

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 Kaitlin Kall at kkall@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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CENTER



NCCD | National Council on
Crime & Delinquency

PREA in Action Webinar Series

Implementing the Youthful Inmate Standard Part I: Lessons from the County and State Level in Oregon

May 16, 2013

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

- Introduction to the youthful inmate standard
 - Ryan Shanahan, *Senior Program Associate, Vera Institute of Justice*
- Perspective on the standard from adult corrections
 - Scott Taylor, *Director, Multnomah County Department of Community Justice*
- Implementation at the county level
 - Craig Bachman, *Juvenile Custody Services Manager, Multnomah County Department of Community Justice*
- Implementation at the state level
 - Philip Cox, *Assistant Director, Oregon Youth Authority*
- 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

Why Do We Need a Youthful Inmate Standard?

Youth in Adult Facilities

Numbers

- **44** states house juveniles in adult facilities
- Approximately **10,000** youths

Victimization of youth in adult facilities

- “An estimated **1.8%** of juveniles ages **16 to 17** held in prisons and jails reported being victimized by another inmate” (BJS, 2013).

Special needs

- Suffer from **isolation** and more prone to **mental health issues** including suicide
- Have different **educational** and **developmental** needs
- **36** times more likely to **commit suicide**

Protection for Youthful Inmates I

Juvenile Justice and Delinquency Prevention Act (JJDPDA)

Federal standards for

- State and local **justice systems**

Protects youth (including status offenders) by requiring

- **Separation** of juveniles from adult inmates
- **Removal** of juveniles from adult jails and lockups

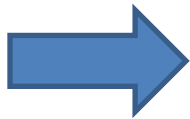
Does not apply to

- Youths who are tried or sentenced of felonies in the **adult criminal system**

Protections for Youthful Inmates II

PREA Youthful Inmate Standard

Protects youth in adult facilities, including youth transferred to the adult criminal system



Youthful Inmates

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

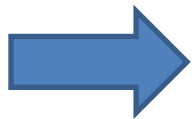
- **Community Confinement**
- **Juvenile Facilities**

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.



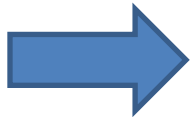
Requires sight, sound, and physical separation in housing units

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.



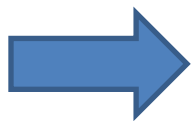
Requires sight, sound, and physical separation or direct supervision outside of housing units

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

Scott Taylor



Director
Multnomah County
Department of Community Justice

Introducing

Craig Bachman



Juvenile Custody Services Manager
Multnomah County
Department of Community Justice

Profile of Multnomah County, OR

- 68,194 juveniles (10 – 17 years old)
- Race / Ethnicity
 - White: 66%
 - Hispanic: 15%
 - African American: 9%
 - Asian: 8%
 - Other: 2%
- Juvenile offenders make up only 3% of juvenile county population



Profile of Detention Admissions (2012)

- **729 Detention Admissions**
 - 106 Youthful Inmates
- **Average Age at Admission: 16**
- **Gender**
 - Male: 80%
 - Female: 20%
- **Race**
 - 65% minority
 - 35% white

