

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 12-04	Policy # 18.22
Applicability: <input type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input checked="" type="checkbox"/> Community Services <input checked="" type="checkbox"/> Secure Facilities	Related Standards & References: OCGA §49-4A-9; § 15-11-30.2(b); § 17-10-14(a) DJJ 8.5, 17.23, 18.30, 20.30, 20.31, 20.32	
Chapter 18: PROGRAMS AND SERVICES	Effective Date: 2/1/12 Scheduled Review Date: 2/1/13 APPROVED:	
Subject: SUPERIOR COURT YOUTH	 <hr/> L. Gale Buckner, Commissioner	
Attachments: A – Superior Court Review of Order B – Youth Sentenced by Superior Court Approaching Age 17 C – Superior Court Personal History Sheet		

I. POLICY:

The Department of Juvenile Justice shall provide services for each Superior Court youth placed in a Youth Development Campus.

II. DEFINITIONS:

Aggravated Assault: For purposes of this policy, aggravated assault is a youth on staff assault which may include the use of a dangerous object and/or requires outside medical treatment for the staff.

Community Case Manager: Juvenile Probation/Parole Specialist I, II or III (JPPS), who provides direct supervision and coordination of services for a youth; any member of an established case management team may perform case management tasks.

Director: For the purposes of this policy, the staff member responsible for the operation of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), or community-based office.

Facility Case Manager: The designated RYDC or YDC employee who has case management responsibilities for a youth and shares joint service planning responsibilities with the community case manager.

Service Plan: An individualized plan that builds a progressive service history and addresses a youth's assessed risks and needs, established goals, and measures the outcomes of the services provided by DJJ staff.

SB440 Youth: Youth between the ages of 13 and 17 who have been charged with and convicted of one of the following offenses pursuant to Senate Bill 440: aggravated sodomy, murder, voluntary manslaughter, rape, aggravated child molestation, aggravated sexual battery or armed robbery if committed with a firearm.

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Superior Court Youth: Youth between the ages of 13 and 17 who have been charged as an adult and convicted in Superior Court for offenses other than one of the SB440 offenses listed above.

Transition Team: A team of DJJ staff from each of the program areas (facility case manager, community case manager, security, medical, mental health, education) responsible for youth case review and the recommendation of release or extension of length of stay.

Youth Status Report: A written report that summarizes the services provided to a youth and the progress of the youth, and makes recommendations for transition.

III. COMMUNITY SERVICES FOR SUPERIOR COURT YOUTH:

- A. Youth awaiting a Superior Court hearing who are still under an active Order of Commitment/Probation will receive a CRN Reassessment in accordance with DJJ 20.30, Comprehensive Risk and Needs Assessment.
- B. These youth will be served in accordance with DJJ 20.32, Standards of Contact.
 - 1. For all youth assigned a community case manager and pending Superior Court action, the community case manager or other designated staff will maintain contact with the youth.
 - 2. For youth not assigned a community case manager and pending Superior Court action, the Case Expeditor will maintain contact with the youth.
- C. These youth will receive a Service Plan in accordance with DJJ 20.31, Service Planning for Youth Under Community Supervision.
- D. The community case manager will enter all legal charges into the Juvenile Tracking System and scan in all orders received within 72 hours of receipt for all youth who are under an active Order of Commitment/Probation.
- E. The Case Expeditor will enter all legal charges into the Juvenile Tracking System and scan in all orders received within 72 hours of receipt for all youth who are not under an active Order of Commitment/Probation.

IV. RYDC SERVICES FOR SUPERIOR COURT YOUTH:

- A. Youth awaiting a Superior Court hearing in the RYDC will receive an Individual Plan of Care in accordance with DJJ 18.30, Service Planning for Youth in Secure Facilities.
- B. The RYDC Director will provide a list of all detained youth to the chief judge, or his/her designee, public defender, and the prosecuting attorney weekly. The list will include the youth's name, date of arrest, pending charge or other reason for being held, amount of bond (if known), and the youth's attorney's name, if being represented by an attorney. The RYDC Director will also provide a copy of the list to the Case Expeditor.

