation and treatment programs administered by OYA and is appropriate for placement in a DOC institution; and
  3. Is at least age 18.
- B. The requests are processed centrally, following these guidelines:
  1. The DOC youth's MDT must agree that the DOC youth may be considered for transfer to DOC physical custody.
  2. An OYA manager must complete a Request to Transfer to DOC form (YA 4106).
  3. The superintendent or camp director will evaluate any request to transfer a DOC youth to the physical custody of DOC with the facility's management team.
  4. The superintendent or camp director will send the completed Request to Transfer to DOC to the Facility Services chief of operations.
  5. The Facility Services chief of operations will schedule an in-person review of the request and forward the Request to Transfer to DOC to the DOC Transfer Review Committee.

The in-person review may be conducted by video conference if no other option is available.
  6. An in-person review with the DOC youth must take place within 10 business days of the Facility Services chief of operations receiving the request.
  7. The DOC Transfer Review Committee must review all pertinent information and conduct an in-person review with the DOC youth.
  8. The DOC Transfer Review Committee must forward a recommendation for DOC transfer approval or denial to the ACR Committee within seven business days of the in-person review.
  9. The recommendation for approval or denial of a request may be delayed if the DOC Transfer Review Committee requires additional information to make a recommendation.

10. The ACR Committee must review the case as described in section IV.C. above.
11. An ACR Findings and Order must be issued by the Facility Services assistant director upon approval or denial of the DOC transfer request.

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

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

- b) The Findings and Order must be saved in JJIS, and a copy placed in the DOC youth's case file.
- c) A Decision Point reflecting the decision must be noted in JJIS.

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

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

- D. DOC youth must be placed on a community safety protocol as an available opportunity afforded them for treatment and engagement in safe behavior prior to being transported to DOC.
- E. Female DOC youth will remain at Oak Creek YCF as the last available opportunity afforded them for treatment prior to transferring to DOC or pending transport to DOC.

## **VI. LOCAL OPERATING PROTOCOL REQUIRED: NO**