CAMPAIGN FOR

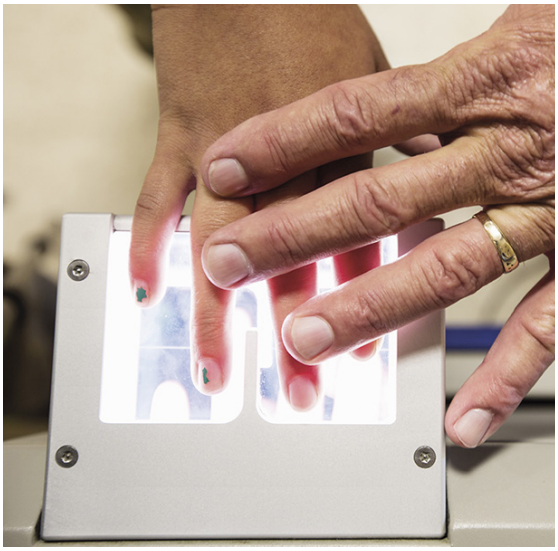
YOUTH JUSTICE

ZERO TOLERANCE

How States Comply With PREA's Youthful Inmate Standard



ABOUT THE CAMPAIGN FOR YOUTH JUSTICE



The Campaign for Youth Justice (CFYJ) is a national initiative focused entirely on ending the practice of prosecuting, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. CFYJ was initiated in 2004 by a parent whose son was transferred to the adult criminal court for prosecution. Stemming from her family's circumstances and a desire to change state and federal policies that allow for the prosecution of hundreds of thousands of youth in adult court every year, this parent made a financial commitment to launch a national campaign. Subsequently, the Campaign for Youth Justice officially opened in July, 2005.

The strategic goals of CFYJ are to reduce the total number of youth prosecuted in the adult criminal justice system and to decrease the harmful impact of trying youth in adult court. The campaign utilizes both federal and state-level strategies for youth justice reform. We strongly believe that any movement must involve those who are most impacted by the laws and policies. Thus, we seek to empower those affected by encouraging them to use their voices and experiences to affect meaningful change.

This policy brief is an overview of various federal, state and local laws and practices affecting the treatment of youth tried and sentenced as adults. It is meant to educate advocates, legislators, courts and other decision makers on the widely varying and disparate practices around the country concerning the treatment of youthful offenders. Information was gathered through legal research, Freedom of Information Act (FOIA) requests sent to various state prison systems, and phone calls to state Departments of Corrections. Please contact CFYJ for more information, including support for implementation of evidence-based practices to promote a rehabilitative and humane justice system for youthful offenders.

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INTRODUCTION

The United States' extraordinary use of adult correctional facilities to house youth presents numerous concerns, including serious, long-term costs to the youth offender and to society at large. Science and research conducted over the last 20 years confirm what common sense tells us: kids are different. Adolescent development and adolescent brain research have prompted leaders across the country to start looking at our juvenile justice system through a developmentally appropriate lens.[1] Such a perspective equally applies to the treatment of youth who would be eligible for adult prison sentences. In light of the decline of youth arrests and youth crime, coupled with the requirements of the Prison Rape Elimination Act (PREA) the housing status of the 1200 youth under 18 years of age in the adult prison must be investigated. Each state has its own unique prison system, so in order to determine the housing status of youth we gathered information on each state's statutes, policies, and practices for housing the shrinking — and at times — invisible, population of youth in adult prisons across the country.

"Some states have no regulations or parameters governing the treatment of youth sentenced as adults."

Despite the strong language provided in the Prison Rape Elimination Act, state laws vary widely as to the regulations and parameters for housing youth in adult prisons. In fact, some states have no regulations or parameters governing the treatment of youth sentenced as adults at all. While some states have fully removed youth from their prison systems — Hawaii, West Virginia, Maine, California, and Washington — the overwhelming majority of states allow youth to be housed in adult prisons. In fact 37 states housed youth under 18 years of age in their state prisons in 2012. The PREA requirements have become the emerging standard of care for the housing of youth in adult facilities, yet the majority of states still permit the housing of youth in adult facilities, often times with no special housing protections. Once youth are sentenced in adult court to an adult prison term, few jurisdictions have enacted safeguards to protect their physical, mental and emotional health. Additionally, programs and behavioral responses in adult facilities rarely are adjusted to meet the needs of adolescent populations.

To further complicate matters, nine states have a lower age of court jurisdiction which allows more youth under 18 to enter the adult criminal justice system automatically. Where the age of juvenile court jurisdiction ends at 15 or 16 years of age, state prison systems grapple with housing even younger youth and at high rates. For instance, on any given day New York houses approximately 131 youth under 18 in its state prisons while Georgia houses nearly 100 youth under 18.[2]

The dearth of policies to safely house youth under 18 in adult prisons requires further examination and should encourage policymakers to investigate alternatives to practices that put children in harms way. As state and local policymakers grapple with budget and resource allocations, removing youth from adult prisons should be a part of that calculation.

This report explores how states house youth under 18 in prisons in the new age of PREA compliance and enforcement. Furthermore, this report highlights national trends in juvenile arrests, crimes, and incarceration of children in the adult system. With evidence of the decreasing number of youth entering the adult system, the recommendations focus on how states can successfully remove all youth from adult prisons.

1 Carson, E.A. (2013). *Reforming Juvenile Justice: A Developmental Approach.* Washington, DC: National Research Council of the National Academies, Committee on Assessing Juvenile Justice Reform and Committee on Law and Justice.

2 Carson, E.A. (2014). *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

FEDERAL LAWS PROTECTING YOUTH

Federal and State Laws on Youth Housed with Adult Prisoners

Currently two federal statutes exist that deal with youth in adult jails and prisons. The Prison Rape Elimination Act (PREA) and the Juvenile Justice and Delinquency Prevention Act (JJDPA) each define the terms "juvenile" and "youth" differently, yet both set out some parameters around the housing of youth with adults. While both laws provide a federal floor for protection of youth, most states have not gone any further.

The Prison Rape Elimination Act's Youthful Inmate Standard

The Prison Rape Elimination Act (PREA), unanimously passed by Congress in 2003, is a federal statute enacted to address sexual assault and victimization in prisons, jails, lockups, and other detention facilities — all of which are facilities that may house youth.[3] The law created the National Prison Rape Elimination Commission (PREA Commission) to examine the extent and scope of the problem and directed the Department of Justice (DOJ) to promulgate national standards to prevent, detect, and respond to sexual abuse in detention facilities. With respect to the treatment of youth offenders, PREA regulations state that "as a matter of policy, the Department [of Justice] supports strong limitations on the confinement of adults with juveniles."[4]

"While some states have fully removed youth from their prison systems… the overwhelming majority of states allow youth to be housed in adult prisons."

The PREA Commission found that "more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse."[5] Accordingly, the PREA regulations include a "Youthful Inmate Standard" to protect youth in adult facilities. Specifically, the Youthful Inmate Standard (§115.14) provides that *youthful inmates*, which the standards define as "any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail," must be housed separately from adult inmates in a jail or prison, but may be managed together outside of a housing unit if supervised directly by staff. Standard 115.114 provides analogous but abbreviated standard requirements for lockups.[6]

The Youthful Inmate Standard includes four requirements. First, no youthful inmate may be placed in a housing unit where he/she will have contact with any adult inmate through the use of a shared day room or other common space, shower area, or sleeping quarters. Second, outside of housing units, agencies must either maintain "sight and sound separation" between youthful inmates and adult inmates — i.e., prevent adult inmates from seeing or communicating with youth — or provide direct staff supervision when youthful inmates and adult inmates are together. Third, agencies must make their best efforts to avoid placing youthful inmates in isolation to comply with this provision. Finally, absent exigent circumstances, agencies must comply with this standard in a manner that affords youthful inmates daily large-muscle exercise and any legally required special education services, and provides access to other programs and work opportunities to the extent possible.[7]

3 42 U.S.C. § 15601 (2013).
4 28 CFR, pt. 115 (2012).
5 United States. (2009). *National Prison Rape Elimination Commission Report.* Washington, DC: National Prison Rape Elimination Commission.
6 28 C.F.R. pt. 115.1114 (2012).
7 Id.

FEDERAL LAWS PROTECTING YOUTH

In order to meet this standard, the National PREA Resource Center, a Department of Justice funded center that provides technical assistance to states in order to implement PREA, provided the following options for states to meet the Youthful Inmate Standard:

1. *Reducing the number of youthful inmates in adult facilities as a matter of policy or law*: A number of agencies are seeing the benefits of housing youthful inmates in juvenile facilities.

2. *Entering into a cooperative agreement with an outside jurisdiction to facilitate compliance*: Youthful inmates can also be housed in juvenile facilities under an agreement with youth facilities.

3. *Confining all youthful inmates to a separate housing unit*: Implementation of the Youthful Inmate Standard can also be accomplished through separate housing within an adult facility.[8]

In making these recommendations, the PREA Resource Center states that "keeping youthful inmates out of adult facilities makes **operational sense**. First, where youth occupy only a fraction of the available beds in a particular housing unit, implementing PREA renders the remaining beds unusable. Second, juvenile facilities are set up, and the staff properly trained, to respond to the unique needs and challenges of youth. Adult facilities, by contrast, typically lack such specialists, and their staff may require additional training before they can effectively serve youth. Some youth require especially intense supervision and care, and this places great strain on staff involved in service delivery. Finally, there are no mistakes or confusion among law enforcement and other agencies when determining where to place an individual under the age of 18 who is tried as an adult."[9]

"More than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse."

—The National PREA Commission

Per the PREA standards, states risk losing valuable federal dollars — such as the Bureau of Justice Assistance's Edward Byrne Memorial Justice Assistance Grant Formula Program and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula Grant Program — if unable to provide the Department of Justice (DOJ) with certification of compliance or assurance that money will be used to come into compliance. A governor's certification of full compliance, "shall apply to all facilities in the State under the operational control of the State's executive branch, including facilities operated by private entities on behalf of the State's executive branch."[10] Each year governors must provide DOJ with such a certification or provide DOJ with an assurance that the state will use no less than 5% of its federal grant dollars to come into the compliance "in the future." In 2015, four states "opted out" of PREA completely, thus becoming subject to not only penalties, but scrutiny of their prison practices.[11] Arkansas, Alaska, Idaho, and Utah did not provide any assurances or certification of compliance to DOJ, yet all but Alaska have reported housing youth in prisons.

8 PREA Resource Center, http://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation (last accessed July 12, 2015)
9 Id.
10 28 C.F.R. § 115.501(b) (2012).
11 FY 2015 Certification and Assurance Submissions. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Assistance, available online at https://www.bja.gov/Programs/15PREA-AssurancesCertifications.pdf.

FEDERAL LAWS PROTECTING YOUTH

JJDPA and Youth Charged as Adults

The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), as amended, generally requires, as a condition of federal funding for state juvenile justice systems, that juvenile delinquents and status offenders not be confined in jails or other facilities in which they have contact with incarcerated adults who have been convicted or are awaiting trial on criminal charges. Unlike PREA, the JJDPA allows states to determine how to define "juvenile" based on the age of juvenile court jurisdiction. However, regulations interpreting the JJDPA provide that youth who are being tried as adults may be held in adult facilities without violating this "sight and sound separation" mandate. Thus, in a state like North Carolina or New York where the upper age of court jurisdiction ends at 16 years of age, placing such youth in an adult facility would not violate the JJDPA. Youth who have been transferred, by virtue of their offense, to the jurisdiction of a criminal court may also be confined with other youth in juvenile facilities without running afoul of the JJDPA mandate. Still, once these youth reach the state's maximum age of extended juvenile jurisdiction, they must be separated from the juvenile population.



STATE LAWS PROTECTING YOUTH IN CUSTODY

State Statutes, Regulations and Policies on Housing Youth in Adult Prisons

Despite the strong language provided in the Prison Rape Elimination Act, state laws vary widely as to the regulations and parameters for housing youth in adult prisons. In fact, some states have no regulations or parameters governing the treatment of youth sentenced as adults. While some states have fully removed youth from their prison systems — like West Virginia, Maine, California, and Washington — the overwhelming majority of states allow youth to be housed in adult prisons.

Compliance with PREA's Youthful Inmate Standard

Alabama, Hawaii, Missouri, Nevada, Pennsylvania, Indiana, and North Carolina have revised their administrative regulations to align with PREA's Youthful Inmate Standard. Other states place a minimum age of custody for placement in the Department of Corrections. For example, in Alaska, Delaware, Montana, Vermont, Tennessee, and Arkansas, a youth must be at least 16 years of age to come under the custody of the Department of Corrections. Some states set a lower age of custody, like Iowa and Louisiana at age 14.

Many state correctional facilities have Youthful Offender programs or units specific to youth under 18. Some examples include Washington, Iowa, Delaware, Pennsylvania, and Colorado. Many of these units are still within adult facilities, but have been renovated to accommodate the youthful populations. While this is preferable to placement in the general population of a prison, it still can present concerns for both the youthful inmates and correction staff, such as providing for the programmatic and health needs of youth.

No Written Policies on Housing Youth With Adults

Then, there are states which have no policies to separate or protect youth who enter prisons under the age of 18. New Hampshire reports that their Department of Corrections has no policy or procedure specific to sight and sound separation and if a youth is sentenced as an adult, they can be housed with adults. Similarly, New Jersey reports that it has no specific policies regarding youth in adult facilities because admissions of youth to adult prison rarely occur.[12] However, in practice, New Jersey's Department of Corrections houses youth separately and provides education separately via a youth offender unit, which is a unit for 18-30 year olds. Neither Utah nor Oklahoma have specific policies or procedures aimed at protecting youth who enter their Departments of Corrections before age 18.

Contracts With Neighboring States to House Youth

Because of the strict requirements of sight and sound separation, some states have found housing youth under 18 too onerous and have contracted this responsibility to other jurisdictions. Kansas, for example, no longer houses 16 or 17 year old males in adult facilities. Instead, the state has contracted with Nebraska to house these offenders in a Nebraska prison for 16 and 17 year old offenders. These contract arrangements present additional concerns, including the fact that housing youthful offenders in a different state makes it more difficult for visitation from family and may create limited access to legal representation.

Removal of Youth from Adult Prisons

Some states have met the federal requirements of PREA's Youthful Inmate Standard by changing their laws and policies to safely remove youth from adult prisons. Oregon's Department of Corrections transfers all youth sentenced as adults under the age of 18 to the Oregon Youth Authority for detention purposes if the youth will complete his or her sentence before the age of 25 and if the DOC and Oregon Youth Authority determine that the person should not be incarcerated in a DOC institution because of age, immaturity, risk of physical harm to the youth, and other factors. In 2012, South Dakota entered into an intergovernmental agreement with the North Dakota Department of Corrections to house all of their youthful offenders (under 18 years of age) in a unit at their State Industrial School, specifically operated for those under the age of 18. The South Dakota Department of Corrections indicated that it would be amending its written policy to fully prohibit the placement of youth in adult correctional facilities to fully comply with the Youthful Inmate Standard of PREA.

