



Administrative Policies and Procedures: 18.37

Subject:	Determinate Commitments
Authority:	TCA 37-1-137(a)(B)(h)(1)-(6), 37-5-105 (3), 37-5-106, 39-17-417(b)(i)(j).
Standards:	COA: PA-CR 1.01
Application:	To All Department of Children's Services and Contract Agency Employees
Policy Statement:	
Determinately committed youth are eligible to earn Youth Commitment Reduction Credits (YCRCs), to reduce the time in the Department of Children's Services (DCS) custody.	
Purpose:	
To describe the process DCS utilizes to comply with determinate sentence laws and provide guidelines to track Youth Commitment Reduction Credits (YCRC).	
Procedures:	
A. Criteria for Determinate Commitments	<p>Youth may be committed to the Department of Children's Services (DCS) for a determinate period of time if he/she is:</p> <ul style="list-style-type: none">a) "Tried and adjudicated delinquent in juvenile court for the offense of first degree murder, second degree murder, aggravated rape, rape of a child, aggravated sexual battery, especially aggravated kidnapping, aggravated robbery, especially aggravated robbery, aggravated arson, attempt to commit first degree murder, or violations of § 39-17-417 (b),(i) or (j)";b) "Previously adjudicated delinquent in three (3) felony offenses arising out of separate criminal episodes with at least one (1) resulting in institutional commitment to the Department of Children's Services";c) "Within six (6) months of his/her eighteenth birthday at the time of the adjudication of delinquency"; ord) The commitment will not extend past the youth's 19th birthday. <p>Note: <u>Suspected</u> improper commitments must be reported to the DCS Legal Division the day of the youth's commitment, but no later than the close of the next business day. This is the responsibility of the Court Liaison/establisher of the TFACTS case. The Juvenile Service Worker (JSW) must ensure the notification has been made.</p>

B. Initial Computation of commitment and expiration date	<ol style="list-style-type: none"> When a youth is placed in DCS custody on a determinate sentence, the JSW calculates the youth's first commitment expiration date from the information in the commitment order. <ol style="list-style-type: none"> The date is calculated and expressed in month, day and year and documented on DCS form CS-0955, <i>Determinate Sentence: Individual Youth Sentence Reduction Credits Cumulative Report</i> which tracks the earning of credits from the date of commitment until the adjusted commitment expiration date. The JSW also documents the youth's first commitment expiration date in TFACTS case recordings. If the youth is placed in a YDC, the Residential Case Manager (RCM) is responsible for computing the commitment expiration date each month. If the youth is placed in a contract agency facility or detention center, the JSW is responsible for computing the commitment expiration date.
C. Youth Commitment Reduction Credits (YCRCs)	<ol style="list-style-type: none"> Youth who have a determinate commitment sentence are eligible to earn YCRCs which could reduce the youth's commitment expiration date. The YDC Superintendent, Contract Agency Providers, and JSW ensure youth with a determinate sentence are assessed for eligibility to earn YCRCs each month. YCRCs are awarded for progress in the treatment program and for satisfactory behavior on a monthly basis. Youth may be awarded zero to sixteen (16) days of YCRCs each month: <ul style="list-style-type: none"> ◆ Up to eight (8) days for satisfactory performance in the treatment program; and ◆ Up to eight (8) days for satisfactory behavior. At the YDC, the RCM completes CS-0006, <i>Youth Commitment Credits</i>, each month. The RCM takes the following steps to calculate the YCRCs: <ul style="list-style-type: none"> ◆ Documents any major disciplinary report earned; ◆ Reviews behavior and program performance based on the youths' Individual Program Plan (IPP) with the treatment team; ◆ Obtains signatures of youth, treatment team, and supervisor prior to giving youth a copy; and ◆ Files the form on top of the legal section in the master file. The RCM/or designee at the YDC enters the current month's updated information on CS-0955, <i>Determinate Sentence: Individual Youth Sentence Reduction Credits Cumulative Report</i>. The form is filed in the youth's master file on top of the legal section. At the YDC, the Treatment Manager/or designee completes form CS-0005, <i>Determinate Commitment Monthly Report</i>, each month to reflect all determinate sentenced youth in the facility. The completed form is sent to the Superintendent and the Juvenile Justice Executive Director/or designee, by the tenth (10th) working day of the following month.

