





# Program Statement

OPI: CPD  
NUMBER: 5215.05  
DATE: 3/17/99  
SUBJECT: Youth Corrections Act  
(YCA), Inmates and  
Programs

1. [PURPOSE AND SCOPE §524.20. This subpart establishes procedures for designation, classification, parole, and release of Youth Corrections Act (YCA) inmates. In keeping with court findings, and in accord with the repeal of 18 U.S.C. Chapter 402, Sections 5011 and 5015(b), all offenders sentenced under the provisions of the YCA presently in custody, those retaken into custody as parole violators, and those yet to be committed (probation violators, appeal bond cases, etc.) may be transferred to or placed in adult institutions under the provisions of this policy.]

Upon motion by the Bureau of Prisons and the U.S. Parole Commission, the U.S. District Court, District of Colorado, has ruled in Watts vs. Hadden, that the continued segregation of YCA inmates at the Federal Correctional Institution Englewood, Colorado is no longer practicable.

While the Bureau may discontinue segregating YCA inmates from adult inmates, the Bureau must continue to provide quality programs for YCA inmates. The increased availability of quality programs nationwide, frequently not provided at any single institution, will provide greater self-improvement opportunities for YCA inmates.

The U.S. District Court, District of Colorado, as a part of the modification to the Watts vs. Hadden action plan, will maintain jurisdiction on habeas corpus issues related to Watts vs. Hadden regardless of the geographical location of class members. Although the U.S. Parole Commission has extended Watts vs. Hadden parole provisions to all YCA inmates, not all YCAs are members of the Watts class. Questions relating to membership in the class

[Bracketed Bold - Rules]

Regular type - Implementing Information

or concerning petitions seeking habeas corpus relief should be referred to the respective Regional Counsel. FCI Englewood shall provide central coordination, monitoring, and designation control for YCA inmates throughout the system, as detailed in Section 12 of this Program Statement.

2. **SUMMARY OF CHANGES.** This revision includes procedures for pretrial, holdover, and detainee inmates. Additionally, a Program Objectives section has been added and Directives Referenced and ACA Standards were updated.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Each YCA inmate will complete a three-phase program plan which will include a classification phase, a treatment phase, and a pre-release phase.

b. FCI Englewood will provide centralized coordination and monitoring for matters relating to YCA inmates throughout the system.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5215.04 Youth Corrections Act Institutions and Programs (9/23/93)

b. **Directives Referenced**

PS 5100.06 Security Designation and Custody Classification System (6/7/96)  
PS 5290.11 Admission and Orientation Program (5/5/98)  
PS 5300.17 Education, Training, and Leisure-Time Program Standards (9/4/96)  
PS 5300.18 Occupational Education Programs (12/23/96)  
PS 5310.12 Psychology Services Manual (8/30/93)  
PS 5321.06 Unit Management Manual (7/31/96)  
PS 5322.10 Classification and Program Review of Inmates (9/4/96)  
PS 5325.05 Release Preparation Programs, Institutions (7/18/96)  
PS 5350.25 Literacy Program (GED Standard) (9/29/97)  
PS 5354.02 Postsecondary Education Programs for Inmates (5/7/97)  
PS 5800.07 Inmate Systems Management Manual (12/24/91)

PS 5800.11 Inmate Central File, Privacy Folder and  
Parole Commission Files (9/8/97)  
PS 5803.07 Progress Reports (3/16/98)

c. Rules cited in this Program Statement are contained in 28 CFR 524.20 - 524.25.

#### 5. **STANDARDS REFERENCED**

a. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: None

b. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4287, 3-4395

c. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-5A-02

d. American Correctional Association 3rd Edition Standards for Local Adult Detention Facilities: 3-ALDF-5A-02

6. **PRETRIAL/HOLDOVER/AND OR DETAINEE PROCEDURES.** This Program Statement is not applicable to pretrial/holdover or detainee inmates.