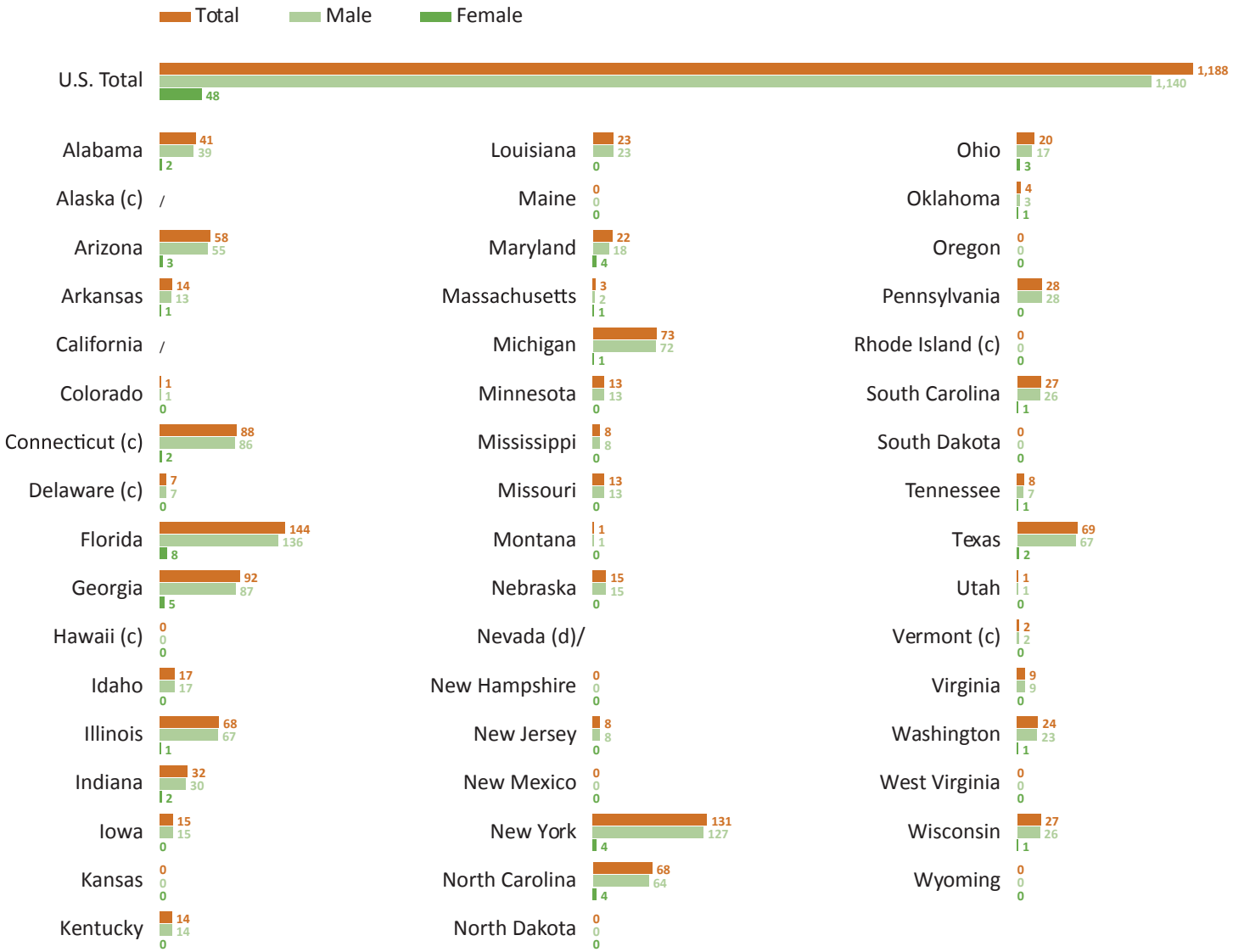
12 The Appendix contains all of the state laws, policies, and regulations on the housing of youth in adult prisons.

INCARCERATION RATES & OFFENSES OF YOUTH IN ADULT PRISONS

Incarceration rates of youth in adult prisons

Among the over 1.5 million people housed in state and federal prisons each year are youth housed in prisons with adult offenders. On any given day, approximately 1,200 youth are held in adult prisons across the country.[13] Youth under age 18 enter the adult criminal justice system through a variety of mechanisms — from states automatically prosecuting all 16 and 17 year olds as adults, to unfettered prosecutorial discretion in determining whether a youth will be tried as an adult. Nearly 200,000 youth enter the adult criminal justice system each year.

Table 1: State Prisoners Under Age 18: One day Count (2013)



Data Source: Carson, E.A. (2014). *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

/ Not reported
(b) The Federal Bureau of Prisons holds inmates age 17 or younger in private contract facilities; 89 such inmates were housed in contract facilities in 2013.
(c) Prisons and jails form one integrated system. Data include total jail and prison populations.
(d) State did not submit 2013 NPS data.

13 Carson, E.A. (2014). *Prisoners in 2013.* Washington. DC: U.S. Department of Justice, Bureau of Justice Statistics.

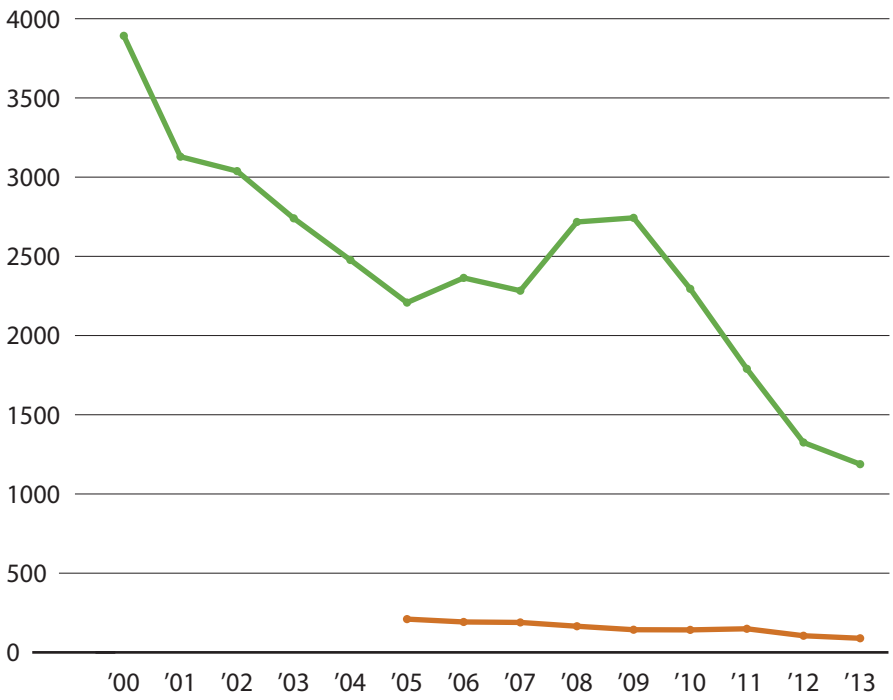
INCARCERATION RATES & OFFENSES OF YOUTH IN ADULT PRISONS

How Youth End Up in Adult Prison

From the 1980s through the mid-1990s, the United States saw a dramatic increase in the numbers of youth serving time in state prisons. During this period, the category of offenses eligible to transfer youth to adult court expanded to include younger adolescents. Now, several states do not have a minimum age of transfer into the adult criminal justice system.[20]

Over 5,000 youth were held in state prisons on any given day in 1995. In recent years, the United States experienced a continued decline in the number of youth incarcerated in adult prison systems.[21] At yearend 2013, states held 1200 youth in adult prison on any given day, which was nearly a 70% decrease from 2000.[22] Considerable progress has been made at the state and local level to relieve the adult system of youthful offenders with eleven states in the last decade passing laws and policies limiting the states' authority to house youth in adult jails and prisons.[23]

Table 2: State and Federal Prisoners Under Age 18: 2000-2013



Key: Federal

State

Data Source: Carson, E.A. (2014). *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

Figure 2. Note from author: Counts based on inmates age 17 or younger in custody of state and federal correctional authorities, regardless of sentence length. The Federal Bureau of Prisons holds inmates age 17 or younger in private contract facilities. Counts for BOP may include some inmates under the jurisdiction of U.S. probation being held by the BOP in private contract facilities.

JAILS VERSUS PRISONS

Typically jails are locally-operated, short term facilities that hold inmates awaiting trial or sentencing or both, and inmates sentenced to a term of less than 1 year, often times for misdemeanor offenses. Prisons are long term facilities run by the state or the federal government and normally hold inmates with sentences of more than 1 year.

FEDERAL BUREAU OF PRISONS

Unlike a large fraction of states, the Federal Bureau of Prisons does not place youth age 17 and younger in adult prisons. Youth convicted in the federal system are housed in separate contract juvenile facilities, and according to the Department of Justice Bureau of Justice Statistics report, the number of youth in these contract facilities also decreased by 58% between 2005 and 2013.[1]

1 Carson, E.A. (2014). *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. See 18 U.S. Code §

20 Griffin, P. et al. (2011). *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting.* Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

21 Beck, A.J. & Harrison, P.M. (2005). *Prison and Jail Inmates at Midyear 2005.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

22 Carson, E.A. (2014). *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

23 Daugherty, C. (2013). *State Trends: Legislative Victories from 2011 – 2013 Removing Youth from the Adult Criminal Justice System.* Washington, DC: Campaign for Youth Justice.

INCARCERATION RATES & OFFENSES OF YOUTH IN ADULT PRISONS

Use of the adult criminal justice compared to the rate of youth-involved offenses

In 2012, law enforcement agencies made 1.3 million arrests of youth under 18.[14] Less than 5% of those arrests were for offenses characterized as "violent crime" by the Federal Bureau of Investigation crime index,[15] which are the crimes that would have a greater chance of placing a youth in an adult jail or prison upon conviction.

In fact, since 2008 there has been a marked decrease in the number of youth arrests for the four offenses that make up the Violent Crime Index: murder (-42%), rape (-24%), robbery (-39%), and aggravated assault (-35%).[16] Arrests of youth under 18 for aggravated assault make up nearly 60% of those offenses characterized as "violent crime".[17] Notably, however, there is great variance in states' definitions of the conduct constituting an "aggravated assault."

Georgia, for example, characterizes it as assault with a deadly weapon or with any object, device, or instrument which is likely to or actually does result in serious bodily injury. In Florida, an aggravated assault can be any assault with an intent to commit a felony, while in Pennsylvania, one definition of aggravated assault is, "attempts by physical menace to put any of the officers, agents, employees or other persons (list of public employees) while in the performance of duty, in fear of imminent serious bodily injury."[18] In Arizona, simple assault is elevated to aggravated assault if the victim is, among many things, a prosecutor, law enforcement officer, or a public defender.[19]

Table 3: Juvenile Arrests by Offense 2012

Most Serious Offense	2012 Estimated Number of Juvenile Arrests
Total	1,319,700
Violent Crime Index	61,070
Murder and nonnegligent manslaughter	720
Forcible rape	2,500
Robbery	21,500
Aggravated assault	36,300
Property	295,400
Burglary	53,800
Larceny-theft	224,200
Motor vehicle theft	13,100
Arson	4,400
Nonindex	
Other (simple) assaults	173,100
Forgery and counterfeiting	1,400
Fraud	4,700
Embezzlement	400
Stolen property (buying, receiving, possessing)	12,900
Vandalism	59,900
Weapons (carrying, possessing, etc.)	24,700
Prostitution (and commercialized vice)	800
Sex offense (except forcible rape and prostitution)	12,400
Drug abuse violations	140,000
Gambling	1,000
Offenses against the family and children	3,300
Driving under the influence	9,400
Liquor laws	77,800
Drunkenness	9,900
Disorderly conduct	120,100
Vagrancy	1,400
All other offenses (except traffic)	239,600
Suspicion (not included in totals)	300
Curfew and loitering	70,200

Data Source: Puzzanchera, C. (2014). *Juvenile Arrests 2012*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

14 Puzzanchera, C. (2014). *Juvenile Arrests 2012.* Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
15 Id.
16 Id. Approximately 61,000 arrests.
17 Id.
18 O.C.G.A. § 16-5-21 (2010).
19 A.R.S. § 13-1204.

HOW YOUTH END UP IN THE ADULT JUSTICE SYSTEM

Pathways to the Adult Justice System

AGE OF JUVENILE COURT JURISDICTION

These laws determine the age of adulthood for criminal justice purposes. They effectively remove certain age groups from the juvenile court control for all infractions, whether violent, or nonviolent, and place them within the adult court jurisdiction. Nine states (North Carolina, New York, Missouri, Texas, South Carolina, Georgia, Michigan, Louisiana, and Wisconsin) have defined the age of juvenile court jurisdiction as below the generally accepted age of 18 years old.

JUDICIAL WAIVER

This is the most traditional and common transfer and waiver provision. Under judicial waiver laws, the case originates in juvenile court. Under certain circumstances, the juvenile court judge has the authority to waive juvenile court jurisdiction and transfer the case to criminal court. Some states call the process "certification," "remand," or "bind over for criminal prosecution." Others "transfer" or "decline jurisdiction" rather than waiver. At the end of the 2014 legislative session, almost all states had judicial waiver provisions. State statutes provide varying levels of guidance to judges on the criteria courts are to use in determining if a youth's case should be transferred.

TRANSFER AND WAIVER PROVISIONS

These laws allow young people to be prosecuted in adult courts if they are accused of committing specified crimes. A variety of mechanisms exist by which a youth can be transferred to adult court. Most states have transfer provisions, but they vary in how much authority or discretion they provide to judges and prosecutors in making this determination.

PROSECUTORIAL WAIVER

These laws grants prosecutors discretion to file cases against young people in either juvenile or adult court. Such provisions are also known as "concurrent jurisdiction," "prosecutorial discretion," or "direct file." At the end of the 2014 legislative session, 15 states had concurrent jurisdiction provisions.

Table 4: Most Serious Offense at Time of Prison Admission for Youth Under 18 (2009)

Most serious offense at time of Admission	Youth Under Age 18 admitted to state prison in 2009
All offenses	100%
Violent offenses	71%
Homicide	7%
Sexual assault (including rape)	4%
Robbery	39%
Assault	19%
Property offenses	19%
Burglary	14%
Larceny-theft	2%
Motor vehicle theft	1%
Arson	<1%
Drug offenses	3%
Trafficking	1%
Possession	1%
Public order offenses	7%
Weapons	5%

HOW YOUTH END UP IN THE ADULT JUSTICE SYSTEM

STATUTORY OR LEGISLATIVE EXCLUSION

These laws exclude certain youth from juvenile court jurisdiction entirely by requiring particular types of cases to originate in criminal rather than juvenile court. At the end of the 2014 legislative session, 29 states had statutory exclusion laws.

REVERSE WAIVER

This is a mechanism to allow youth whose cases are being prosecuted in adult court to be transferred back down to the juvenile court system under certain circumstances. At the end of the 2014 legislative session, 25 states had reverse waiver provisions.

"ONCE AN ADULT, ALWAYS AN ADULT"

These laws require youth who have been tried as adults to be prosecuted automatically in adult courts for any subsequent offenses. At the end of the 2014 legislative session, 34 states had such provisions, but most require the youth to have been convicted in the initial criminal prosecution.

BLENDED SENTENCING

These laws allow juvenile or adult courts to choose between juvenile and adult correctional sanctions in sentencing certain youth. Courts often will combine a juvenile sentence with a suspended adult sentence, which allows the youth to remain in the juvenile justice system as long as he or she follows the prescribed program or juvenile detention rules. At the end of the 2014 legislative session, 26 states had passed laws that provided for blended sentencing in some cases.

Table 5: Minimum Age of Transfer in State Statute

Age	State
None Specified (22 states)	Alaska, Arizona, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Maine, Maryland, Nebraska, Nevada, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Washington, West Virginia
10 years old (3 states)	Kansas, Vermont, Wisconsin
12 years old (3 states)	Colorado, Missouri, Montana
13 years old (6 states)	Illinois, Mississippi, New Hampshire, New York, North Carolina, Wyoming
14 years old (16 states)	Alabama, Arkansas, California, Connecticut, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Ohio, Texas, Utah, Virginia
15 (1 state)	New Mexico

DISPARITIES IN THE SYSTEM

Racial and Ethnic Disparities in Prison

Racial and ethnic disparities exist at every stage of the criminal and juvenile justice systems. Despite the great decline in juvenile crime and arrests, in 2008, African American and Hispanics comprised 58 percent of all inmates, while making up only one quarter of the U.S. population.[24]

Some of the greatest disparities exist when youth are sentenced in the adult system. African-American youth are nine times more likely than white youth to receive an adult prison sentence.[25] Latino youth are 40 percent more likely than white youth to be admitted to adult prison,[26] and Native youth are 1.84 times more likely than white youth to be committed to an adult prison.[27]

While African American youth represent 17% of their age group in the general population, they represent:

- **31% of juvenile arrests**
- **59% of referrals to juvenile court**
- **44% of waivers to adult court[28]**
- **58% of youth committed to state adult prison[29]**

24 National Association for the Advancement of Colored People. *Criminal Justice Fact Sheet* available at http://www.naacp.org/pages/criminal-justice-fact-sheet.
25 The Sentencing Project. (2008). *Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers* (2nd ed.). Washington, DC.
26 Arya, N., Villarruel, D., Villanueva, C., & Augarten, I. (2009). *America's Invisible Children: Latino Youth and Failure of Justice.* Washington, DC: Campaign for Youth Justice.
27 Arya, N., & Rolnick, A. (2009). *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems.* Washington, DC: Campaign for Youth Justice.
28 Sickmund, Melissa, and Puzzanchera, Charles (eds.). 2014. *Juvenile Offenders and Victims: 2014 National Report.* Pittsburgh, PA: National Center for Juvenile Justice.
29 Hartney, C. & Silva, F. (2007). *And Justice for Some: Differential Treatment of Youth of Color in the Justice System.* Oakland, CA: National Council on Crime and Delinquency.



