

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Youth Services
Rule No. 950-3-2 Rule Title: Absconder Procedure
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

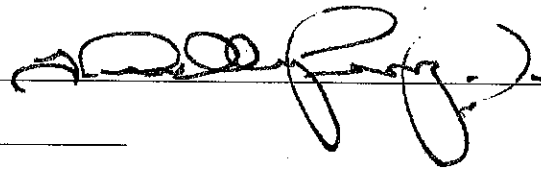
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 
Date 6-19-78

(DATE FILED)
(STAMP)

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-3-2 Absconder Procedure

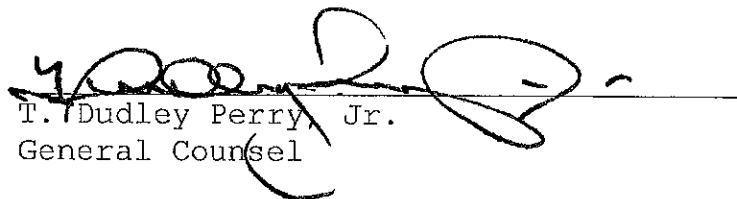
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-3-2 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-3-2 to clarify the procedure relating to youth who abscond while in DYS custody and to correct typographical errors and omissions.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing to ADYS Legal Division, P.O. Box 66, Mt. Meigs, AL 36057 or orally at the ADYS Board Room on August 8, 2018 at 10:00 am at 1000 Industrial School Rd., Mt. Meigs, AL 36057.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 8, 2018

CONTACT PERSON AT AGENCY: T. Dudley Perry, Jr. (334) 215-3803


T. Dudley Perry, Jr.
General Counsel

CHAPTER 950-3-2 RUNAWAY ABSCONDER PROCEDURE

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950-3-2-.01 Statement Of Procedure.

(1) An absconder ~~runaway~~ is defined as an escapee or absconder from a correctional facility. Generally ~~juvenile~~ it is understood that an absconder is a youth in the custody of the Department of Youth Services whose whereabouts are ~~is~~ unknown by the Department of Youth Services ~~department~~ personnel after a reasonable search not exceeding six hours has been conducted, or a pick-up order has been issued by the director of the facility, whichever comes first.

(2) The following procedure is established to maintain optimum security in finding and returning ~~runaway~~ absconders to the respective campus:

(a) Upon verification that a ~~student~~ youth is not in his/her proper area, staff ~~must~~ immediately report the ~~student~~ youth as AWOL to Campus Security ~~and~~ and ~~the Assistant Superintendent~~ Campus Administrator or equivalent personnel.

(b) Designated institutional staff must then make an immediate search of the campus and surrounding vicinity.

(c) Upon verification that the ~~student~~ youth is not on the campus or facility premises, local law enforcement officials should be notified. Notification shall include all pertinent information such as clothing, height, weight, race, sex, complexion, color of hair, home town, etc.

(d) The local court staff and local law enforcement officials from the ~~student~~ youth's home community shall be notified by phone, followed by correspondence which includes pick-up order.

(e) Parents should be notified at the same time as the local authorities and followed up with correspondence.

(f) The State Office (a member of the Executive Staff) shall be notified of ~~runaway~~absconders.

(g) Pick-up orders are to be issued by the superintendent or facility director. A copy should be sent to the person in the Central Office designated as coordinator for the return of ~~runaway~~absconders.

(h) When a ~~student~~youth is AWOL more than one week, designated staff shall maintain contact with the local probation officer at least every two weeks to insure that local officials are still attempting to locate the ~~DYS~~student~~youth~~.

(i) On the last Friday of each month, each campus shall notify the State Office in writing of all ~~runaway~~absconders for that month.

(3) The following steps should be taken for the return of an ~~runaway~~absconder once he/she has been located:

(a) The Central office coordinator for the return of ~~runaway~~absconders should be notified when a ~~runaway~~absconder is detained.

(b) The coordinator will contact each campus daily to determine if they have been notified of any of their ~~student~~youths being detained.

(c) AWOL's are NOT to be allowed to remain in jail, i.e., an adult facility, overnight unless there is some extreme circumstance.

(d) The transportation officers stationed at the Central Office would be notified of the time and location in which the ~~runaway~~absconder should be picked up. When it is possible, two staff members should be sent to return an AWOL ~~student~~youth. If it should be necessary for one staff member to return an AWOL ~~student~~youth, the campus or group home or detention center will have been contacted as to the youth's behavior.

(e) Staff designated to pick up AWOL's should at all times have with them positive ~~D~~departmental identification, a copy of the pick-up order, and a copy of the commitment order to the ~~D~~department. These documents will be on file in the Central Office and should be obtained before leaving to pick up the child.

(f) Children detained in the same geographic area will be picked up on the same trio.

(g) Children will be returned to the facility from which they are AWOL.

(h) Once returned, all appropriate persons, i.e., police officers, should be notified in writing.

Author: Department of Youth Services

Statutory Authority:

History: Amendment Filed June 19, 2018 Effective

950-3-2-.02 Statutory Authority. Title 44, Code of Ala. 1975, Section 44-1-9.

Author: Department of Youth Services

Statutory Authority:

History:

950-3-2-.03 Effective Date. The Department assumed responsibility for the operation of the three training schools in January 1975.

Author: Department of Youth Services

Statutory Authority:

History:
