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POLICY AND ADMINISTRATIVE PROCEDURE Manual of Policies and Procedures				

Title CLASSIFICATION ASSIGNMENTS FOR YOUTH INCARCERATED AS ADULTS AND ALTERNATIVELY SENTENCED YOUTH

Legal References (includes but is not limited to) Indiana Code 11-8-2-5(a)(8) Indiana Code 11-10-1-3 Indiana Code 31-30-4-1 through 31-30-4-7 Indiana Code 31-30-2-1 Indiana Code 35-38-2.5 Indiana Code 35-38-2.6	Related Policies/Procedures (includes but is not limited to) 01-04-101 01-07-101 01-08-101 01-04-105	Other References (includes but is not limited to) ACA: (ACI) 4-4306M; 4-4307 through 4-4312
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I. **PURPOSE:**

The purpose of this policy and administrative procedure is to present the placement criteria and services for Youth Incarcerated as Adults and Youth with Alternative Sentences that have been committed to the Indiana Department of Correction.

II. **POLICY STATEMENT:**

The Indiana Department of Correction and the courts recognize that youthful offenders and older offenders have different needs and may require different services and classification assignments. To this end, the Indiana State Legislature has passed an Alternative Sentencing law that allows courts, that have waived a youthful offender, to require the youth to be housed in a Division of Youth Services (DYS) facility until the youthful offender reaches the age of eighteen (18). Once the youthful offender reaches the age of eighteen (18), the Department shall notify the sentencing court. The sentencing court will set a review hearing concerning the youthful offender prior to the youthful offender reaching the age of nineteen (19). The Department may also review Youth Incarcerated as Adults for placement in a DYS general population unit.

III. **DEFINITIONS:**

A. **ALTERNATIVE SENTENCE:** A sentence imposed on a youthful offender that has been waived to the adult justice system that orders the youthful offender be placed in a Division of Youth Services (DYS) facility until the youthful offender reaches the age of 18, when the court will review the sentence and the youthful offender’s progress, per Indiana Code 31-30-4-1 through 31-30-4-7.

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- B. INTAKE FACILITY: A facility designated by the Commissioner to receive offenders from a court.
 - 1. Male Youth Incarcerated as Adults shall be received at the Pendleton Juvenile Correctional Facility;
 - 2. Male Youth with Alternative Sentences shall be received at the Logansport Juvenile Intake Unit;
 - 3. Female Youth Incarcerated as Adults shall be received at the LaPorte Juvenile Correctional Facility Intake Unit; and,
 - 4. Female Youth with Alternative Sentences shall be received at the LaPorte Juvenile Correctional Facility Intake Unit.

- C. INTER-FACILITY TRANSFER: The movement of an offender between facilities, or sub-facilities at designated facilities, requiring a Transfer Authority.

- D. INTRA-FACILITY TRANSFER: The reassignment of an offender within a facility, involving a job or housing assignment, not requiring a Transfer Authority.

- E. OFFENDER: An adult or juvenile person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult or juvenile under Parole supervision; under probation supervision following a commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.

- F. YOUTH INCARCERATED AS ADULTS (YIA): Those offenders under the age of eighteen (18) years who have been committed as adults to the Department of Correction for the commission of a felony offense and who have been designated as such for the purpose of providing special programming as required by Indiana Code 11-8-2-5(a)(8).

IV. INTAKE

- A. Intake for youth receiving Alternative Sentences:
 - 1. The counties will deliver youth that have received Alternative Sentences to a DYS Intake facility.
 - 2. If the youthful offender is mistakenly delivered to an adult intake facility, the adult intake facility shall:

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- a. Contact the Executive Director of Youth Services/designee and the Executive Director of Classification/designee within twenty-four (24) hours of reception to arrange transportation by the adult intake facility to the appropriate DYS intake facility.
- b. Depending on the transfer date to the DYS Intake facility, The adult intake facility shall ensure that the youthful offender begins medical screening in accordance with IDOC Health Care Services Directive 2.03, "Reception Screening."
- c. The adult intake facility shall also initiate the Sexual Violence Assessment Tool in accordance with Policy and Administrative Procedure 02-01-115, "Sexual Abuse Prevention."
- d. The adult intake facility shall also enter the youthful offender into the offender information system and the juvenile data system.
- e. When the youthful offender departs to a DYS facility, the adult intake facility shall enter the youthful offender into the offender information system as a "Temp-Out," with location being the DYS facility. A block of IDOC numbers for youthful offenders shall be reserved by the Director of Operational Support Services for this purpose.