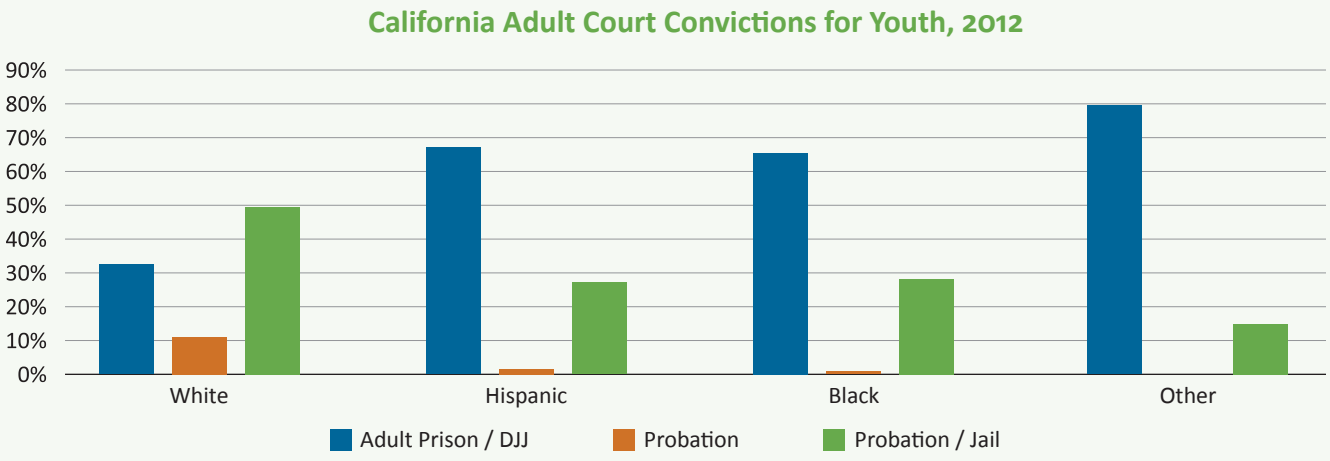
DISPARITIES IN THE SYSTEM

California Case Study

The passage of Proposition 21 modified California's original judicial transfer law by requiring that any young person 16 or older charged with a felony would be presumed "unfit" for juvenile jurisdiction if he or she had previously been involved in the court on the basis of two or more felonies committed after the age of 14.[30] Before 2000, juvenile court judges made the decision as to where someone under 18 would be prosecuted, however Proposition 21 gave prosecutors the power to "direct file" youth under 18 directly in the adult criminal court for a variety of offenses.

Under California law, youth convicted in the adult criminal court can be housed in adult prison provided that there is no contact between youth and adult inmates. Notwithstanding the law, California Department of Corrections entered into an agreement with the California Youth Authority to house all youth until the age of 18, at which time they are transferred to an adult prison if unable to complete their sentence before age 21.[31] At the present time, no youth under the age of 18 is being held in a California adult prison.

A recent California Department of Justice report reveals the gross disparity for youth of color who enter the adult criminal justice system.[32] California youth of color are more than twice as likely as white youth to be direct filed in adult court. Furthermore, youth of color face harsher punishments in the sentencing phase. In 2012, 33 percent of white youth in adult court were sentenced to prison or the Division of Juvenile Justice, the state's youth correctional facilities, while 65 percent received probation or jail. When examining the sentences for youth of color we find the reverse to be true. For example, 67 percent of Hispanic youth were sentenced to prison or DJJ, and only 32 percent to probation or jail. For African American youth, the figures are 66 percent to prison or DJJ and 33 percent to probation or jail, and for youth classified as "other," 80 percent and 15 percent.



30 Gang Violence and Juvenile Crime Prevention Act of 1998, known as Proposition 21.
31 Males, M. & Teji, S. (2012). *Charging youths as adults in California: A county by county analysis of prosecutorial direct file practices.* San Francisco, CA: Center on Juvenile and Criminal Justice.
32 California Department of Justice. (2014). *2012 Juvenile Justice in California.* Sacramento, CA: Bureau of Criminal Information and Analysis.

DISPARITIES IN THE SYSTEM

Young Female Populations

On any given day, there are approximately 50 female youth in adult prisons across the country.[33] This presents a myriad of unique concerns for many Departments of Corrections including a dearth of gender responsive programs and healthcare services and lack of training for correctional staff. Due to the extremely low number of girls in their adult systems, states like Iowa and Kansas have entered into interstate compacts to house females in another jurisdiction in order to meet the sight and sound separation requirements of PREA. Currently, female youth in Iowa under 18 are transferred to Nebraska for housing.[34] Connecticut has one prison for female offenders and the Connecticut Department of Corrections has reported that with so few females under 18 in its custody, it is nearly impossible for the facility to come into compliance with the sight and sound requirements due to the physical layout of the institution.

33 Carson, E. Ann. (2014). *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

34 Smith, B.V., Rumsey, E. & Daugherty, C. (2014). *Meeting the Youthful Inmate Standard: Addressing Operations, Finding Promising Practices and Knowing the Law* [Webinar]. Retrieved from: https://www.wcl.american.edu/endsilence/documents/WEBINARYIfinal12-15-14.pdf



CONDITIONS AND CONSEQUENCES OF CONFINEMENT

While there is no denying the diminished population of youth in adult prisons, serious concerns remain regarding the conditions of confinement of these 1,200 youth under 18 and whether youth in prisons can receive vigorous rehabilitative services as are available in juvenile justice facilities.[35]

Developmentally appropriate services accessed while in detention can make an enormous difference for that young person's success once released from prison. Research reveals that of those youth who end up in the custody of the adult system, 80 percent will be released from prison before their 21st birthday, and 95 percent will be released before their 25th birthday.[36] Unfortunately, many state prison systems do not have staff dedicated to the treatment of youth in adult facilities. Thus opportunities for rehabilitation are often nonexistent resulting in a multitude of preventable collateral consequences faced by a young person once released from prison.

"Youth who are sexually abused may live with lifelong consequenses that can include persistent mental illness and tendencies toward substance abuse and criminality."

—The National PREA Commission

35 Carson, E. A. 2014. *Prisoners in 2013.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. Prisoners age 17 or younger totaled less than a tenth of a percent of inmates in state prisons.

36 Redding, R.E. (2010). *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.



CONDITIONS AND CONSEQUENCES OF CONFINEMENT

Sexual Abuse and Suicide in Adult Prisons

Incarcerating youth in adult facilities exposes them to a higher risk of abuse, injury, and even death. According to a study done by the Department of Justice Bureau of Justice Statistics, between 2001-2011, *suicide was the leading cause of death for state prisoners 17 and younger*

Table 6: Mortality Rate of State Prisoners 2011-2013

BUREAU OF JUSTICE STATISTICS	2011	2012	2013
Estimated Number of State Prisoners in Custody Under Age 18	2300	2400	2866
Number of Suicides by State Prisoners	185	205	192
Mortality Rate per 100,000 State Prisoners	260	265	274
Mortality Rate per 100,000 State Prisoners Under Age 18	2	0	0
Suicide Mortality Rate per 100,000 State Prison Inmates Total	16	16	16
Suicide Mortality Rate per 100,000 State Prisoners Under Age 18	30*	30*	30*

Data Source: Noonan, M.E. & Ginder, S. (2015). Mortality in Local Jails and State Prisons, 2000 – 2013 — Statistical Tables. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

***Note:** Numbers are estimation because there are too few cases to provide reliable rate.

With almost 2.5 million people living behind bars on any given day — an experience that directly shapes the lives of approximately 1 in 130 Americans, including youth — the United States bears a special burden to ensure the safety of prisoners and to protect their rights.[46]

Youth in adult prisons also report alarming rates of sexual abuse according to the federal Bureau of Justice Statistics. Specifically, three-quarters of youthful inmates aged 16 and 17 that reported sexual abuse (75.5%) were victimized more than once by staff and less than 1 in 10 reported the staff sexual misconduct to anyone.[37] Additionally, two-thirds (65.5%) of those youth that reported abuse were victimized more than once by other inmates and an estimated 79% reported experiencing physical force or threat of force.[38] Simply put, youth in adult facilities face extreme dangers when housed in facilities ill-equipped to protect them.

37 Beck, A. (2013). *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011 – 12.* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
38 Id.

CONDITIONS AND CONSEQUENCES OF CONFINEMENT

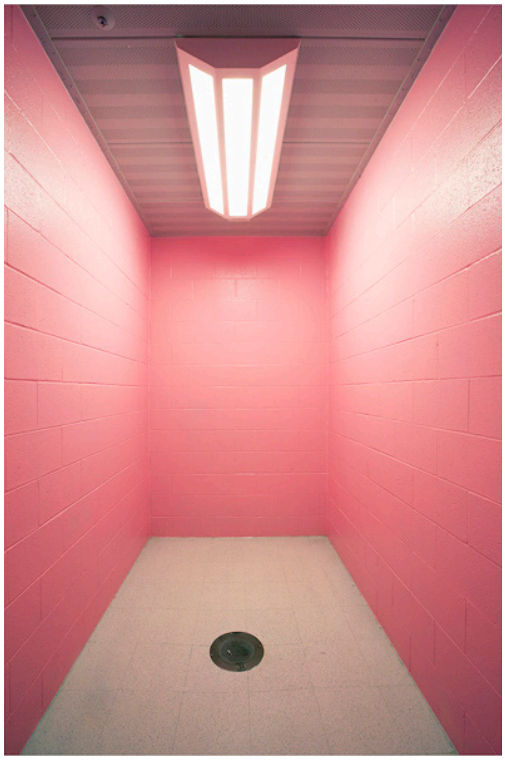
Staff Concerns

Housing youth in adult prisons also presents issues and concerns for staff. One study suggests that inmates entering prison under the age of 18 were significantly more likely to become involved in prison rule violations. Specifically, youth "were 77% more likely, on average, to become involved in overall violations, potential violence, and general assaultive behavior."[39]

Solitary Confinement

Youth can be housed in the general adult population where they are at a substantial risk of physical and sexual abuse, or they can be segregated from adults which often results in solitary confinement.[40] Youth in solitary confinement spend upwards of 23 hours per day alone in a small cell where they are physically and socially isolated, often for weeks or months at a time. These youth are "frequently denied access to treatment, services, and programing adequate to meet their medical, psychological, developmental, social, and rehabilitative needs."[41]

Solitary confinement can cause or exacerbate mental health problems and has been associated with issues of anxiety, rage, and insomnia.[42] Youth have also reported cutting or otherwise physically harming themselves and have described suicidal thoughts or attempts while in solitary confinement.[43] Experts who have dealt with suicide prevention in jails and prisons argue that suicide and solitary confinement are unquestionably correlated.[44] Youth have also reported lack of "recreation or physical exercise; education, reading, or writing materials; visits, calls, correspondence, or contact with family members and loved ones" while in solitary confinement.[45]



Relationship between Incarceration and Recidivism for Youth

Data also indicates that youth are more likely to recidivate when they are held with adults.[46] According to both the U.S. Centers for Disease Control and Prevention and the Office of Juvenile Justice and Delinquency Prevention, youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime.[47] This is understandable considering youth in the adult system are provided fewer services than youth in the juvenile system and they are exposed to an environment where adult criminals are their "role models" creating a criminogenic effect.[48] Youth who witness violence are more likely to have emotional, behavioral, social, and academic problems.[49]

39 Kuanliang, A., Sorensen, J., Cunningham, M. (2008). Juvenile Inmates in Adult Prison System: Rates of Disciplinary Misconduct and Violence. Criminal Justice and Behavior, 35, 1186-1201.
40 Arya, N. (2011). State Trends: Legislative Changes from 2005 to 2010 Removing Youth from the Adult Criminal Justice System. Washington, DC: Campaign for Youth Justice.
41 Center for Disease Control and Prevention, Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to Adult Justice System (2007).
42 Id.
43 Id.
44 Id.
45 Id.
46 Id.
47 Center for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to Adult Justice System* (2007).
48 Id.
49 Nofziger, S. & Kurtz, D. (2005). *Violent Lives: A Lifestyle Model Linking Exposure to Violence to Juvenile Violent Offending.* Journal of Research in Crime and Delinquency, 42(1), 17-19. (finding that being a witness to violence increases the risk of offending by 769%)

RECOMMENDATIONS TO POLICYMAKERS

The Prison Rape Elimination Act provides a unique opportunity to rethink the housing of youthful inmates in adult prisons. As states move forward with compliance with the Youthful Inmate Standard of PREA, the removal of youth from adult prisons is a sensible option. As demonstrated by the states surveyed for this report, many state Departments of Corrections have no policies to protect youth who enter their facilities, thus increasing the chances of victimization, injury and trauma. As juvenile arrests continue to decrease and juvenile confinement in juvenile facilities decreases, now is the time to consider moving youth from adult prisons into facilities built for, and programmed for, youth.

In light of these opportunities, state policymakers should take the following actions:

1. Update state statutes to prohibit the placement of youth in adult prisons

State laws could be updated to reflect the original intent of the JJDPA law in accordance with the American Correctional Association's policy to "support the adoption of legislation in each state that authorizes correctional authorities to place people under the age of majority who are detained or sentenced as adults in an appropriate juvenile detention/correctional system or youthful offender system distinct from the adult system." State statutes could be amended to ensure that the "jail removal" core protection would apply to all youth pre-trial regardless of which court (juvenile or criminal) they are in.

2. Promote placement in juvenile justice facilities as an alternative to adult prisons for youth sentenced as adults

State policymakers could work together to ensure that youth who receive adult sentences can be placed in juvenile facilities, rather than adult prisons. State policymakers could produce state policies that promote the placement of youth in juvenile justice facilities as an alternative to adult prisons through Memorandums of Understanding, contracts or regulations (depending on the state).

3. Implement "model approaches" to removing youth from prisons

State policymakers and juvenile justice agencies could take steps now to implement model approaches to removing youth from adult prisons. These approaches could be shared through state and county associations of policymakers such as the National Governors Association, the National Council of State Legislatures, the National Association of Counties, and the American Correctional Association. Best practices could be showcased at national meetings and documented in publications of these prestigious associations.

4. Initiate new data collection efforts and research on youth in the adult criminal justice system

State and county policymakers could initiate new data collection efforts. States and counties could collect data on an on-going basis on youth in the adult criminal justice system and in particular, youth in adult prisons. New data collection efforts would include the following information about youth in the adult criminal justice system: age, race, ethnicity, gender, offense, pre-trial detention, transfer mechanism, sentencing outcome, and placement pre- and post-trial in jails, prisons or juvenile facilities. Since there are few state analyses on the impact of trying youth in the adult criminal justice system and in particular, state and county policymakers could work with local universities, researchers and other experts to conduct extensive research on the effectiveness of the practice of prosecuting youth as adults in criminal courts in their states and counties; the status of youth in adult jails and prisons; and the provision of developmentally-appropriate services and programs for youth in adult jails and prisons.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

ALABAMA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation.
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Alabama Dept. of Corrections Admin. Regulation 454(c)(5)(b.).: "Youthful inmates 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 the use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside the housing unit, if sight and sound separation cannot be maintained, direct staff supervision shall be provided."

ALASKA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Alaska Alaska Stat. Ann. § 47.12.240:
(a) When the court commits a minor to the custody of the department, the department shall arrange to place the minor in a detention home, work camp, or another suitable place that the department designates for that purpose. Except when detention in a correctional facility is authorized by (c) of this section, the minor may not be incarcerated in a correctional facility that houses adult prisoners.
(c) Notwithstanding (a) of this section, a minor may be incarcerated in a correctional facility
(1) if the minor is the subject of a petition filed with the court under this chapter seeking adjudication of the minor as a delinquent minor or if the minor is in official detention pending the filing of that petition; however, detention in a correctional facility under this paragraph may not exceed the lesser of
(A) six hours, except under the criteria listed in (e) of this section; or
(B) the time necessary to arrange the minor's transportation to a juvenile detention home or comparable facility for the detention of minors;
(2) if, in response to a petition of delinquency filed under this chapter, the court has entered an order closing the case under AS 47.12.100(a), allowing the minor to be prosecuted as an adult; or
(3) if the minor is at least 16 years of age and the court has entered an order under AS 47.12.160(e) imposing an adult sentence and transferring custody of the minor to the Department of Corrections.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

ARIZONA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Information unavailable
Requires protections for children detained in adult prisons? Yes, placed in youthful offender units separate from adults
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
From AZ Dept. of Corrections: Youthful/under 18 inmates shall not be placed in areas where they will have sight, sound and physical contact with any adult inmate through the use of shared dayroom, common area, shower area, or sleeping area. Direct supervision by staff of youthful inmates is required any time they have sight, sound or physical contact with adult inmates.
Arizona Department of Corrections youthful inmates are housed at Perryville (female) and Tucson (male), where each have separate units for youthful inmates which provide separate programming, housing, recreation, meals, etc., out of sight, sound or direct contact with adult inmates.

ARKANSAS

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
From Arkansas Department of Corrections, correspondence with CFYJ: Youth are not currently sight and sight separated, however plans are "in the works" to make this standard agency-wide.

