

Memorandum

Date : June 22, 2015

To : Associate Directors, Division of Adult Institutions
Wardens
Classification Staff Representatives
Classification and Parole Representatives

Subject : **IMPLEMENTATION OF THE YOUTHFUL OFFENDER PROGRAM**

The purpose of this memorandum is to advise staff of the implementation of the Youthful Offender Program (YOP) by the California Department of Corrections and Rehabilitation (CDCR), to notify institution staff of the criteria to be utilized to determine program eligibility, and the process for referring a case for placement. Effective July 1, 2015, implementation of the YOP will begin for eligible male offenders received into CDCR from identified Reception Center (RC) institutions.

YOP Information

The YOP was established through Assembly Bill (AB) 1276, (2014), which added Section 2905 to the California Penal Code (PC). PC 2905 provides CDCR with the authority to afford special classification consideration for youthful offenders received into CDCR, on or after July 1, 2015, who are under the age of 22 years. PC 2905 establishes a mechanism by which CDCR assesses youthful offenders entering prison under the age of 22 allowing CDCR to classify these offenders at lower custody levels. The intent of the YOP is to identify youthful offenders, and allow them greater access to programs with the goal of increasing the likelihood of rehabilitation, during a critical developmental stage in their lives. Offenders found appropriate for placement in the YOP may be referred and endorsed for transfer to a lower level where, based on the totality of the circumstances, it is determined the youthful offender would not increase the safety risk of a facility. Alternatively, those offenders found inappropriate for placement in the YOP at the RC, or those who decline to participate, may be placed in an institution consistent with their placement score and program needs. However, whenever possible, offenders shall be recommended for placement at a facility offering enhanced programs as described within this memorandum.

PC 2905 requires CDCR to establish a Youthful Offender Institutional Classification Committee (ICC) at identified RCs for the purpose of reviewing offenders under the age of 22, who are received on or after July 1, 2015. The purpose of the youthful offender ICC review at the RC is to evaluate and assess their readiness for placement in a lower security level—permitting increased access to programs, and to lessen the offenders' interaction with negative influences found at higher custody level facilities. At least one staff member participating in the youthful offender ICC evaluation shall be specially trained in adolescent and young adult development and evidence-based interviewing processes, for the purpose of understanding important neurological and developmental changes which occur in offenders who are in their late teens through early adulthood.

Additionally, offenders under the age of 22 received on or after July 1, 2015, who are denied placement in the YOP at their initial Youthful Offender ICC review shall be eligible for placement reconsideration at their annual review, occurring prior to their 25th birthday.

If at an annual review it is determined the youth offender has had no serious Division A, B, C or D rule violations, the Department shall consider whether the offender would benefit from placement in a lower level facility or placement permitting increased access to programs.

Eligibility and Screening

YOP participants will primarily be drawn from the RC population of offenders received at the following institutions:

1. San Quentin State Prison
2. Deuel Vocational Institution
3. North Kern State Prison
4. Wasco State Prison
5. California Institution for Men

YOP cases received in the RC from the Division of Juvenile Justice (DJJ) will be screened for eligibility in an effort to encourage these offenders to continue positive programming in CDCR adult facilities.

Eligibility Criteria

Offenders received into CDCR who are less than 22 years of age on or after July 1, 2015, shall be considered for placement in the YOP based on the following eligibility criteria:

1. No in-custody misconduct (Division A-C offenses, or equivalent) within the last 12 calendar months. Division D offenses shall be reviewed on a case-by-case basis to assess the totality of the circumstances to determine whether or not the offender's behavior should preclude program placement. The review of in-custody misconduct will include both juvenile and adult facilities, if applicable. Staff shall make every effort to obtain disciplinary reports from county detention facilities to determine if any in-custody misconduct would preclude program placement.
2. An offender shall, at minimum, indicate to staff his willingness or desire to participate in the YOP.

3. An offender shall not be excluded from consideration based solely on the absence of one or more of the following:
 - a) Demonstrated efforts of progress toward self-improvement in juvenile or adult facilities;
 - b) Family or community ties supportive of rehabilitation;
 - c) Evidence of commitment to working toward self-improvement with the goal of being a law-abiding member of society upon release.

RC Processing

Offenders received shall be processed in accordance with RC processing procedures, whether as a direct sentence from an adult court or from the DJJ.

Case Records Staff Responsibility

Correctional Case Records personnel have primary access to all cases received at the RC and will be responsible for identifying offenders received under the age of 22. At the age of 18, offenders may be received from both an adult court or as a transfer from DJJ.

Upon receipt of a youthful offender into CDCR custody, Correctional Case Records personnel shall identify a youthful offender by placing a "YOP" label on the offender's "flimsy file/out card," consistent with current RC process. This will serve as the process by which all potential YOP candidates are identified prior to YOP Correctional Counselor (CC) I assignment.

