

18.9 Youth with Adult Sentences/Transfers to Adult Criminal Court

Application: To All Department of Children's Services Youth Development Center Employees and Juvenile Justice Family Service Workers

Authority: TCA 37-1-134 (c), 37-5-105 (3), 37-5-106; Public Chapter No. 486/House Bill No. 713

Standards: COA: PA-JJR 12.02

Commissioner:

Date:

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Glossary:

- ◆ Youth offender:
 - Youth who are sentenced and committed to the Tennessee Department of Correction (TDOC) by a Court having adult Criminal jurisdiction or ordered detained for safekeeping in the TDOC pending trial in a Court of Criminal jurisdiction.

Policy Statement:

The Department of Children's Services (DCS) shall provide housing and programming for youth sentenced as adults with the Tennessee Department of Correction (TDOC) and shall provide procedures for the transfer of youth from initial placement, and back to the physical custody of TDOC in accordance with statutory requirements. DCS does not have legal custody of youth placed pursuant to this policy.

Purpose:

To establish procedures for housing, programming and transfer of youth sentenced as adults.

Procedures:

A. Review of Court documentation prior to placement with DCS

1. The DCS Office of General Counsel will review sentencing documents for youth offenders immediately upon contact by county jail personnel, or TDOC personnel to determine the appropriateness of placement in DCS physical custody. DCS will not accept any youth without sentencing documents reviewed by DCS Office of General Counsel in Central Office.

2. If judgment order of the Criminal Court contains a statement(s) ordering or requiring the youth's confinement to a Youth Development Center (YDC), DCS will accept physical custody of the youth.
3. If the youth is determined to be less than sixteen (16) years of age, regardless of additional statements on the Criminal Court document concerning place of confinement set forth in Section A.2, statute requires the youth's placement into a YDC rather than an adult facility. If the Deputy Commissioner of the Division of Juvenile Justice or designee determines that a YDC is not an appropriate placement for such youth, the DCS Office of General Counsel must be consulted immediately.
4. If the DCS Office of General Counsel determines that the Court documents do not order YDC placement **AND** the youth is sixteen (16) or older, the Deputy Commissioner of the Division of Juvenile Justice or designee will review the case immediately to determine acceptance.
5. Youth who are determined by DCS Office of General Counsel or the Deputy Commissioner of Division of Juvenile Justice to be legally or program appropriate for transfer to DCS physical custody will be subject to all DCS policies and procedures regarding classification and processing.

B. Youth in DCS Legal custody at time of transfer hearing

1. If a youth is in the legal custody of DCS at the time of a transfer hearing in adult Criminal Court, the Court may order the youth to remain in the legal custody of DCS until conviction occurs.
2. While trial is pending, the Court may order confinement in a local juvenile detention facility, a juvenile detention facility contracted by the Court or an adult detention facility separate and removed from adult detainees. If the youth is in the legal custody of DCS, the Department will make placement arrangements for the youth's pending trial.
3. Legal custody from DCS will terminate upon any conviction in adult Criminal Court.
4. If there is no conviction, the adult Criminal Court will notify the committing Juvenile Court judge of the dismissal or acquittal so the Juvenile Court may, at its discretion, set a hearing to review the custodial status of the youth.

C. Transfer of Youth to Department of Correction

The physical transfer of youth with adult sentences to the TDOC housed in DCS facilities will occur no later than the youth's eighteenth (18th) birthday, or in accordance with the Court order. Youth with adult sentences may be transferred to TDOC as early as age sixteen (16) upon order from the committing Court.

D. YDC Case Manager Responsibilities

1. Prior to transfer to TDOC, the appropriate Youth Development Center (YDC) case manager or staff will complete Section A of form **CR-2574 Inmate Admission Assessment** and e-mail or fax to:

Sentence Management Services
2nd Floor, Rachel Jackson State Office Building
Nashville, Tennessee 37243
TDOC Telephone No: (615) 741-1000
Fax: 615-259-3783
E-Mail Address: TDOC.webmaster@tn.gov

2. The YDC case manager assigned to a youth who is under a Criminal Court sentence will ensure the following occurs prior to the youth's eighteenth (18th) birthday:
 - a) Six (6) weeks prior to the youth's eighteenth (18th) birthday a final staffing will be held to review the youth's progress while in DCS and make recommendations for TDOC's classification unit. The youth will be given any information available to assist in his/her adjustment to the transfer.
 - b) After the staffing the YDC case manager will send a copy of the staffing summary and the adult Criminal Court judgment order to the Intake Coordinator of the Classification Division at the TDOC. A request will be made for a placement for the youth at the appropriate TDOC facility.
 - c) Upon receipt of approval for transfer to a specific TDOC facility, the YDC case manager will follow YDC facility transfer procedures.
 - d) The case manager will make a determination about notifying the youth prior to the transfer based on security considerations.

E. Record Office Responsibilities

1. Form **CR-2012, Prisoner Sentence Reduction Credits** will be completed and e-mailed or faxed to:

Sentence Management Services
2nd Floor, Rachel Jackson State Office Building
Nashville, Tennessee 37243
TDOC Telephone No: (615) 741-1000
Fax: 615-259-3783
E-Mail Address: TDOC.webmaster@tn.gov

2. The records office will contact the appropriate TDOC Reception Center Records Office to verify that the youth is at the TDOC facility and is entered in the TOMIS system.
3. A copy of the staffing summary, all indictments and judgment orders of the circuit or Criminal Court will be delivered with the youth to the TDOC facility. Certified copies of these documents are provided to the transportation officer to present along with the case file when the youth is delivered to TDOC.
4. Property other than personal hygiene items and clothes the youth are wearing will be returned to the youth's family by the YDC staff person in charge of youth property.

F. Transportation Responsibilities

Upon notification of an available capacity and the location of the TDOC facility, the DCS employee(s) responsible for transportation will ensure:

1. Youth's property and all records are transported with the youth; and
2. Secure transportation to the TDOC facility.

G. Data Systems Documentation

1. Placement information for children/youth in DCS custody is entered on the appropriate screens in **TFACTS** according to best practice and in a timeframe that allows for the needs of the child/youth being placed. This includes:
 - a) Disruptions;
 - b) Move toward permanency;
 - c) Lower level placement; or d) A transfer to the TDOC facility.
2. Court orders to release the youth to TDOC is entered in **TFACTS** within twenty-four (24) hours of receiving the order.
3. Within thirty (30) days of the youth's release to TDOC, all documentation will be recorded and the case closed in **TFACTS**.
4. All required information will be entered on the appropriate screens in **TFACTS** within thirty (30) days of occurrence.

Forms:

[**CR- 2012, Sentence Reduction Credits**](#)

[**CR-2574, Inmate Admission Assessment**](#)

Collateral Documents:

None