B. Intake for Youth Incarcerated as Adult

The counties will deliver Youth Incarcerated as Adult offenders to designated DYS facility:

1. Male: Pendleton Juvenile Correctional Facility; and,
2. Female: LaPorte Juvenile Correctional Facility.

The Warden or designee shall evaluate and approve/deny placement of a YIA offender in general population based upon:

1. A review of all sentencing documentation; and,
2. An interview with the Youth.

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If the Warden approves the placement of a YIA in general population upon Intake, classification shall be documented on State Form 20838, "Classification Hearing Results." If the placement in general population occurs after Intake, a completed State Form 7268, "Reclassification Request," shall be submitted to the facility classification committee to document.

C. Assigning IDOC numbers

YIA offenders and youth with Alternative Sentences shall be issued two (2) IDOC numbers from the Office of the Department Records Coordinator:

1. One number shall be used in the offender information system to track the youthful offender's sentence and credit time computations.
2. The second number shall be assigned in the juvenile data system by the DYS to track the youthful offender's activities and progress while housed in the DYS facility.
3. If the youth has a previous commitment in DYS, the youth shall retain the IDOC number assigned during the previous commitment and shall be issued a new IDOC number for the offender information system.

The DYS facility shall complete adult and juvenile intake process for YIA offenders in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification," and, Policy and Administrative Procedure 03-02-104, "Juvenile Classification and Comprehensive Case Management."

V. TRANSPORTATION:

All scheduled transports to/from adult Intake facilities for YIA shall be coordinated through the Director of Operational Support Services. Non-scheduled transports may be coordinated through the support of the Pendleton Correctional Facility or Correctional Industrial Facility unless an emergency situation occurs where Pendleton Juvenile Correctional Staff may have to transport. When a YIA offender is transported for an emergency or scheduled medical appointment, the DYS facility shall notify the Executive Director of the Division of Youth Services or designee, and the Chief Medical Officer or designee.

VI. PROGRAMMING:

A. Education Services

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1. Youth Incarcerated as Adult participation in academic educational services shall be mandatory in accordance with individual need until the offender reaches the age of eighteen (18) years or until completion of high school or attainment of Test Assessing Secondary Completion (TASC).
2. Youths Incarcerated as Adult with special education needs shall be provided services in accordance with the administrative procedures for Policy 01-01-101, "The Development and Delivery of Academic and Technical Education."
3. Appropriate education time cuts shall comply with Section VII, "Credit Time," of Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

B. Mental Health and Cognitive Programming

1. All Youths Incarcerated as Adult shall receive mental health services based on identified need.
2. All facilities designated to house Youths Incarcerated as Adult shall provide cognitive-behavioral programming to all youth assigned to the Youth Incarcerated as Adult program.
3. All Youths Incarcerated as Adult shall follow programming as identified for youth in Policy and Administrative Procedure 03-02-104, "Juvenile Classification and Comprehensive Case Management."

C. Sex Offender Management and Monitoring (SOMM)

All Youth Incarcerated as Adult offenders meeting the criteria for placement in the SOMM program are subject to applicable executive directives, policies, and administrative procedures for the SOMM Program, once the youth is transferred to an adult facility.

VII. DISCIPLINE:

Youths Incarcerated as Adult assigned to the Youthful program shall be subject to all Department and facility administrative and operational procedures as well as facility operation directives, consistent with this policy and administrative procedure.