#### 7. **[DEFINITIONS §524.21**

a. **YCA Inmate.** An inmate sentenced under provision of the Youth Corrections Act who has not received an in-person "no further benefit" finding by his or her sentencing judge, and whose YCA sentence has not been completely absorbed by an adult federal sentence.

b. **No Further Benefit.** An in-person finding by the inmate's sentencing court that YCA treatment will not be of further benefit to the inmate. An inmate receiving such court finding is accordingly not considered to be a YCA inmate.]

#### 8. **[YCA PROGRAM §524.22**

a. Wardens are to ensure each committed youth offender is scheduled for a three-phase program plan which will include a classification phase, a treatment phase, and a pre-release phase. A program plan for each YCA inmate will be developed by the Unit Team as a part of the classification phase. The Warden may exempt a YCA inmate from program participation when individual circumstances warrant such exceptions. Such exceptions must be

**requested and acknowledged by the inmate, and the reason(s) for exemption must be documented in the inmate's central file.]**

Inasmuch as the completion of all elements of the program plan may constitute a certification of "response to treatment" release readiness, the U.S. Parole Commission may elect to provide input into the plan in the form of recommended additions, deletions, or modifications to specific goals contained within the plan.

When the Unit Team and the U.S. Parole Commission cannot reach a consensus as to the particular content of an individual program plan, the matter is to be referred to the Regional Director through the Warden. The Regional Director will consult with the Regional Commissioner to resolve the matter.

Primarily, the terminology "response to treatment-certified completion" applies to those YCA inmates who have as yet not been released on parole. The Unit Team, in conjunction with the Commission, may elect to initiate a response to treatment program plan for a parole violator if found to be warranted.

Although consistency in the program planning process is important, the process allows for modifications such as additions to and deletions from plan goals. Subsequent changes to established plans must be documented and justified on the plan.

The Program Review Report (BP-191) is used to document:

- Ž the initial program plan,
- Ž subsequent changes, and
- Ž progress made during the routine 90 day review process.

At a minimum, the Program Review Report must contain specific references to behavior, treatment/self-improvement, and pre-release goals as well as unit team comments on each individual area of the plan goal.

The last four Program Review Reports must be maintained in the Inmate Central File to ensure the information contained therein has been included in the annual Progress Report.

**[(1) Classification Phase. The classification phase begins upon the inmate's arrival at the designated institution. It consists of evaluation, orientation, unit assignment, and concludes when the inmate has attended the initial classification**

(or transfer classification) meeting with the Unit Team. YCA inmates are to participate in the classification process prior to the development of their individual program plans. The YCA inmate is to have received a psychological screening prior to attending the initial classification meeting. YCA program plans will include specific goals relative to:

**(a) Behavior;]** Behavioral goals may be generic or specific relative to:

- (1) Conduct,
- (2) Sanitation/hygiene,
- (3) Work performance,
- (4) Attitude/interpersonal skills, and
- (5) Communication skills.

**[(b) Treatment/self improvement;]** These goals may include, but are not limited to:

- (1) Educational/social education,
- (2) Work assignment (e.g., UNICOR),
- (3) Vocational training,
- (4) Substance abuse,
- (5) Psychological counseling, and
- (6) Health and recreation.

**[(c) Pre-release.]** These goals may include, but are not limited to:

- (1) Family visiting,
- (2) Vocational counseling,
- (3) Financial preparation for release,
- (4) Escorted trips/furloughs, and
- (5) CCC placement.

**[(2) Treatment Phase.** YCA inmates are to be exposed to unit-based and community-based (if otherwise eligible) programs. Each YCA inmate shall be periodically reviewed during this phase. The treatment phase begins when the inmate attends the programs and activities described in the program plan which were established at the culmination of the classification phase. Each YCA inmate shall be assigned programs in accordance with the inmate's needs and the established program plan. The "program day" shall consist of morning, afternoon, and evening time periods, during which the inmate shall be scheduled for treatment

programs, work, and leisure-time activities. The inmate shall be expected to comply with the program plan. The inmate's participation in a treatment program is required, not optional. An inmate's failure to participate may result in disciplinary action.]

Ordinarily, YCA inmates shall be placed in institutions commensurate with their:

- Ž security levels,
- Ž custody assignments, and
- Ž program needs.

