I. PURPOSE:

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

Guidelines for returning Department of Corrections (DOC) offenders to DOC are also outlined.
II. POLICY DEFINITIONS:

**Administrative Review Board (ARB):** The facility committee that reviews and is responsible for all major decisions concerning offenders who currently reside in facilities. The ARB recommends initial placement of offenders, length of stay, and transfers to other levels of custody, and initiates placements to parole, foster care, or to the community.

**Agency Case Review Committee:** A committee that conducts the executive-level review of all specified offenders and their identified movements within and from OYA facilities, including the return of DOC offenders to the Department of Corrections. Upon review, an approval or denial will be documented in a Findings and Order. The Agency Case Review Committee will have a minimum of two representatives from OYA's executive team comprised of at least two assistant directors.

**DOC Offender:** 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.

**DOC Return Review Committee:** A committee comprised of an OYA Facility Services manager, OYA Community Services manager, the OYA Office of Minority Services manager or designee, the offender's treatment manager, and a DOC representative. The committee reviews all DOC return requests from OYA facilities.

**Offender:** 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 executive-level review of certain offender status changes, location, or release into the community is necessary in cases with community safety, sensitivity, or public perception concerns. The transporting, transferring, and release of certain offenders in close-custody facilities requires an executive-level review by the Agency Case Review Committee.

When a DOC offender is considered for transfer to DOC for behavioral reasons, an in-person review must be conducted. The DOC Return Review Committee is designated by the OYA Director to review such cases. DOC Return 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 offender cases prior to any change in status, location, or release into the community.

1. All offenders placed within OYA facilities for the following offenses or behaviors:
   a) Aggravated Murder, as defined by ORS 163.095;
   b) Murder, as defined by ORS 163.115;
   c) Attempted Murder, as defined by ORS 161.405(2)(a);
   d) Manslaughter I, as defined by ORS 163.118;
   e) Manslaughter II, as defined by ORS 163.125;
   f) Criminally Negligent Homicide, as defined by ORS 163.145;
   g) Conspiracy to commit any of the offenses listed above, as defined by ORS 161.450; or
   h) Offenders 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, Facilities Services Assistant Director, superintendent/camp director, or the Administrative Review Board (ARB).

2. All DOC offenders placed within OYA facilities.

B. Review parameters

1. Staff must refer all cases that meet the above criteria to the ACR Committee for review and approval of the following activities:
   a) Any offsite or community activity such as work assignments, and home, bedside, or funeral visits;
   b) 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 Offender Transports and Escorted Trips);
   c) Movement to a placement with a decreased level of security (such as from a secure facility to a work/study or transition program); and
   d) Community placement.
C. Review process

1. At least two members of the ACR Committee will review the cases.

2. The Facility Services Assistant Director will 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 will be provided:

      1) ARB recommendation;

      2) Transition plan;

      3) Documented recommendation from the DOC OYA case manager, (for DOC offenders); 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.

D. 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 will be noted in JJIS.

3. The Findings and Order will be saved in JJIS, and a copy placed in the offender’s master file.

V. DOC Return Protocol

A. A DOC offender may be considered for return to DOC if the DOC offender:

   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.

B. The requests will be processed centrally, following these guidelines:

1. An OYA manager must complete a Request to Return to DOC form (YA 4106).

2. The superintendent or camp director will evaluate any request to return a DOC offender to the physical custody of DOC with the facility’s management team.

3. The superintendent or camp director will send the completed Request to Return to DOC to the Facilities Services Chief of Operations.

4. The Facility Services Chief of Operations will schedule an in-person review of the request and forward the Request to Return to DOC to the DOC Return Review Committee.

   The in-person review may be conducted by video conference if no other option is available.

5. An in-person review with the DOC offender must take place within 10 business days of the Facility Services Chief of Operations receiving the request.

6. The DOC Return Review Committee must review all pertinent information and conduct an in-person review with the DOC offender.

7. The DOC Return Review Committee must forward a recommendation for DOC return approval or denial to the ACR Committee within seven business days of the in-person review.

8. The recommendation for approval or denial of a request may be delayed if the DOC Return Review Committee requires additional information to make a recommendation.

9. The ACR Committee must review the case as described in section IV.C. above.

10. An ACR Findings and Order must be issued by the Facilities Services Assistant Director upon approval or denial of the DOC return 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 will be clearly described in the Findings and Order.

b) The Findings and Order will be saved in JJIS, and a copy placed in the DOC offender’s master file.

c) A Decision Point reflecting the decision will be noted in JJIS.

C. Facility staff will complete an Administrative Transfer Request (DOC form: CD 1206) when a DOC offender is approved for return to DOC.

The form will be sent to the DOC Classification and Transfer Division. The Classification and Transfer Division will arrange the DOC offender’s transportation.

D. Male DOC offenders will be transported to MacLaren YCF as the last available opportunity afforded to them for treatment or pending transport to DOC.

DOC offenders housed at Hillcrest YCF may remain at Hillcrest YCF as the last available opportunity afforded to them for treatment prior to returning to DOC or pending transport to DOC.

E. Female DOC offenders will remain at Oak Creek YCF as the last available opportunity afforded them for treatment prior to returning to DOC or pending transport to DOC.

F. This review process will not apply to DOC offenders who have -

1. requested program opportunities at DOC such as Shutter Creek or other transitional services;

2. escaped; or

3. reached the age of 25.

G. Staff will follow OAR 291-052-0035 when DOC offenders escape or reach the age of 25.

VI. LOCAL OPERATING PROTOCOL REQUIRED: NO