CALIFORNIA

Permits housing of youth in prison? Yes, but does not happen in practice. California Youth Authority houses children 12-25 yrs of age and houses youth under 18 sentenced as adults.
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Cali. Welf. & Inst. Code § 1731. 5(c): a) After certification to the Governor as provided in this article, a court may commit to the Division of Juvenile Facilities any person who meets all of the following:
(1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.
(2) Is found to be less than 21 years of age at the time of apprehension.
(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.
(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.
(b) The Division of Juvenile Facilities shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.
(c) Any person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the authority by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may order that the person shall be transferred to the custody of the Division of Juvenile Facilities pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for any person described in this subdivision.
The director shall have the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Facilities either under the Arnold-Kennick Juvenile Court Law or subdivision (a).
The duration of the transfer shall extend until any of the following occurs:
(1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.
(2) The inmate is ordered discharged by the Board of Parole Hearings.
(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 21st birthday, the director may continue to house the inmate until the period of incarceration is completed.

Cal. Code Regs. tit. 15, § 4198 – Transfer to State Prison:

Persons accepted for housing pursuant to Welfare and Institutions Code Section 1731.5(c) may be transferred to state prison at the discretion of the Department for one or more of the following reasons:
(a) Continued housing of the inmate represents a threat to the safety of Youth Authority staff and/or wards.
(b) Persistent violation of institutional rules.
(c) Necessary facilities and/or services are no longer available.
(d) The inmate refuses to participate in programs.
(e) The inmate requests transfer.
(f) The inmate has completed all appropriate Youth Authority programs.
(g) The inmate reaches a level of emotional/physical maturity that makes him/her suitable for placement within the Department of Corrections.
(h) The inmate is committed to state prison in additional court action.

California Welf. & Inst. Code §208: (a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

COLORADO

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 14 years of age
Requires protections for children detained in adult prisons? Yes, placed in youthful offender units separate from adults
Specifies factors to be considered before detention in an adult prison? Yes
State Statutes, Regulations, or Policy:
Col. Dept. of Cor. Admin. Reg. 100-40:
To ensure compliance with PREA Standard 115.14 specific to youthful inmates (those under the age of 18), Youthful Offender System (YOS) shall ensure the following:

Housing:

a) Youthful inmates who are sentenced to YOS will initially be housed in the Intake/Diagnostic/Orientation (IDO) unit. Males will be assigned their own cell in C Pod. Female youthful inmates will be assigned their own cell in D Pod. Any time a youthful inmate is outside their assigned IDO cell, they shall be under the direct visual supervision of DOC employees.
b) Once a youthful inmate progresses to Phase I, they will be housed together in a designated room located closest to the DOC employee workstation. The door to this room will be equipped with a locking mechanism, with only the assigned youthful inmates and DOC employees possessing a key to open the door; thus preventing offenders over the age of 18 from entering the room.
c) The YOS Movement Committee will utilize the SAB/SVR report to assist in determining the offenders housing placement against other current YOS offenders SAB/SVR levels to ensure proper housing placement. Primary advisers and or Housing Supervisors will conduct a weekly check to ensure proper housing assignments for those offenders.

Dayhall Time:

Dayhall time for youthful inmates will be scheduled from 10:30 am until 12:45 pm on a daily basis in Lower West quiet room. Dayhall time for female youthful inmates will be scheduled in the dayhall area in Building 26 Lower. Both the quiet room and Building 26 dayhall have a physical barrier which ensures separation of youthful inmates and those over the age of 18. Based upon behavior, a TV will be available to youthful inmates for use within their designated room.

Showers:

To ensure for sight, sound and physical separation shower times for youthful inmates shall be scheduled daily from 9:00 pm to 9:30 pm while all offenders over the age of 18 are locked down.

Dress Code:

To ensure for quick identification, the dress code for both male and female youthful inmates will be khaki shirt and green pants. The khaki shirt does not have to be tucked into the pants. Youthful inmates will also be issued green sweat pants which may be worn instead of the grey sweat pants worn by offenders over the age of 18. Youthful inmates in IDO or those placed on Disciplinary Level (DL) will be required to wear a green jumpsuit.

Dining Hall:

Youthful inmates will be escorted directly to and from the dining hall for all meals by an assigned DOC employee. While in the dining hall, youthful inmates will be seated together and will remain under the direct visual supervision of a DOC employee. Female youthful inmates will eat their meals in the designated dining area in Building 26 under the direct visual supervision of an assigned DOC employee.

Library:

Youthful inmates will be provided appropriate library services at scheduled times per the monthly YOS library schedule.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

Youthful inmates will be escorted directly to and from the library by a DOC employee. While in the library, they will be under the direct visual supervision of a DOC employee.

Med Line:

Youthful inmates, who require medications, will be escorted directly to and from med line by a DOC employee and will remain under direct visual supervision. Medication will be delivered to female youthful inmates housed in Building 26 under the direct supervision of a DOC employee.

Recreation:

Youthful inmates will be allowed equal recreation opportunities. During recreation times, youthful inmates will be under direct visual supervision of a DOC employee.

Visiting:

Youthful inmates will be allowed visiting privileges as outlined in AR/IA 300-1, Offender Visiting Program. Visiting will be conducted under direct visual supervision of DOC employees in the Visiting Room.

Offender Movement:

Youthful inmates will be under direct visual supervision by DOC employees during all movement times.

During times youthful inmates are out of their assigned room, they will be under direct visual supervision of assigned DOC employees. This includes, but is not limited to, education, job assignments, recreation, visiting, religious programs etc.

As scheduling permits, a designated DOC employee will be assigned to directly oversee and supervise the youthful inmate population on both day and swing shifts.

CONNECTICUT

Permits housing of youth in prison? Yes

Age restriction on ability to detain in an adult prison? Yes, 14 years of age

Requires protections for children detained in adult prisons? Yes, special housing unit

Specifies factors to be considered before detention in an adult prison? Yes, age.

State Statutes, Regulations, or Policy:

State of Connecticut Dept. of Correction Administrative Directive 9.2(7)(C)-(E):

C. York Correctional Institution: Any sentenced and/or pretrial female inmate shall be admitted to York Correctional Institution. Risk and needs assessments shall be completed as required in Section 8 of this Directive.

D. Manson Youth Institution: Any sentenced and/or pretrial male inmate age 14-17 shall be directly admitted to Manson Youth Institution. Risk and needs assessments shall be completed as required in Section 8 of this Directive.

E. Juvenile Offenders (ages 14 and 15): Manson Youth Institution shall house all male juvenile offenders and York Correctional Institution shall house all female juvenile offenders. No other facility shall knowingly accept a juvenile offender. Any facility receiving an offender in this category shall immediately report the admission to the Offender Classification and Population Management Unit. The receiving facility shall also make an immediate psychiatric referral to ensure that qualified staff evaluate the offender as soon as possible upon admission in accordance with Administrative Directive 8.5, Mental Health Services. In addition, the receiving facility shall place the juvenile in Administrative Detention and make an immediate request for priority transfer to Manson Youth Institution as appropriate. Whenever possible, prior to transfer, facility classification staff shall complete, at a minimum, an initial risk assessment. Both Manson Youth Institution and York Correctional Institution shall develop Unit Directives that provide for the unique orientation, housing, and program needs of the juvenile offender.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

DELAWARE

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? Yes
Specifies factors to be considered before detention in an adult prison? Yes, age
State Statutes, Regulations, or Policy:
Delaware Department of Corrections Policy Number 3.38 – Youthful Criminal Offender Program (YCOP):
Definitions:

A. Youthful Criminal Offender – Any individual remanded to the Department of Correction that has been determined non-amenable to the rehabilitative processes of the Family Court or sentenced to the adult system for serious offenses that is between the ages of 16 and 18 years old.

Policy:
It is the policy of the DDOC that youthful criminal offenders be placed in a designated program and housed in a unit that they will not have sight, sound, or physical contact with any adult offender through the use of a shared dayroom or other common space, shower area, or sleeping quarters. The program and treatment services provided shall be consistent with rehabilitative and special needs of the offender, the security concerns of the DDOC and the safety of the public. The facility where these offenders are housed will develop procedures to ensure appropriate treatment and educational services are provided
In areas outside of their designated housing units, the responsible facility will either maintain sight and sound separation between youthful offenders and adult offenders, or provide direct staff supervision when they have sight, sound or physical contact.

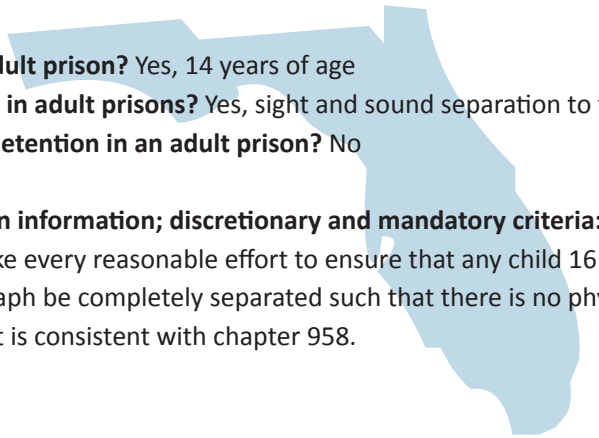
DISTRICT OF COLUMBIA*

Permits housing of youth in prison? No
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, placed in juvenile units contracted by the Federal Bureau of Prisons
Specifies factors to be considered before detention in an adult prison? Yes
State Statutes, Regulations, or Policy:
D.C. Code § 24-902:
(a) The Mayor shall provide facilities and personnel for the treatment and rehabilitation of youth offenders convicted of misdemeanor offenses under District of Columbia law and sentenced according to this subchapter.
(b)(1) The Mayor shall periodically set aside and adapt facilities for the treatment, care, education, vocational training, rehabilitation, segregation, and protection of youth offenders convicted of misdemeanor offenses.
(2) Insofar as practical, these institutions maintained by the District of Columbia shall treat committed youth offenders convicted of misdemeanor offenses only, and the youth offenders shall be segregated from other offenders, and classes of committed youth offenders shall be segregated according to their needs for treatment.
(c) The Federal Bureau of Prisons is authorized to provide for the custody, care, subsistence, education, treatment, and training of youth offenders convicted of felony offenses and sentenced to commitment.
D.C. Code § 24-901:

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

(6) "Youth offender" means a person less than 22 years old convicted of a crime other than murder, first degree murder that constitutes an act of terrorism, and second degree murder that constitutes an act of terrorism.
**The District of Columbia does not have a "state run" prison, therefore, the Federal Bureau of Prisons is responsible for all DC inmates, post-conviction*.

FLORIDA



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 14 years of age
Requires protections for children detained in adult prisons? Yes, sight and sound separation to the "extent practicable"
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Fla. Stat. Ann. § 985.557 - Direct filing of an information; discretionary and mandatory criteria:
5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.
Fla. Stat. Ann. § 985.565:
(4) Sentencing alternatives.—
(a) Adult sanctions.--
1. Cases prosecuted on indictment.--If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:
a. As an adult;
b. Under chapter 958; or
c. As a juvenile under this section.
2. Other cases.--If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:
a. As an adult;
b. Under chapter 958; or
c. As a juvenile under this section.
3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under s. 985.556(3) and that motion is granted, or if the state attorney is required to

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

file an information under s. 985.557(2)(a) or (b), the court must impose adult sanctions.

Florida Department of Corrections Procedure Number 601.211:

DEFINITIONS

(6) Young Adult Offender, where used herein, refers to a select adult offender, pursuant to sections 944.1905(5)(a) and (b), F.S.

(7) Youthful Offender refers to any offender who is sentenced by the court pursuant to section 958.04, F.S., or is classified by the Department pursuant to section 958.11, F.S.

SPECIFIC PROCEDURES

(7) DESIGNATION OF INSTITUTIONS FOR YOUTHFUL OFFENDERS AND YOUNG ADULT OFFENDERS:

(a) Youthful Offenders:

1. Youthful offenders who are younger than nineteen (19) years of age at the time of reception will be separated from non-youthful offenders and, where possible, youthful offenders over eighteen (18) years of age. If the population of the facilities for fourteen (14) to eighteen (18) year old youthful offenders exceeds 100% of lawful capacity, eighteen (18) year old youthful offenders may be reassigned to a facility for older youthful offenders.

2. The Reception and Youthful Offender Services Section will regularly screen all institutions, facilities, and programs to ensure inmates who meet the eligibility requirements for youthful offender designation are appropriately classified. Their age must not exceed twenty-four (24) years and the total length of their prison sentence must not exceed ten (10) years.

a. An inmate may remain in a youthful offender prison for fourteen (14) to eighteen (18) year olds when s/he turns nineteen (19) if it is in the best interest of the inmate and the Department.

b. An inmate assigned to a youthful offender prison for nineteen (19) to twenty-four (24) year olds who becomes mentally or physically vulnerable may be transferred to a prison for younger youthful offenders. The transfer must be for the safety of the youthful offender or the institution.

c. An inmate at a youthful offender prison for fourteen (14) to eighteen (18) year olds who becomes disruptive, incorrigible, or uncontrollable may be transferred to a prison for older youthful offenders. The transfer must be in the best interests of the inmate and the Department.

(b) Young Adult Offender:

1. Inmates described in section (6) of this procedure will be housed separate from non-youthful offenders, and, where possible, separate from youthful offenders over eighteen (18) years of age. Young adult offenders will be initially classified to Sumter Correctional Institution – Main Unit; however, it may be necessary to initially assign some to Lancaster Correctional Institution.

2. Young adult offenders may be "progressed" from Sumter Correctional Institution – Main unit to Lancaster Correctional Institution as necessary.

(8) INSTITUTIONAL ASSIGNMENT:

(c) All youthful offenders and young adult offenders will be managed within youthful offender facilities and the Extended Day Program until there is no other reasonable option. They should be "progressed" to different youthful offender facilities until their behavior or age dictates decertification.

1. Youthful offenders and young adult offenders under the age of eighteen (18) at Sumter Correctional Institution – Main Unit who have been determined to be a disciplinary problem, management problem, or internal security threat should be transferred to Lancaster Correctional Institution.

2. No inmate who is under the age of eighteen (18) will be decertified or transferred to a non-youthful offender facility unless her/his behavior justifies placement in close management. No inmate under the age of eighteen (18) will be housed in a non-youthful offender facility unless they are in close management or protective management while there, will be housed separately or with other inmates under the age of eighteen (18).

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

(15) ASSIGNMENT OF A YOUTHFUL OFFENDER TO A NON-YOUTHFUL OFFENDER FACILITY
(a) The Department may assign a youthful offender or young adult offender to a facility in the state correctional system which is not designated for the care, custody, control and supervision of youthful offenders, young adult offenders or an age group only in the following circumstances, if the:
1. young adult offender is convicted of a new crime that is a felony under the laws of this state;
2. youthful offender or young adult offender becomes such a serious management or disciplinary problem resulting from serious violations of the rules of the Department to the extent that her/his original assignment would be detrimental to the interests of the program and to other inmates committed thereto;
3. youthful offender or young adult offender needs medical treatment, health services, or other specialized treatment otherwise not available at the youthful offender facility; or
4. Department determines the youthful offender or young adult offender should be transferred outside of the state correctional system, as provided by law, for services not provided by the Department.
(b) No inmate under the age eighteen (18) will be assigned to a non-youthful offender facility except for the listed reasons below. All such assignments must be approved by the Assistant Secretary of Institutions or designee.
1. The inmate's assignment is close management,
2. the inmate's assignment is protective management, or
3. the inmate's needs are as described in section (15)(9)(a)(3) of this procedure.
(c) The Department may assign a youthful offender to a community residential facility. The youthful offender must be separated from other non-youthful offenders to the extent that is practical.

GEORGIA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 14 years of age
Requires protections for children detained in adult prisons? Yes
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Ga. Code Ann. § 17-10-14:
(a) Notwithstanding any other provisions of this article and except as otherwise provided in subsection (b) of this Code section, in any case where a person under the age of 17 years is convicted of a felony and sentenced as an adult to life imprisonment or to a certain term of imprisonment, such person shall be committed to the Department of Juvenile Justice to serve such sentence in a detention center of such department until such person is 17 years of age at which time such person shall be transferred to the Department of Corrections to serve the remainder of the sentence. This Code section shall apply to any person convicted on or after July 1, 1987, and to any person convicted prior to such date who has not been committed to an institution operated by the Department of Corrections.
(b) If a child is transferred to superior court according to subsection (b) of Code Section 15-11-561 and convicted of aggravated assault as defined in Chapter 5 of Title 16, the court may sentence such child to the Department of Corrections. Such child shall be housed in a designated youth confinement unit until such person is 17 years of age, at which time such person may be housed in any other unit designated by the Department of Corrections.
Ga. Code Ann. § 42-5-52:

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

(a) The department shall provide for the classification and separation of inmates with respect to age, first offenders, habitual criminals and incorrigibles, diseased inmates, mentally diseased inmates, and those having contagious, infectious, and incurable diseases. Incorrigible inmates in county correctional institutions shall be returned to the department at the request of the proper county authority.
(b) The department may establish separate correctional or similar institutions for the separation and care of juvenile offenders. The commissioner may transfer any juvenile under 17 years of age from the penal institution in which he or she is serving to the Department of Juvenile Justice, provided that the transfer is approved thereby. The juvenile may be returned to the custody of the commissioner when the commissioner of juvenile justice determines that the juvenile is unsuited to be dealt with therein. The commissioner may accept a juvenile for transfer into a penal institution upon the request of the commissioner of juvenile justice if such juvenile is 16 years of age or older and has been committed to the Department of Juvenile Justice for a class A designated felony act or class B designated felony act, as defined by Code Section 15-11-2, and such juvenile's behavior presents a substantial danger to any person at or within a Department of Juvenile Justice facility. In the event of such transfer, the department shall have the same authority over and responsibility for such juvenile as the Department of Juvenile Justice has for such juvenile and shall maintain sight and sound separation as set forth in paragraph (5) of subsection (c) of Code Section 15-11-504.
(c) Female inmates shall be removed from proximity to the place of detention for males and shall not be confined in a county correctional institution or other county facility except with the express written approval of the department.

HAWAII

Permits housing of youth in prison? Yes, but in practice, no youth under 18 has been sent to adult prison
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Unknown
Specifies factors to be considered before detention in an adult prison? Unknown
State Statutes, Regulations, or Policy:
Haw. Rev. Stat.§571-32:
(g) Where a child transferred for criminal proceedings pursuant to waiver of family court jurisdiction is detained, the child shall be held in the detention facility used for persons charged with crime. When a child is ordered committed to an agency or institution, the child shall be transported promptly to the place of commitment.
Haw. Rev. Stat. § 352-10
The circuit court may commit all offenders under eighteen years of age, duly convicted before the court, to the Hawaii youth correctional facilities in all cases where the court deems the sentence to be more suitable than the punishment otherwise authorized by law. In such a case, when the term of confinement ordered by the court extends beyond the offender's eighteenth birthday, the offender shall, upon reaching the age of eighteen, be committed to the custody of the department of public safety for completion of the sentence.
Haw. Rev. Stat. § 352-12
Persons committed to the youth correctional facilities shall be kept segregated based on considerations including age, maturity level, attitude, behavior, offense committed, commitment period, and rehabilitation status.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

Hawaii Dept. of Public Safety Policy ADM.08.08 (10.0):
Youthful Offenders
1. According to HRS § 706-667, the Court has the authority to commit a young adult defendant, who is sentenced to a term of imprisonment exceeding a period of thirty (30) days to PSD. The statute defines a young adult defendant as a person convicted of a crime, who at the time of the offense is eighteen (1*) and less than twenty-two (22) years of age and who has not ben previously convicted of a felony as an adult or adjudicated as a juvenile for an offense that would have constituted a felony had the young adult defendant been an adult. The definition of an adult is a person eighteen (18) years or older (HRS §571-23).
3. PSD does not manage youthful offenders/detainees as defined by PREA, however it is important to note that specialized requirements would apply to the housing of a youthful offender/detainee is a PSD facility.
4. If PSD does receive a youthful offender as defined by PREA, described in paragraph (2) of this section, then the youthful offender shall not be house d in a housing unit in which the youthful offender shall have sight, sound, and physical contact with any adult offender through the use of a shared dayroom or other common space, shower area, or sleeping quarters.
5. PSD staff shall maintain sight, sound, and physical separation between the youthful offenders and adult offenders in areas outside of the housing units, or shall provide direct staff supervision, when youthful offenders and adult offenders have sight, sound, and physical contact. (115.14b)
6. PSD shall document the exigent circumstances for each instance in which a youthful offender's access to large-muscle exercise, legally required educational services, other programs, and work opportunities are denied in order to separate them from adult offenders by utilizing the PREA Mandated Reporting Form (PSD 8317). This form shall be forwarded to the Department PREA Coordinator via email, fax, or mail within three (3) days. (115.14c)
7. PSD shall make its best efforts to avoid placing youthful offenders in isolation to comply with this provision.

IDAHO

Permits housing of youth in prison? Yes, but in practice there are no youth in adult prisons in Idaho
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No, there is no sight and sound requirement for youthful offenders
Specifies factors to be considered before detention in an adult prison? Yes, using a classification system that factors in age and maturity level
State Statutes, Regulations, or Policy:
Idaho Code An. §20-509(4):
(4) Upon the conviction of a juvenile offender pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:
(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or
(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence or withhold judgment pursuant to section 19-2601, Idaho Code, and commit the defendant to the custody of the department of juvenile corrections for an indeterminate period of time in accordance with section 20-520(1)(r), Idaho Code. The court, in its discretion, may order that the suspended sentence or withheld judgment be conditioned upon the convicted person's full compliance with all reasonable program requirements of the department of juvenile corrections. Such a sentence

may also set terms of probation, which may be served under the supervision of county juvenile probation. However, in no event may the total of the actual time spent by the convicted person in the custody of the department plus any adult sentence imposed by the court exceed the maximum period of imprisonment that could be imposed on an adult convicted of the same crime.
(c) If a convicted person is given a suspended sentence or withheld judgment conditioned upon the convicted person's compliance with all reasonable program requirements of the department pursuant to paragraph (b) of this subsection, and if the department reasonably believes that the convicted person is failing to comply with all reasonable program requirements, the department may petition the sentencing court to revoke the commitment to the department and transfer the convicted person to the county jail or to the custody of the state board of correction for the remainder of the sentence

ILLINOIS

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Information unavailable
Requires protections for children detained in adult prisons? Yes, sight and sound separation
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
730 ILCS 5/5-8-6 (from Ch. 38, par. 1005-8-6)
Sec. 5-8-6. Place of Confinement.
(c) All offenders under 17 years of age when sentenced to imprisonment shall be committed to the Department of Juvenile Justice and the court in its order of commitment shall set a definite term. Such order of commitment shall be the sentence of the court which may be amended by the court while jurisdiction is retained; and such sentence shall apply whenever the offender sentenced is in the control and custody of the Department of Corrections. The provisions of Section 3-3-3 shall be a part of such commitment as fully as though written in the order of commitment. The committing court shall retain jurisdiction of the subject matter and the person until he or she reaches the age of 21 unless earlier discharged. However, the Department of Juvenile Justice shall, after a juvenile has reached 17 years of age, petition the court to conduct a hearing pursuant to subsection (c) of Section 3-10-7 of this Code.

INDIANA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 10 years of age
Requires protections for children detained in adult prisons? Yes
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Ind. Code Ann. § 31-30-4-6:
Sec. 6. (a) At any time before an offender placed in a juvenile facility under section 2(b) of this chapter becomes twenty-one (21) years of age, the department of correction may transfer the offender to an adult facility if the department of correction

believes the offender is a safety or security risk to:
(1) the other offenders or the staff at the juvenile facility; or
(2) the public.
(b) If the department of correction transfers an offender to an adult facility under this section, the department shall notify the sentencing court of the circumstances of the transfer.

Ind. Code Ann. § 31-37-19-7:

Sec. 7. (a) With respect to a wardship awarded under section 6(b)(2)(A) of this chapter, a child may not be awarded to the department of correction, if the child:
(1) except as provided by subsection (b), is:
(A) less than twelve (12) years of age; or
(B) at least eighteen (18) years of age;
at the time of the dispositional decree; or
(2) was determined to be a delinquent child because the child violated IC 7.1-5-7.
(b) A wardship may be awarded to the department of correction if the child:
(1) is ten (10) or eleven (11) years of age; and
(2) is found to have committed an act that would have been murder if committed by an adult.
(c) The department of correction may not confine a delinquent child, except as provided in IC 11-10-2-10, at:
(1) an adult correctional facility; or
(2) a shelter care facility;
that houses persons charged with, imprisoned for, or incarcerated for crimes unless the child is restricted to an area of the facility where the child may have not more than haphazard or incidental sight or sound contact with persons charged with, imprisoned for, or incarcerated for crimes.

Ind. Code Ann. § 11-10-2-10:

Sec. 10. (a) The commissioner may transfer a committed delinquent offender to an adult facility or program according to the following requirements:
(1) The offender must be seventeen (17) years of age or older at the time of transfer.
(2) The department must determine that:
(A) either the offender is incorrigible to the degree that his presence at a facility or program for delinquent offenders is seriously detrimental to the welfare of other offenders, or the transfer is necessary for the offender's own physical safety or the physical safety of others; and
(B) there is no other action reasonably available to alleviate the problem.
(3) No offender may be transferred to the Indiana state prison or the Pendleton Correctional Facility.
(b) The offender is under the full custody of the adult facility or program to which he is transferred until he is returned to a facility or program for delinquent offenders, except that his parole or discharge from the department shall be determined under IC 11-13-6.

Ind. Code Ann. § 31-30-4-4:

Sec. 4. (a) The department of correction may reclassify an offender placed in a juvenile facility under section 2(b) of this chapter and transfer the offender to an appropriate adult facility if the department determines that placement of the offender in any juvenile facility of the division of youth services is no longer appropriate.
(b) If the department of correction reclassifies and transfers an offender under this section:
(1) the department shall notify the sentencing court of the circumstances of the reclassification and transfer; and
(2) the sentencing court:

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

(A) shall hold a review hearing concerning the reclassification and transfer of the offender; and
(B) after the hearing is conducted under clause (A), may order execution of all or part of the offender's suspended criminal sentence in an adult facility of the department of correction.

Indiana Department of Correction Policy and Administrative Procedure 02-01-115:

A youthful offender shall not be placed in a housing unit in which the youthful offender will have sight, sound, or physical contact with any adult offender through the use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside the housing unit, facilities shall maintain sight and sound separation between youthful offenders or provide direct supervision when youthful offenders have sight, sound, or physical contact.

IOWA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 14 years of age
Requires protections for children detained in adult prisons? Yes, sight and sound separation
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:

Iowa Code Ann. § 599.1:

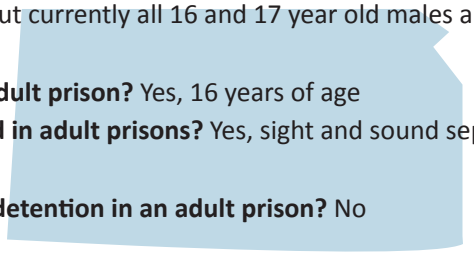
The period of minority extends to the age of eighteen years, but all minors attain their majority by marriage. A person who is less than eighteen years old, but who is tried, convicted, and sentenced as an adult and committed to the custody of the director of the department of corrections shall be deemed to have attained the age of majority for purposes of making decisions and giving consent to medical care, related services, and treatment during the period of the person's incarceration.

Iowa Department of Corrections Policy Number IS-CL-07:

DEFINITIONS
Youthful Offender – an offender under the age of criminal majority, (18 yrs. of age) within the Iowa Department of Corrections
PROCEDURES
B. Youthful Offender Operations
1. A youthful offender shall not be placed in a housing unit in which the youthful offender will have sight, sound, or physical contact with adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters. (4-4311)(PREA 115.14 (a))
2. Outside the housing unit, the facilities will maintain sight and sound separation between youthful offenders and adult offenders, or provide direct staff supervision when youthful offenders and adult offenders have sight, sound, or physical contact. (PREA 115.14(b)(1)(2))
3. Facilities shall make best efforts to avoid placing youthful offenders in isolation to comply with this provision. Absent exigent circumstances, facilities shall not deny youthful offenders daily large-muscle exercise and any legally required special education services to comply with this provision. (PREA 115.14(c))
4. Youthful offenders shall also have access to other programs and work opportunities to the extent possible. (PREA 115.14(c))
5. Adequate physical, social and emotional needs of youthful offenders allows for their personal interactions and group oriented activities. (4-4310)
6. Classification plans for all youthful offenders shall determine level of risk, type of risk, and developmentally appropriate program needs of the

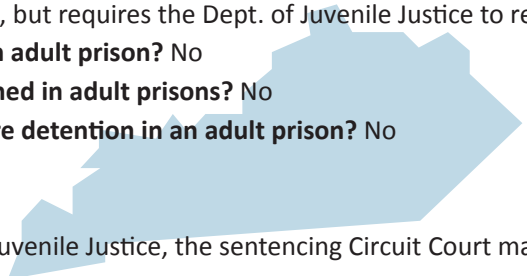
youthful offender. Classification plans shall consider physical, mental, social, and educational maturity of the youthful offender. (4-4309)

KANSAS



Permits housing of youth in prison? Yes, but currently all 16 and 17 year old males are placed in a facility in Nebraska with Nebraska's 16 and 17 year olds
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? Yes, sight and sound separated with no physical contact with adult offenders
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Kan. Stat. Ann. § 38-2366:
(a) When a juvenile offender who is under 16 years of age at the time of the sentencing, has been prosecuted and convicted as an adult or under the extended jurisdiction juvenile prosecution, and has been placed in the custody of the secretary of the department of corrections, the secretary shall notify the sheriff having the offender in custody to convey such juvenile offender at a time designated by the juvenile justice authority to a juvenile correctional facility. The commissioner shall notify the court, in writing, of the initial placement of the offender in the specific juvenile correctional facility as soon as the placement has been accomplished. The commissioner shall not permit the juvenile offender to remain detained in any jail for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, after the commissioner has received the written order of the court placing the offender in the custody of the commissioner. If such placement cannot be accomplished, the offender may remain in jail for an additional period of time, not exceeding 10 days, which is specified by the commissioner and approved by the court.
(b) A juvenile who has been prosecuted and convicted as an adult shall not be eligible for admission to a juvenile correctional facility. All other conditions of the offender's sentence imposed under this code, including restitution orders, may remain intact. The provisions of this subsection shall not apply to an offender who: (1) Is under 16 years of age at the time of the sentencing; (2) has been prosecuted as an adult or under extended juvenile jurisdiction; and (3) has been placed in the custody of the secretary of corrections, requiring admission to a juvenile correctional facility pursuant to subsection (a).

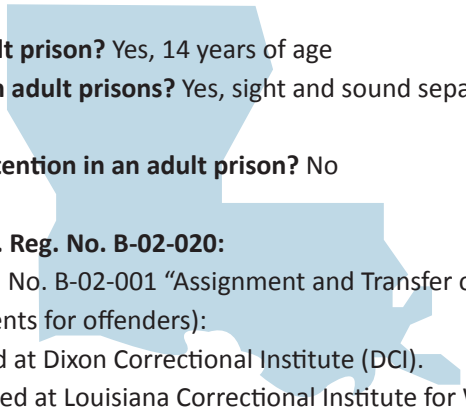
KENTUCKY



Permits housing of youth in prison? Yes, but requires the Dept. of Juvenile Justice to request placement and a hearing.
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Ky. Rev. Stat. Ann. § 640.070:
(1) Upon motion of the Department of Juvenile Justice, the sentencing Circuit Court may, after notice and hearing, order

a youthful offender committed to an adult facility operated by the Department of Corrections if it is established by a preponderance of the evidence that the youthful offender has:
(a) By his violent behavior, injured or endangered the life or health of another youthful offender or staff members in the facility or program;
(b) Escaped from the facility or program from which he is being held;
(c) By his actions, caused disruption in the facility or program by encouraging other residents to engage in violent behavior which has injured or endangered the life or health of other residents or staff of the facility or program;
(d) By his actions, caused disruption in the facility or program, smuggled contraband into the facility or program, caused contraband to be smuggled into the facility or program, or engaged in other types of behavior which have endangered the life or health of other residents or staff of the facility or program; or
(e) By his actions has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.
(4) Upon motion of the Department of Juvenile Justice, the sentencing Circuit Court may, after notice and hearing, order a youthful offender committed to the Department of Corrections if it is established by a preponderance of the evidence that the youthful offender is mentally ill and is dangerous to himself or others, and cannot be adequately treated in the youthful offender program. It shall be presumed that a youthful offender is mentally ill if he has pled guilty to or has been convicted of a felony and has been found by the court or jury to be guilty but mentally ill.
(5) Any youth remanded to the Department of Corrections under any provision of this chapter shall not later be placed in a facility operated by the Department of Juvenile Justice.