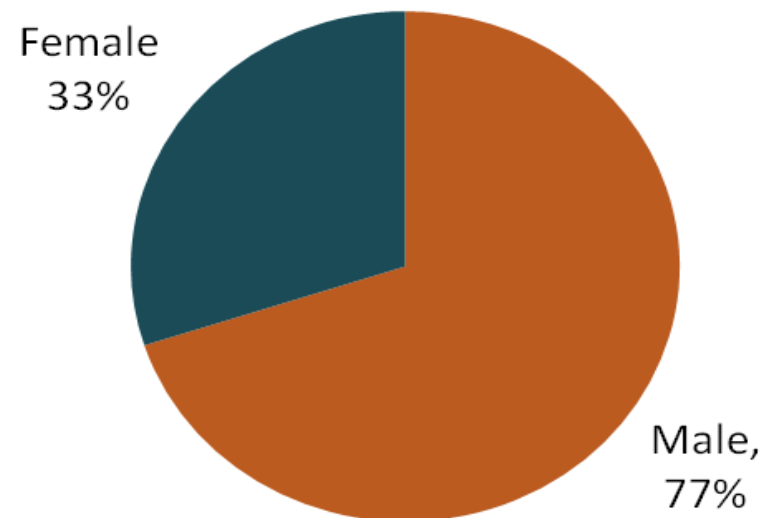


Youthful Inmate Demographics

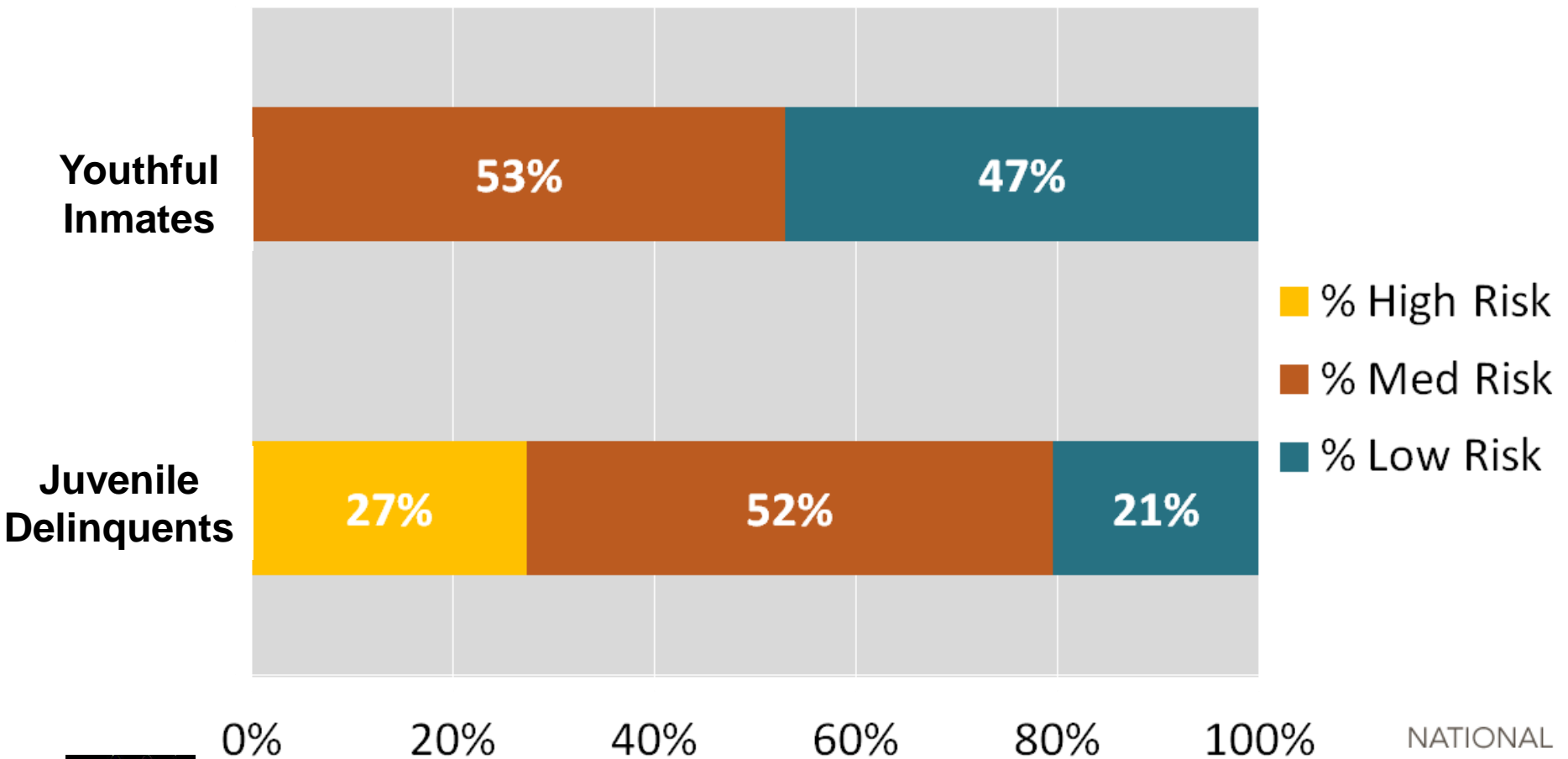
2012 Statistics

- **Average Daily Population (ADP)**
 - 17 youth
- **Highest ADP**
 - 32 youth
- **Lowest ADP**
 - 13 youth
- **Average Length of Stay**
 - 75 days

Gender



Two distinct populations, one approach



Initiatives Shaping Detention Population

Juvenile Detention
Alternatives
Initiative (JDAI)
Model Site
(1992)

County
Resolution
No. 08-166
Passed
(2008)

Ballot
Measure 11
Passed
(1994)

HB 2707
Legislative Session
(2011)



Benefits of Juvenile Placement

- ✓ Meets developmental needs of youth
- ✓ Offers age-appropriate education services
- ✓ Staff trained in adolescent development
- ✓ Cognitive behavioral skill-building program tailored to youth



Outcomes

Since the 2008 resolution, there has been no observable increase in the number of reported peer fights or assaults.

The number of reported fights is decreasing at a rate faster than the admission rates of Youthful Inmates have decreased.

Year	# Fights/Assaults
2008	53
2009	39
2010	49
2011	34
2012	24



Detention Enhancements

- ✓ Modified activities for long-term populations:
 - Drug and alcohol education
 - Latino support group
 - African-American support group
- ✓ Behavior management system
- ✓ Enhanced visiting program for good behavior



Youth Transfers

Since the 2008 resolution, very few youth have been released to the adult jail for behavioral reasons:

Only ten youthful inmates have been released to an adult jail for behavioral issues.