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- C. The Case Expeditor will track the status of all SB440 youth. The Case Expeditor will obtain the Offender Tracking Number (OTN) or State Identification Number (SIN) and enter it into JTS within 7 days of the youth being charged.
- D. The Case Expeditor will track the status of all Superior Court youth in detention. The Case Expeditor will obtain the Offender Tracking Number (OTN) or State Identification Number (SIN) and enter it into JTS within 7 days of the youth being charged.
- E. Case Expeditors will monitor the length of stay of Superior Court youth in an RYDC to determine if the youth is indicted within 180 days. (An extension of not more than 90 days may be granted by the Superior Court.) When the youth's length of stay exceeds the 180 day limit, plus any authorized extension, the Case Expeditor will notify the Office of Legal Services and the chief judge.
- F. For youth not under DJJ supervision who have Superior Court charges pending, the Case Expeditor from the jurisdiction where the youth is charged will maintain monthly contact with the youth, while the youth is detained in an RYDC. The Case Expeditor will maintain contact with the Superior Court official(s), district attorney, and/or public defender as needed, while the youth is detained in an RYDC. These contacts will be documented in JTS case notes within 72 hours.
- G. Within 5 business days of sentencing, the Case Expeditor will obtain one certified copy of the final disposition order and bill of indictment and forward it to the Office of Classification and Transportation Services (OCATS). If the order is being mailed, it will be sent using a tracking method of mailing (i.e. certified or tracking receipt). The final disposition order and bill of indictment will be scanned into the Juvenile Tracking System by the OCATS.
- H. Release of Superior Court Youth to the Department of Corrections:
 - 1. The OCATS Quality Assurance Specialist will notify the DOC representative within 48 hours by email that a youth in DJJ custody has been sentenced to the DOC. The following information will be sent via certified mail: Superior Court Personal History, picture of the youth, certified copy of the final disposition order, affidavit of custodianship, and the bill of indictment to the notification.
 - 2. The Quality Assurance Specialist will notify to the DOC at least 30 days prior to the youth's 17th birthday that the youth will need to be transferred to the DOC.
 - 3. The Quality Assurance Specialist will complete the Superior Court Personal History Sheet (Attachment C). The Superior Court Personal History Sheet will be scanned into the Juvenile Tracking System.
 - 4. After the transfer arrangements have been finalized, the OCATS Quality Assurance Specialist will send an email to the facility Director where the youth is detained authorizing the release of the youth to the DOC. Copies of the email

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will be sent to the RYDC Regional Administrator, Case Expeditor, Director of Legal Services, and Youth Services Program Coordinator. A copy of the email will be filed in the youth's facility case record and central office case record.

5. The RYDC will release the youth to the Department of Corrections only after receiving written confirmation from the Office of Classification and Transportation Services. At the time of release, staff will verify the identity of the youth (via JTS photo) to be released and the person or agency to whom the youth is being released.

- I. The following documents will be provided to the Department of Corrections at the time a youth is released to its custody:

- Psychological evaluation;
- Mental Health Assessment;
- Behavioral Health Treatment Plan;
- Transition Plan;
- Nurse Health Appraisal;
- Physical Examination;
- Current Immunization Record;
- Current Medication Administration Record;
- Chronic Care Treatment Plan and recent clinic visit sheet;
- Dental examination and treatment record;
- Medical Permission Form;
- Health Services Release Letter;
- Authorization for Release of Protected Health Information; and
- Problem list.

V. YDC SERVICES FOR SUPERIOR COURT YOUTH:

- A. Each YDC will have a Transition Team. The Transition Team will review the Service Plan in accordance with DJJ 18.30, Service Planning for Youth in Secure Facilities..
- B. Superior Court youth will receive education, medical, mental health and case management services in accordance with applicable DJJ policies.
- C. Release of Superior Court Youth to the Community:
 1. Prior to the youth's YDC assignment, the Office of Classification and Transportation Services (OCATS) will review the order to determine if the youth will be required to be supervised by the Department of Corrections following release. OCATS will set an alert that the youth requires DOC supervision.
 2. The YDC transition team will conduct a release review in accordance with DJJ 17.23, Release from Secure Facilities. The youth's attorney and the DOC Chief

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Probation Officer for the sentencing county will be invited to the release review meeting by the facility case manager.

