



PREA Standards In Focus

Standard in Focus

Prevention Planning

§ 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.

(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.

(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.

Purpose

- To protect inmates who are under the age of 18 (“youthful inmates”) and living in adult correctional facilities from sexual abuse or sexual harassment they might experience from adults by:
 - Prohibiting agencies from placing youthful inmates in housing units where they may have sight, sound, or physical contact with adult inmates; and
 - Limiting opportunities for youthful inmates to interact with adult inmates in unmonitored ways by requiring agencies to keep young people and adults “sight and sound” separated outside of housing areas or employing direct staff supervision in instances where youthful and adult inmates are co-mingled (e.g., during a group program).
- To place restrictions on agencies from defaulting to the use of segregation units to protect youthful inmates from sexual abuse and sexual harassment, so that youthful inmates are not punished for their vulnerability.

Implementation

- Agency policy and facility practice must ensure that inmates under age 18 are never housed in units where they may have contact with adult inmates through the use of a shared day room or other common space, shower area, or sleeping quarters.

- Youthful inmates and adult inmates may congregate outside of housing units, provided that they are directly supervised by staff. Direct staff supervision means that staff are in the same room with the youthful inmates and can see and hear them at all times. Viewing from a control center video camera is not direct staff supervision.
- The goal is to protect youthful inmates from potential sexual abuse or sexual harassment perpetrated by adult inmates. However, facilities may not simply place youthful inmates in any form of isolated housing unless a determination has been made that no alternative means of separation is available, and even then, only under specified conditions and with periodic reassessment (see 115.43).
- The standard affords agencies some flexibility in how they implement this standard. Agencies can achieve compliance by using one or more of the following approaches:
 - Confining all youthful inmates to a separate housing unit that protects them from ever seeing or hearing adult inmates outside of that unit;
 - Transferring youthful inmates to a facility within the agency that enables them to be confined to a separate unit;
 - Entering into a cooperative agreement with an outside jurisdiction to enable compliance; or
 - Ceasing to confine youthful inmates in adult facilities as a matter of policy or law. See 28 C.F.R. § 115.14

Challenges

- Creating housing spaces that afford true sight and sound separation in often crowded systems and facilities, especially when there may be only a few youthful inmates in a given jurisdiction.
- Dedicating sufficient staff resources to employ direct staff supervision of youthful inmates, so they may participate in the full range of programs, services, and work opportunities available at the facility. Direct supervision means that security staff are in the same room with (and within reasonable hearing distance of) the inmates.
- Ensuring that youthful inmates are not placed in “de facto” segregated housing if their numbers are small. This means that if a facility holds only a very small number of youthful inmates and cannot create a full housing unit with a dayroom for youthful inmates, it will have to take steps to make sure youthful inmates are out of their cells and able to congregate with each other or other inmates (under direct supervision by staff) during waking hours.
- Navigating physical plant limitations that may pose challenges to creating units for youthful inmates that are “sight and sound” separated from adults. For example, achieving sight and sound separation when typical housing units afford inmates the ability to see others in the hall or yard, or to hear raised voices from the hall or yard may be a challenge. Most current physical plant designs include some number of cells clustered around a common dayroom. These dayrooms often have windows that look out into corridors and/or program areas (multi-purpose spaces, recreation areas, etc.). These dayroom windows may give inmates the ability to see and possibly hear others.

Best Practices

- Although the standards do not require a policy per se, agencies would benefit from having a strong policy, plus comprehensive procedures and post orders governing the practice and procedure for housing youthful inmates. A strong policy sets clear expectations for staff and administrators to follow and forms the basis for good training.
- Adult correctional agencies that do not house people under age 18 in their facilities as a matter of policy or law are automatically in compliance with this standard. Jurisdictions that *do* house youthful inmates in adult facilities can pursue compliance with this standard by engaging in legislative efforts to prohibit housing people

under age 18 in adult facilities as a matter of policy or law, and correctional agencies may be called upon to support those efforts with information about the impact of this standard on operations.

- Adult correctional agencies can also enter into agreements with juvenile/youth correctional agencies to facilitate compliance with this standard. For example, an adult correctional agency could enter into an agreement with a juvenile correctional agency to hold inmates under the age of 18 in a juvenile facility until the young person turns 18.
- Agencies can achieve compliance with this standard by creating a separate housing unit for youthful inmates. To ensure that youthful inmates do not experience their separate housing unit as isolating, facilities should dedicate sufficient staff resources to provide direct staff supervision to youthful inmates during waking hours. With direct staff supervision during waking hours, youthful inmates could have an equal opportunity to participate in any facility programs, jobs, and services as their adult counterparts.