Year	# Youth
2009	5
2010	3
2011	0
2012	2



Summary

- The Multnomah County Juvenile Detention home is the presumptive placement for a youth facing Ballot Measure 11 charges.
- Our staff are trained and committed to providing a safe, secure, and enriching environment for these youth.
- With modest enhancements to structured activities, juvenile detention is a safe and effective placement for these youth.
- Since the resolution, Multnomah County has experienced no discernible disruptions to our operations and ability to meet public safety goals.



Introducing

Philip Cox



Assistant Director
Oregon Youth Authority

Oregon Youth Authority (OYA)

- Ballot Measure 11 passed—1994

An Oregon citizens' ballot initiative to establish mandatory minimum sentences for several crimes **AND applied to all defendants aged 15 and over, requiring juveniles 15 and over charged with these crimes to be tried as adults (statutory waiver).**

- Senate Bill 1 passed—1995

OYA established as a separate Executive Department Agency with jurisdiction to exercise custody over young people from 12 – 25 years.



Oregon Revised Statute (ORS) 137.124(5)

- a. When a person **under the age of 18 years of age** at the time of committing the offense and **under 20 years** at the time of sentencing is committed to the Department of Corrections under ORS 137.707 [Measure 11 offenses], the **Department of Corrections shall transfer the physical custody of the person to the Oregon Youth Authority** as provided in ORS 420.011 if
- a) The person will complete the sentence imposed before the person attains 25 years of age; or
 - b) The Department of Corrections and the Oregon Youth Authority determine that, because of the person's age, immaturity, mental or emotional condition or risk of physical harm to the person, the person should not be incarcerated initially in a Department of Corrections institution.



Response to (ORS) 137.124(5)

The Department of Corrections and the OYA developed **administrative rule** to provide the procedures for the transfer of young inmates from DOC to OYA. (OAR 291-052-0005)



Youth Transfer to DOC

Conditions under which DOC offenders may be transported to DOC custody from OYA (OYA Policy II-A-1.5):

- The offender poses a substantial danger to others
- The person is not likely, in the foreseeable future, to benefit from the rehabilitation/treatment programs by OYA and is appropriate for placement in a DOC institution.

Number of returns to DOC for danger to others/refusal to participate in treatment:

2007	15 youth
2008	43 youth
2009	41 youth
2010	16 youth
2011	4 youth
2012	4 youth
2013	2 youth



Youth in OYA Close Custody (January 2013)

	Youthful Inmates	Total Youth
<u>GENDER</u>		
Female	9	51
Male	350	690
<u>RACE</u>		
African American	50	76
Asian	11	19
White	169	395
Hispanic	114	209
Native American	14	39

Youthful Inmates by Age	
<u>Age</u>	<u>N</u>
12 – 13	0
14 – 15	1
16 – 17	54
18 – 20	197
21+	107

Possible Legislative Changes 2013

- HB 3183: Requires transport of 16-18 year old adult offenders directly to OYA intake, rather than DOC intake for initial processing. Likely to pass and be signed by Governor.
- Legislation may be introduced this session to allow for Second Look for Measure 11 offenses for juveniles as part of an overall public safety package aimed toward reductions in public safety spending.



Opportunities for Growth

Within OYA

- Developing educational and vocational training programming for older youth who have completed correctional treatment but remain in custody due to determinate sentencing.

Across Systems

- Transfer of young persons from juvenile corrections institutions to adult corrections institutions
 - Sentences that span both systems
 - Youth who demand to go “up-state”
- Transition/re-entry of young persons from juvenile justice setting to community corrections supervision



Citations

Neelum Arya. *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*. Washington, DC: Campaign for Youth Justice, 2000.

Jim Austin, Kelly Dedel Johnson, and Maria Gregoriou. *Juveniles in Adult Prisons and Jails: A National Assessment*. Washington DC: Bureau of Justice Assistance, Oct. 2000.

Michele Deitch, Amanda Barstow, et al. *From Time Out to Hard Time: Young Children in the Adult Criminal Justice System*. Austin, TX: The University of Texas at Austin, LBJ School of Public Affairs, 2009.

Alan Beck, Marcus Berzofsky, Rachel Caspar, and Christopher Krebs. *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*, Washington DC: Bureau of Justice Statistics, 2013. [<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4654>]

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 ballot measures and other key documents 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.

Save the date

PREA in Action Webinar Series
Implementing the Youthful Inmate Standard Part II:
Spotlight on Indiana and Pennsylvania

Tuesday, June 25, 2013 at 3pm ET

Registration available on the PREA Resource Center:
<http://www.prearesourcecenter.org/news-events>

For More Information

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

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