



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: CPD/CPB
NUMBER: 5215.07
DATE: September 23, 2016

Youth Corrections Act (YCA) Inmates

/s/

Approved: Thomas R. Kane
Acting Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

§524.20 Purpose and scope.

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.

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

a. Summary of Changes

Policy Rescinded

P5215.05 Youth Corrections Act (YCA), Inmates and Programs (03/17/99)

Federal Regulations from 28 CFR are shown in this type.

Implementing instructions are shown in this type.

This revision removes the requirement that staff at the Federal Correctional Institution in Englewood, Colorado (FCI Englewood) serve as the Bureau point of contact for YCA issues, and directs inquiries to Regional Counsel or the Consolidated Legal Center.

b. **Program Objectives.** As a result of this program, YCA inmates will complete a three-phase program plan that includes a classification phase, a treatment phase, and a pre-release phase.

c. **Pretrial/Holdover/Detainee Procedures.** This Program Statement does not apply to pretrial/holdover or detainee inmates.

d. **Institution Supplement.** None required. Should local facilities make any changes outside the required changes in the national policy or establish any local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. DEFINITIONS

§524.21 Definitions.

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.

3. YCA PROGRAM

§524.22 YCA Program.

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.**

Because completion of the program plan may constitute a certification of “response to treatment” release readiness, the U.S. Parole Commission may choose to recommend additions, deletions, or modifications to specific goals within the plan.

When the Unit Team and the U.S. Parole Commission cannot reach a consensus as to the content of a plan, the matter is referred to the Regional Director through the Warden. The Regional Director consults with the Regional Legal Counsel to resolve the matter.

The terminology “response to treatment-certified completion” applies to YCA inmates who have not been released on parole. The Unit Team, in conjunction with the Commission, may initiate a response to treatment program plan for a parole violator if warranted.

Although consistency in program planning 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 documents:

- The initial program plan.
- Subsequent changes.
- 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’s goals.

The last six Program Review Reports must be kept in the Inmate Central File to ensure their information is 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:

- Conduct.
- Sanitation/hygiene.
- Work performance.
- Attitude/interpersonal skills.
- Communication skills.

b. Treatment/self improvement;

These goals may include:

- Educational/social education.
- Work assignment (e.g., UNICOR).
- Vocational training.
- Substance abuse.
- Psychological counseling.
- Health and recreation.

c. Pre-release;

These goals may include:

- Family visiting.
- Vocational counseling.
- Financial preparation for release.
- Escorted trips/furloughs.
- CCC placement.

Note: Community Corrections Center (CCC) is now referred to as Residential Reentry Center (RRC).

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 are placed in institutions commensurate with their:

- Security levels.
- Custody assignments.
- Program needs.

Because geographical placement is important for maintaining positive community ties, every attempt is made to designate a YCA inmate to an institution near the release area. An exception 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 schedule of within 30 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 immediately before release.

4. PROGRAM REVIEWS

§524.23. Program reviews.

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 participate in the program review meeting.

5. PAROLE HEARINGS

§524.24. Parole hearings.

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.

6. U.S. PAROLE COMMISSION

§524.25. U.S. Parole Commission.

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 notes this in the progress report or submits a separate report bringing the post-release need to the Parole Commission's attention. An example would be for an inmate with a substance abuse problem to continue contact with a community-based self-help group.

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

7. YCA COORDINATION

Inquiries concerning a YCA inmate should be directed to the Regional Counsel or Consolidated Legal Center for the inmate's designated facility.

Once a 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."

8. YCA INMATE RECORDS

YCA inmate records are handled in accordance with the Program Statements **Correctional Systems Manual** and **Inmate Central File, Privacy Folder, and Parole Mini 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. After review, Regional Counsel or designee may release information as appropriate.

9. AGENCY ACA ACCREDITATION PROVISIONS

- American Correctional Association Standards for Adult Correctional Institutions, 4th Edition: 4-4300, 4-4449.
- American Correctional Association Performance Based Standards for Adult Local Detention Facilities, 4th Edition: 4-ALDF-5C-07.
- American Correctional Association Standards for Administration of Correctional Agencies, 2nd Edition: None.
- American Correctional Association Standards for Correctional Training Academies: None.

REFERENCES

Program Statements

P5100.08	Inmate Security Designation and Custody Classification (9/12/06)
P5290.14	Admission and Orientation Program (4/3/03)
P5300.20	Volunteers and Citizen Participation Programs (6/1/99)
P5300.21	Education, Training, and Leisure-Time Program Standards (2/18/02)
P5310.17	Psychology Services Manual (8/25/16)
P5321.07	Unit Management Manual (9/16/99)
P5322.13	Inmate Classification and Program Review (5/16/14)
P5325.07	Release Preparation Program (12/31/07)
P5350.28	Literacy Program (GED Standard) (12/1/03)
P5354.03	Postsecondary Education Programs for Inmates (12/17/03)

P5800.17 Inmate Central File, Privacy Folder, and Parole Mini-Files (4/3/15)
P5800.15 Correctional Systems Manual (1/1/09)
P5803.08 Progress Reports (2/27/14)

Federal Regulations

Rules cited in this Program Statement are contained in 28 C.F.R. 524.20 – 524.25.

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

Attachment A. Sample Letter to U.S. Parole Commission

August 24, 2013

Joe Jones, Warden

Re: Franklin, Esteban

Reg. No. 00000-000

Isaac Fulwood, Jr., Commissioner

U.S. Parole Commission

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