	<p>7. The team reviews the youth's behavior and program participation each month to determine whether or not the youth has earned YCRC or if credits should be removed. See Protocol for Removal of Determinate Commitment Credits for specific details.</p> <p>Note: When a youth is found guilty of a major disciplinary offense, they are not eligible to earn any reduction credits.</p> <p>8. The youth's Child and Family Team (CFT) may ONLY remove previously earned YCRCs for the refusal to participate in the program. A formal Child and Family Team Meeting (CFTM) must be held to remove previously earned YCRCs.</p> <p>9. The CFT may decide to remove previously earned credits due to the youth's habitual refusal to participate in the treatment program. The number of credits removed is based on the length of time the unsatisfactory participation has occurred. The team must remain within the following ranges when removing credits:</p> <ul style="list-style-type: none"> ◆ Up to eight (8) credits for thirty (30) or more unsatisfactory days; ◆ Nine (9) to sixteen (16) credits for sixty (60) or more unsatisfactory days; ◆ Seventeen (17) to twenty (20) credits for ninety (90) unsatisfactory days. <p>10. When a youth is found guilty of a major disciplinary offense/infraction, the hearing officer/committee may decide to remove previously earned credits. The hearing officer/committee may remove between one (1) to twenty (20) YCRCs per serious offense/infraction in accordance with the credit removal range outlined in the Protocol for Removal of Determinate Commitment Credits. If the youth has been found in violation of more than one offense/infraction arising from a single incident, the maximum sanction for the entire incident may not exceed twenty (20) days removed unless granted by the Deputy Commissioner/designee with receipt of written justification by the Superintendent or contract agency administrator.</p> <p>Note: The loss of previously earned YCRCs may not exceed the total previously earned credits.</p> <p>11. If a youth is transferred from one placement to another within a month, the sending program team determines if the youth is eligible for YCRCs. The current adjusted release date is documented in the Transfer Summary.</p>
<p>D. Step-down to community placements or contract agencies</p>	<p>1. Determinately committed youth can be considered for step-down placement by the CFT.</p> <p>2. Step-down requests are submitted to the Office of Juvenile Justice for approval prior to step-down placement if the commitment resulted from one of the following offenses:</p> <ul style="list-style-type: none"> ◆ First Degree Murder ◆ Second Degree Murder

	<ul style="list-style-type: none"> ◆ Aggravated Rape ◆ Rape of a Child ◆ Aggravated Sexual Battery ◆ Especially Aggravated Kidnapping ◆ Aggravated Robbery ◆ Especially Aggravated Robbery ◆ Aggravated Arson ◆ Attempt to Commit First Degree Murder ◆ Carjacking <p>3. A three-person Central Office panel reviews all step-down proposals. The panel is composed of the Executive Director of Juvenile Justice, the Director of Psychology/or designee and a designated director in the Office of Juvenile Justice.</p> <p>4. Following a CFTM recommending step-down, the RCM requests a review by the panel. A justification for step-down, using DCS Form CS-1076, Placement Step-down Request and a copy of the CS-0747, CFTM Summary recommending step-down (CFTM types: YDC Program Transfer or Progress Review Custody), is submitted to the review panel. The panel responds, in writing, to the RCM within three (3) business days of receiving the request for step-down.</p> <p>5. It is not necessary to get approval of the Court to step-down a youth to a community placement. If a court orders that permission must be obtained before a youth steps down, the order is sent to the DCS Legal to have it set aside. If the Court refuses to set aside such an order, the Regional Counsel is immediately consulted to determine whether to appeal.</p>
E. Release	When the youth reaches the commitment expiration date, he/she is released from DCS custody. See Protocol: Release Notification and Approval and DCS Policy 13.10 Custody Requirements for Delinquent Youth for paperwork requirements and court notification.
F. Aftercare supervision	A determinately committed youth is not subject to aftercare supervision unless the court grants an early release or he/she is under a concurrent indeterminate commitment. Such aftercare relates only to the youth's underlying indeterminate commitment.

Forms:	<u>CS-0005, Determinate Commitment Monthly Report</u> <u>CS-0006, Youth Commitment Reduction Credits</u> <u>CS-0955 Determinate Commitment: Individual Youth Sentence Reduction Credits Cumulative Report</u> <u>CS-1076, Placement Step-Down Request</u>
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Collateral documents:	<u>13.10 Custody Requirements for Delinquent Youth</u> <u>Youth Handbook for a Tennessee Youth Development Center</u> <u>Protocol for Removal of Determinate Commitment Credits</u> <u>Protocol: Release Notification and Approval</u>
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Glossary:	
Term	Definition
	None