

Welcome!

Webinar information

- We will begin at 3:00 p.m. Eastern Time.
- The audio for today's web conference will be coming through your computer speakers. If you do not hear any sound coming from your speakers, or if you're experiencing any other technical difficulties, please send a **Private Chat** to Kaitlin Kall, or email Juliene James at jjames@vera.org
- If you have any questions or comments throughout the presentation, please send those to Margaret diZerega through **Private Chat** or via email at mdizerega@vera.org

NATIONAL
PREA
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NCCD | National Council on
Crime & Delinquency

PREA in Action Webinar Series

Implementing the Youthful Inmate Standard Part II: Spotlight on Indiana and North Carolina

June 25, 2013

Notice of Federal Funding and Federal Disclaimer – *This project was supported by Grant No. 2010-RP- BX-K001 awarded by the Bureau of Justice Assistance. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.*

PREA Resource Center & Vera Institute of Justice

National PREA Resource Center (PRC)

PRC was established through a cooperative agreement between the Bureau of Justice Assistance and NCCD. The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.

Vera Institute of Justice

Vera was founded in 1961 and combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

Webinar Agenda

- Overview of the youthful inmate standard
 - Ryan Shanahan, *Senior Program Associate, Vera Institute of Justice*
- Preparing your facility to meet the standard
 - Bianca Harris, *Warden, North Carolina Correctional Institution for Women*
- Partnerships between adult and juvenile facilities
 - Michael Dempsey, *Executive Director, Division of Youth Services, Indiana Department of Correction*
 - James Basinger, *Deputy Commissioner of Adult Operations, Indiana Department of Correction*
- Q & A

Who Are the Youthful Inmates?

Definitions Under PREA

§115.5 General Definitions

Juvenile - any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail

Youthful Inmate – any person under the age of 18 who is under adult court supervision and detained in a prison or jail

Youthful Detainee – any person under the age of 18 who is under adult court supervision and detained in a lockup

Overview of the Youthful Inmate Standard

Standard for Prisons and Jails

§115.14 Youthful Inmates

Standard for Lockups

§115.114 Juveniles and youthful detainees

Juveniles and youthful detainees shall be held separately from adult detainees.

Does not apply to

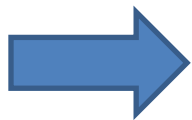
- **Community Confinement**
- **Juvenile Facilities**

Standard for Prisons and Jails I

Separation in Housing Units

§115.14 Youthful Inmates

- (a) A youthful inmate shall **not be placed in a housing unit** in which the youthful inmate will have sight, sound, or physical **contact with any adult inmate** through use of a shared dayroom or other common space, shower area, or sleeping quarters.



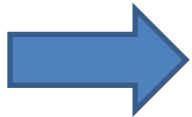
Requires sight, sound, and physical separation in housing units

Standard for Prisons and Jails II

Separation Outside of Housing Units

§115.14 Youthful Inmates

- (b) In areas **outside of housing units**, agencies shall either:
- (1) maintain **sight and sound separation** between youthful inmates and adult inmates, or
 - (2) provide **direct staff supervision** when youthful inmates and adult inmates have sight, sound, or physical contact.



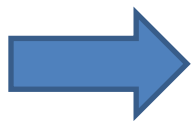
Requires sight, sound, and physical separation or direct supervision outside of housing units

Standard for Prisons and Jails III

Additional Requirements

§115.14 Youthful Inmates

- (c) Agencies shall make best efforts to **avoid placing youthful inmates in isolation** to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle **exercise** and any legally required special **education** services to comply with this provision. Youthful inmates shall also have access to other **programs and work opportunities** to the extent possible.



Avoid segregation and provide exercise, education services, programs, and work opportunities

Introducing: North Carolina Department of Public Safety

Bianca Harris



Warden
NC Correctional Institution for Women
North Carolina Department
of Public Safety

NC Correctional Institution for Women

- The processing and diagnostic center for all female inmates in North Carolina
- Serves as the major medical and mental health facility for female inmates
- Only adult facility designated to house female youth



Gender Responsiveness Philosophy

We create our policies and our practice with gender in mind. Therefore, custody and security; medical and mental health care; programs and substance abuse treatment **take the physical, the psychological and the societal norms that are attributed to women into consideration** when establishing the methodology and philosophy used to manage the population.

