



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Second Look Hearings

Section – Policy Number:

E: Information Management - 2.6

Supersedes:

II-F-2.0 (10/11)
II-F-2.0 (03/08)
II-F-2.0 (10/96)

Effective Date:

09/27/2013

Date of Last Review:

09/27/2022

Related Standards and References:

- [ORS 420A.203](#) (Eligibility for second look; report to sentencing court; hearing; disposition)
- [ORS 419C.349](#) (Grounds for waiving youth to adult court)
- [ORS 419C.352](#) (Grounds for waiving youth under 15 years of age)
- [ORS 419C.364](#) (Waiver of future cases)
- [OAR 291-052-0055](#) (Transfer/Responsibilities Between Oregon Youth Authority and Department of Corrections; Second Look)
- [OYA policy](#): I-E-1.2 (Response to Subpoena)
- [OYA forms](#): YA 4102 (DOC Quarterly Report)
YA 4548 (Second Look Hearing Packet Cover Sheet)
YA 4549 (Second Look Hearing Packet Instructions)
YA 4550 (Request for Second Look Hearing)
YA 4551 (Second Look Report)
YA 4553 (Second Look Authorization for Release of Information)
YA 4554 (Second Look DOC Proposed Residence Information)
YA 4555 (Second Look Request for Copy of Certified Court Order from Second Look Hearing)

Related Procedures:

- None

Policy Owner:

Facility Services Assistant Director

Approved:


Fariborz Pakseresht, Director

I. PURPOSE:

This policy provides specific guidelines for OYA staff regarding the Second Look hearing process that applies to certain youth in the legal custody of the Department of Corrections (DOC) and the physical custody of OYA (DOC youth).

II. POLICY DEFINITIONS:

Second Look coordinator: OYA staff member who is responsible for tracking DOC youth eligible for Second Look hearings to ensure timelines are met, and coordinates information gathering in preparation for Second Look hearings.

III. POLICY:

According to their court orders, certain DOC youth in the Department of Corrections (DOC) legal custody and OYA physical custody are eligible for a Second Look hearing to consider a conditional release into the community. Eligibility for a Second Look hearing is governed by Oregon law which requires OYA adhere to specific timelines when filing a notice and request in the sentencing court for the hearing time and place. OYA must also provide specific documents for the court's review.

OYA staff preparing reports for Second Look hearings will provide specific information to the court regarding a DOC youth's treatment progress while in OYA custody. Staff will also provide documentation described in this policy so the court has a complete representation of a DOC youth's progress in treatment and programs. Staff must avoid making specific recommendations or draw any conclusion based on the information provided to the court concerning a particular DOC youth's release from custody.

IV. GENERAL STANDARDS:

A. Intake

Upon receipt of a court order indicating that a DOC youth is eligible for a Second Look hearing, facility intake staff must document the Second Look "eligibility" date in a JJIS Decision Point attached to the DOC youth's dispositional record. The "eligibility" date is the date on which the DOC youth's sentence will be 50 percent served.

B. Second Look Coordinator

OYA must have an agency Second Look coordinator to coordinate the court hearing preparation, gather Second Look information, and ensure that mandated timelines are met.

V. SECOND LOOK PROCESS:

A. Tracking Eligible DOC Youth

During the first week of each month, the Second Look coordinator must review a list provided by DOC of Second Look eligible DOC youth to ensure OYA is tracking each DOC youth's Second Look hearing information.

B. Notice to the Sentencing Court

The Second Look coordinator must send a written notice YA 4550 (Request for Second Look Hearing) to the appropriate circuit court judge who sentenced the eligible DOC youth between 60 and 120 days prior to the date the DOC youth's sentence is half served.

1. The YA 4550 must be signed by the Facility Services assistant director.
2. If the court does not respond within 30 days, a second YA 4550 must be sent.