YOP CC I Responsibility

All offenders under the age of 22, received on or after July 1, 2015, shall be referred to the YOP CC I, who will prepare the case for RC processing, to include a review of the relevant documents to determine the offender's initial classification score. Offenders with an initial classification score of 0-18 (Level I) or 19-35 (Level II) shall be screened for in-level placement in consideration of available rehabilitative programming, or recommended for transfer to an alternative CDCR program, as appropriate, through normal RC processes. Offenders with Level I or Level II points may be referred to the youthful offender ICC if a case-by-case review is deemed necessary to determine appropriate placement. The assigned YOP CC I will retain all cases for continued RC processing; however, when necessary, Level I or Level II cases may be returned to the RC CC II to be distributed equitably among the CC Is for continued RC processing.

The intent of the YOP is to place youthful offenders at an institution which best meets their programming needs. If an offender with a classification score consistent with Level I or Level II points elects to participate in the YOP and meets program eligibility criteria, the offender may be referred to the Classification Staff Representative (CSR) for

endorsement to an in-level YOP. These cases shall be forwarded to the RC CC II for review prior to CSR review.

Offenders with a Classification Score of 36-59 (Level III) or 60+ (Level IV) who appear eligible and express interest in being placed in the YOP require YOP ICC review prior to being recommended for YOP placement. These offenders shall be prepared for ICC by the YOP CC I.

The YOP CC I shall be a staff member specially trained in conducting the YOP case reviews. The YOP CC I shall review the offender's file, document the specific details which support program placement, and complete the pre-formatted CDCR Form 128-B, "Youthful Offender Program Eligibility Form" (see attached). Prior to conducting the YOP interview, the YOP CC I shall review the offender's file and make every effort to obtain evidence of an offender's participation in rehabilitative programs while housed in county facilities prior to being transferred to CDCR. The CC I shall interview all YOP offenders who require ICC review to determine whether they are interested in participating in the YOP.

All cases shall be reviewed by the RC CC II prior to ICC, to ensure the YOP CC I's recommendation for placement in the YOP is appropriate.

At the conclusion of the ICC, if the offender is found appropriate for YOP placement, the YOP CC I shall contact the Classification Services Unit (CSU) YOP CC II to schedule a CSR review, in order to expedite the endorsement process. (The YOP CC I shall access the Strategic Offender Management System (SOMS) *endorsements made* report to ensure an offender is endorsed in a timely manner.) Once a case is endorsed for YOP placement by the CSR, the YOP CC I will make contact with the RC Classification and Parole Representative, or designee, to arrange for an expedited transfer.

If the offender is not found appropriate for YOP placement, all YOP exclusionary factors shall be thoroughly documented on the CDCR Classification Committee Chrono. ICC shall make an alternative program recommendation consistent with the offender's case factors and refer the case to the CSR.

Institutional Classification Committee

All offenders who meet eligibility criteria for YOP placement, as described above, shall be reviewed by ICC. The YOP CC I, or a staff member specifically trained in adolescent

and young adult development and evidence-based interviewing processes, shall participate in the ICC evaluation of each YOP case. ICC shall be comprised of the following staff:

1. Warden or Chief Deputy Warden
2. Facility Captain
3. Mental Health Clinician
4. CC II (recorder)
5. YOP CC I (inmate's assigned caseworker)
6. Other staff as necessary

The ICC will make a recommendation based upon the totality of case factors, and ensure the offender does not pose an increased safety risk if placed at a lower security level. If ICC concludes a youth offender demonstrates a safety risk to offenders, staff, or the public, the offender shall be placed at a security level consistent with CDCR regulations and policies. If ICC concludes a youth offender is appropriate for placement at a lower security level, ICC may elect to request a Behavior (BEH) override to facilitate placement in a facility identified as a YOP institution. The BEH override should be considered for offenders who the ICC determines can be referred to a lower level facility which may offer access to a wider range of rehabilitative programs. The ICC is encouraged to make recommendations to facilities close to the family of the offender, in an effort to maintain established family relationships, which support rehabilitative efforts.

The following case factors are not exclusionary and do not require a specific case-by-case review, but are representative of the type of "other" case factor information which must be considered to assess the offender's suitability for YOP:

1. Public Interest Cases - To consider whether the inmate's notoriety will adversely impact the program;
2. Time to Serve - Offenders received with a lengthy prison sentence, including those offenders serving life sentences, are not excluded from participating in the YOP. Program placement should be made based on the individual. However, offenders sentenced to an indeterminate sentence with the possibility of parole should be considered for placement in the Long Term Offender Pilot Program as a more appropriate program option.

Where ICC determines the offender is eligible for placement, ICC shall refer the offender to the CSR for YOP endorsement. ICC shall thoroughly document the committee action within the Committee Action Summary of the SOMS Classification Committee Chrono, and the reasons for the action taken within the Committee Comments. Currently, SOMS does not include a provision for identifying specific YOP programs; therefore, where the offender is referred for placement, staff shall include the recommendation for YOP within the Committee Action Summary.

