

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 09/01/2018	NUMBER 03.02.120
SUBJECT YOUTHFUL TRAINEES		SUPERSEDES 03.02.120 (05/30/2017)	
		AUTHORITY MCL 762.11 - 762.16, MCL 791.204; Prison Rape Elimination Act (PREA) of 2003	
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**POLICY STATEMENT:**

The Department shall provide uniform standards for placement and management of prisoners incarcerated in a Department correctional facility pursuant to the Holmes Youthful Trainee Act (HYTA).

**RELATED POLICY:**

04.01.105          Reception Facility Services

**POLICY:**

- A. For purposes of this policy, a “trainee” is an offender incarcerated in a Department institution pursuant to HYTA.
- B. Pursuant to MCL 762.14(4), youthful trainee status is confidential and is not to be disclosed to the general public. However, the files of an offender under the jurisdiction of the Department pursuant to HYTA shall be open for inspection by personnel associated with state courts, the Department of Health and Human Services, law enforcement agencies, and prosecuting attorneys for use in the performance of their duties. All records shall be retained and disposed of the same as that for other offender records, as set forth in the Department’s Retention and Disposal Schedule.
- C. Each male trainee shall be received and incarcerated at the Thumb Correctional Facility (TCF) unless specific approval for alternate placement is obtained in advance from the Correctional Facilities Administration (CFA) Deputy Director or designee. Each female trainee shall be received and incarcerated at the Women’s Huron Valley Correctional Facility (WHV). Trainees shall be accompanied by a copy of the Assignment to Youthful Trainee Status form MC-242 which must be legible and state the statutory citation for the crimes for which the offender was adjudicated and the term of incarceration. Electronically transmitted copies are acceptable on an initial basis but a valid, signed, sealed copy shall be received within 14 calendar days from the date the trainee is received or a new document is requested by the Time Computation Unit (TCU), Operation Division, CFA. Each trainee also shall be accompanied by copies of the Pre-Sentence Investigation Report as set forth in PD 06.01.140 "Pre-Sentence Investigation and Report," and one completed copy of the Sheriff’s Questionnaire for Delivered Prisoners (CAH-136).
- D. Each trainee shall be assigned a unique identification number. Commitment files shall be created upon intake for each trainee consistent with the requirements set forth in PD 01.04.130 "Prisoner Commitment Files." Computer database files shall be maintained in a manner which restricts general access and use.
- E. The TCF and WHV Warden shall ensure that the TCU is notified whenever a trainee is received at their respective facilities. The TCU shall complete and distribute a Basic Information Sheet (CSX-117) for each trainee received, which shall identify the date by which the trainee must be released based on the term of incarceration ordered by the court. If a minimum term is ordered by the court, that date also shall be reflected. Under no circumstances shall a trainee be incarcerated for longer than the maximum term of incarceration ordered by the court.
- F. Trainees shall be given the same opportunity as other prisoners to participate in academic, vocational, therapeutic, and recreational programming with the exception that a trainee is not eligible to participate in community based programs. Trainees shall be permitted to commingle with other prisoners for purposes of program participation and custodial management, but shall be housed only in housing units in accordance with Paragraph H. Trainees shall be subject to the same policies and rules which govern other prisoners, including those relating to misconduct, unless specifically stated otherwise in the policy or

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rule.

- G. Medical and dental services not available at TCF for male trainees or WHV for female trainees shall be provided by local community health care providers through the Bureau of Health Care Services. However, there is an exception for dialysis treatment which may be obtained at DRC for male trainees.
- H. A youthful trainee under the age of 18 shall not be placed in a housing unit in which the trainee will have sight, sound or physical contact with any adult prisoners age 18 or older. If a trainee under the age of 18 is in a shared space with an adult offender, staff shall provide direct supervision.
- I. At Intake, youthful trainees shall be assessed using the risk assessment process outlined in the Prison Rape Elimination Act (PREA) Risk Assessments section of the PREA Manual.
- J. The TCF and WHV Wardens shall designate a staff person at their respective institutions as the HYTA Coordinator. The Warden shall ensure written program objectives for each trainee received at the institution are established. Programming provided to the trainee shall be consistent with those objectives. Objectives shall be revised as necessary.
- K. The Warden shall ensure a review of each trainee is conducted at least annually to evaluate the trainee's institutional adjustment, including progress toward meeting the trainee's established program objectives. If the trainee has demonstrated exceptional adjustment and the Coordinator believes that an early release from incarceration may be warranted, s/he shall ensure that a formal evaluation of the trainee's institutional adjustment, including progress toward completing program objectives, along with a recommendation for early release is prepared.
- L. The Warden also shall ensure that a formal evaluation is completed whenever a trainee's behavior might warrant revocation of trainee status. Examples of such behavior include serious or repeated misconducts, unmanageable behavior, refusal to participate in recommended programming, and escape or attempted escape.
- M. The Warden shall ensure each formal evaluation is submitted along with any other information deemed relevant for his/her review. If the Warden supports an early release or revocation of trainee status, s/he shall forward the evaluation to the appropriate CFA Assistant Deputy Director (ADD) for review and submission to the ADD of the Office of Parole and Probation Services, Field Operations Administration (FOA), for review. After review of the evaluation and any other information deemed relevant, the Warden, CFA ADD, and ADD of the Office of Parole and Probation Services shall determine whether to recommend to the court that it amend its original assignment to youthful trainee status to allow for the early release of the trainee or order revocation of trainee status, as appropriate.
- N. The Warden shall ensure that the TCU is notified if the court orders an early release. The TCU shall issue and distribute an amended Basic Information Sheet. The trainee shall be notified of the new release date. If the court orders revocation of trainee status, the Warden shall ensure that the trainee is processed for release to the court's jurisdiction.
- O. Not less than 30 calendar days prior to the end of a trainee's court ordered term of incarceration, the facility Record Office Supervisor shall ensure that a notice is sent to the court indicating the date the trainee will be released. This shall not be required if the court has ordered the trainee to be placed on probation after release. In such cases, the FOA Deputy Director or designee shall develop criteria to be followed for placement on probation.

#### PROCEDURES

- P. The WHV and TCF Wardens and the FOA Deputy Director shall ensure that operating procedures are developed as necessary to implement requirements set forth in this policy directive within 60 calendar days after the effective date.

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AUDIT ELEMENTS

- Q. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 07/31/2018