

YOUTH SERVICES POLICY

Title: Sight and Sound Separation of Youth and Adults	Type: C. Field Operations Sub Type: 2. Security Number: C.2.31
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References: US DOJ PREA Standard 115.13; La. R.S. 44:3, ACA Standard 4-JCF-3D-04 (Performance-Based Standards For Juvenile Correctional Facilities); A.1.4 “Investigative Services”, A.1.14, “Unusual Occurrence Reports”, A.2.13 “Americans with Disabilities Act – (Employees, Applicants, Candidates, Visitors)”, A.2.24 “Staff Development and Training Plan”, A.7.1 “Safety Plan”, B.5.1 “Youth Code of Conduct – Secure Care”, B.8.8 “Americans with Disabilities Act (Youth)”, C.1.3 ‘Crimes Committed on the Grounds of Youth Services Facilities/Office Buildings and/or Properties”, C.2.11 “Prison Rape Elimination Act (PREA)”, C.2.19 “Youth Counts, Movements and Facility Rounds”, C.2.22 “Contraband Control – Secure Care Facilities” and C.4.6 “Securing Physical Evidence/Crime Scene”	
STATUS: Approved	
Approved By: <i>William A. Sommers, Deputy Secretary</i>	Date of Approval: 10/18/2022

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To provide for the separation of youth housed in or near OJJ secure care facilities and ensure that youth are not subject to threats, intimidation, physical assault or other forms of physical or psychological abuse from adult inmates.

III. APPLICABILITY:

All YS employees, including contract staff, interns, volunteers, students, visitors, vendors, WAEs, youth in YS custody or under YS supervision and adult inmates.

IV. DEFINITIONS:

Adult Inmate – Per the Juvenile Justice and Delinquency Prevention Act (JJDP), an individual who has reached the age of full criminal responsibility under applicable State law AND has been arrested and is in custody for or awaiting trial on a criminal charge or is convicted of a criminal charge offense.

Close Proximity – Close enough to easily see and/or hear what is seen/heard by another.

Exigent Circumstances – Any set of temporary and unforeseen circumstances that require immediate action in response to a security or safety threat to the secure care facility.

Non-Residential Areas – Areas within a secure care facility such as admissions, areas used for counseling, education, recreation, vocational training, health care, and the passage of residents (sally ports, non-residential hallways etc.).

Physical Contact – Any physical contact between incarcerated adult inmates and youth.

Prison Rape Elimination Act (PREA) - An Act signed into law by President George W. Bush in September 2003. This legislation requires the Bureau of Justice Statistics (BJS) to initiate new national data collections on the incidence and prevalence of sexual violence within correctional facilities. PREA defines four categories of sexual abuse for purposes of data collection: abusive sexual contacts, nonconsensual sexual acts, staff sexual harassment and staff sexual misconduct.

Residential Areas – Areas within a secure care facility used for sleeping, dining and hygiene purposes.

Secure Care Facility – "a living environment characterized by a range of moderate to high security level facilities that include construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour basis, the ability of the residents to enter and leave the premises, and which are intended for the treatment and rehabilitation of children who have been adjudicated delinquent." [La. Ch. Code Article 116(24.2).]

The secure care centers operated by YS are as follows:

- Acadiana Center for Youth (ACY)
- Acadiana Center for Youth @ St. Martinville (ACY-SM)
- Bridge City Center for Youth (BCCY)
- Bridge City Center for Youth @ West Feliciana (BCCY-WF)
- Swanson Center for Youth (SCY)
- Swanson Center for Youth @ Columbia (SCYC)

Sight and Sound Separation – Controls employed to ensure no physical contact or sustained sight and sound contact between adult inmates and youth can occur.

Sight Contact – Clear visual contact between incarcerated adult inmates and youth within close-proximity to each other.

Sound Contact – Direct verbal communication between incarcerated adult inmates and youth.

Sustained Sight and/or Sound Contact – Contact that is intentional or attempted verbal or nonverbal communication (i.e. flashing gang signs, mouthing words) or anything more than brief, inadvertent or accidental visual or auditory perception of adult inmates by youth.

Time-Phased – Procedures allowing the access to or use of non-residential areas for adult inmates and youth, but not at the same time.

Unit Head – For the purpose of this policy, Unit Head refers to the Deputy Secretary, Youth Facilities Director – Statewide and Facility Directors.

Youth - Refers to anyone committed to the custody of or under the supervision of YS.

V. POLICY:

It is the Deputy Secretary's policy that written procedures and guidelines exist to ensure the proper sight and sound separation of youth in OJJ secure care facilities. The separation should be continuously maintained in all areas of OJJ secure care facilities and should be strictly enforced to prohibit physical, sight and/or sound contact.

VI. GENERAL GUIDELINES

- A. Facility Directors are responsible for coordinating and developing facility procedures and post orders which ensure sight and sound separation of youth.
- B. Facility Directors are responsible for ensuring facility compliance, documentation and reporting in accordance with applicable standards, Federal and State law relating to the sight and sound separation of youth.
- C. Reports of physical contact or other violations in sight and sound separation between youth will be investigated in a timely manner following procedures outlined in YS Policies A.1.4, Investigative Services and C.2.11, Prison Rape Elimination Act (PREA).

- D. The facility will conduct an incident review following the completion of every investigation into physical, sight and/or sound contact. Incident reviews will be conducted following procedures and incident review requirements specified in YS Policy C.2.11, Prison Rape Elimination Act (PREA).
- E. A youth may be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident committed a physical, sight and/or sound contact or accessed restricted areas.

VII. CONTROL MEASURES

- A. Facility Sight and sound separation of youth shall be maintained in all areas of the facility utilizing various control measures including but not limited to, time phased programming, control of all resident movements internal and external to the facility and the direct staff supervision of youth.
 - 1. Visual and auditory barriers shall be in place between youth and adults in all areas, including recreation areas attached to the housing unit (i.e. bullpens).
 - 2. Youth shall not be allowed access to adult areas, nor shall adult inmates be allowed access to youth areas.
 - 3. Admission processes and programming (counseling, education, recreation, vocational training, and health care services) shall be time phased to prohibit the simultaneous use of non-residential areas by youth and adult residents.
 - 4. Movement of all residents within facility grounds shall be coordinated through the Control Center and conducted in accordance with YS Policy C.2.19, Youth Counts, Movements and Facility Rounds, ensuring staff are in close-proximity to youth when controlling all youth resident movements.
 - 5. Staff shall maintain continuous direct supervision of youth during programming activities and post in close-proximity to youth, positioning themselves between adult inmates and youth whenever sight and sound contact between youth and adult inmates may be possible.
 - 6. Staff noting sustained sight or sound contact between adult inmates and youth shall intervene, taking immediate action to end such contact.
- B. Absent an emergency or other exigent circumstances, control measures will not include the use of isolation or confinement to ensure sight and sound separation nor prohibit or restrict youth from:
 - 1. The opportunity to participate in at least one hour of large muscle exercise daily;
 - 2. Reasonable visitation privileges; and
 - 3. Participation in facility services, including but not limited to, education, programs, access to medical services and work opportunities.

- C. Facility emergency plans to address fire, disturbances, medical emergencies, suicide prevention and response etc. shall include response preparations to ensure sight and sound separation of youth and adult inmates.

VIII. REPORTING

- A. Any access to youth residential areas or access to adult areas by youth residents is a reportable violation of sight and sound separation.
- B. Any physical contact, or sustained sight or sound contact between adult and youth residents within a non-residential area is a reportable violation of sight and sound separation.
- C. Brief, distant, inadvertent or accidental sight or sound contact between youth and adult inmates occurring in non-residential areas when staff are in direct supervision of and in close-proximity to youth does not constitute a reportable violation and written documentation of the event is not required.
- D. Staff who have knowledge, suspicion, or information of actual or suspected sight and sound contact involving and youth must immediately report the situation to the Facility Director, Assistant Facility Director and PREA Compliance Manager in writing using an Unusual Occurrence Report attached to YS Policy A.1.14.
 - 1. Staff who believe a youth is subject to a substantial or imminent risk based upon such knowledge, suspicion or information must take immediate action to implement appropriate protective measures as indicated in YS Policy C.2.11, Prison Rape Elimination Act (PREA).
- E. Exigent circumstances which limit or prohibit youth from access to large muscle exercise, legally required education services, and/or any other assigned programmatic activity must be documented in writing by the Operations Shift Supervisor (or designee) and forwarded to the Facility Director and PREA Compliance Manager.

IX. TRAINING

- A. Staff training shall be conducted in accord with YS Policy A.2.24, Staff Development and Training Plan, including:
 - 1. Staff working with youth receive specialized training relating to the developmental needs of youth and enforcement of sight and sound separation procedures.

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- B. Youth will receive training during orientation on sight and sound separation, their role in preserving this separation and potential consequences for sight/sound violation. Youth will sign a form acknowledging receipt of this training which will be kept in their case record.

Previous Regulation/Policy Number: N/A

Previous Effective Date: N/A

Attachments/References: