

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: Length of Stay	Policy Number: 15
Number of Pages: 6	Section: XIII
Attachments	Related Standards & References
XIII.15.A Crime Risk Matrix XIII.15.B Aggravating/Mitigating Factors XIII.15.C Risk Level Determination XIII.15.D Extension of Stay	ACA 3-JTS-5B-06 Mississippi Justice System Crime Chart Mississippi State §§ 43-21- 605.1.g.iii and 43.21.151
Effective Date: August 01, 2008 Revised: 11/25/19, 12/20/2019	Approved: DocuSigned by: <i>James Maccarone</i>

2C316EF5186B4A2...

I. POLICY

It is the policy of the Mississippi Department of Human Services (MDHS), Division of Youth Services (DYS), that only youth whose current adjudicated is a felony charge may be admitted to Oakley Youth Development Center (OYDC). This is in accordance with Mississippi State Statue 43-21- 605.1.g.iii. Additionally, youth previously released from OYDC must commit a new felony to be considered for readmission to the facility. Objective criteria will be used to determine the length of stay for youth at OYDC. These objectives will take into consideration a youth's risk to the community (delinquent and social history) and the youth's demonstrated rehabilitation while at the facility. Youth who complete all programming requirements and who demonstrate rehabilitation may have their stay at the facility 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 current policy and procedure, the following definitions apply:

- A. **Treatment Team** -An appointed group of staff members responsible for developing and coordinating the implementation of a youth's determined Service Plan (see OYDC policies: XIII.5, Service Plans and XIII.4, Treatment Teams).
- B. **Length of Stay** - The length of time a youth is housed in the facility.
- C. **Service Plan** -A detailed written plan addressing the goals, objectives, timelines, and staff assignments which are measured to establish a rehabilitative program, address areas of high risk/need, and promote pro-social behavior.

III. PROCEDURES

This length of stay will be initially established using the formula for determining level of risk (See attachments XIII.15.A, XIII.15.B, and XIII.15.C). The youth's risk score will be used to determine how long the youth will remain in the facility. When a youth enters Oakley Youth Development Center (OYDC), the Classification Committee will meet with the youth during

orientation to discuss how long the youth will remain in the facility. A tentative release date will be established. Based on the youth's behavior and demonstrated rehabilitation and/or the need for population management, the length of stay may be shortened or extended.

- 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 at the facility.
1. **Least Restrictive Setting** - Youth will be managed in the least restrictive setting necessary to protect others and to contain 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 or self-injurious behavior), 2) for the protection of other youth, staff, or the public, and/or 3) to control unacceptable behavior.
 2. **Equity of Stay** - The length of time a youth spends in the facility should be affected by the severity of the delinquent 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 facility for a less serious felony should not spend more time than that of a youth who has committed a serious felony (all other factors being equal). Consequently, based on the risk score that has been computed, a length of stay will be assigned and will be utilized unless extenuating factors apply.
 3. **Adjustment for Performance** - A youth could have their length of stay extended or shortened based on the youth's demonstrated rehabilitation or lack thereof and conduct while in the facility. A youth that conforms to the rules and actively participates in programming and demonstrates rehabilitation could have a length of stay at the facility shortened. Conversely, a youth who violates the facility's rules, does not actively participate in programming, and has not demonstrated rehabilitation should have a length of stay extended. For example, if a youth engages in serious delinquent activity (commits an act that would be a delinquent offense in the community) and is found guilty of the disciplinary violation after a Due Process Hearing (see OYDC Policy: VII.9. Due Process Hearings), the youth's risk level will be adjusted and the length of stay extended beyond the date initially established.
- C. **Pre-Admission Packet** – Pre-Admission Packet is a compiling of key documents provided to the administration of the facility prior to transport of the youth to the facility. This packet is used to determine the risk level of the youth and the potential length of stay of the youth. This risk level determination will also be used to help determine appropriate placement. This packet must include at a minimum:

1. Adjudication/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 History
8. Risk Level Determination Sheet
9. Youth Admissions Form

The Risk Level Determination Sheet is to be screened by OYDC admission staff and then sent for signature by the Facility Administrator or his/her designee. It will then be distributed to the Community Services Director, Community Counselor, and Regional Director advising them that all materials have been reviewed and approved for placement at OYDC. However, this does not ensure the youth will be accepted until medical and mental health screens are conducted by OYDC staff at the time of admission.

D. Determining the Length of Stay- The length of time a youth will be at the facility will be based on the level of risk a youth presents to the community and the youth's demonstrating rehabilitation in the facility.

