



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Sensitive Case Descriptors

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| <i>Section – Policy Number:</i> E: Information Management – 2.7 | <i>Supersedes:</i> I-E-2.7 (09/16) I-E-2.7 (01/11) II-E-1.1 (12/04) | <i>Effective Date:</i> 10/26/2023 | <i>Date of Last Revision Review:</i> None |
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| Related Standards and References: | <ul style="list-style-type: none"> ▪ OAR 416-430 Sensitive Case Descriptors ▪ OYA policy: II-A-1.5 (Agency Case Review and DOC Early Transfer Protocol) II-F-1.0 Youth Rights (Facilities) II-F-1.1 Youth Grievance Process (Facilities) III-B-4.0 Youth Rights, Responsibilities, and Grievance (Community) ▪ JJIS policy: Youth Alerts in JJIS ▪ OYA forms: YA 4025 (Sensitive Case Descriptor Request) |
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| Related Procedures: | <ul style="list-style-type: none"> ▪ None |
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| Policy Owner: Facility Services Assistant Director | Approved:  _____ Joseph O'Leary, Director |
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I. PURPOSE:

This policy provides direction for OYA staff when applying sensitive case descriptors to youth cases.

II. POLICY DEFINITIONS:

Multidisciplinary Team (MDT): A team of individuals who work collaboratively to develop and maintain a comprehensive individualized case plan that is culturally competent and gender-appropriate for each youth committed to OYA. The MDT is based on a core team membership consisting of the youth, OYA primary case manager, placement representative, QMHP (facility)/treatment provider (community), tribal representative (for youth enrolled in one of Oregon's federally recognized tribes) and the parents/guardians. Additional team members are identified by the core team based on the youth's Risk Needs Assessment, identified criminogenic needs and placement.

III. POLICY:

OYA has identified diversity, equity, and inclusion as an agency priority and initiative, with a goal to build a respectful, diverse, equitable and inclusive environment for youth and staff that is free from harassment, discrimination, and bias. Data shows youth of color and LGBTQ+ youth are disproportionately represented in the juvenile justice system. While OYA is only one part of that system, it plays a critical role in addressing the historical and systemic inequities it perpetuates. Services to youth must occur in an equitable and inclusive manner through an interactive model which includes staff participation, role modeling, coaching, teaching, and shaping youth behavior in a safe and caring environment. Staff must prioritize using a developmental approach considering youth inclusion, meeting youth where they are, and listening to learn. This is balanced by giving youth clear expectations, feedback, and appropriate consequences when needed.

OYA, in an effort to ensure staff, youth and public safety identifies certain types of youth behavior as sensitive and notable. Such behaviors are identified as “sensitive case descriptors” during a youth’s case planning process. These behaviors may have surfaced prior or subsequent to OYA commitment.

This policy outlines the process of identifying and designating youth with a sensitive case descriptor to ensure equity and to ensure youth who have been designated with sensitive case descriptors retain their rights listed in OYA policies II-F-1.0 Youth Rights (Facilities) and III-B-4.0 Youth Rights, Responsibilities, and Grievance (Community), including equal opportunities to participate in all needed programs and treatment, free from discrimination. Youth must be notified of the designation and their right to appeal it as described in this policy. Designations are reviewed for continued suitability as described in this policy, and must be removed when no longer suitable.

Sensitive case descriptors prompt staff to consider the following factors during case planning, treatment, and youth movement.

A. Safety, security and order of facilities and communities.

Multidisciplinary Team (MDT) members must be aware of sensitive case descriptors to wholly consider placement options (both in the facility living unit, and in the community).

B. Treatment opportunities: Collection of accurate and consistent information prompts appropriate assessment to identify unique treatment needs where they exist. Such information notifies staff to link youth with available programming and prompts the development of new programs to meet youth needs.

C. Transition planning: Sensitive case descriptors remind MDT members to consider specific community services available to support the youth’s behavioral needs.

- D. The sensitive case descriptor JJIS population group allows populations served by OYA to be accurately represented in statistical reports to support current and future programming for these populations.

IV. GENERAL STANDARDS:

A. Sensitive case descriptors

Youth with certain behavior histories exhibited prior to or following placement in OYA custody may be identified as sensitive cases when there is clear and convincing evidence to support the designation. A youth's MDT may request a sensitive case descriptor for youth with the following histories:

- 1. Gang: The youth's case record must show clear and convincing evidence that the youth exhibits any of the indicators on List A, or two of the indicators on List B:
 - a) List A
 - (1) The youth admits or asserts affiliation with a gang.
 - (2) The youth participates in a gang initiation ritual or ceremony.
 - (3) The youth conspires to commit, or commits a crime:
 - (a) that is part of a pattern of street crimes facilitated by the efforts of other gang affiliates and advance the interests of the youth;
 - (b) to attract the attention of the gang or enhance the standing of the person with the gang;
 - (c) for the benefit of the gang;
 - (d) to announce the existence of the gang, its membership or its territorial claims; or
 - (e) in response to the race, color, religion, sexual preference, national origin or gang association of the victim.
 - b) List B
 - (1) The youth displays knowledge of the gang's history, leadership, activities or rituals in a context that clearly indicates affiliation with the gang;
 - (2) The youth announces to the police that the person is willing to commit assaults, crimes, or make other sacrifices for the gang;

