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Section-06 Classification and Case Management	OP-060210	Page: 1	Effective Date: 03/29/2022
Delayed Sentencing Program	ACA Standards: None		
Scott Crow, Director Oklahoma Department of Corrections		Signature on File	

Delayed Sentencing Program for Young Adults for Confined Offenders

All inmates ordered by the court to the Delayed Sentencing Program for Young Adults, pursuant to 22 O.S. § 996 through 22 O.S. § 996.3, will have an Accountability Plan developed for submission to the court. Inmates who do not meet the statutory required age and/or crime criteria will not be placed in the program. In such cases, the facility classification coordinator will notify the assigned probation and parole report writer and the sentencing court that the inmate does not meet the statutory requirements for the program.

For the purpose of this procedure, the term “inmate” will apply to anyone committed to the Delayed Sentencing Program.

I. Commitment to the Oklahoma Department of Corrections

When an inmate 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 inmates ordered to commitment in the Oklahoma Department of Corrections (ODOC) will be placed in structured programming. The programming will consist of intense confinement, supervision, treatment, discipline, and vocational or educational components designed specifically for the inmate.
2. If security or medical considerations preclude the designated program placement, the coordinator of facility classification will notify

the appropriate probation and parole office, 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, an assessment and reception center staff member will initiate verification inquiries as requested by the order of the sentencing court. The responses will be forwarded to the designated probation and parole office. 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 the signed release forms 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, an assessment and reception center staff member will compile an information packet. The packet will be forwarded to the appropriate probation and parole office for plan development. The packet will contain copies of the following:
 - a. "Personal History Sheet" ([OP-160201](#), [Attachment A](#));
 - b. "Initial Custody Assessment Scale" ([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. Assessment and reception center staff will review all packets for completeness and pertinent reception information. Packets will be forwarded to the appropriate probation and parole office 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), the assigned staff member 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 assigned staff member will complete an “Authorization for Release of Protected Health Information” ([DOC 140108A](#)) and forward the release to the confining facility for the inmate’s signature.

B. Accountability Plan

An “Offender Accountability Plan” will be developed in accordance with the following procedures and a cover letter drafted in substantial conformance with “Offender Accountability Plan Delayed Sentencing Program for Young Adults” ([Attachment B](#), attached).

1. The “Offender Accountability Plan Delayed Sentencing Program for Young Adults” ([Attachment B](#), attached),” will contain the offense core (official version, inmate’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, including 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 “Offender Accountability Plan Delayed Sentencing Program for Young Adults,” ([Attachment B](#), attached).
 - (1) If a pre-sentence investigation had been prepared prior to the inmate being placed in the Delayed Sentencing Program, the accountability plan may reference the categories contained in the pre-sentence investigation. 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 will include targeted intervention recommendations such as substance abuse evaluation, community service, parenting classes, restitution, etc. The assigned staff member will consider sentencing alternatives that match inmate characteristics and needs, and balance those needs with the primary mission of public safety. When the plan recommends confinement, the plan will state the type and duration of confinement recommended.
 - d. Thirty days prior to sentencing, a special report will be prepared and filed with the court clerk. The report will summarize the inmate's progress during incarceration and will make a final recommendation to the court (if applicable).
 - e. If an inmate has been assessed and is eligible for a community sentence, as defined in 22 O.S. § 988.2, the staff member responsible for developing the plan will consider this recommendation if the county of conviction has a community sentencing program in place.
2. Distribution and Confidentiality

All investigative materials are confidential. Information about cases will not be discussed openly and files and records will not be left unattended or given to persons who do not have a proper and legitimate interest in the case.

The report will be submitted to the court in a manila envelope. The following will be written on the outside of the envelope:

“State v. (name), CF (case number), Offender Accountability Plan Contains protected material pursuant to Court of Criminal Appeals Rule 2.6(E).”
3. The plan will be filed with the clerk of the sentencing court. Copies will be provided for the following:
 - a. Sentencing judge;
 - b. District attorney; and
 - c. Defense attorney;

Copies will also be provided to the inmate and placed in the inmate's field file.

III. Transportation to Delayed Sentencing Court Hearing

- A. Upon completion of the program, per 22 O.S. § 996.3.D., the facility records staff will contact the sheriff of the county from where the order by the court placed the inmate in the Delayed Sentencing Program. The sheriff will schedule a time to come to the facility and take custody of the inmate. The inmate will be discharged to the custody of the county and all of the inmate's personal property will be sent with the inmate.
- B. The facility/regional records office will notify the appropriate jurisdiction in cases where the inmate has pending warrants/detainers. Notification should be made prior to the sheriff taking custody.

IV. Delayed Sentencing Supervision

When the plan recommends probation in whole or in part, the Delayed Sentencing Program will consist of evaluating and monitoring the inmate 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 statutorily authorized. Inmates will be classified in accordance with the current need and risk instrument.

V. Monthly Reports

Regions will provide a monthly statistical report to the chief administrator of Community Corrections and Contract Services. The report, in addition to other required information, will include the number of delayed sentence reports written and hearings conducted within each region's jurisdiction.

VI. References

Policy Statement P-060100 entitled "Classification and Case Management of Inmates/Offenders"

OP-160201 entitled "Opening, Closing and Transferring Cases Under Supervision"

22 O.S. § 988.2

22 O.S. § 996

22 O.S. § 996.1

22 O.S. § 996.2

22 O.S. § 996.3

VII. Action

Facility heads/administrators are responsible for compliance with this procedure.

The chief administrator of Community Corrections and Contract Services is responsible for the annual review and revisions.

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

This procedure is effective as indicated.

Replaced: OP-060210 entitled "Delayed Sentencing Program for Young Adults for Confined Offenders" dated December 28, 2020

Distribution: Policy and Operations Manual
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 060102A (M)	“Initial Custody Assessment Facility Assignment Form”	OP-060102(M)
DOC 060102A (F)	“Initial Custody Assessment Facility Assignment Form”	OP-060102(F)
DOC 060211H	“Consolidated Record Card”	OP-060211
DOC 140108A	“Authorization for Release of Protected Health Information”	OP-140108
<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Offender Accountability Cover Letter”	Attached
Attachment B	“Offender Accountability Plan Delayed Sentencing Program for Young Adults”	Attached
Attachment C	"Consent for Release of Confidential Information"	Attached
Attachment A	“Personal History Sheet”	OP-160201

