

POWER HOUR

Chat with a PREA Expert

115.14

Youthful inmates

June 2, 2022

IMPACT/JUSTICE

NATIONAL
PREA
RESOURCE
CENTER



Lisa Capers

Senior Program Manager

National PREA Resource Center

lcapers@impactjustice.org

National PREA Resource Center Mission

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community confinement, 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.

Logistics

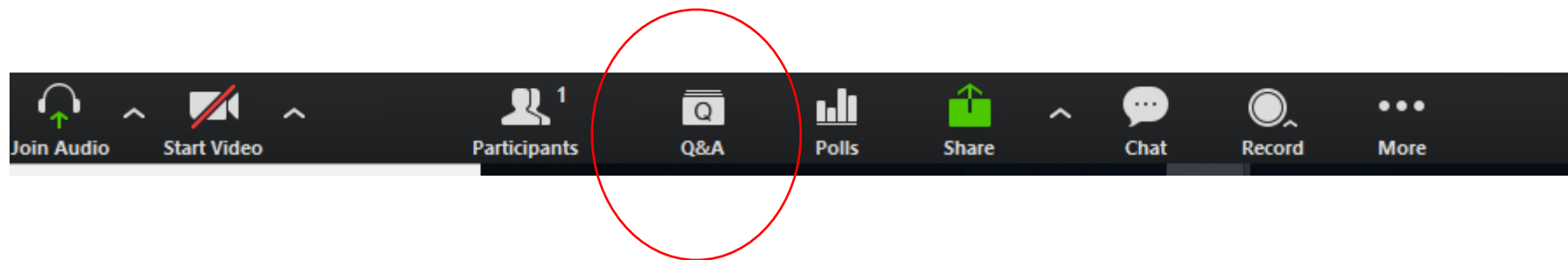
Technical support

- Please contact the ZoomPro webinar support line at (888) 799-9666 and select “2” when prompted to get support with technical difficulties.
- When asked please provide the webinar ID (830-4642-6778) so they know which event is associated with your technical issues.
- If you have trouble using this function, please contact Ramses Prashad: rprashad@impactjustice.org.

Logistics

Submitting questions

- To submit a question during the webinar use the Q&A feature on your webinar toolbar, as seen below.
- Presenters will address the questions at the end of the presentation.





Mica Astion

Senior Program Manager

National PREA Resource Center

mastion@impactjustice.org



Welcome Rose

Senior Program Manager

National PREA Resource Center

wrose@impactjustice.org

Standard requirements



§ 115.14, 115.114

- 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.

Standard requirements (cont.)

§ 115.14, 115.114



- 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.

NOTE: This Standard does not apply in Juvenile facilities or Community Confinement facilities.

Key Definitions

- **Confined youth (i.e., persons under the age of 18) (formerly “youthful inmate” and “youthful detainee”)** means any person under the age of 18 who is under adult court supervision and (1) incarcerated or detained in a **prison or jail** or (2) detained in a **lockup**.
- **Direct supervision** means that staff are in the same room with the confined youth and can see and hear them at all times.
- **Exigent circumstances** means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Purpose of the Standard

- To protect confined persons who are under the age of 18 (“youthful inmates”) living in adult correctional facilities from sexual abuse or sexual harassment they might experience from adults, by:
 - Prohibiting agencies from placing confined youth in housing units where they may have sight, sound, or physical contact with adults confined in the facility.
 - Limiting opportunities for confined youth to interact with adults confined in the facility in unmonitored ways, by requiring agencies to keep confined youth and adults “sight and sound” separated outside of housing areas or employing direct staff supervision in instances where confined youth and adults are co-mingled (e.g., during a group program).

Purpose of the Standard (cont.)

- To restrict agencies from defaulting to the use of segregation units to protect confined youth from sexual abuse and sexual harassment, so that they are not punished for their vulnerability.

Implementation

- Agency policy and facility practice must ensure that confined youth are never housed in units where they may have contact with confined adults through the use of a shared dayroom or other common space, shower area, or sleeping quarters.
- Confined youth and adults 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 confined youth and can see and hear them at all times. **Viewing from a control center video camera is not direct staff supervision.**

Implementation (cont.)

- The goal is to protect confined youth from potential sexual abuse or sexual harassment perpetrated by adults confined in the facility. However, facilities may not simply place confined youth 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).

Implementation (cont.)

- 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 persons under the age of 18 to a separate housing unit that protects them from ever seeing or hearing confined adults (18 and older).
 - Transferring confined youth 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.
 - Ceasing to confine youth in adult facilities as a matter of policy or law.

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 confined persons under the age of 18 in a given jurisdiction.
- Dedicating sufficient staff resources to employ direct staff supervision of confined youth, 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 confined persons.

Challenges (cont.)

- Ensuring that confined youth 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 persons under the age of 18 and cannot create a full housing unit with a dayroom for those persons, it will have to take steps to make sure confined youth are out of their cells and able to congregate with each other or other confined persons (under direct supervision by staff) during waking hours.
- Navigating physical plant limitations that may pose challenges to creating units for confined youth that are “sight and sound” separated from adults. For example, achieving sight and sound separation when typical housing units afford confined persons 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 confined persons 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 persons under the age of 18. 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 persons under age 18 in their facilities as a matter of policy or law are automatically in compliance with this Standard. Jurisdictions that do house persons under age 18 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.

Best practices (cont.)

- 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 persons 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 confined youth. To ensure that confined youth do not experience their separate housing unit as isolating, facilities should dedicate sufficient staff resources to provide direct staff supervision during waking hours. With direct staff supervision during waking hours, confined youth could have an equal opportunity to participate in any facility programs, jobs, and services as their adult counterparts.

Audit issues

- Determining whether confined youth are “sight and sound” separated from confined adults. The auditor will walk through any separate housing units and make observations; check any sight or sound barriers in place to prevent confined youth from seeing or hearing adults in the facility from the housing unit; interview staff and persons confined in the facility; and review any policies or procedures governing the facility’s practices.
- Determining whether confined youth are “de facto” isolated in separate housing units. The auditor will interview confined youth and staff to determine whether young people have opportunities to participate in congregative activities. For activities where confined youth may be commingled with confined adults, 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 confined youth 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.

Audit issues (cont.)

- For youth confined to a segregation unit, the auditor will walk through the unit and make observations; interview staff and confined youth 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 confined youth 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 persons under age 18 at the time of the audit, unless the facility can never hold persons under age 18 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 persons under age 18 in a manner that is compliant with the Standard. Auditors will examine policy, interview staff, and will review records and examine facility accommodations that ensure the facility can comply with this Standard.

Standard Variations

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

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

§ 115.114 Juveniles and youthful detainees.

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

The Lockup Standard is designed to ensure that persons under age 18 are always held in separate cells from confined adults (persons 18 or older); but it does not require sight and sound separation. **Generally, confined persons 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 persons under age 18 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>

Resources

- 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>

Resources

- 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-inmateimplementation>
- National Institute of Corrections (NIC): <http://nicic.gov/training/prea>
- End Silence: The Project on Addressing Prison Rape <https://www.wcl.american.edu/endsilence/>

Questions & Answers



PRC library

NATIONAL
PREA
RESOURCE
CENTER

[About](#)

[Implementation](#)

[Library](#)

[Audit](#)

[DOJ FAQ](#)

Filter [Reset All](#)

Facility

- Community Confinement
- Juvenile Facility
- Lockup Facility
- Prisons and Jails

Standards

| Search

Term

| Search

Type

- Tool
- Publication
- Webinar
- Featured Resource

Toolset

- Any -

Keyword

| Search

Resource library

423 results

Sort by

TOOL: AUDIT

Documentation Requirements - Juvenile PREA Standards

STANDARDS: All

FACILITY: Juvenile Facility

TERMS: Audit
Audit Instrument (+1)

TOOL: AUDIT

Documentation Requirements - Prisons and Jail PREA Standards

STANDARDS: All

FACILITY: Prisons and Jails

TERMS: Compliance
Audit (+1)

FEATURED RESOURCE

WEBINAR

Power Hour: Chat with a PREA Expert on Standard 115.32

STANDARDS: 115.32

FACILITY: Community Confinement
Juvenile Facility (+2)

TERMS: Volunteers
Contractors (+2)

WEBINAR

PRC Website Revision: Overview and Q&A

STANDARDS: None

FEATURED RESOURCE

WEBINAR

Developing a PREA-Compliant Language Access Plan for Incarcerated...

STANDARDS: 115.16, 115.21, 115.51, 115.53

FACILITY: Community Confinement
Juvenile Facility

TERMS: Accessibility
Limited English proficient

TOOL: AUDIT

Audit Report Template - Juvenile Facilities

STANDARDS: 115.401

FACILITY: Juvenile Facility

TERMS: Audit
Audit Instrument (+2)

Implementation

Implementation | Training | Request for assistance

PREA Standards

PREA toolsets

PREA in action

Training

PREA Academy

Field training audit

Webinars

Upcoming events

Request for assistance

Request Assistance

Request for assistance

Please fill out the form below in order to request PREA-related training and/or technical assistance for your jurisdiction or agency. The more detail provided in your request will improve the PREA Resource Center's (PRC) ability to meet your needs. For jurisdictions less familiar with PREA, the PRC would encourage you to browse the resources on the [Where to begin page](#). If your jurisdiction has general questions or comments for the PRC you can communicate those through the [Contact us form](#).

To submit information on complaints or concerns about the conduct of a DOJ-certified PREA auditor, please refer to the [Auditor feedback form](#).

The PRC collects the information below in order to efficiently route and respond to inquiries. While all fields are not required, please fill out as much information as possible so that we may better assist you.

Request assistance

Jurisdictions can request assistance by completing a web form on the PRC website under the “Implementation” tab and clicking “Request for assistance” under “Training.”

Michela Bowman

PRC Co-Director

mbowman@prearesourcecenter.org

Jenni Trovillion

PRC Co-Director

jtrovillion@prearesourcecenter.org

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

To ask a question, please visit our [Contact us](#) page.

Thank you!



Good luck!

Notice of federal funding and federal disclaimer

This project was supported by Grant No. 2019-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component.