

UTAH DIVISION OF JUVENILE JUSTICE AND YOUTH SERVICES POLICY AND PROCEDURES		
Policy: 08-04	Page 1 of 4	
YPA Guidelines for Length of Stay		
<p>RATIONALE: To establish suggested length of stay criteria upon which YPA Board Members can make fair and equitable decisions regarding lengths of stay and treatment objectives.</p> <p><i>Replaces:</i> 08-04 YPA Guidelines for Length of Stay</p>		
Original Effective: July 2004	Revision: December 15, 2022	Next Review Due: December 2025

I. POLICY

- A. The Youth Parole Authority (YPA) shall establish written, uniform criteria for length of stay and parole release decisions. Criteria shall be based on the Suggested Length of Stay Matrix (Appendix 08-04A), which takes into account the minor’s offense severity. A suggested length of stay may be adjusted by the YPA based upon the mitigating and aggravating circumstances of the committing offense (Appendix 08-04B). Treatment progress and participation may affect actual length of stay.

II. PROCEDURE

All minors committed to secure care shall receive a presumptive length of stay of 3 to 6 months with the exception of those whose committing offense(s) include one or more of the following: Attempted Aggravated Murder, Murder, Attempted Murder, Aggravated Kidnapping, Aggravated Arson, Aggravated Burglary, Aggravated Robbery, Felony Discharge of a Firearm, or another felony offense involving the use of a dangerous weapon if they have previously been adjudicated of an offense involving a dangerous weapon. This also includes identified loss of life offenses and multiple commitments to secure care.

YPA Board members shall determine an appropriate parole date, based upon the Suggested Length of Stay Matrix for those minors whose offenses do not qualify for the presumptive 3-to-6-month length of stay.

The Suggested Length of Stay Matrix is developed to provide structure for professional decisions regarding the level of restrictiveness and length of secure confinement. The Suggested Length of Stay Matrix provides a fair means of determining length of stay so that minors who commit similar offenses will have similar lengths of stay. The suggested length of stay is determined at the Initial Hearing.

The Suggested Length of Stay Matrix represents the minor's Offense Category (A, B, C, D) and is determined by the Presenting Offense Episode (POE). Based upon the Offense Category, the minor's suggested length of stay is prescribed by the specific grid. The suggested length of stay may be adjusted by the YPA based upon the mitigating and aggravating circumstances of the offense, except where the length of stay based on the POE qualifies for the presumptive length of stay of three (3) to six (6) months.

A. Offense Category

1. The POE or Offenses are ranked into four (4) severity categories, ranging from low severity (Category A), to high severity (Category D). The severity category is located on the Suggested Length of Stay Matrix.
2. The offense categories are separated into four (4) classifications:
  - a) All misdemeanor offenses and other non-aggravated property felony offenses that qualify for the presumptive three (3) to six (6) month length of stay (per Section 80-6-804);
  - b) Exempted aggravated property or weapons offenses or second commitment;
  - c) Exempted aggravated offenses against a person with a weapon with or without injury, or third or subsequent commitments,
  - d) Exempted aggravated offenses against (2 or more) with injury or multiple victims, attempted murder, or identified loss of life offenses. In essence, minors who commit life-endangering felonies resulting in serious injury to victims will have a longer prescribed length of stay than minors who commit property offenses.
3. The offense history is derived from CARE (Courts and Agency Records Exchange). The YPA Administrative Officer is responsible for obtaining and verifying the committing offense(s) of all minors committed to the Division for secure confinement.
4. The YPA recognizes that each minor is unique and that individual circumstances must be considered in all parole decisions. The YPA has the discretion to depart from the suggested length of stay for offense categories B, C, and D when it is determined there are compelling and substantial reasons to do so. Reasons for departure shall be set forth in writing.
5. Mitigating and aggravating circumstances, previously not incorporated in the structure of the Suggested Length of Stay Matrix, were developed to assist the YPA in making individual case decisions. The YPA may depart from the

prescribed length of stay based upon mitigating or aggravating circumstances listed in Appendix 08-04-B. The list is an example and not comprehensive. The circumstances will be determined by the YPA at the initial hearing and must be documented in the minor's record.

B. Prescriptive Length of Stay Ranges Related to Treatment Progress

1. Length of stay is calculated in months as shown on the Matrix. Once the offense category is determined, the minor's case may be placed in the corresponding grid, which reflects a suggested length of stay that has a minimum and maximum length of time period.
2. To encourage and enhance program participation, those minors who make substantial progress in their treatment plans will be given consideration for release at the lower end of their suggested length of stay. The secure care facility staff must document treatment progress and facility adjustment. Each minor's treatment progress will be considered at the Progress/Parole Review Hearing.

C. Minors Committed to Age 25

1. Minors committed to the Division's custody for Secure Care as "serious youth offenders" pursuant to Section 80-6-802 may be in the custody of the Division until they reach the age of 25. Under this provision, the Youth Parole Authority shall have an initial hearing within forty-five days of the minor being committed to Secure Care. Following this initial hearing, the Youth Parole Authority shall review the minor's case at a minimum every six months throughout the course of the minor's stay in Secure Care. The Youth Parole Authority shall not set an anticipated Length of Stay until the minor is twenty-one years old. The Youth Parole Authority shall hold a hearing within 30 days of the minor's twenty-first birthday to set an anticipated Length of Stay. When calculating the anticipated Length of Stay, the Youth Parole Authority shall utilize the matrix that is used by the Utah Board of Pardons and Parole. This matrix will be adjusted to reflect the minor's age and the seriousness of the offense(s). All time the minor spends in Secure Care, including time prior to the Length of Stay being established, shall count toward the minor's Length of Stay.

D. Subsequent Commitments

1. When a minor is re-committed for a new offense, a new suggested length of stay will be established in accordance with this policy. Credit will not be given for time served on a previous commitment or revocation.

E. Technical Parole Violations

1. A minor placed on parole generally remains on conditional liberty until discharged unless revocation occurs. If a minor's parole is revoked by the YPA on a technical violation (and no other charges exist which would constitute a felony or misdemeanor if committed by an adult), the YPA has the discretion to detain the minor in secure confinement. A technical violation is defined as a violation of one of the conditions included in the parole agreement signed by the minor at the time of parole.

F. Detention Time Credit

1. The YPA has the discretion to award full credit for time served in detention after the initial commitment or revocation. Credit for detention time is awarded only if the custody was due to the original commitment or the revocation.

III. **Continuous Renewal**

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice Services Executive Management Team, and is approved upon the signature of the director.



---

Dennis Martinez, Chairman  
Youth Parole Authority

---

12/15/2022

Signature Date



---

Brett M. Peterson, Director  
Division of Juvenile Justice Services

---

12/15/2022

Signature Date