3. The youth will be asked to sign the Transition Summary upon his/her release and will be given a copy of the Summary.
4. For youth who are to be supervised by an adult supervision program following release, OCATS will notify the Department of Corrections of the youth's upcoming release. This notification will be documented in a JTS case note.

D. Notification to the Court of Superior Court Youth Reaching Age 17:

1. One year from the date of sentencing, the facility case manager must send a letter to the sentencing court to request a review of the case, in accordance with state law. (See Attachment A) The facility case manager will send a copy of the letter to the community case manager and will be scanned into the Correspondence module of JTS.
2. The facility case manager must send a letter to the sentencing court at least 90 days prior to the youth's 17th birthday requesting further disposition of the case, in accordance with state law. (See Attachment B) The facility case manager will provide the court and the community case manager with the Youth Status Report. The facility case manager will send a copy of the letter to the community case manager.

E. Release of Superior Court Youth to the Department of Corrections:

1. The Quality Assurance Specialist will notify the DOC representative within 48 hours by email that a youth in DJJ custody has been sentenced to the DOC. The following information will be sent via certified mail: Superior Court Personal History, picture of the youth, certified copy of the final disposition order, affidavit of custodianship, and the bill of indictment to the notification.
2. The Office of Classification and Transportation Services (OCATS) Quality Assurance Specialist will notify to the Department of Corrections (DOC) at least 30 days prior to the youth's 17th birthday that the youth will need to be transferred to the DOC.
3. The OCATS Quality Assurance Specialist will complete the Superior Court Personal History Sheet (Attachment C). The Superior Court Personal History Sheet will be scanned into the JTS.
4. After the transfer arrangements have been finalized, the OCATS Quality Assurance Specialist will send an email to the facility Director where the youth is detained authorizing the release of the youth to the DOC. Copies of the email will be sent to the Director of Secure Campuses, Director of Legal Services, and Youth Services Program Coordinator. A copy of the email will be filed in the

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youth's facility case record and central office case record.

5. The YDC will release the youth to the Department of Corrections only after receiving written confirmation from the OCATS. At the time of release, staff will verify the identity of the youth (via JTS photo) to be released and the person or agency to whom the youth is being released.
- F. The following documents will be provided to the Department of Corrections at the time a youth is released to its custody:
- Psychological evaluation;
 - Mental Health Assessment;
 - Behavioral Health Treatment Plan;
 - Transition Plan;
 - Nurse Health Appraisal;
 - Physical Examination;
 - Current Immunization Record;
 - Current Medication Administration Record;
 - Chronic Care Treatment Plan and recent clinic visit sheet;
 - Dental examination and treatment record;
 - Medical Permission Form;
 - Health Services Release Letter;
 - Authorization for Release of Protected Health Information; and
 - Problem list.

VI. DJJ PROSECUTION OF YOUTH IN THE SUPERIOR COURT

- A. If a youth who is at least 14 years of age commits the offense of aggravated assault against an employee or contracted employee of the Department of Juvenile Justice, while confined in an RYDC or YDC, a Special Incident Report shall be completed and verbal notification provided to the designated parties in accordance with DJJ 8.5, Special Incident and Child Abuse Reporting in Secure Facilities.
- B. If a youth who is at least 15 years of age commits the offense of aggravated assault against an employee or contracted employee of the Department of Juvenile Justice, while in the community, a Special Incident Report shall be completed and verbal notification provided to the designated parties in accordance with DJJ 8.5, Special Incidents.
- C. If the incident was recorded by a handheld camera and/or captured by the CCTV, copies of the recordings shall be secured and maintained as evidence for criminal prosecution.
- D. The Director or the person in charge of the facility/office, if the incident occurred after normal working hours, shall have pictures taken of the victim(s) of the aggravated assault and maintained as evidence for criminal prosecution.