Because geographical placement is an important aspect for an inmate in maintaining positive community ties, every attempt will be made to designate an appropriate institution for YCA inmates near their release areas. An exception to these designation procedures occurs when the Court has ruled that the institution is prohibited from housing YCA inmates; and there has not been an in-person "no further benefit" finding to the contrary.

[(3) Pre-release Phase. The YCA inmate shall enter the pre-release phase approximately 9 months prior to release. The pre-release phase is ordinarily divided into two segments: participation in the institution pre-release program and a stay at a Community Corrections Center (CCC) (if otherwise eligible). Institution pre-release programs shall focus on the types of problems the inmate may face upon return to the community, such as re-establishing family relationships, managing a household, finding and keeping a job, and developing a successful life style. In addition, the pre-release phase may include visits from prospective employers.]

The pre-release phase for a YCA inmate can be in conjunction with the Release Preparation Program scheduling of 18-24 months of release, as long as it is no later than nine months prior to release.

[b. Staff shall establish incentives to motivate YCA inmates and to encourage program completion. Examples of such incentives which may be used are special recognition, awards, and "vacation days."

c. The program plan, and the YCA inmate's participation in fulfilling goals contained within the plan, are fundamental factors considered by the U.S. Parole Commission in determining when a YCA inmate should be paroled. Given the importance and

joint use of the YCA programming process, the current program plan and a summary of the inmate's progress in meeting established treatment goals must be made available for review and discussion by the Commission at each parole hearing. In addition, a staff member familiar with the YCA inmate's case should be present at any parole hearing to clarify any questions concerning the plan or the inmate's progress in completing the plan.

d. Upon full and satisfactory completion of the program plan, the Warden will notify the U.S. Parole Commission and make a specific recommendation for release.] (see Attachment A for an example).

Although pre-release planning begins with the classification phase, the pre-release phase provides a focal point for increased emphasis just prior to release.

9. [PROGRAM REVIEWS §524.23. Staff shall conduct periodic reviews of the inmate's program plan and shall modify the plan in accordance with the level of progress shown. Each YCA inmate shall be afforded a review at least once each 90 days, and shall have a formal progress report prepared every year summarizing the inmate's level of achievement. If the inmate's program plan needs to be modified in light of the progress made, or the lack thereof, appropriate changes will be made and a revised program plan will be developed and documented. Staff shall ordinarily notify the inmate of the 90-day review at least 48 hours prior to the inmate's scheduled appearance before the Unit Team. An inmate may waive in writing the requirement of 48 hours notice.]

The YCA inmate is expected to attend and participate in the program review meeting. If properly scheduled and the inmate fails to appear, ordinarily, disciplinary action will be taken.

10. [PAROLE HEARINGS §524.24. All YCA inmates have been extended the parole procedures present in Watts vs. Hadden. YCA inmates shall be scheduled for interim hearings on the following schedules:

a. For those inmates serving YCA sentences of less than 7 years, an in-person hearing will be scheduled every 9 months.

b. For those inmates serving YCA sentences of 7 years or more, an in-person hearing will be scheduled every 12 months.

c. Upon notification of a response to treatment/certified completion of a program plan by the Bureau of Prisons, the Parole Commission will schedule the inmate for an in-person hearing on the next available docket, unless the inmate is paroled on the record. If a hearing is held and the inmate is denied parole, the next hearing shall be scheduled in accordance with the schedule outlined in paragraphs (a) and (b) of this section.

d. The hearings mentioned in paragraphs (a) and (b) of this section are not required for inmates who have been continued to expiration or mandatory parole who have less than one year remaining to serve or to a CCC placement date.]

11. [U.S. PAROLE COMMISSION §524.25. The U.S. Parole Commission is the releasing authority for all YCA inmates except for full term and conditional releases. The Commission shall be provided a progress report:

a. Upon request of the Commission,

b. Prior to any interim hearing or pre-release record review,  
or

c. Upon determination by the inmate's Unit Team, with concurrence by the Warden, that the inmate has completed his or her program plan.]

When institution staff wish to notify the U.S. Parole Commission of a special post-release need, the Unit Team either shall note this need in the progress report or submit a separate report bringing the post-release need to the U.S. Parole Commission's attention. An example of a special post-release need would be for an inmate with an alcoholism problem to continue contact with a community-based Alcoholics Anonymous self-help group.

