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<b>Section-06 Classification and Case Management</b>	<b>OP-060210</b>	<b>Page: 1</b>	<b>Effective Date: 07/29/2014 Annual Review: 02/2015</b>
<b>Delayed Sentencing Program</b>	<b>ACA Standards: 4-APPFS-1B-03, 4-APPFS-1B-06, 4-APPFS-2A-12, 4-APPFS-3D-32</b>		
<b>Robert Patton, Director Oklahoma Department of Corrections</b>	<b>Signature on File</b>		

## **Delayed Sentencing Program for Young Adults For Confined Offenders**

All offenders ordered by the court to the Delayed Sentencing Program for Young Adults, pursuant to 22 O.S. § 996 through 996.3, will have an Accountability Plan developed for submission to the court. Offenders who do not meet the statutory required age and/or crime criteria will not be placed in the program. In such cases, the appropriate Probation and Parole district shall be notified by the coordinator of facility classification that the offender does not meet the statutory requirements for the program. The affected district will notify the sentencing court. (4-APPFS-2A-12)

### **I. Commitment to the Department of Corrections**

When an offender is committed to the Delayed Sentencing Program where the court specifies an initial period of confinement of not less than 180 days, nor more than one year, the following procedures will be followed.

#### **A. Placement**

1. Delayed sentence offenders ordered to commitment in the Department of Corrections (DOC) will normally be placed in structured programming. The programming shall consist of intense confinement, supervision, treatment, discipline and vocational or educational components designed specifically for the offender.

2. If security or medical considerations preclude the designated program placement, the coordinator of facility classification will notify the appropriate Probation and Parole district, which will notify the sentencing judge in writing of the alternate placement decision.

B. Assessment Procedures

1. In the event the court has ordered confinement under the Delayed Sentencing Program, assessment and reception center staff will initiate verification inquiries as requested by the order of the sentencing court. The responses will be forwarded to the designated district. Verification inquiries will include a copy of the court order and a signed "Consent for Release of Confidential Information" form ([Attachment C](#), attached).
2. A list of verifications requested and a signed "Release of Confidential Information" form will be forwarded to the designated assessment and reception center staff member by the assessment center case manager.
3. Upon completion of the assessment and reception process, assessment and reception center staff will compile an information packet. The packet will be forwarded to the appropriate supervising district and will contain copies of the following:
  - a. "Personal History Sheet" ([OP-160201](#), [Attachment A](#));
  - b. "Initial Custody/Facility Assignment Form" ([DOC 060102A\(M\)/DOC 060102A\(F\)](#));
  - c. Criminal Record (JOLTS, NCIC, FBI, OSBI rap sheets and DPS records);
  - d. "Consent for Release of Confidential Information" ([Attachment C](#), attached), signed by the offender;
  - e. Verification inquiries;
  - f. Order to Conduct or court orders for all CF#'s with attachments;
  - g. Current "Consolidated Record Card" ([DOC 060211H](#)); and
  - h. The Risk Assessment or ASUS conducted at the assessment and reception center.
4. Staff at the assessment and reception center will review all packets for completeness and pertinent reception information. Packets will be forwarded to the appropriate district of supervision within ten working days of receipt of final classification.

## II. Delayed Sentencing Plan Development

### A. Request for Information

1. Prior to the development of the “Offender Accountability Plan Delayed Sentencing Program for Young Adults” ([Attachment B](#), attached) for incarcerated offenders, the supervising district will determine the extent of information requested by the courts and the date by which the plan is to be filed.
2. If medical information is requested and available, the district will complete an “Authorization for Release of Protected Health Information” ([DOC 140108A](#)) and forward the release to the confining facility for the offender’s signature.

### B. Accountability Plan (4-APPFS-1B-03)

An “Offender Accountability Plan” will be developed in accordance with the following procedures and a cover letter drafted in substantial conformance with [Attachment B](#).

1. The “Offender Accountability Plan” will contain the offense core (official version, offender’s version and victim’s statement), prior criminal record, proposed residency, program participation, evaluation summary, and recommendation.
  - a. Additional information as requested by the court will be provided, to include: family and social data, education, employment, physical/mental/substance abuse history, financial information, etc.
  - b. The “Offender Accountability Plan” will be prepared in accordance with [Attachment B](#).
    - (1) If a pre-sentence investigation had been prepared prior to the offender being placed in the Delayed Sentencing Program, the accountability plan may reference the categories contained in the pre-sentence investigation and exclude those areas. A copy of the pre-sentence investigation will be included with the accountability plan for reference.
    - (2) The plan will be written and filed with the court within ninety days of commitment, or as directed by the sentencing court.
  - c. The report shall include targeted intervention recommendations such as substance abuse evaluation, community service, parenting classes, restitution, etc. When

the plan recommends confinement, the plan will state the type and duration of confinement recommended. (4-APPFS-1B-06)

- d. Thirty days prior to sentencing, a “Special Report” shall be prepared and filed with the court clerk. The report will summarize the offender’s progress during incarceration and will make a final recommendation to the court (if applicable).
- e. If an offender has been assessed and is eligible for a community sentence, as defined in 22 O.S. § 988.2, staff responsible for developing the plan will consider this recommendation if the county of conviction has a community sentencing program in place.