3. The Second Look coordinator must document the date(s) the YA 4550 was sent.
- C. Notice to the OYA case coordinator
1. Between 45 and 30 days prior to the half-served sentence date, the Second Look coordinator must notify the appropriate case coordinator that a Second Look report is due, and provide a due date. This notification must be documented.
 2. The case coordinator must refer to OYA form YA 4549 (Second Look Hearing Packet Instructions) and follow the Guide in order to complete the required Second Look Documents.
- D. Preparation of the Second Look Documents
1. The case coordinator must follow the instructions on OYA form YA 4549 (Second Look Hearing Packet Instructions) as follows:
 - a) Complete a YA 4553 (Second Look Authorization for Release of Information) form signed by the DOC youth and witnessed by a third party. Ensure the DOC youth indicates on the form what information may be released.
 - b) Update the DOC youth's case plan.
 - c) Build and complete the YA 4551 (Second Look Report) located in JJIS.
 - d) Print a copy of the DOC youth's initial Risk Needs Assessment and any updated Risk Needs Assessments.
 - e) Obtain and print a copy of the most current YA 4102 (DOC Quarterly Report) and DOC face sheet.
 - f) Obtain and print copies of all related Youth Incident Report (YIR) summaries (YIR Summary – Second Look).
 - g) Obtain and print copies of all other current OYA assessments (e.g., psychological, drug and alcohol).
 - h) Obtain a psychological evaluation specifically for the Second Look Hearing;
 - i) Obtain and print copies of all certificates of completion and diplomas from educational, vocational and treatment programs completed while in OYA facilities.
 - j) Complete a copy of the YA 4554 (Second Look DOC Proposed Residence Information).
 - k) Complete and print a YA 4548 (Second Look Hearing Packet Coversheet).

2. The case coordinator must sign the YA 4551 (Second Look Report) and forward the completed documents to the facility superintendent, camp director, or designee for review and signature. Once signed, the documents must be sent to the Second Look coordinator.
3. The Second Look coordinator must:
 - a) Ensure the completeness and accuracy of the documents and send them to the agency's legal counsel with a completed YA 4548 (Second Look Hearing Packet Coversheet);
 - b) Fax a copy of the DOC Proposed Residence Form to the DOC Second Look coordinator; and
 - c) Notify the DOC youth's assigned juvenile parole/probation officer (JPPO) of the DOC youth's hearing date once the Second Look Hearing has been scheduled.

E. Responding to Attorney Requests for Information or Subpoenas

1. Staff must forward all verbal and written requests from a DOC youth's attorney regarding reports produced by OYA and other information concerning the DOC youth's Second Look hearing to the Second Look coordinator who will coordinate a response from the agency's legal counsel. By agency agreement, the agency's legal counsel will respond to such inquiries.
2. Staff receiving a subpoena to produce records or provide testimony to the court will follow OYA policy I-E-1.2 (Response to Subpoenas).

F. Providing Testimony

Staff summoned by the court to provide testimony during a Second Look hearing must limit their testimony to the DOC youth's treatment progress.

1. Staff must limit their comments to factual information (e.g. data, treatment program completion).
2. Staff must avoid providing opinions, drawing conclusions from the documentation submitted, or making recommendations to the court whether the DOC youth has met the Second Look requirements described in statute or if the DOC youth should or should not receive a conditional release from custody.
3. If the court determines to provide the DOC youth conditional release from custody, staff may provide information to the court concerning specific release conditions.
4. Staff should refer to the following language to frame the information they provide to the court: *"If the court determines to conditionally release the youth from OYA's physical custody, I would recommend the following conditions or requirements for the youth as part of his/her conditional release."*

G. Hearing Outcome

1. If OYA does not receive a court order reflecting the hearing outcome within 10 days of the Second Look hearing, the Second Look coordinator must send the court a YA 4555 (Second Look Hearing Follow-up Request) requesting a copy of the court order.
2. The Second Look coordinator or DOC youth's assigned juvenile parole/probation officer (JPPO) must notify the DOC youth's facility superintendent or camp director and the DOC Second Look coordinator of the hearing outcome.
3. The Second Look coordinator must document the hearing outcome in the DOC youth's JJIS Decision Points type "OYA Second Look Hearing" by recording the date of the hearing and selecting the Hearing Outcome from the dropdown.

H. DOC Youth Approved for Conditional Release by the Court

1. Staff may only release a DOC youth approved for conditional release from OYA custody if a court order is received by OYA.
2. OYA and DOC staff will coordinate the DOC youth's release plan.
 - a. DOC staff will submit the release plan to the court for the court's approval at least 45 days before the proposed release date.
 - b. If the court does not approve the release plan, DOC staff will submit a revised release plan to the court at least 15 days prior to the proposed release date.
3. Upon approval of the release plan and establishment by court order of a release date, OYA and DOC staff will coordinate the DOC youth's release on the date specified in the court order.

VI. LOCAL OPERATING PROTOCOL REQUIRED: NO