- (3) The youth wears clothes or jewelry unique to a gang in a context that clearly indicates affiliation with a gang;
 - (4) The youth uses a hand sign or language which, due to content or context, clearly indicates affiliation with the gang;
 - (5) The youth's name appears on a street gang document;
 - (6) The youth is in a photograph with other people who collectively display gang signs or apparel to exhibit solidarity; or
 - (7) The youth has a gang tattoo.
2. **Assaultive Behavior:** The youth's current behavior shows a clear and convincing pattern of serious assaultive behaviors toward others as demonstrated by:
 - a) Three or more incidents of assault documented in a Youth Incident Report (YIR) within the last six months; or
 - b) One incident of assault documented in a YIR that resulted in a serious injury to a victim requiring medical treatment beyond routine first aid.
 3. **Contraband:** A youth who has shown a pattern of possessing prohibited items in a facility as demonstrated by:
 - a) Three or more incidents of possessing drug contraband documented in a YIR in the last six months; or
 - b) One incident of possessing weapon contraband.
 4. **Escape:** A youth who has attempted or completed an escape from any secure facility.

B. JJIS Alerts

Sensitive case descriptors are different from JJIS Alerts. A JJIS Alert is information that is vital to the safety of a youth, a worker, or the community. Staff may review the JJIS Alert policy and must only apply JJIS Alerts when the case meets the JJIS Alert criteria.

Examples of JJIS Alerts include Registered Sex Offender, Medical, and Risk (suicide risk, run risk, danger to self). JJIS Alert policy prohibits gang information in the JJIS Alert category.

V. PROCEDURE:

A. Designation Process

1. OYA parole/probation cases

- a) Field staff must complete a YA 4025 (Sensitive Case Descriptor Request) when a sensitive case descriptor is warranted. The YA 4025 must describe the specific documentation that meets the sensitive case descriptor criteria.

This information may be derived from a variety of sources including, but not limited to: case file information, youth self-reports, police reports, or information from other agencies.

- b) Field staff must forward the completed YA 4025 to the field supervisor.
- c) The field supervisor must review the documentation against the descriptor criteria, and approve or deny the application of the sensitive case descriptor.

A recommendation may only be approved when there is clear and convincing evidence that meets the sensitive case descriptor criteria.

- d) Documentation

- (1) Staff must file the completed YA 4025 in the youth's field case file.

- (2) Staff must record the sensitive case descriptor in JJIS "population groups," if approved.

2. OYA facility cases

- a) The case coordinator must complete a YA 4025 (Sensitive Case Descriptor Request) when a sensitive case descriptor is warranted. The YA 4025 must describe the specific documentation that meets the sensitive case descriptor criteria.

This information must be derived from a variety of sources, including but not limited to the case file, youth self-reports, police reports, or information from other agencies.

- b) The case coordinator must forward the completed YA 4025 to the Intake Review Committee (IRC).
- c) The IRC must review the documentation against the descriptor criteria, and approve or deny the application of the sensitive case descriptor.

A recommendation may only be approved when there is clear and convincing evidence that meets the sensitive case descriptor criteria.

d) Documentation

- (1) The case coordinator must file the completed YA 4025 in the youth's facility case file.
- (2) The case coordinator must record the sensitive case descriptor in JJIS "population groups," if approved.

B. Youth notification process

1. Staff must notify a youth in writing, within seven working days of a sensitive case descriptor being applied to the youth's case file.
2. The notification must include the youth's right to appeal the sensitive case descriptor through the OYA grievance process at any time.

Refer to OYA policy II-F-1.1 (Youth Grievance Process) and III-B-4.0 (Youth Rights and Grievance) for guidelines on youth grievances.

3. Staff must record the notification date in the youth's JJIS notes.

C. Sensitive case descriptor review

1. Sensitive case descriptors must be reviewed for continued suitability when:
 - a) A youth transfers to a different placement setting; or
 - b) The MDT receives new information that may cause removal or application of a sensitive case descriptor.
2. The continued suitability of a sensitive case descriptor must be reviewed as part of a youth's MDT case review process. Recommendations from the MDT must be documented in JJIS case plan review.

D. Sensitive case descriptor removal

1. A youth may request removal of the sensitive case descriptor at any time through the youth grievance process. The MDT or JPPO must ensure the grievance response is timely as described in OYA policy OYA policy II-F-1.1 (Youth Grievance Process) or III-B-4.0 (Youth Rights and Grievance).
2. If during a 90-day MDT review, a youth's, juvenile parole/probation officer (JPPO) or MDT deems a sensitive case descriptor was

improperly applied or is no longer suitable, the MDT or JPPO must request removal of the descriptor through the IRC or field supervisor.

3. The youth's case coordinator or JPPO must provide the IRC or field supervisor with the original YA 4025 and supporting documentation for removal.
4. Staff must notify the youth in writing, within seven working days after the designation is removed of the removal. The notification must be documented on the original YA 4025.

VI. MONITORING FOR USE IN CLOSE CUSTODY

Facility Services administration must monitor the use of these designations as follows.

- A. The conflict resolution coordinator will report quarterly statistics to facility services administration on:
 1. The total number of youth with descriptors, disaggregated by type, race/ethnicity, and location;
 2. The number of newly assigned descriptors during the quarter;
 3. The number of youth actively engaged in gang intervention; and
 4. The number of youth who had descriptors removed during the quarter.
- B. The conflict resolution coordinator must submit an annual report every June to the Facility Management Team for discussion and planning to include any possible inequities that may exist or that were created from the implementation of this policy.

VII. LOCAL OPERATING PROTOCOL REQUIRED: NO