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- A. All YIA offenders housed in DYS facilities shall be subject to disciplinary actions in accordance with Policy and Administrative Procedure 03-02-101, “Code of Conduct for Youths.” If a serious incident occurs, it shall be reviewed on a case by case basis by the designated Warden for possible referral to Policy and Administrative Procedure 02-04-101, “The Disciplinary Code for Adult Offenders.”
- B. All Alternately Sentenced offenders shall be subject to disciplinary actions in accordance with Policy and Administrative Procedure 03-02-101, “Code of Conduct for Youths.”
- C. The disciplinary hearing for any disciplinary action involving a Policy and Administrative Procedure 02-04-101 conduct violation shall be completed by DYS staff trained in the Adult Disciplinary Process or the designated adult facility disciplinary hearing officer/committee. Staff from an adult facility shall assist with the disciplinary hearing for any disciplinary action involving a Policy and Administrative Procedure 02-04-101 conduct violation.
- D. If the decision of the Disciplinary Hearing Committee is to impose a sanction of a loss or deprivation of credit time, the completed State Form 39586, “Report of Disciplinary Hearing,” shall be forwarded to the Executive Director of Classification to be effected.

VIII. FUNCTIONS AND RESPONSIBILITIES:

Staff members of the Pendleton Juvenile Correctional Facility and the LaPorte Juvenile Correctional Facility shall ensure that the following functions and responsibilities are completed for each Youth Incarcerated as Adult, and a process is in place to complete these functions and responsibilities in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification:”

- A. Admission and Orientation;
- B. Annual Reviews;
- C. Tracking of release dates;
- D. Tracking of date of birth for transfer purposes; and,
- E. Credit Time.

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IX. ACTION TAKEN WHEN A YOUTH INCARCERATED AS ADULT TURNS EIGHTEEN (18) YEARS OLD:

- A. When a Youth Incarcerated as Adult is approximately sixty (60) days prior to turning eighteen (18) years old, the facility shall determine whether the Youth Incarcerated as Adult will remain at the Pendleton Juvenile Correctional Facility/LaPorte Juvenile Correctional Facility, or be transferred to an adult facility via an Inter-Facility Transfer. If it is determined to return the YIA offender to an adult facility, staff shall complete State Form 3412, "Report of Classification Hearing;" State Form 44355, "Report of Inter-Facility Transfer;" and State Form 7263, "Classification Designation." These completed State Forms shall be forwarded to the Classification Supervisor/designee and the designated Central Office Classification Analyst/designee. If it is determined that the YIA offender is to be retained at Pendleton Juvenile Correctional Facility State, Form 3142, "Report of Classification Hearing, " shall be forwarded to the Executive Director Division of Youth Services and Executive Director of Classification for approval.

- B. The Division of Youth Services facility shall send bi-weekly (twice per month) reports (spreadsheets) to the Executive Director of Classification, the Supervisor of Offender Release and Sentence Computation, designated Release Coordinators, the Executive Director of Youth Services, and designated facility staff. The bi-weekly reports shall include the following information:
 1. YIA and Alternatively Sentenced Youth
 - a. Offender name;
 - b. Adult IDOC number;
 - c. DYS IDOC number;
 - d. Committing County;
 - e. Risk level;
 - f. Committing Offense;
 - g. Date of Birth;
 - h. Date the Notification Letter is to be sent;
 - i. Intake date;
 - j. Earliest Possible Release Date (EPRD);
 - k. Release Status (YIA or Alternatively Sentenced);
 - l. Current Date; and,
 - m. Current housing location (Unit)

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2. YIA Offenders Transferred or Released

- a. Transfer/Release Date;
- b. Release, or if transferred, the receiving facility;
- c. Offender name;
- d. Adult IDOC number;
- e. DYS IDOC number;
- f. Committing County;
- g. Risk Level;
- h. Committing Offense;
- i. Date of Birth;
- j. Date the Notification Letter is to be sent;
- k. Intake date;
- l. Earliest Possible Release Date (EPRD);
- m. Release Status (YIA or Alternatively Sentenced);
- n. Current Date; and,
- o. Current housing location (Unit)