Progress reports for YCA inmates prepared for parole hearings shall include a complete summary of the program plan and describe the inmate's progress in meeting program goals.

12. **YCA COORDINATION.** FCI Englewood will provide centralized coordination and monitoring for matters relating to YCA inmates throughout the system. The Case Management Coordinator at FCI Englewood shall serve as the YCA Coordinator for the Bureau and shall provide:

a. Guidance to Bureau case management staff and U.S. Parole Commission staff on program plans, parole hearings, and other matters relative to the Youth Corrections Act.

b. A monthly listing of all YCA inmates due for parole hearings (a list will not be provided for routine SIH hearings). This listing will also be provided to the U.S. Parole Commission Regional Office.

c. Clearance that the designated institution is under no court imposed restriction requiring a court hearing before a YCA inmate may be placed in that institution.

**Note:** YCA inmates may be housed with other non-YCA inmates unless the respective U.S. District Court in that jurisdiction rules to the contrary. Respective Regional Counsel should be consulted when YCA legal issues or questions ensue.

In order to provide accurate coordination and monitoring of all YCA inmates throughout the system, the following information must be provided to the YCA Coordinator:

(1) The Regional Correctional Programs Administrator, in conjunction with the Regional Counsel, must notify the YCA Coordinator immediately of court decisions which impact on the placement of YCA inmates at institutions. The YCA Coordinator shall maintain current information relative to the status of each institution as it relates to YCA inmates.

(2) Prior to an initial designation or redesignation of a YCA inmate, Regional Designators shall notify the YCA Coordinator by BOPNet GroupWise of the proposed designation or redesignation within that region. No proposed designation will be final until cleared by the YCA Coordinator.

(3) Once the YCA inmate arrives at the designated institution, **it is critical** for unit staff to **identify** the inmate **promptly** in SENTRY using the CMA assignment "YCA."

d. At the completion of the initial parole hearing or parole violation hearing and following initial classification, institution staff shall provide the YCA Coordinator with a copy of the classification materials, including the U.S. Parole Commissions' Notice of Action and a copy of the program plan.

e. A copy of each updated progress report and program plan shall be forwarded to the YCA Coordinator as well as a copy of all Notice of Actions received from the U.S. Parole Commission.

f. Upon release, or transfer to a CCC, institution staff shall provide a BOPNet GroupWise message to the YCA Coordinator giving:

- Ž release date,
- Ž release method, and
- Ž CCC location if applicable.

The mailing address for the YCA Coordinator is:

YCA Coordinator  
Case Management Coordinator  
FCI Englewood  
9595 West Quincy Avenue  
Littleton CO 80123

13. **YCA INMATE RECORDS.** YCA inmate records will be handled in accordance with the Inmate Systems Management Manual and Program Statement on Inmate Central File, Privacy Folder, and U.S. Parole Commission files.

Information on former YCA inmates, including the fact that the person has been confined, may not be released without Regional Counsel review to determine whether the conviction has been expunged.

Kathleen Hawk Sawyer  
Director

August 24, 1993

Joe Jones, Warden  
FCI, Englewood

SAMPLE

Franklin, Esteban  
Reg. No. 00000-000

Tom Tucker, Commissioner  
U.S. Parole Commission, Western Region

I am certifying that the above referenced inmate has successfully completed the treatment program plan developed for him upon commitment to this institution.

Mr. Franklin has enhanced his employment opportunities by completing the Business Vocational Training program and the Adult Basic Education program. He has demonstrated his ability to conform to the rules and regulations of the institution by incurring no incident reports in the highest or greatest categories. He completed a course of Correctional Counseling receiving the endorsement of his counselor. He maintains his personal appearance and living areas at socially acceptable levels and consistently receives average work reports.

I recommend that he be reviewed by the U.S. Parole Commission and favorably considered for parole.

Enclosed for your review is a copy of Mr. Franklin's current progress report. If further information is needed, please do not hesitate to contact me.

Enclosure:  
Progress Report