LOUISIANA



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 14 years of age
Requires protections for children detained in adult prisons? Yes, sight and sound separation and no physical contact with adult offenders
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Dept. of Public Safety and Corrections, Dept. Reg. No. B-02-020:
7. HOUSING (Refer to Department Regulation No. B-02-001 "Assignment and Transfer of Offenders" for additional information regarding classification and housing assignments for offenders):
A. All male youthful offenders shall be housed at Dixon Correctional Institute (DCI).
B. All female youthful offenders shall be housed at Louisiana Correctional Institute for Women (LCIW).
C. The Department's Medical/Mental Health Director shall determine the appropriate facility for intersex or other gender non-conforming youthful offenders for whom the sexual identity is not obvious.
D. There are three PREA standards specific to the placement of youthful offenders in a DPS&C facility:
1) No youthful offender may be placed in a housing unit in which the offender will have contact with any adult offender through use of a shared day room or other common space, shower area or sleeping quarters;
2) Outside of housing units, facilities shall either maintain "sight and sound separation" between youthful offenders and adult offenders, i.e., prevent adult offenders from seeing or communicating with youthful offenders, or provide direct staff

supervision when youthful offenders and adult offenders are together; or
3) Make best efforts to avoid placing youthful offenders in isolation to comply with the provisions of Section 7.D. and that, absent exigent circumstances, facilities comply with this standard in a manner that affords youthful offenders daily large-muscle exercise and any legally required special education. Youthful offenders shall also have access to other programs and work opportunities to the extent possible. (§115.14)
E. On the date that the youthful offender reaches the age of majority, 18 years old, the offender shall be transferred to adult housing. He may not remain in the youthful offender housing area even if the offender's birthday falls during the middle of the school term or on a holiday unless there is an exigent circumstance preventing the transfer. If there is a delay in the transfer of the now adult offender, the reason for the delay must be documented and sent to the unit PREA Compliance Manager and to the Department's PREA Coordinator within three business days.

MAINE

Permits housing of youth in prison? No
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Me. Rev. Stat. tit. 17-A, § 1259:
A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4, for a juvenile crime for which the juvenile had the burden of proof with respect to the finding of appropriateness, who is subsequently, as to the juvenile crime's adult counterpart, convicted and sentenced to a sentence alternative involving imprisonment and who has not attained 18 years of age at the time of sentence imposition must be committed to a Department of Corrections juvenile correctional facility for an indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term of imprisonment or any unsuspended portion until discharge from the juvenile correctional facility and once discharged must be transferred to a correctional facility in which adult offenders are confined to serve out the remainder of the imprisonment term or unsuspended portion, if any.

MARYLAND

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:Maryland law permits the housing of youthful inmates in adult prisons if jurisdiction has been waived by the juvenile court. The laws governing court jurisdiction can be found in the Maryland Courts and Judicial Proceedings, Title 4, Subtitle 3. By policy, any youthful inmate housed in an adult facility that is PREA compliant will be maintained under sight and sound separation. Additionally, the State maintains a sight and sound separate facility in Baltimore

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

City for youthful detainees that are in pre-trial detention awaiting trial in an adult court. Two-thirds of Maryland's facilities have been certified PREA compliant. At the present time Maryland is constructing a youthful inmate facility for the exclusive housing of youthful inmates where juvenile jurisdiction has been waived. The facility is scheduled for completion in the first quarter of 2017.

MASSACHUSETTS

Permits housing of youth in prison? Yes.
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, youth are places in youthful offender units separated from adults.
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Mass. Gen. Laws Ann. 119 § 58:
A youthful offender who is sentenced as is provided by law either to a state prison or to a house of correction but who has not yet reached his eighteenth birthday shall be held in a youthful offender unit separate from the general population of adult prisoners; provided, however, that such youthful offender shall be classified at a facility other than the reception and diagnostic center at the Massachusetts Correctional Institution, Concord, and shall not be held at the Massachusetts Correctional Institution, Cedar Junction, prior to his eighteenth birthday.
Mass. Gen. Laws Ann. 119 § 72B:
A person who is found guilty of murder and is sentenced to a state prison but who has not yet reached his eighteenth birthday shall be held in a youthful offender unit separate from the general population of adult prisoners; provided, however, that such person shall be classified at a facility other than the reception and diagnostic center at the Massachusetts Correctional Institution, Concord, and shall not be held at the Massachusetts Correctional Institution, Cedar Junction, prior to his eighteenth birthday. The department of correction shall not limit access to programming and treatment including, but not limited to, education, substance abuse, anger management and vocational training for youthful offenders, as defined in section 52, solely because of their crimes or the duration of their incarcerations. If the youthful offender qualifies for placement in a minimum security correctional facility based on objective measures determined by the department, the placement shall not be categorically barred based on a life sentence.
If a defendant is not found guilty of murder in the first or second degree, but is found guilty of a lesser included offense or a criminal offense properly joined under Massachusetts Rules of Criminal Procedure 9 (a) (1), then the superior court shall make its disposition in accordance with section fifty-eight.
Massachusetts Department of Correction Policy 103 DOC 519 – Sexually Abusive Behavior Prevention and Intervention Policy:
519.01 DEFINITIONS
Youthful Inmate – any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
519.05 INTERDICTION
F. Each superintendent shall ensure that youthful inmates are not placed in a housing unit in which the youthful inmates will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower

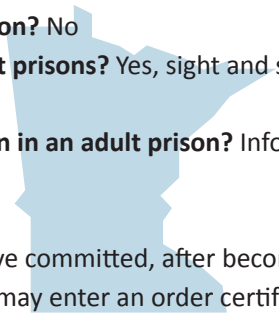
separation between youthful inmates and adult inmates, or provide direct supervision by security staff when youthful inmates and adult inmates have sight, sound or physical contact.
Superintendents shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the facility 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.

MICHIGAN

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation to the extent "practicable"
Specifies factors to be considered before detention in an adult prison? Information unavailable
State Statutes, Regulations, or Policy:
Mich. Comp. Laws Ann. § 750.139:
Sec. 139. (1) Except as provided in subsection (2), a child under 16 years of age while under arrest, confinement, or conviction for any crime, shall not be placed in any apartment or cell of any prison or place of confinement with any adult who is under arrest, confinement, or conviction for any crime, or be permitted to remain in any court room during the trial of adults, or be transported in any vehicle of transportation in company with adults charged with or convicted of crime.
(2) Subsection (1) does not apply to prisoners being transported to or from, or confined in a youth correctional facility operated by the department of corrections or a private vendor under section 20g of 1953 PA 232, MCL 791.220g.
Michigan Department of Corrections Policy Directive 05.01.140 – Prisoner Placement and Transfer:
YOUTHFUL PRISONERS
CC. All prisoners who are under 17 years of age shall be housed in specialized areas at TCF [Thumb Correctional Facility, for adults and youth] or, to the extent practicable, WHV [an adult women's facility] unless the prisoner requires residential psychiatric or medical care, is approved for placement in an RTP, or specific approval for alternate placement is obtained from the CFA Deputy Director or designee.
DD. In addition to approval from the CFA Deputy Director or designee, Warden or designee approval is required if alternative placement for a youthful prisoner is needed for either of the following reasons:
1. The prisoner poses an undue risk of harm to others within the unit (e.g., high assaultive risk; SPON).
2. A Qualified Mental Health Professional or Qualified Health Professional has documented that the prisoner would benefit from other placement.
In such cases, a written statement providing the specific reasons for the alternative placement and a case-management plan specifying what behavior or condition needs to be modified before the prisoner may be eligible to return to the unit shall be submitted to the Warden or designee for approval. Each case for which the CFA Deputy Director or designee approves alternative placement shall be reviewed with the prisoner at least quarterly by SCC to determine whether the prisoner should be returned to youthful prisoner housing at TCF or WHV; if the prisoner is in segregation, placement also shall be reviewed in

accordance with PD 04.05.120 "Segregation Standards".
EE. To the extent practicable, youthful offenders shall have no more than incidental sight or sound contact with prisoners 17 years of age or older in living, program, dining, or other common areas of those institutions. Any other sight or sound contact with prisoners 17 years of age or older shall be minimized, brief, and in conformance with Department policy.

MINNESOTA



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation and no physical contact with adult offenders
Specifies factors to be considered before detention in an adult prison? Information unavailable
State Statutes, Regulations, or Policy:
Minn. Stat. Ann. § 260B.125:
Subdivision 1. Order. When a child is alleged to have committed, after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order certifying the proceeding for action under the laws and court procedures controlling adult criminal violations.
Minnesota Department of Corrections Policy 204.020 – Youthful Offenders in Adult Facilities:
DIRECTIVE:
An offender, who is under the age of 18 when admitted to an adult facility, participates in youthful offender programming. Youthful offender programs are established and provided at Minnesota Correctional Facility - Lino Lakes(MCF-LL) and at Minnesota Correctional Facility - Shakopee (MCF-SHK). MCF-LL and MCF-SHK offer programming components that address the specific needs of adolescents. Additionally, these programs address gender specific needs of adolescents incarcerated in adult facilities.
Only offenders who have been adjudicated as adults and charged with felony criminal offenses are housed in adult facilities.
DEFINITIONS:
Youthful Offender: a juvenile offender under the age of 18 who has been certified as an adult and is housed in an adult DOC facility
PROCEDURES:
A. Sight, sound, and physical separation
1. Youthful offenders are not placed in a housing unit in which the youthful offenders have sight, sound, or physical contact with any adult offenders through use of a shared dayroom or other common space, shower area, or sleeping quarters.
2. In areas outside of housing units, facilities:
a) Maintain sight and sound separation between youthful offenders and adult offenders, or
b) Provide direct staff supervision when youthful offenders and adult offenders have sight, sound, or physical contact.
3. Facilities must avoid placing youthful offenders in isolation to ensure that sight, sound, and physical separation is maintained.
4. Except in exigent circumstances, facilities must not deny youthful offenders daily exercise and education services to ensure that sight, sound, and physical separation is maintained.

5. Youthful offenders must also have access to other programs and work opportunities to the extent possible.
B. Each youthful offender program provides written materials for offenders explaining the structure and rules of the program when a structured program is offered. Program materials are available at the facility.
C. Juvenile offenders who have been certified as adults and are housed in a DOC facility are provided with timely access to routine health care including medical, dental, mental health, and treatment services by qualified professionals as deemed necessary, by those professionals. Authorization by a parent or guardian is required to provide this care to all offenders under the age of 18. Emergency care is provided as needed. For more information see, Policy 500.1261, "The Provision of Health Care to Juvenile Residents." Signed consent forms are retained in the offender's medical file.
D. Youthful offenders who do not possess a verified GED or high school diploma are not eligible for any facility job assignment unrelated to the youthful offender program, except education. The facility education director may grant waivers to individual offenders after consultation with the youthful offender program supervisor. The education director documents the granting of a waiver by noting the rationale in the comment section of the general education tab in the correctional operations management system (COMS).
E. Facilities may write instructions relating to the operation of a youthful offender program.

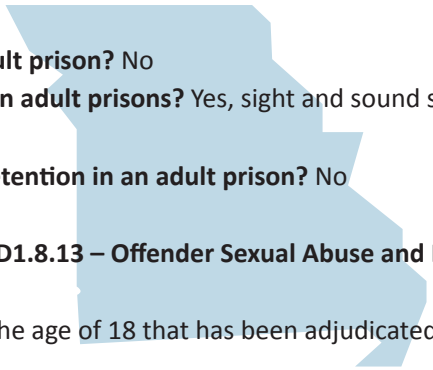
MISSISSIPPI

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, youthful offender unit with sight and sound separation and no physical contact with adult offenders
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Miss. Code. Ann. § 47-5-1401:
(1) The Mississippi Department of Corrections shall establish a Youthful Offender Unit ("YOU") at the Central Mississippi Correctional Facility. All youth ages seventeen (17) years of age and under and who are assigned to a Mississippi Department of Corrections prison shall be housed in the YOU, except that nothing in this section shall prohibit the department from housing a youth who is seventeen (17) years of age and under in a community work center or other environments that are less restrictive than a Mississippi Department of Corrections prison.
(2) Youth ages seventeen (17) and under as prescribed in this section shall be housed in the YOU, separate from adult inmates. No individual who is over the age of ninenteen (19) shall be housed in the YOU. The Commissioner of the Department of Corrections shall have discretion to house individuals who are eighteen (18) and nineteen (19) years of age and who have been classified as vulnerable in the YOU.
(3) The Mississippi Department of Corrections shall provide youth housed at the YOU with the opportunity for the appropriate amounts of interactive, structured rehabilitative and/or educational programming, recreational and leisure activities outside of their cells on a daily basis, including weekends and holidays. The programming developed, as prescribed in this subsection shall, to the extent possible, be tailored to the developmental needs of adolescents.

Miss. Code. Ann. § 43-21-315:
(2) Except as otherwise provided in this chapter, unless jurisdiction is transferred, no child shall be placed in any jail or place

of detention of adults by any person or court unless the child shall be physically segregated from other persons not subject to the jurisdiction of the youth court and the physical arrangement of such jail or place of detention of adults prevents such child from having substantial contact with and substantial view of such other persons; but in any event, the child shall not be confined anywhere in the same cell with persons not subject to the jurisdiction of the youth court. Any order placing a child into custody shall comply with the detention requirements provided in Section 43-21-301(6). This subsection shall not be construed to apply to commitments to the training school under Section 43-21-605(1)(g)(iii).

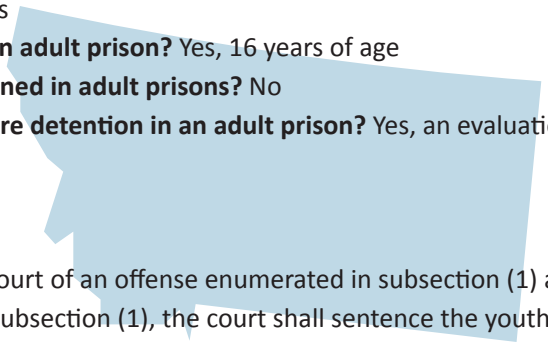
MISSOURI



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation and no physical contact with adult offenders
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Missouri Department of Corrections Policy D1.8.13 – Offender Sexual Abuse and Harassment:
II. DEFINITIONS
OO. Youthful Offender – an offender under the age of 18 that has been adjudicated as an adult by the courts and sentenced to the department.
III. PROCEDURES
C. RECEPTION AND ORIENTATION
4. Youthful Offender Housing:
a. A youthful offender shall not be placed in a housing unit in which he shall have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters. Staff members shall avoid placing youthful offenders in isolation to comply with this provision. If sight and sound separation is not possible, staff members shall provide direct supervision. Staff members shall provide direct supervision when youth and offenders may have unavoidable contact.
(1) General population youthful offenders shall be housed separate from offenders 18 years and older in accordance with the institution's standard operating procedure for the offender housing assignments.
(2) Youthful offenders who are placed in segregated housing, assigned to disciplinary segregation, or to the infirmary shall only be housed with another youthful offender or in a single cell in accordance with the institutional services procedure regarding administrative segregation confinement.
(3) To the extent possible, youthful offenders shall have access to work, programs, and/or activities in accordance with department and institutional services procedures.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

MONTANA



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? Yes, an evaluation is conducted to determine appropriate housing for youth
State Statutes, Regulations, or Policy:
Mont. Code Ann. § 41-5-206:
(6) If a youth is found guilty in district court of an offense enumerated in subsection (1) and any offense that arose during the commission of a crime enumerated in subsection (1), the court shall sentence the youth pursuant to 41-5-2503 and Titles 45 and 46. If a youth is acquitted in district court of all offenses enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty. A youth who is sentenced to the department or a state prison must be evaluated and placed by the department in an appropriate juvenile or adult correctional facility. The department shall confine the youth in an institution that it considers proper, including a state youth correctional facility under the procedures of 52-5-111. However, a youth under 16 years of age may not be confined in a state prison facility. During the period of confinement, school-aged youth with disabilities must be provided an education consistent with the requirements of the federal Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.
Mont. Code Ann. § 41-5-2503:
1) The district court, in sentencing a youth adjudicated in district court pursuant to 41-5-206, shall:
(a) impose any sentence allowed by the statute that established the penalty for the offense of which the youth is convicted as if the youth were an adult and any conditions or restrictions allowed by statute
Montana Department of Correction Policy DOC 4.6.9 – Placement and Reporting of Youth with Adult Sentences:
III. DEFINITIONS
Criminally Convicted Youth – Any youth who is convicted in adult court pursuant to 41-5-206, MCA, except a youth convicted of crime that carries a possible punishment of life, death, or 100 years in prison is a criminally convicted youth.
Youth with Adult Sentences – An individual under the age of 18 who has been committed to the Department or sentenced to prison in accordance with the Youth Court Act including a criminally convicted youth or a youth with an adult sentence pursuant to 41-5-1605, MCA the Extended Jurisdiction Prosecution Act.
IV. DEPARTMENT DIRECTIVES
A. Placement
1. Youth with adult sentences committed to the Department will be placed according to the following:
a. youth must be evaluated and assessed in the designated Department assessment center or by other Department-approved means and placed, following evaluation and assessment, in one of the following:
1) an Adult Community Corrections Division (ACCD) facility or program;
2) a youth correctional facility; or
3) if the youth is at least 16 years old, in a state prison.
2. Youth with adult sentences over the age of 16 sentenced to a state prison will be evaluated at a state prison and placed, following evaluation, in the state prison or transferred to a youth correctional facility.
3. A youth under 16 years of age who is sentenced to state prison must be evaluated in a department facility or program or in the detention center. The youth must be placed in a secure facility until the youth becomes 16 years of age at which time the youth may be transferred to a state prison.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

NEBRASKA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, placed in youthful offender unit separated from adult offenders
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Nebraska Department of Correctional Services Administrative Regulation 201.11 & 201.11.1 – Reception, Housing, Classification and Programming of Youthful Offenders:
PURPOSE
It is the policy of Nebraska Department of Correctional Services (NDCS) to house all male youthful offenders committed to the department in a specialized unit for youthful offenders. For the purposes of this policy, the Nebraska Correctional Youth Facility (NCYF) has been designated as the specialized unit for all male youthful offenders. Female youthful offenders committed to the department will be housed at the Nebraska Correctional Center for Women (NCCW) and will receive special attention and care as specified in Sections III. through VI. below.
GENERAL
For the purpose of this policy, youthful offender shall generally be defined as any offender committed to the NDCS who is under the age of 19.
PROCEDURE
II. Housing (Male – NCYF)
To ensure safety and security, the NCYF will provide for the direct supervision of male youthful offenders consistent with Department policy. Generally male youthful offenders shall have no more than incidental sight or sounds contact with offenders 19 years of older from outside the unit in living, program, dining, or other common areas of the facility. An exception to this will be in the school where offenders are placed based upon educational needs rather than age. Supervision in the school will be provided by both teachers and assigned custody staff. Any other sight or sound contact is minimized, brief, and in conformance with the applicable legal requirements. Any exception to this must be authorized in writing by the Director/ designee.