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- E. The Director of the facility/office shall gather all of the supporting evidence of the assault, including the following:
- Special Incident Report with witness statements;
 - CCTV recordings and handheld recordings, if applicable;
 - Pictures of employee(s) who were the victims of the aggravated assault;
 - Hospital records, upon appropriate release, pertaining to the injury the employee(s) incurred as a result of the incident; and
 - Any other supporting evidence of the youth's assault on the employee(s).
- F. The Director of the facility/office shall send copies of the supporting evidence to the Director of Investigations by overnight mail or courier, within 72 hours of the assault.
- G. The Director of Investigations shall consult with the Director of the Office of Legal Services, or designee, to determine whether there is sufficient evidence to request the District Attorney's Office to prosecute the youth as an adult under O.C.G.A. § 15-11-30.2(b).
- H. If sufficient evidence to prosecute the youth(s) exists, the Director of Investigations shall advise the Deputy Commissioner of Youth Services that prosecution is appropriate. The Deputy Commissioner, or designee, after consultation with the Director of Legal Services, shall direct the Director of the facility/office to file a complaint in the juvenile court of the county where the incident occurred and to specifically include in the complaint a request to transfer the case to superior court in order to prosecute the youth as an adult.
- I. The Director of the facility/office shall file the complaint in juvenile court within 3 business days after receiving notification from the Deputy Commissioner, or designee, that the complaint should be filed and shall send notice that the complaint has been filed to the Deputy Commissioner, or designee, the Director of Investigations and the Director of the Office of Legal Services.
- J. Upon receiving notice that a complaint has been filed in juvenile court, the Director of the Office of Investigations shall contact the District Attorney's Office and provide the Assistant District Attorney with copies of the supporting evidence that the Director of the facility/office sent to the Department of Investigations.
- K. The Director of Investigations, or designee, shall monitor the time frame for indictment to seek to ensure that 180 days from the date of detention does not lapse without the District Attorney's office securing an indictment or obtaining a one-time extension.
- L. If a youth is convicted of aggravated assault, pursuant to this policy, and sentenced to the Georgia Department of Corrections (DOC), the Case Expeditor, at the direction of the Office of Investigations, shall obtain a certified copy of the bill of indictment and final disposition from the Superior Court and forward the documents to the DJJ Office of Classification and Transportation Services (OCATS) within 5 business days of the

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order being available. The order and bill of indictment will also be scanned into the JTS Court Orders module.

- M. The youth will be screened as a Superior Court youth pursuant to DJJ 20.20, Screening of Committed Youth.
- N. The OCATS Quality Assurance Specialist will complete the Superior Court Personal History Sheet (Attachment C). The Superior Court Personal History Sheet will be scanned into the JTS.
- O. If the criminal confinement is completed prior to the expiration of the DJJ restrictive custody requirement, the OCATS Quality Assurance Specialist will request that the DOC place a hold on the youth for transfer back to DJJ custody in order to serve the remainder of his/her restrictive custody.
- P. After the transfer arrangements have been finalized, the OCATS Quality Assurance Specialist will send an email to the facility Director where the youth is detained authorizing the release of the youth to the DOC. Copies of the email will be sent to the Director of Secure Campuses, Director of Legal Services, and Youth Services Program Coordinator. A copy of the email will be filed in the youth's facility case record and central office case record.
- Q. The YDC will release the youth to the Department of Corrections only after receiving written confirmation from the OCATS. At the time of release, staff will verify the identity of the youth (via JTS photo) to be released and the person or agency to whom the youth is being released.
- R. For youth convicted of aggravated assault but committed to the Department of Juvenile Justice pursuant to O.C.G.A. § 17-10-14(a), the Case Expeditor shall obtain a certified copy of the indictment and final disposition from the Superior Court and forward the documents to the OCATS Quality Assurance Specialist within 5 business days of the order being available. The order and bill of indictment will also be scanned into the JTS Court Orders module.
- S. Upon receipt of notice that a youth has been convicted of aggravated assault and committed to the Department of Juvenile Justice, the OCATS Quality Assurance Specialist will enter a minimum/maximum date of confinement in JTS to ensure that the youth is transferred to DOC upon reaching the age of 17.
- T. Any youth that is transferred to the Department of Corrections (DOC) will have his/her case record and health record information provided to the DOC at the time of transfer in accordance with DJJ 17.23, Release from Secure Facilities.

VII. LOCAL OPERATING PROCEDURES REQUIRED: NO