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 XIII.15.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 facility have been grouped into four categories. These are shown in Attachment XIII.15.A, Crime Risk Matrix. A youth will be assigned a starting risk level of 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 and mitigating factors. These are shown in Attachment XIII.15.B, Aggravating and Mitigating Factors. The starting risk level could potentially be increased or decreased up to three risks levels based on the unique factors in a youth's background, but in no case will the score of the youth be higher than a seven. So, for example, a youth who commits the offense of retail fraud, (a Risk Level 3 offense), but has no prior record, would receive a one level reduction (-1 for a limited adjudication history), and have a final Risk Level of 2. Conversely, a youth who commits the offense of trespassing (a Risk Level 1 offense) but who has a history of violent offenses, exhibits no remorse, and is gang involved (+3) would have a

final Risk Level score of 4.

2. **Range of Stay-** Youth with the following final risk scores will have the following guidelines applied:

Level	1 st Commitment Weeks	2 nd Commitment Weeks	3 rd + Commitment Weeks
7	40	45	50
6	35	40	45
5	30	35	40
4	25	30	35
3	20	25	30
2	15	20	25
1	10	15	20

For offenses that fall under Mississippi State Statute 43.21.151, the length of stay will be as follows: 2-5 years with a beginning time of 3 years. Youth can earn time off down to 2 years and receive added time up to five years, but the youth cannot be retained past their 20th birthday.

3. **OYDC Performance** - The youth's Treatment Team will meet with the youth within seven (7) days of the youth's arrival at the facility to discuss the length of time the youth will potentially spend at the facility. The Treatment Team will explain to the youth that the youth's performance will determine the actual length of stay. Further, if the youth engages in delinquent activity while at the facility, the length stay may be extended beyond the maximum time which was initially computed by the Level Determination Sheet (see Attachment XIII.15.D).
- i. **Shortening Length of Stay-** A youth's length of stay may be reduced below the preceding length of stay identified for the youth's risk level. Examples of reasons why length of stay may be shortened include, but are not limited to: completion of programs, school achievement, participation in optional programs and activities, and/or to manage the population at the facility. The Oakley Youth Services Counselor will discuss any changes in length of stay with the Community Youth Services Counselor.
 - ii. **Extending Length of Stay-** A youth's length of stay may be extended because of findings for disciplinary offenses and/or for failure to participate in required programming. The Oakley Youth Services Counselor will discuss any changes in length of stay with the Community Youth Services Counselor. In no case may a length of stay be extended pass the youth's 20th birthday.

- E. **Delinquent Offenses** -A youth who commits an offense at the facility which, if committed in the community, would be considered a delinquent 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 a Due Process Hearing (see OYDC Policy: VII.9. Due Process Hearings), the youth's Treatment Team may decide to refer the youth for a major revision of the length of stay. The youth will have a new risk level computed using the Risk Level Determination Form (Attachment XIII.15.C). The length of stay for the new risk level will be determined, and the youth will begin serving that commitment after completing his current commitment, as if newly arrived at the facility. Time already served at the facility will not be credited to the range of stay guidelines for the new offense.
- F. **Waivers/Overrides** - The length of stay guidelines may be modified to handle special circumstances and/or the unique needs of a youth.
1. **Judicial** - A judge may provide the Division of Youth Services (DYS) with a recommendation, in writing, to extend 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 Director of the Division of Youth Services will consider the recommendation. The recommendation may be accepted, partially accepted, or rejected. The Division Director will respond, in writing, informing the court of the action and reason why action will be taken by the Division of Youth Services.
 2. **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 35 weeks is transferred to an in-patient substance abuse treatment program, and completes that program in 36 weeks, could have the remainder of his commitment suspended.
- G. **Population Management**- The safety of youth and staff at the facility is seriously impacted by the number of staff available to supervise the youth committed to the facility. Consequently, it may be necessary to override the minimum length of stay guidelines and release youth if the population of the facility spikes and the facility does not have the resources to appropriately manage the youth housed at the facility. This is, however, to be considered a temporary solution. If the population of the facility consistently exceeds the resources available to manage the population, the Director of the Division of Youth Services shall modify the length of stay guidelines to keep population within manageable limits. The youth court judge of any youth considered for early release will be notified of the modification to ensure everyone is prepared for the youth's release.
- H. **Early Release (Behavior Incentive System)**- A youth may earn early release time by engaging in positive behavior (i.e. keeping one's room and pod clean, consistently engaging in appropriate interactions with others, keeping clothing free from

writing/graffiti, etc.), completing program assignments, and/or participating in the Community Workforce Program (OYDC policy: XII.23). Early release time is compiled according to the following:

1. Youth earn early release time at the rate of one calendar day for each three days of earning a Positive Behavior Buck.
2. The early release is registered in a cumulative database by the Youth Services Counselor or designee at the time the Daily Point Sheet is computed and the Positive Behavior Buck is awarded to the youth.
3. The early release day is automatically deducted from the discharge date assigned at admission based on the youth's risk level.
4. Youth Services Counselor will report changes in release date at scheduled Treatment Team meetings.
5. The early release time may not be lost; however, extra time may be added to the existing discharge date if the youth engages in major infractions that would result in a new charge in the community.