In the event that a male youthful offender is housed outside of NCYF, a written statement of the specific reasons for said placement shall be prepared. This statement shall include the specific reasons for housing youthful offender outside of the facility and a case management plan specifying what behaviors need to be modified and how the youthful offender may return to the facility. This statement of reasons and case management plan must be approved by the NCYF Warden or his/her designee. These cases shall be reviewed at least quarterly by the case manager, the youthful offender and they NCYF Warden or his/her designee to determine whether the youthful offender should be returned to the NCYF.
VI. Reception/Orientation and Housing for Female Youthful Offenders at NCCW
Every effort will be made to create living and program environments for female youthful inmates consistent with their individual needs and to safeguard them from the negative influence of older, more sophisticated, criminally entrenched inmates.
B. Housing and Program Placement
1. Based on the adjustment of the youthful offender during the orientation period and the information gathered by mental health and case management staff, a determination will be made by the Institutional Classification Committee as to the

housing and program assignment of the youthful offender. Such housing and program assignments will be reviewed by the Assistant Warden and approved by the Warden.
2. Housing and program placement of the youthful offender may range from placement in a non-department, secure facility containing only youthful offenders to placement in NCCW's general population with no restrictions. Particular consideration will be given to placement in the NCCW's program units which are relatively isolated from the NCCW general population. Such units include the Parenting Unit, the Residential Substance Abuse Treatment Unit (SAU) and the Strategic Treatment and Reintegration Unit (STAR).

NEVADA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? Yes, classification based on list of factors including age and maturity

State Statutes, Regulations, or Policy:
Nevada Department of Corrections Administrative Regulation 502:
502.01 INITIAL CLASSIFICATION OF YOUNG ADULT & YOUTHFUL OFFENDERS
1. The classification committee will consider placing a young adult or youthful offender in an institution or facility, and programs specifically designated for young offenders.
2. The classification committee should determine the appropriate level of custody for young adult and youthful offenders based on the following case factors:
A. The nature and severity of the inmate's offense.
B. The characteristics of the inmate's sentence.
C. The inmate's criminal history.
D. The inmate's age.
E. The inmate's mental and physical health.
F. The criminal, institutional, and social sophistication of the inmate.
G. The inmate's susceptibility to exploitation.
H. The security risk posed by the inmate.
I. PREA regulations
3. The following represents the hierarchy of placement for young adult and youthful offenders starting with the most susceptible and least sophisticated.
A. Transfer to the Division of Child and Family Services (youthful offenders only).
B. Protective Segregation.
C. Youthful offender Program.
D. An institution or facility designated for young adult offenders.
E. General population in a conventional institution or facility.

F. Administrative segregation.
4. Young adult offenders may be retained in youthful offender programs past the age of 18, based on the level of their sophistication and susceptibility to exploitation, but housed according to PREA regulations.
5. The classification committee should, to the extent possible, designate the assignment of youthful and young adult offenders based on their educational, training, treatment, and protection needs.
6. Youthful offenders will be housed in a unit designated by the Director and in accordance with PREA regulations.

NEW HAMPSHIRE

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
New Hampshire Department of Corrections Policy and Procedure Directive 7.25 – Resident Programming:
E. PURPOSE:
To formulate guidelines in the acceptance of juveniles at New Hampshire Department of Corrections facilities.
III. Policy:
It is the policy of the NH Department of Corrections that in accordance with New Hampshire RSA 169 juveniles charged with offenses which would not be crimes if committed by adults and adjudicated delinquent offenders will not reside at any Department of Corrections facility. The only exception will be if a juvenile has been certified as an adult by order of the Superior Court.
IV. Procedure
A. The definition of a juvenile is a person less than seventeen years of age.
B. A Superior Court can certify a juvenile as an adult in accordance with RSA 169-B:24.

NEW JERSEY

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, youth are housed in youth offender complex for people from 18-30 years of age, sight and sound separated
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy: Information unavailable

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

NEW MEXICO

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, youth are housed in separate unit with sight and sound separation and direct supervision in common areas
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
N.M. Stat. Ann. § 32A-2-20:
E. If the court invokes an adult sentence, the court may sentence the child to less than, but shall not exceed, the mandatory adult sentence. A youthful offender given an adult sentence shall be treated as an adult offender and shall be transferred to the legal custody of an agency responsible for incarceration of persons sentenced to adult sentences. This transfer terminates the jurisdiction of the court over the child with respect to the delinquent acts alleged in the petition.
New Mexico Corrections Department Policy CD-150100 – Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures:
POLICY:
Inmates under the age of eighteen (18) years old will not be assigned to housing in the same housing unit as adult offenders but will be housed in the Youthful Offenders Management Unit at Central New Mexico Facility. Offenders under the age of eighteen (18) will have direct sight/sound with staff in areas outside of the housing unit.

NEW YORK

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? Yes, sight and sound separation
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Different regulations for each facility which specify the gender and age range for inmates at that facility; many of the facilities are described as a correctional facility for males 16 years of age or older; if the facility is described is a correctional facility for inmates of a certain age which is older than 16, they also state that males ages 16 and older may still be placed there for general confinement purposes if in accordance with Part 110 of this Chapter
7 N.Y. Comp. Codes R. & Regs. 110.1:
(a) The age ranges set forth in this Chapter are basically indicators of inmate maturity level. In any case where an inmate is not within the age range specified for an institution, such inmate may nevertheless be confined therein upon specific written approval of the Director of Classification and Movement or his designee if said institution is deemed appropriate for the inmate's supervision or offers a program that can be of benefit to the health, care or rehabilitation of the inmate.
(b) Wherever the age range of persons who may be confined in an institution is specified in this Chapter, the following rules of interpretation shall apply:
(1) The age specifications are keyed to birthdates and a person no longer falls within the range specified when he has attained the oldest age set forth in the range. (For example, a person who has reached his 18th birthday shall not be considered to be

between 16 and 18 years of age);
(2) Except in the case of reception centers, the age specifications are keyed to age as of admission to an institution, and an inmate who is admitted to an institution while within the age range specified in this Chapter may be confined therein notwithstanding the fact that he is older than the age range specified for the institution; and
(3) In the case of reception centers, the age specifications are keyed to age as of the date the sentence of imprisonment was imposed.
(c) In any case where an institution is designated as one that may be used for reception or confinement of persons who are 16 years of age, such institution also may be used for reception or confinement as the case may be of persons who are 15 years of age and who are received by the department pursuant to commitment by the Family Court or pursuant to transfer from another State agency.

7 N.Y. Comp. Codes R. & Regs. 103.15:

Every female person committed to the custody of the department, under a sentence of imprisonment by any court in the State, shall be delivered to the Bedford Hills Correctional Facility located at Bedford Hills, New York

N.Y. Crim. Proc. Law § 510.15:

1. When a principal who is under the age of sixteen is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the state division for youth as a juvenile detention facility for the reception of children. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal under the age of sixteen to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime without the approval of the state division for youth in the case of each principal and the statement of its reasons therefor. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.

NORTH CAROLINA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation and direct supervision
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:

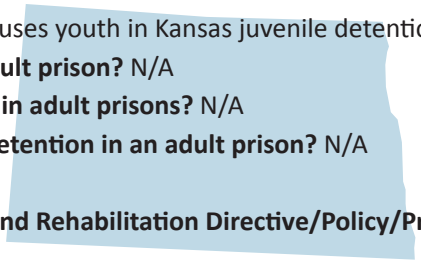
North Carolina Department of Corrections Policy F .3400 – Inmate Sexual Abuse and Sexual Harassment Policy:

.3404 DEFINITIONS
(u) Youthful Inmate - any inmate under the age of 18 being supervised in the adult prison system.
.3406 PROCEDURES
(e) General Provisions
(5) 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, the facility shall either:

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

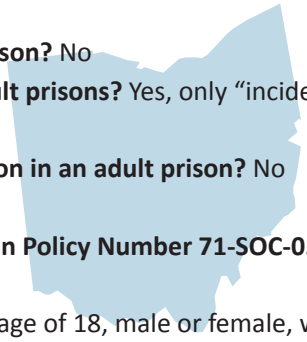
(i) maintain sight and sound separation between youthful inmates and adult inmates, or
(ii) provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
(C) The agency shall make best efforts to avoid placing youthful inmates in isolation to comply 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.

NORTH DAKOTA



Permits housing of youth in prison? No, houses youth in Kansas juvenile detention centers
Age restriction on ability to detain in an adult prison? N/A
Requires protections for children detained in adult prisons? N/A
Specifies factors to be considered before detention in an adult prison? N/A
State Statutes, Regulations, or Policy:
North Dakota Department of Corrections and Rehabilitation Directive/Policy/Procedure Number 4B-5 – Juveniles Waived Into the Adult System:
DIRECTIVE
The department shall place no person under the age of 18 into any Department of Corrections and Rehabilitation adult institution. (2-CO-4B-05)

OHIO



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, only "incidental sight and sound" contact with adult offenders and assigned to youthful offender units.
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Ohio Department of Rehabilitation and Correction Policy Number 71-SOC-05 – Youthful Offender Program Management:
IV. DEFINITIONS
Youthful Offender - Offenders received under the age of 18, male or female, who have pled or been found guilty of felony level offense(s), and who have been bound over and remanded to the custody of the Department of Rehabilitation and Correction.
IV. POLICY
It is the policy of the Ohio Department of Rehabilitation and Correction to ensure that young adult offenders (Youthful Offenders) who have committed felony level adult crimes will serve the sanction for which they were convicted and committed, and be supervised in a safe, secure, and structured environment.
VI. PROCEDURES
B. Classification and Placement

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

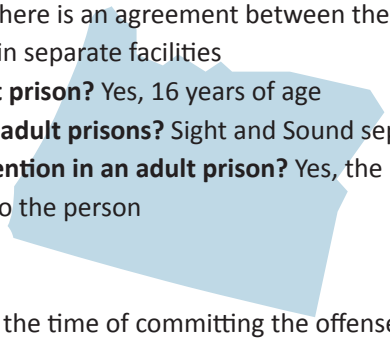
1. Youthful offenders committed to the Department of Rehabilitation and Correction will have no more than incidental sight or sound contact with adult offenders from outside the unit or common areas of the institution. Youthful offenders under 18 years of age shall be assigned to the designated specialized units at Madison Correctional Institution (MACI) and Ohio Reformatory for Women (ORW) except as provided in section (B)(3) below.
2. Upon their commitment to the Department of Rehabilitation and Correction reception centers, all youthful offenders under 18 years of age are to be separated from the population of the institution and only housed with each other. They shall be transferred to the designated specialized unit as follows:
a. The inmate is top priority with initiating the classification process and should be transferred to the juvenile unit within 72 hours of their arrival.
b. The classification paperwork must be faxed/scanned to the Bureau of Classification.
c. The Bureau of Classification shall assign the inmate a security level and arrange transportation to MACI. For female offenders, the Bureau of Classification will ensure that the juvenile is assigned to ORW.
3. Youthful offenders may also be housed outside the specialized unit if the youthful offender is violent or predatory or there is another overriding security, medical or mental health need. For mental health purposes, ORW may house offenders under the age of 18 with those offenders identified as 21 as long as the provisions below are followed.
a. When housing a youthful offender outside the specialized unit, the unit must complete a Youthful Offender Housed Outside Assigned Unit Case Management Plan (DRC2670) detailing specific reasons for housing the offender outside the unit and a case management plan specifying what behaviors need to be modified in order for the youthful offender to return to the unit. The case management plan shall be reviewed quarterly by designated unit staff and a recommendation made to the Warden as to whether the youthful offender can be returned to the specialized unit. The statement of reasons and case management plan must be approved by the Warden/designee. The
Warden shall have final approval of all recommendations. This recommendation will also be submitted to the Youthful Offender Administrator at central office for review.

OKLAHOMA

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Information unavailable
Requires protections for children detained in adult prisons? Yes, sight and sound separation from adult inmates
Specifies factors to be considered before detention in an adult prison? Information unavailable
State Statutes, Regulations, or Policy:
The Oklahoma DOC will provide confinement and supervision of offenders under the age of 17 as noted in the Youthful Offender Response Plans developed by the Joseph Harp Correctional Center (JHCC – male offenders) and Mabel Bassett Correctional Center (MB – female offenders) and will have direct supervision, level of risk assessment, adequate program space by staff who are trained in the developmental, safety and other specific needs of the youthful offenders. There is a DOC Youthful 10 Offender – PREA Standards Areas Impacted and Implementation Plan for MBCC. At the time of the PREA audit there were no Youthful Inmates at MBCC.

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

OREGON



Permits housing of youth in prison? Yes, but there is an agreement between the Oregon Department of Corrections and the Oregon Youth Authority that houses all youth in separate facilities

Age restriction on ability to detain in an adult prison? Yes, 16 years of age

Requires protections for children detained in adult prisons? Sight and Sound separation

Specifies factors to be considered before detention in an adult prison? Yes, the individual's age, immaturity, mental or emotional condition, or risk of physical harm to the person

State Statutes, Regulations, or Policy:

Or. Rev. Stat. Ann. § 137.124:

(5)(a) When a person under 18 years of age at the time of committing the offense and under 20 years of age at the time of sentencing is committed to the Department of Corrections under ORS 137.707, 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.

ORS § 419C.130:

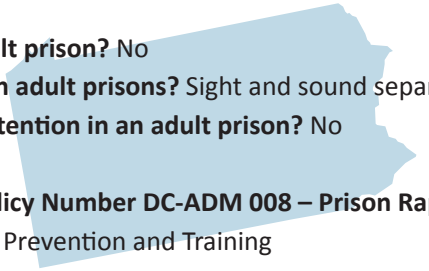
"(b) A youth waived under ORS 419C.349 or 419C.364 to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained if:

(A) The youth is at least 16 years of age; and

(B) The director of the county juvenile department and the sheriff, or other official responsible for the jail or other place, agree to detain the youth in a jail or other place where adults are detained.

(c) When detention is authorized by ORS 419C.453, a youth offender may be detained in a jail or other place where adults are detained."

PENNSYLVANIA



Permits housing of youth in prison? Yes

Age restriction on ability to detain in an adult prison? No

Requires protections for children detained in adult prisons? Sight and sound separation or direct staff supervision

Specifies factors to be considered before detention in an adult prison? No

State Statutes, Regulations, or Policy:

Pennsylvania Department of Corrections Policy Number DC-ADM 008 – Prison Rape Elimination Act (PREA):

Section 2 – Sexual Abuse/Sexual Harassment Prevention and Training

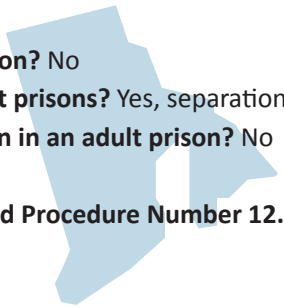
A. PREVENTION

7. Housing of Youthful Inmates

a. A youthful adult inmate (under the age of 18) 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 the use of a shared dayroom or other common space, shower area, or sleeping quarters.

b. In areas outside of housing units, the facility shall either:
(1) maintain sight and sound separation between youthful inmates and adult inmates; or
(2) provide direct security staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
c. The facility shall not place the youthful inmate in isolation in order to comply with this policy.
d. Upon initial reception to the Department, youthful inmates will enter into an expedited classification process as outlined in Department policy 11.2.1, "Reception and Classification."
(1) Male youthful inmates will be transferred to SCI Pine Grove within 24 hours of reception by the Department.
(2) Female youthful inmates will immediately be placed into the Youthful Inmate Unit at SCI Muncy, which houses any female youthful inmate under the age of 18.
e. Due to the extremely low numbers of female youthful inmates that the Department houses at any given time, there are specific provisions that must be followed.
(1) Youthful inmates will have a separate housing unit, with sight and sound separation from adult inmates, where they are able to have a separate shower area, separate day room and separate sleeping quarters from adult inmates.
(2) Any time that the youthful inmate leaves the separate housing unit, they must be accompanied and supervised directly by a security staff member.
(3) The security staff member is to ensure that there is no inappropriate contact, physical, mental, or verbal, between the youthful inmate(s) and an adult inmate.
f. The Department shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the Department shall not deny youthful inmates daily physical exercise and any legally required special education services to comply with this provision. Youthful inmates shall have access to other programs and work opportunities to the greatest extent possible.