NC Correctional Institution for Women

Maximum population:	1,494
Average population:	1,220
Age range:	13 – 99
Average age:	36
Average education:	8th grade

Demographics: Age

Age Range	N
18 – 25	235
26 – 35	453
36 – 50	395
51 – 70	100
Over 70	6
TOTAL	1,189

Race/Ethnicity Category	N
White	715
Black	413
Hispanic	31
Native American	29
Other	6

Pre-PREA

2012

- Law suit around violations of undue familiarity and PREA

Settlement
Agreement

- Written policies regarding staff conduct with incarcerated women—formalized best practice
- 1- 800 number for reporting sexual misconducts
- Physical plant enhancements that focused on privacy needs, line of sight, access, etc.
- Relationship building with Rape Crisis Center
- Staff training requirements enhanced and expanded

PREA Compliance

Role Change

- The Warden is the PREA Compliance Manager at the facility.

Putting Philosophy into Action

- We believe compliance with the PREA standards and ensuring they are followed is the responsibility of the Warden in general.
- As the manager and responsible person, the Warden being named the PREA Compliance Manager officially identifies a responsibility that already belongs to the Warden's position.

Youthful Inmates

- Total of 5 (youngest is 16 years old)
- Averaged 5 inmates in this age group during the last 5 years
- During the last 10 years there have not been more than 10 at the facility at one time

Changes to the Facility

Separation

- Renovating a wing
 - Separate classrooms, recreational opportunities, library, social work and counseling office space, and dining area
- Magnetic cloth window coverings to all doors with windows

Better Visibility

- Light sensors to closets, laundry rooms, storage rooms, conference rooms and office areas in housing units
- Convex mirrors in hallways and corridors
- Additional cameras

Challenges

Recreational services

- What activities can be done with a small group?
- How many services can be offered with this small number?

Educational services

- After youth get high school diploma or GED, what academic pathway can we offer?

Incentive wage job opportunities

- How will they receive canteen opportunities?
- Will a “token community” setting provide for all of their needs?

Challenge of Confidentiality

The **screening tool** is generated through a mental health screening tool

- Should be treated as confidential information but informs decisions regarding inmate housing, job assignments, inmate behavior, inmate clothing, etc.

24 hour admissions

- How to balance controlling access to information with the need for better decision making concerning the inmate

Once someone knows information they will always know

- Will the information erroneously influence the behavior of staff?

Target training for staff around PREA and confidentiality

Introducing: Indiana Department of Correction

Michael Dempsey



Executive Director
Division of Youth
Services

James Basinger



Deputy Commissioner
Adult Operations

Youth incarcerated as adults in Indiana I

How youth are incarcerated as adults

Waiver Process

- A judge waives a youth into adult court.

Direct File Process

- A youth is automatically filed in adult court jurisdiction if:
 - the youth is 16 or older, or
 - the youth committed certain offenses.

Youth incarcerated as adults in Indiana II

Direct file jurisdiction

- The **offenses** which result in automatic adult court jurisdiction include:
 - Murder / Attempted Murder / Kidnapping
 - Rape as a Class A felony
 - Criminal Deviate Conduct as a Class A felony
 - Robbery as a Class A felony
- These offenses must
 - be committed while armed with a **deadly weapon**, and
 - result in **bodily injury** to a person other than the defendant

Indiana's Youth Incarcerated as Adults (YIA) Program

- Located in **Wabash Valley Correctional Facility**
 - 2199 total beds
 - 54 beds designated for youthful offenders
- Youthful inmates are housed on a **separate wing**
- All **programming, recreation, meals, visits**, etc. are completed separately from the adult offender population



Indiana: Reasons for needing more options I

Problems

Direct file process:

- Juvenile courts have **no jurisdiction** nor input

Youth incarcerated as adults programming limitations:

- Youth **can only work towards their GED** and cannot earn credits towards diploma

