

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

Subject: <b>Length of Stay</b>		Policy Number: <b>15</b>	
Number of Pages: <b>6</b>		Section: <b>XIII</b>	
Attachments		Related Standards & References	
<b>A – Crime Risk Matrix</b> <b>B – Aggravating/Mitigating Factors</b> <b>C – Risk Level Determination</b> <b>D- Extension of Stay form</b>		<b>ACA 3-JTS-5B-06</b> <b>Utah Juvenile System</b> <b>Mississippi Justice System Crime Chart</b>	
Effective Date:  <b>August 01, 2008</b> Revised <b>August 18, 2010</b>		Approved:   <b>Kathy Pittman, Director</b>	

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (DYS), that objective criteria will be used to determine the length of stay for youth at the training school. These objective criteria will take into consideration a youth's risk to the community (criminal and social history) and the youth's demonstrated rehabilitation while in the training school. Youth who complete all programming requirements and who demonstrate rehabilitation may have their stay at a training school shortened. Conversely, youth who do not complete treatment goals and/or engage in disruptive, aggressive, destructive, and disrespectful behavior may have their stay extended.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. **Management Team** – A group of staff (See Service Plan Policy 4 and Treatment Team Policy 5 located in Section VIII) responsible for developing and overseeing the implementation of the service plan. The management team will monitor the student's progress and revise the plan as needed. The team will link the student to programming and resources appropriate to risk/need.
- B. **Length of Stay** – The length of time a youth is housed in a training school. This length of time will be initially established using the formula for determining level of risk (see attachments A, B, and C). The length of stay may be shortened or lengthened based on the youth's performance improvement, habilitation, and the need for population management.
- C. **Service Plan** – A detailed written plan addressing the goals, objectives, timelines, and staff assignments which are measured to promote a rehabilitative program, which addresses areas of high risk/need, and establishes pro-social behavior. Furthermore, it is a holistic and comprehensive document that addresses the recreational, educational, vocational, medical, mental health, and transitional period needs, as well as the family history. Synonyms for service plan include case plan and management plan.

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### III. PROCEDURE

When a youth enters the training school, a youth’s management team will meet with the youth and discuss how long the youth will remain in the training school. The youth’s risk score will be used to determine how long the youth will remain in the training school. A tentative release date will be established using the midpoint of the range of the level of risk that has been established. Based on the youth’s behavior and demonstrated rehabilitation, the length of stay may be shortened or extended within the designated range. If a youth engages in serious delinquent activity (commits an act that would be a criminal offense in the community) and is convicted of a disciplinary violation, the youth’s risk level will be adjusted and the length of stay extended beyond the range initially established.

**A. Restricted Application** – This policy and procedure apply only to the staff of the Division of Youth Services, MDHS. It is not binding on outside agencies and/or the courts.

**B. Philosophy** – The following philosophical concepts and principles will be used to determine how long a youth should be retained in a training school.

1. **Least Restrictive Setting** – Youth will be managed in the least restrictive setting necessary to protect others and to contain their behavior. Youth will not be placed in high security housing units unless such a setting is needed for one or more of the following reasons: 1) their own protection (suicide risk), 2) for the protection of other youth, staff, or the public, or 3) to control their behavior.

2. **Adjustment for Performance** – A youth could have length of stay lengthened or shortened based on the youth demonstrated rehabilitation or lack thereof and conduct while in the training school. A youth who conforms to the rules and actively participates in programming, demonstrates rehabilitation, could have a length of stay shortened. Conversely, a youth who violates the facility’s rules and does not actively participate in programming demonstrated rehabilitation should have a length of stay extended.

3. **Equity of Stay** – The length of time a youth spends in the training school should be affected by the severity of the criminal offense the youth has committed and by a variety of aggravating and mitigating factors. For example, a youth who is serving an initial commitment to the training school for a misdemeanor should not spend more time than a youth who has committed a serious felony (all other factors being equal). Consequently, based on the risk score that has been computed, a minimum and a maximum length of stay will be computed and will be utilized unless extenuating factors apply.

**C. Pre Admission Package** – Pre Admission package is a compiling of key documents provided to the administration of the facility prior to transport of the student. This package is used to determine the risk level of the youth and the potential length of stay of the student. This risk level determination will also be used to help determine appropriate placement. The package must include at a minimum:

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1. Adjudication Order
2. Petition
3. Social History ( Narrative Form)
4. Offense History
5. Current School Records, including Individual Education Plans (IEP).
6. Medical Records
7. Mental Health Records
8. Risk Level Determination Sheet
9. Youth Admissions Form

The Risk Level Determination Sheet is to be screened by Oakley admission staff, reviewed by the Clinical Director or Designee, and then sent for signature by the Institution Director. It will then be forwarded the Risk Level Determination Sheet to the Community Services Director to sign and send out to the community counselor and regional director advising them all materials have been reviewed and approved for placement at Oakley. However, this does not ensure the youth will be accepted until medical and mental health screens are conducted by Oakley staff prior to admission.

**D. Management of Length of Stay-** The management team assigned to manage the youth will be responsible for making the initial determination of the appropriate length of stay for a given youth. The management team will meet with the youth no less than monthly (see Policy XII.2 – Management Teams) and will assess the youth’s performance within the facility. The youth’s treatment team will develop a service plan for the youth, and will develop a transition plan for the youth’s return to the community. As part of these processes, the management team will compute a proposed release date, and adjust that date based on the youth’s demonstrating rehabilitation. The recommended release date will be submitted to the facility administrator for final approval.

**E. Determining the Length of Stay –** The length of time a youth will be at a training school will be based on the level of risk a youth presents to the community and the youth’s demonstrating rehabilitation in the training school.

1. **Level of Risk –** The level of risk will be determined based on the committing offense and aggravating and mitigating factors relevant to the particular youth. The risk level will be computed using *Attachment C – Risk Level Determination*. The final risk score is computed as follows:
  - i. **Crime Risk Matrix –** The crimes for which a youth can be committed to the training school have been grouped into four categories. These are shown in *Attachment A – Crime Risk Matrix*. A youth will be assigned a starting risk level of one, three, five, or seven based on the committing offense.
  - ii. **Aggravating and Mitigating Factors –** A youth’s risk level will then be adjusted based on a number of aggravating or mitigating factors. These are shown in *Attachment B – Aggravating and Mitigating*

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**Factors.** The starting risk level could potentially be increased or decreased up to three risk levels based on the unique factors in a youth's background. So, for example, a youth who commits the offense of retail fraud (a level three offense) but has no prior record would receive a one level reduction (-1 for a limited adjudication history) and have a final risk score of two. Conversely, a youth who commits the offense of trespassing (a level one offense) but who has a history of violent offenses, exhibits no remorse and is gang involved (+3) would have a final risk score of four.

2. **Range of Stay** – The level of risk will be used to determine the minimum and maximum time a youth will spend at a training school.

i. **Risk Level 1** – The goal of staff at the training school will be to develop a viable supervision plan and release plan, and to return youth at level one to the community as soon as possible. Youth with a final risk score of one will have the following guidelines applied:

1. Minimum stay: N/A
2. Midpoint: N/A
3. Maximum stay: 2 weeks

ii. **Risk Level 2** – The goal of staff at the training school will be to develop a viable supervision plan and release plan, and to return youth at level one to the community as soon as possible. Youth with a final risk score of two will have the following guidelines applied:

1. Minimum stay: N/A
2. Midpoint: N/A
3. Maximum stay: 04 weeks

iii. **Risk Level 3** – Youth with a final risk score of three will have the following guidelines applied:

1. Minimum stay: 02 weeks
2. Midpoint: 04 weeks
3. Maximum stay: 06 weeks

iv. **Risk Level 4** - Youth with a final risk score of four will have the following guidelines applied:

1. Minimum stay: 04 weeks
2. Midpoint: 07 weeks
3. Maximum stay: 10 weeks

v. **Risk Level 5** - Youth with a final risk score of five will have the following guidelines applied:

1. Minimum stay: 08 weeks
2. Midpoint: 17 weeks
3. Maximum stay: 26 weeks

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vi. **Risk Level 6** – Youth with a final risk score of six will have the following guidelines applied:

1. Minimum stay: 15 weeks
2. Midpoint: 32 weeks
3. Maximum stay: 50 weeks

vii. **Risk Level 7** – Youth with a final risk score of seven will have the following guidelines applied:

1. Minimum stay: 26 weeks
2. Midpoint: 44 weeks
3. Maximum stay: 64 weeks

3. **Training School Performance** – The youth’s management team will meet with the youth within three weeks of the youth’s arrival at the training school to determine the length of time the youth will potentially spend at the training school. The management team will explain to the youth that the youth’s performance will determine the actual length of stay, and that the initial midpoint date will be adjusted based on actual performance. Further, if the youth engages in criminal activity, the length of time the youth may serve may be extended beyond the maximum time which was initially computed (see III.D. Criminal Offenses).

i. **Shortening Length of Stay** – A management team may shorten a youth’s length of stay, but may not reduce it below the minimum length of stay identified for the range of stay for the youth’s risk level. Examples of reasons why the length of stay may be shortened include the completion of programs, school achievement, and participation in optional programs and activities. Because youth are different, the management team has the discretion to decide the amount, if any, of the reduction. The Oakley Youth Services Counselor will discuss any changes in length of stay with the Community Youth Services Counselor for consideration.

ii. **Extending Length of Stay** - A management team may lengthen a youth’s length of stay, but may not extend it beyond the maximum length of stay identified for the range of stay for the youth’s risk level. A youth’s length of stay may be extended because of findings for disciplinary offenses, and for failure to participate in required programming. Again, the management team has the discretion to decide the length, if any, of the extension. The Oakley Youth Services Counselor will discuss any changes in length of stay with the Community Youth Services Counselor for consideration.

**F. Criminal Offenses** – A youth who commits an offense at the training school which, if committed in the community, would be considered a criminal offense may have that offense treated as if it were a new commitment. This may be done instead of referring a youth to an adult or juvenile court for further adjudication. Following the completion of due process (the facility’s disciplinary procedures), the youth’s management team

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may decide to refer the youth for a major revision of the length of stay. **Form D – Extension of Stay** will be completed and forwarded within 72 hours to the facility administrator, the Director of Youth Services, and the court which committed the youth to the Division of Youth Services. When Form D has been signed by all parties, the youth will have a new risk level computed using **Form C – Risk Level Determination**. The range of stay for the new risk level will be determined, and the youth will begin serving that sentence as if newly arrived at the training school. Time already served at the training school will not be credited to the range of stay guidelines for the new offense.

**G. Waivers/Overrides** – The length of stay guidelines may be modified to handle special circumstances and/or the unique needs of a youth.

- a. **Judicial** – A judge may provide the Division of Youth Services with a recommendation, in writing, to lengthen or shorten the length of stay of a given youth if, in his/her opinion, the guidelines do not provide a youth with a length of stay that is felt to be appropriate. The Division will consider the recommendation; the recommendation may be accepted, partially accepted, or rejected. The Division will respond, in writing, informing the court of the action and reason why action will be taken by the Division.
- b. **Division** – The Director of the Division of Youth Services has the authority to override the length of stay guidelines for a given youth if special circumstances warrant deviating from the guidelines. (For example, a youth who is on risk level 6 and is serving 15 to 50 weeks is transferred to an in-patient substance abuse treatment program and completes that program in 24 weeks could have the remainder of his commitment suspended.)

**H. Population Management** – The safety of youth and staff at a training school is seriously impacted by the number of staff available to supervise the youth committed to the training school. Consequently, it may be necessary to override the minimum length of stay guidelines and release youth if the population of the training school spikes and the training school does not have the resources to appropriately manage the youth housed at the training school. This is, however, to be considered a temporary solution. If the population of the training school consistently exceeds the resources available to manage that population, the Director of the Division of Youth Services shall modify the length of stay guidelines to keep the population within manageable limits with the expressed written consent of the Executive Director. The youth court judge of any youth considered for early release will be notified of the modification to ensure everyone is prepared for his release.