

18.37, Determinate Commitments

Application: All Department of Children's Services and Contract Agency Employees

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-JJCM 4.02

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Glossary:

♦ Serious Youthful Offender

- A justice involved youth who is 14 (fourteen) or older and committed the offense of:
 - First Degree Murder - 14 (fourteen) but less than 16 (sixteen) at the time of the commission.
 - Second Degree Murder - 14 (fourteen) but less than 16 (sixteen) at the time of the commission.
 - Rape, Aggravated Rape, Rape of a Child, Aggravated Rape of a Child.
 - Aggravated Robbery, Especially Aggravated Robbery, Especially Aggravated Burglary.
 - Aggravated Kidnapping, Especially Aggravated Kidnapping.
 - Commission of an Act of Terrorism.
 - Carjacking.
 - Aggravated Child Abuse or Aggravated Child Neglect and Endangerment.
 - Any Class A or Class B felony offenses involving the use of a deadly weapon during the commission of the offense or criminal attempt.

Policy Statement:

Determinately committed youth are eligible to earn Youth Commitment Reduction Credits (YCRCs) to reduce time spent 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 YCRCs.

Procedures:

A. Determinate Commitments

1. Youth may be committed to DCS for a determinate period of time if he/she is:
 - 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 [Tenn. Code Ann. § 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";
 - d) Youth is classified as a Serious Youthful Offender, and
 - e) The DCS commitment will not extend past the youth's 19th (nineteenth) birthday.
2. Suspected 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.
3. For more information regarding the process for determinate commitments, earning Youth Commitment Reduction Credits (YCRCs), and DCS staff/Contract Agency employee responsibilities, utilize the [Protocol for Determinate Commitments](#).

Forms:

[CS-0005, Determinate Commitment Monthly Report](#)

[CS-0006, Youth Commitment Reduction Credits](#)

[CS-0955, Determinate Commitment: Individual Youth Sentence Reduction Credits Cumulative Report](#)

[CS-1076, Placement Step-Down Request](#)

Collateral Documents:

[*13.10, Custody Requirements of for Justice Involved Youth*](#)

[*Youth Handbook for a Tennessee Youth Development Center*](#)

[*Protocol for Release Notification and Approval*](#)

[*Protocol for Determinate Commitments*](#)