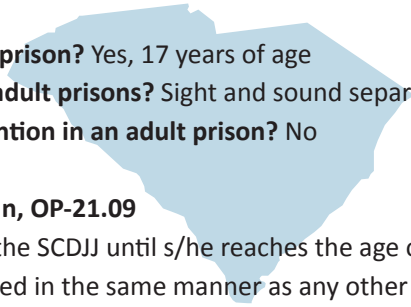
RHODE ISLAND



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, separation in protective custody
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Rhode Island Department of Corrections Policy and Procedure Number 12.26-3 DOC – Special Management of Juvenile Offenders:
II. POLICY
The RIDOC receives and incarcerates juvenile offenders only where jurisdiction has been waived from Family Court to the appropriate adult court of by certification by the Family Court.
III. PROCEDURES
B. Male Juvenile Offenders – Sentenced and Pretrial Detainees
5. While in Protective Custody the juvenile is housed in a cell alone or with another juvenile as determined by the Warden/designee.
6. Under no circumstances are juveniles housed with adult offenders.
7. Juveniles offenders never shower with adult offenders; juveniles will have a separate shower schedule or separate shower

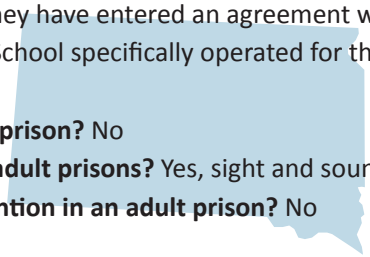
facility as determined by the facility Warden/designee.
9. Juveniles remain in Protective Custody until their eighteenth (18th) birthday, whether on pre-trial status or sentenced.
13. Once the juvenile offender is sentenced as an adult, s/he participates in the Admissions and Orientation process. The Classification Board reviews all studies and information concerning the offender and recommends to the Director or designee the appropriate security classification and rehabilitation program. The recommendation is implemented upon the approval of the Director or designee.

SOUTH CAROLINA



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 17 years of age
Requires protections for children detained in adult prisons? Sight and sound separation
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Excerpts from SCDC Policy, Inmate Records Plan, OP-21.09
4.2.3 The inmate will remain in the custody of the SCDJJ until s/he reaches the age of 17 at which time s/he will be transferred to an R&E Center where s/he will be in-processed in the same manner as any other adult committed to the SCDC.
4.3 When the South Carolina Department of Juvenile Justice receives a juvenile sentenced in a Family Court, the juvenile will remain in the custody of the SCDJJ until s/he reaches the age of 17 if convicted for a violent offense listed in S.C. Statute 16-1-60 or for the offense of assault and battery of a high and aggravated nature if the individual has not been paroled or released from the custody of SCDJJ prior to his/her 17th birthday. The juvenile will be transferred to the custody and authority of the South Carolina Department of Corrections, Division of Young Offender Services. The SCDJJ will send a Memorandum of Transport listing the juvenile's convictions with the juvenile. A juvenile who has not been paroled or released from the custody of the SCDJJ by his/her 19th birthday must be transferred to the custody and authority of the SCDC, Division of Young Offender Services, if convicted for a non-violent offense.

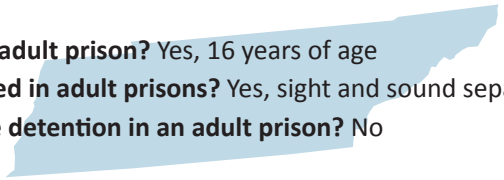
SOUTH DAKOTA



Permits housing of youth in prison? Yes, but they have entered an agreement with the South Dakota DOC whereby youthful offenders are housed in a unit at an Industrial School specifically operated for those under the age of 18 who have been convicted in adult court.
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation or direct staff supervision
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
South Dakota Department of Corrections Policy 1.3.E.5 – Compliance with Prison Rape Elimination Act Standards:
III. DEFINITIONS:
Youthful Offender – For the purpose of this policy, a youthful offender is any offender under the age of 18 at the time of

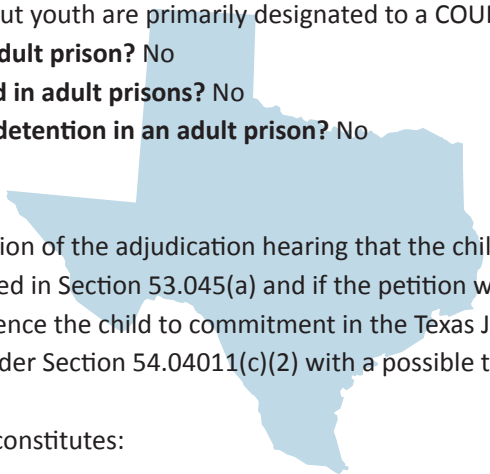
sentence to the Department of Corrections as an adult.
IV. PROCEDURES
2. Prevention of Sexual Abuse/Harassment:
A. Offenders under the age of 18 will not be placed in a housing unit where the offender will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters.
1. When an offender under the age of 18 has sight, sound or physical contact with adult offenders, direct staff supervision is required.
B. All contracts with public or private facilities for incarceration of adult offenders and contracts with juvenile facilities to provide confinement services will include the facility's obligation to adopt and comply with PREA Standards.

TENNESSEE



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age
Requires protections for children detained in adult prisons? Yes, sight and sound separation
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Tenn. Code Ann. § 37-1-134:
(j) Any person, who was transferred under this section and who was less than sixteen (16) years of age at the time of the offense and who is subsequently convicted and committed, shall be housed in a juvenile correctional facility until such person reaches sixteen (16) years of age, at which time such person may be transferred upon the order of the committing court to an adult facility. Any person committed to an adult facility under this section shall be housed separate and removed from adult inmates.

TEXAS



Permits housing of youth in prison? Yes, but youth are primarily designated to a COURAGE unit for those 14 to 17 years of age
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Tex. Fam. Code Ann. § 54.04:
(3) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) and if the petition was approved by the grand jury under Section 53.045, the court or jury may sentence the child to commitment in the Texas Juvenile Justice Department or a post-adjudication secure correctional facility under Section 54.04011(c)(2) with a possible transfer to the Texas Department of Criminal Justice for a term of:
(A) not more than 40 years if the conduct constitutes:

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(i) a capital felony;
(ii) a felony of the first degree; or
(iii) an aggravated controlled substance felony;
(B) not more than 20 years if the conduct constitutes a felony of the second degree; or
(C) not more than 10 years if the conduct constitutes a felony of the third degree

TEXAS DEPARTMENT OF CRIMINAL JUSTICE OFFENDER ORIENTATION HANDBOOK

25. Youthful Offender COURAGE Program Prison offenders ages 14 to 17 are placed in the Youthful Offender COURAGE (Challenge Opportunity Understanding Respect Acceptance Growth Education) Program after initial intake. While housed on the program unit, in addition to school and work assignments, the offender will participate in one of two tracks. One track is designated for those who will be releasing from TDCJ to community and the other to those who will be releasing to general population within TDCJ. Both tracks function with a level system: the higher the offender advances in levels is directly related to the privileges that may be received. Youthful offenders are housed in TDCJ prisons and state jails that are equipped with Youthful Offender Programs. Youthful offenders identified with special needs will be assigned to an appropriate facility designed to meeting their needs; such as offenders who are mentally impaired or physically disabled.

UTAH

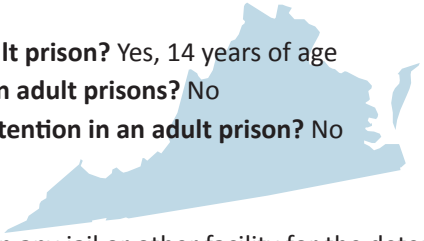
Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Utah Code Ann. § 78A-6-703:
Given that juveniles tried as adults will be housed with adults and, if convicted, incarcerated with adults, court should consider particular needs and circumstances of individual juveniles regarding housing while making determination whether to try juvenile as adult.

VERMONT

Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age for those convicted of a felon, 18 years of age for those convicted of a misdemeanor
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Vt. Stat. Ann. tit. 33, § 5293:
(b) **Sentencing of minor.** If a minor is convicted of an offense in a court of criminal jurisdiction as an adult, the court shall sentence the minor as an adult.

(c) **Placement of minors under 16.** The Commissioner of Corrections shall not place a minor under the age of 16 who has been sentenced to a term of imprisonment in a correctional facility used to house adult offenders.
(d) **Placement of minors over 16 convicted of felony.** The Commissioner of Corrections may place in a facility for adult offenders a minor who has attained the age of 16 but is under the age of 18 who has been convicted of a felony and who has been sentenced to a term of imprisonment.
(e) **Placement of minor over 16 convicted of misdemeanor.** The Commissioner of Corrections shall not place in a facility for adult offenders a minor who has attained the age of 16 but is under the age of 18 who has been convicted of a misdemeanor.
(f) **Transfer of minor at 18th birthday.** At the 18th birthday of a minor convicted of a misdemeanor, the Commissioner may transfer the minor to a facility for adult offenders.

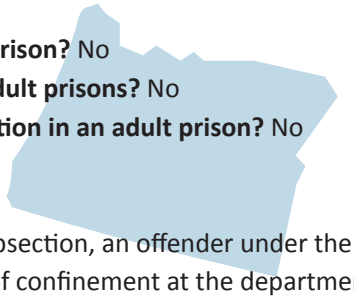
VIRGINIA



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 14 years of age
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Va. Code Ann. § 16.1-249:
B. No juvenile shall be detained or confined in any jail or other facility for the detention of adult offenders or persons charged with crime except as provided in subsection D, E, F or G of this section.
D. When a case is transferred to the circuit court in accordance with the provisions of subsection A of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the district court, or when the district court has certified a charge to the grand jury pursuant to subsection B or C of § 16.1-269.1, the juvenile, if in confinement, shall be placed in a juvenile secure facility, unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case the court may transfer the juvenile to a jail or other facility for the detention of adults and need no longer be entirely separate and removed from adults.
E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine whether such juvenile should be transferred to another juvenile facility or, if the child is 14 years of age or older, a jail or other facility for the detention of adults; provided, that (i) the detention is in a room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii) the facility is approved by the State Board of Corrections for detention of juveniles.
F. If, in the judgment of the custodian, it has been demonstrated that the presence of a juvenile in a facility creates a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the custodian may transfer the juvenile to another juvenile facility, or, if the child is 14 years of age or older, a jail or other facility for the detention of adults pursuant to the limitations of clauses (i), (ii) and (iii) of subsection E for a period not to exceed six hours prior to a court hearing and an additional six hours after the court hearing unless a longer period is ordered pursuant to subsection E.

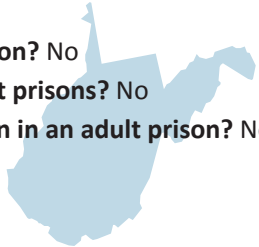
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WASHINGTON



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Wash. Rev. Code Ann. § 72.01.410:
(2)(a) Except as provided in (b) and (c) of this subsection, an offender under the age of eighteen who is convicted in adult criminal court and who is committed to a term of confinement at the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from offenders eighteen years of age or older, until the offender reaches the age of eighteen.
(b) An offender who reaches eighteen years of age may remain in a housing unit for offenders under the age of eighteen if the secretary of corrections determines that: (i) The offender's needs and the correctional goals for the offender could continue to be better met by the programs and housing environment that is separate from offenders eighteen years of age and older; and (ii) the programs or housing environment for offenders under the age of eighteen will not be substantially affected by the continued placement of the offender in that environment. The offender may remain placed in a housing unit for offenders under the age of eighteen until such time as the secretary of corrections determines that the offender's needs and correctional goals are no longer better met in that environment but in no case past the offender's twenty-first birthday.
Washington Department of Corrections Policy Number DOC 320.500 – Youthful Offender Program:
POLICY
I. A youthful offender is any person under the age of 18 who is tried, convicted, and sentenced as an adult. Youthful offenders under Department jurisdiction will be housed at a Department of Social and Health Services' Juvenile Rehabilitation Administration (JRA) facility to ensure their medical, mental health, and developmental needs are addressed, and they are provided a safe and secure environment.
II. Adjudicated delinquent offenders and/or youths not charged with adult crimes will not be housed in Department Facilities.
III. To the extent possible, based on legitimate penological constraints, the Department will make escorts and programming space available to youthful offenders housed in Department facilities.
DIRECTIVE
II. Transfer to Juvenile Rehabilitation Administration
A. Unless there are documented safety, security and/or program reasons to retain in a Department facility, the YOP Counselor III/designee will review youthful offenders for possible placement at a JRA facility

WEST VIRGINIA

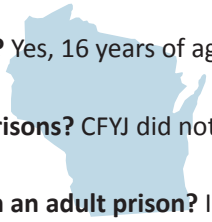


Permits housing of youth in prison? No
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? No
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

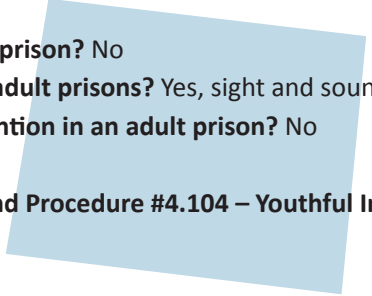
It is the policy of the West Virginia Division of Corrections (WVDOC) to maintain a mechanism that ensures all youthful inmates [individuals younger than eighteen (18) years old] shall not be placed in any WVDOC adult institution/facility/center.
V. PROCEDURE
A. The state of West Virginia does not permit youthful inmates [individuals younger than eighteen (18) years old] to be housed in any WVDOC adult institution/facility/center.
B. Therefore, since no youthful inmate is housed in any WVDOC adult institution/facility/center, PREA Standard 115.14 is not applicable to the WVDOC

WISCONSIN



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? Yes, 16 years of age. Youth under 18 may not be placed in maximum security settings.
Requires protections for children detained in adult prisons? CFYJ did not receive a response from Wisconsin's Department of Corrections
Specifies factors to be considered before detention in an adult prison? Information unavailable
State Statutes, Regulations, or Policy:
973.013 Indeterminate sentence; Wisconsin state prisons.
(3m) If a person who has not attained the age of 16 years is sentenced to the Wisconsin state prisons, the department shall place the person at a juvenile correctional facility or a secured residential care center for children and youth, unless the department determines that placement in an institution under s. 302.01 is appropriate based on the person's prior record of adjustment in a correctional setting, if any; the person's present and potential vocational and educational needs, interests and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by the department by rule. The department may not place any person under the age of 18 years in the correctional institution authorized in s. 301.16 (1n). This subsection does not preclude the department from designating an adult correctional institution, other than the correctional institution authorized in s. 301.16 (1n), as a reception center for the person and subsequently transferring the person to a juvenile correctional facility or a secured residential care center for children and youth. Section 302.11 and ch. 304 apply to all persons placed in a juvenile correctional facility or a secured residential care center for children and youth under this subsection.

WYOMING



Permits housing of youth in prison? Yes
Age restriction on ability to detain in an adult prison? No
Requires protections for children detained in adult prisons? Yes, sight and sound separation or direct staff supervision
Specifies factors to be considered before detention in an adult prison? No
State Statutes, Regulations, or Policy:
Wyoming Department of Corrections Policy and Procedure #4.104 – Youthful Inmates:
IV. PROCEDURE

APPENDIX: STATE STATUTES, LAWS AND REGULATIONS

C. Management of Non-Boot Camp Assigned Male and Female Youthful Inmates

1. Except as authorized within this policy, youthful inmates shall not have sight, sound, or physical contact with adult inmates through use of a shared dayroom or other common space, shower area or sleeping quarters. In areas outside of housing units, whenever youthful inmates and adult inmates have sight, sound, or physical contact direct staff supervision will provided at all times.

2. If staffing, operations, bed space and resources permit, youthful inmates housed in a WDOC facility shall be housed in a specialized unit for youthful inmates, except when:

i. A violent, predatory youthful inmate poses an undue risk of harm to others within the specialized unit; and/or

ii. A qualified medical or mental-health specialist documents that the youthful inmate would benefit from placement outside the unit.



Acknowledgments

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