Audit Issues

- Determining whether youthful inmates are “sight and sound” separated from adult inmates. The auditor will walk through any separate housing units and make observations, check any sight or sound barriers in place to prevent youthful inmates from seeing or hearing adults in the facility from the housing unit, interview staff and youthful inmates, and review any policies or procedures governing the facility’s practices.
- Determining whether youthful inmates are “de facto” isolated in separate housing units. The auditor will interview youthful inmates and staff to determine whether young people have opportunities to participate in congregate activities. For activities where youthful inmates may be commingled with adult inmates, the auditor will ask questions about direct staff supervision and review any available documentation that supports this practice (e.g., staffing plans, shift assignment rosters, or logs, to ensure that youthful inmates are spending adequate time out of their cells, and if that requires direct staff supervision, that the facility is adequately staffed to provide that supervision).
- For youthful inmates confined to a segregation unit, the auditor will walk through the unit and make observations, interview staff and youthful inmates to ensure that youth are not being denied daily large-muscle exercise or any legally required special education services, and will ask for supporting documentation. The auditor will also seek evidence showing that youthful inmates have access to other programs and work opportunities to the extent possible.
- Auditors must assess compliance with this standard even in facilities that do not house youthful inmates at the time of the audit, unless the facility can never hold youthful inmates by law or policy. This means the facility staff will have to demonstrate to the auditor that the facility has a plan and the means to house youthful inmates in a manner that is compliant with the standard. Auditors will examine policy, interview staff, and will review records, and examine facility accommodations to ensure the facility can comply with this standard.

Standard Variations

This standard does not apply in **Juvenile Facilities** or **Community Confinement facilities**.

The variations are discussed in summary fashion below and the reader should consult the full text of the specific set of standards to ensure complete understanding of the differences.

The following variations in standards are noted for **Lockups**:

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

- The Lockup standard is designed to ensure that youthful detainees are always held in separate cells from adult detainees, but does not require sight and sound separation. Generally, detainees are held in a Lockup for a matter of hours.

Resources

Frequently Asked Questions (FAQs) on the PREA Resource Center (PRC) Website:

<https://www.prearesourcecenter.org/frequently-asked-questions>

- The Department of Justice has issued extensive guidance regarding housing youthful inmates in adult facilities. Visit the PRC FAQ page and search for guidance under the standard 115.14 for the many related FAQ responses provided by DOJ. The FAQs to date are as follows:
 - April 23, 2014. *In adult prisons and jails, can adult inmates provide inmate peer education to juvenile inmates?*
<https://www.prearesourcecenter.org/node/3265>
 - April 23, 2014. *In adult prisons and jails, can inmates over the age of 17 provide inmate peer education to youthful inmates (age 17 and under)?*
<https://www.prearesourcecenter.org/node/3266>
 - February 7, 2013. *Is PREA Standard 115.14 Youthful Inmates applicable to juvenile settings? Often juvenile settings can house youth committed to the department of juvenile justice until age 21. Do youth in juvenile custody need to be sight and sound separated if they are over 18?*
<https://www.prearesourcecenter.org/node/3240>
 - February 7, 2013. *Do all inmates under the age of 18, regardless of court adjudication, need to be housed and managed in an area totally separate from adult inmates while residing in an adult jail or prison?*
<https://www.prearesourcecenter.org/node/3255>
- **Department of Justice, National Standards to Prevent, Detect, and Respond to Prison Rape: Final Rule, 28 C.F.R. § 115.14** https://ojp.gov/programs/pdfs/prea_final_rule.pdf
- **PREA Essentials on the National PREA Resource Center Webpage**
www.prearesourcecenter.org/training-technical-assistance/PREA-essentials
- **Archived PREA in Action Webinars and Case Study on the PRC Website:**
<https://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation>
- **Additional Training Resources:** Always check the following sources for excellent training on PREA. National Institute of Corrections (NIC) - <http://nicic.gov/training/prea>
End Silence: The Project on Addressing Prison Rape - <https://www.wcl.american.edu/endsilence/>

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