## 2. Distribution

The plan will be filed with the clerk of the sentencing court. Distribution will occur as follows:

- a. Original--court clerk (all CRF#'s);
- b. Copy--sentencing judge;
- c. Copy--district attorney;
- d. Copy--defense attorney;
- e. Copy--offender’s field file;
- f. Copy—offender; and
- g. Copy--probation officer (when applicable).

## III. Transportation

### A. Scheduling

1. The affected Probation and Parole district will notify the Population Office of the date of the hearing at least ten days prior to the date scheduled by the court, or as soon as possible after notification, that a hearing has been scheduled.
2. The notification will include: the offender’s name and DOC#; date, time, and location of the hearing; case number; assigned judge; type of hearing and the offender’s current assigned facility.

### B. Facility Notification

1. The Population Office will notify each facility's records office of the date, time, location and appropriate move status for the offender through the statewide or court movement process. Accordingly, the facility/district records office will notify the appropriate staff of any court moves.
2. Facility/district records office will notify the appropriate jurisdiction in cases where the offender has pending warrants/detainers. Notification should normally be made prior to the scheduled delayed sentence hearing.

C. Transporting Officers

1. Each facility will transport the offender, field file and all of the offender's property to the county of conviction on the date of the hearing at the designated docket time. Security staff will remain with the offender until the conclusion of the hearing.
2. At the end of the hearing, security staff will receive a certified minute/order stating the court's sentencing order, which will be returned to the facility's records office. Prior to releasing the offender from custody, security staff will contact the facility to provide the offender's sentence and receive any other pertinent information, to include any pending detainers or warrants.
3. Documentation of the offender's forwarding address and telephone number will be obtained by the security staff and provided to the facility's records office.
4. If the offender's sentence is for incarceration, or the offender has other sentences of incarceration, security staff will return the offender to the facility with the sentencing court's certified minute/order.

IV. Delayed Sentencing Court Hearing

- A. Prior to the hearing, the supervising district will notify a member of the offender's family who will be present at the hearing and also request clothing be brought to the hearing if the offender is released from custody. District staff will attend the hearing as an agency representative if requested by the court.
- B. At sentencing, if applicable, the offender will sign the Rules and Conditions of Probation. Any special provisions directed by the court will be referred to on the "Rules and Conditions of Probation" and emphasized to the offender after the hearing by the district staff or other DOC staff members.
- C. The offender will be directed to the county's court administrator for review of costs and fines. The offender will also be directed to report to the

appropriate probation office for community supervision if so ordered by the court.

D. At the conclusion of the hearing, the transporting officer shall ensure that certified court minutes/orders stating the court's imposed sentence are obtained.

V. Delayed Sentencing Supervision

When the plan recommends probation in whole or in part, the Delayed Sentencing Program will consist of evaluating and monitoring of the offender by probation and parole staff, within the constraints dictated by the court order. Supervision requirements will be for the time period specified for in the court's order, or as is statutorily authorized. Offenders will be classified in accordance with the current need and risk instrument.

VI. Monthly Reports (4-APPFS-3D-32)

All districts will provide a monthly statistical report to the division manager of Community Corrections. The report, in addition to other required information, will include the number of delayed sentence reports written and hearings conducted within each district's jurisdiction.

VII. References

Policy Statement No. P-060100 entitled "Classification and Case Management of Offenders"

22 O.S. § 988.2

22 O.S. § 996.3

VIII. Action

Facility heads/district supervisors are responsible for compliance with this procedure.

The division manager of Community Corrections is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-060210 entitled "Delayed Sentencing Program for Young Adults For Confined Offenders" dated January 29, 2014

Deleted: OP-060210 Revisions-01 dated June 3, 2014

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Distribution: Policy and Operations Manual  
Department Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 060102A(M)</a>	"Initial Custody Assessment/Facility Assignment Form"	<a href="#">OP-060102(Male)</a>
<a href="#">DOC 060102A(F)</a>	"Initial Custody Assessment/Facility Assignment Form"	<a href="#">OP-060102(Female)</a>
<a href="#">DOC060211H</a>	"Consolidated Record Card"	<a href="#">OP-060211</a>
<a href="#">DOC 060212F</a>	"Authorization to Release Department of Corrections Record Information"	<a href="#">OP-060212</a>
<a href="#">DOC 140108A</a>	"Authorization for Release of Protected Health Information"	<a href="#">OP-140108</a>

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment A</a>	"Offender Accountability Cover Letter"	Attached
<a href="#">Attachment B</a>	"Offender Accountability Plan Delayed Sentencing Program for Young Adults"	Attached
<a href="#">Attachment C</a>	"Consent for the Release of Confidential Information"	Attached
<a href="#">Attachment A</a>	"Personal History Sheet"	<a href="#">OP-160201</a>