Release statistics:

- IDOC research shows that 95% of Indiana youth committed as adults are **released within 5 years**

Indiana: Reasons for needing more options II

Juvenile facilities

Being placed in a **juvenile facility** would allow these youth to:

- Have **juvenile court** involvement and expertise
- Receive juvenile-specific **education, programs, and services**
- Gain greater educational and aftercare **opportunities**
- Serve more or all of their time in a **more appropriate setting**

Indiana: Initiatives to increase options

Initiatives

House Bill 1108 – Sentencing Alternatives for Youthful Offenders

- Collaboration between:
 - IDOC and its Division of Youth Services (DYS)
 - Juvenile Judges
 - Prosecutors and Public Defenders
 - Legislators

Youth not covered by HB 1108

- DYS has also prepared options for youth not covered by the Bill

Indiana: House Bill 1108

Youth covered

- Includes youth direct filed or waived to the adult court system
- Provides judges with a **sentencing option / alternative**
 - Judges may suspend an adult conviction
 - Juvenile jurisdiction is continued
 - Youth is placed in a juvenile facility
- Choosing the sentencing alternative:
 - Does **require** that the prosecutor and judge agree on making the sentence modification
 - Does **not** change the actual waiver process

Indiana: House Bill 1108

Youth placed in a juvenile facility

For youthful offenders placed in a juvenile facility, DYS will:

- Notify the court prior to the youth's 18th birthday
- Provide a progress summary
- Ask that a court hearing be scheduled to review the youth before the youth turns 19

Indiana: House Bill 1108

Court hearing options

The judge may order:

- **Continued placement** in a juvenile facility
- **Alternative placement** in:
 - Home detention
 - Probation
 - Community corrections programs
 - Other alternative sentencing programs
- Execution of all or part of the youthful offender's previously suspended criminal sentence in an **adult facility**
- **Discharge** of the youthful offender
 - if the sentencing court finds that the objectives of the sentence imposed have been met

Indiana: Options for Youth Not in 1108

IDOC/DYS's Internal Classification Placement Assignment System

IDOC adult intake facility identifies any youthful offenders coming into the IDOC who are not a part of HB 1108.

IDOC/DYS's Internal Classification Placement Assignment System

Review by DYS designee

- DYS designee notified within one business day of youth's arrival
- **DYS designee** will:
 - Review court paperwork
 - Interview the youth at intake
 - Using the **Internal Classification Placement Assessment Interview**
 - Prepare summary for DYS Executive Director
 - Including recommendation and reasoning for placement of youth in an adult or juvenile facility

IDOC/DYS's Internal Classification Placement Assignment System

Review by DYS Executive Director

DYS Executive Director will:

- Review summary and approve decision
- Report to the Commissioner if the youth is recommended to be placed in a juvenile facility
- Move the youth to Pendleton Juvenile Correctional Facility if the Commissioner approves the transfer

Indiana: Options for Youth Not in 1108

Transferred youthful offenders

Depending upon their sentence, transferred youthful offenders will:

- Receive DYS and Pendleton Juvenile **programming and services**
- Be eligible for any designated programming **time cuts** as determined by IDOC/DYS
- Transfer to the adult facility upon **turning 18**

Indiana: Results of increased options

Results observed

- Youth who have been transferred
 - **Fit in with the other juveniles** in the facility
 - Have **not created any problems** within the facility
- However, the process has only just begun
 - **Only a few** youthful offenders are in our juvenile facility at this time

Questions?

We will now take questions from our participants. Please send those to Margaret diZerega through Private Chat or via email at mdizerega@vera.org, and we will ask them on your behalf.

Copies of the documents mentioned during the webinar will be available on the PREA Resource Center within the Library.

A recording of this webinar will be available on the PREA Resource Center in a few days.

For More Information

For more information about North Carolina and Indiana:

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To watch Part I of this webinar:

<http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1577/implementing-the-youthful-inmate-standard-part-1-les>

For More Information

For more information about the National PREA Resource Center, visit www.prearesourcecenter.org

Ask questions at info@prearesourcecenter.org

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