C. Each YIA offender shall be reviewed on an individual basis to determine whether to transfer the YIA offender to an adult facility or to retain the YIA offender at the Pendleton Juvenile Correctional Facility/ LaPorte Juvenile Correctional Facility. Transfers from DYS facilities to adult facilities shall be coordinated through the facility Classification Supervisor or designee, and the appropriate Central Office Classification Analyst or designee. If it is decided the YIA offender shall be transferred to an adult facility, the YIA offender shall be transferred to RDC/RTI for a full Intake evaluation prior to being assigned to an adult facility. The transport to RDC/RTI shall be coordinated through the Director of Operational Support Services. The Executive Director of Classification and the Executive Director of the Division of Youth Services shall be notified via email of all upcoming transfers.

X. ALTERNATIVELY SENTENCED YOUTHFUL OFFENDERS REACHING THE AGE OF MAJORITY:

Forty (40) days prior to the Alternatively Sentenced youth's eighteenth (18th) birthday, the Department shall notify the sentencing court, the assigned prosecutor, and the assigned defense attorney of the approaching birthday with a letter and growth summary.

The sentencing court will hold a review hearing concerning the youth before the youth turns nineteen (19) years old. The sentencing court may:

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- A. Continue the youth’s placement in a DYS facility until the objectives of the sentence imposed on the youth have been met, if the sentencing court finds that the objectives of the sentence imposed on the youth have not been met;
- B. Discharge the youth if the sentencing court finds that the objectives of the sentence imposed on the youth have been met;
- C. Order completion of all or part of the youth’s suspended criminal sentence in an adult facility; or,
- D. Place the youth:
 - 1. in Home Detention;
 - 2. in a Community Corrections program;
 - 3. on probation; or,
 - 4. in any other appropriate alternative sentencing program.

XI. CREDIT TIME AND CREDIT TIME AWARD RELATED PROGRAMMING:

Alternatively Sentenced and internally classified Youth Incarcerated as Adult offenders shall receive similar programming as other youths in DYS facilities.

DYS programs that qualify the YIA offender for time cuts are:

- A. Education (180/183 days); and,
- B. Vocational education (90 days).

If the youth receives the TASC, a copy of the TASC certificate and a copy of the score sheet shall be sent to the Executive Director of Classification or designee for confirmation and revision of the Earliest Projected Release Date (EPRD).

XII. RECLASSIFICATION, INTER-FACILITY TRANSFERS, AND APPEALS:

- A. The Department may transfer a Youth Incarcerated as Adult offender or Alternatively Sentenced youthful offender housed in a DYS facility to an adult facility in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification,” if the Commissioner determines that a transfer is in the best interest of the Youth Incarcerated as Adult and the Department.
- B. An internally classified youthful offender receiving an Inter-Facility Transfer may appeal the decision by using the appeal process outlined in Section IV, “Functions and Processes,” of Policy and Administrative Procedure 01-04-101, “Adult Offender Classification.” Appeal forms may be obtained from the Law Library or through Case Management staff.

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- C. A YIA offender housed at the Pendleton Juvenile Correctional Facility may be classified to the general population unit or may remain in the designated YIA housing unit.

XIII. STAFF TRAINING:

All DYS staff working with the YIA offenders shall receive training in Policy and Administrative Procedure 01-04-101, "Adult Offender Classification," Policy and Administrative Procedure 01-04-105, "Adult Offender Releases," and training on the offender information system and offender case management system.

XIV. RELEASES:

Releases of YIA offenders from the Department shall be completed in consultation with the designated Central Office Release Specialist/designee in accordance with Policy and Administrative Procedure 01-04-105, "Adult Offender Releases."

VIII APPLICABILITY:

This policy and administrative procedure is applicable to alternatively sentenced youth and Youth Incarcerated as Adults, and staff members of adult intake units, juvenile intake units, the Pendleton Juvenile Correctional Facility, and the LaPorte Juvenile Correctional Facility.

signature on file
 Robert E. Carter, Jr.
 Commissioner

 Date