Where ICC determines the offender demonstrates a safety risk to other offenders, staff, or the public, and does not otherwise demonstrate a commitment to rehabilitation, the offender shall be classified accordingly at a security level consistent with Department regulations and procedures. Where ICC determines the offender not suitable for placement in the YOP, ICC shall document specific reason(s) for the decision within SOMS, as described above. ICC shall consider placing the offender at an Enhanced Programming Facility commensurate with his case factors, where possible. For tracking purposes, the YOP CC I shall notify the CSU YOP CC II if an offender is found inappropriate for placement in the YOP.

At the conclusion of the ICC, the CC II recorder shall complete the Classification Chrono, detailing the committee's recommendation to the CSR. The *Refer to* status shall reflect "CSR." The *Refer to* status of the offender's Institutional Staff Recommendation Summary or Reception Center Recommendation Summary shall be updated to indicate, "Finalized."

Offenders denied placement in the YOP at their initial Youthful Offender ICC review shall be eligible to have their placement reconsidered at each subsequent annual review until reaching 25 years of age. The YOP CC II assigned to CSU shall monitor offenders to ensure consideration for YOP placement at their annual reviews until they reach the age of 25.

Classification Staff Representative

An offender determined eligible by ICC for consideration of placement in a lower level program shall be referred to the CSR for endorsement to the YOP. The CSR shall confirm the offender's eligibility and, where appropriate, approve the endorsement. The CSR shall enter the designated **YOP Institution** and the **Institution/Level** and include YOP in the Comments section of the Auditor Action. The CSR shall affirm the BEH override in all cases where determined appropriate for YOP placement. The following will be designated as YOP institutions:

1. Valley State Prison, Level II, Sensitive Needs Yard (SNY)
2. San Quentin State Prison, Level II, General Population (GP)
3. California Rehabilitation Center, Level II, GP
4. California Rehabilitation Center, Level II, SNY
5. California State Prison, Los Angeles County, Level III, GP
6. Ironwood State Prison, Level III, SNY
7. Ironwood State Prison, Level III, GP
8. California Substance Abuse Treatment Facility, Level III, SNY

Classification Committees


All offenders under 22 years of age, received on or after July 1, 2015, and initially denied YOP placement, shall be considered for referral to the YOP at their annual review. Offenders with a Level I or Level II placement score may be considered for placement at a Level I or Level II institution with enhanced program opportunities, as appropriate.

A referral to ICC shall only be required for offenders with Level III or Level IV points who are denied YOP placement by Unit Classification Committee. The ICC will make a recommendation based upon the totality of case factors, and may elect to request a BEH override to facilitate placement in a lower custody facility identified as a YOP institution.

Additional Information

CSU will put out further direction regarding potential changes in SOMS for tracking the specific population to meet the criteria for inclusion in the YOP. This memorandum and the related attachments will be available on the CSU web page, within the Mini Manual web page, <http://intranet/ops/AO/ins/Pages/Minimanual.aspx>: under the topic, "Youthful Offender Program."

If you have any questions regarding classification processes, please contact Kimberly White, CC II, CSU, at (916) 327-9329 or Kimberly.White@cdcr.ca.gov. If you have any questions regarding the Division of Rehabilitative Programs, please contact Rodger Meier, Deputy Director, Division of Rehabilitative Programs, at (916) 322-0914.


KELLY HARRINGTON
Director
Division of Adult Institutions

Attachment

cc: Millicent Tidwell
Kathleen Allison
Ralph M. Diaz
Rodger Meier
Vincent S. Cullen
James Robertson
Cindy Burris
Dennis Halverson
Mike Masters
Jonathan Stubbs
Kimberly White
Lisa Ellis

Youthful Offender Program Eligibility Form

CDC 128-B (REV 2/95)

INMATE NAME:	CDCR NUMBER:	DATE:	HOUSING:
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The Youthful Offender Program (YOP) is a voluntary program which allows eligible offenders greater access to programs and living circumstances with the intent of increasing the likelihood of rehabilitation. The YOP may include eligible offenders to be housed at a lower custody level without mandating placement be based on placement score. The YOP allows the offender to be housed at identified facilities which provide programs meeting the specific rehabilitative needs of a youthful offender. I understand placement into the YOP is based upon meeting specific eligibility criteria and the California Department of Corrections and Rehabilitation has the authority for final placement approval based on bed availability and other factors. I understand I may be removed from the YOP.

- No in-custody misconduct (Division A-C offenses, or equivalent) within the last 12 calendar months. Division D offenses shall be reviewed on a case-by-case basis to assess the totality of the circumstances to determine whether or not the offender's behavior should preclude program placement.

TO BE COMPLETED BY INMATE

I understand that my Signature on this document indicates my willingness to voluntarily participate in the YOP.

CDCR NUMBER _____ INMATE NAME (PRINTED) _____
 INMATE SIGNATURE _____ DATED SIGNED _____

Does the participant have a qualifying disability requiring effective communication? YES NO

If yes, cite the source document and/or observation(s):

What type of accommodation/assistance was provided to achieve effective communication to the best of the inmate's ability? (specify): _____

STAFF NAME (Print):	TITLE:	INSTITUTION:
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ROUTING INSTRUCTIONS:

ORIGINAL: OFFENDER FILE

COPY: INMATE