



## **POLICY**

The DOC's policy is to ensure that all emerging adults who are aged 18 and younger are safely admitted to, and housed in, a correctional facility while under the custody of the DOC. The DOC recognizes that emerging adults who engage in high-risk behaviors resulting in criminal charges may have experienced trauma and that their admission to a correctional facility may cause a stress response. To that end, the DOC is committed to providing compassionate and trauma-informed care to all emerging adults who are aged 18 and younger.

DOC complies with both the Prison Rape Elimination Act (PREA) and the Juvenile Justice Reform Act (JJRA), which are different federal standards, in the housing of emerging adults.

## **GENERAL PROCEDURES**

### **A. Criteria for Admitting Emerging Adults Aged 18 and Younger into a Facility**

1. The DOC shall only admit emerging adults who are aged 18 and younger, when:
  - a. They are held for the federal government;
  - b. Their case is transferred to criminal court, in accordance with 33 VSA § 5204;
  - c. They are charged with any of the following crimes:
    - i. Arson causing death, as defined in 13 V.S.A. § 501, or an attempt to commit that offense;
    - ii. Assault and robbery with a dangerous weapon, as defined in 13 V.S.A. § 608(b), or attempt to commit that offense;
    - iii. Assault and robbery causing bodily injury, as defined in 13 V.S.A. 608(c), or an attempt to commit that offense;
    - iv. Aggravated assault, as defined in 13 V.S.A. § 1024, or an attempt to commit that offense;
    - v. Murder, as defined in 13 V.S.A. § 2301 or aggravated murder as defined in 13 V.S.A. § 2311 or an attempt to commit either of those offenses;
    - vi. Manslaughter, as defined in 13 V.S.A. § 2304, or an attempt to commit that offense;
    - vii. Kidnapping, as defined in 13 V.S.A. § 2405, or an attempt to commit that offense;

- viii. Unlawful restraint, as defined in 13 V.S.A. § 2406, or 2407 or an attempt to commit either of those offenses;
    - ix. Maiming, as defined in 13 V.S.A. § 2701 or an attempt to commit that offense;
    - x. Sexual assault, as defined in 13 V.S.A. § 3252(a)(1) or (a)(2) or an attempt to commit either of those offenses; or
    - xi. Aggravated sexual assault, as defined in 13 V.S.A. § 3253 and aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a or an attempt to commit either of those offenses; or
  - d. They are aged 16 to 18 years old at the time they are charged with any of the following crimes:
    - i. Using a firearm while committing a felony in violation of 13 V.S.A. § 4005, or an attempt to commit that offense.
    - ii. Trafficking a regulated drug in violation of 18 V.S.A. Chapter 84, subchapter 1, or an attempt to commit that offense; or
    - iii. Aggravated stalking as defined in 13 V.S.A. § 1063(a)(3), or an attempt to commit that offense
- 2. The DOC shall admit an emerging adult who violated a condition of release for any of the offenses, in accordance with section A.1.b-d of this policy.
- 3. There may be circumstances in which a court orders an emerging adult to be held, in accordance with a Fugitive from Justice filing. When this occurs, the Director of Classification and Facility Designation (Director of Classification), or designee, shall assess the situation and confer with the DOC legal counsel.
- 4. The DOC shall not accept an emerging adult who is incapacitated and under the age of 18 for temporary, protective custody, in accordance with the policy on incapacitated persons.
- 5. The DOC shall only accept an emerging adult who is incapacitated and aged 18 after facility staff submit the completed incapacitation screening and disposition report to the Director of Classification, or designee.

**B. Process for Admitting Emerging Adults Aged 18 and Younger into a Facility**

- 1. When a Correctional Facility Shift Supervisor (CFSS) is notified that an emerging adult who is aged 18 and younger, will arrive at the facility, they shall immediately contact:
  - a. The Superintendent, or designee; and

- b. The Director of Classification, or designee.
- 2. If a CFSS is not notified that an emerging adult is scheduled for admission to the facility, the CFSS shall:
  - a. Review the lodging documentation provided by the law enforcement officer when they arrive; and
  - b. Confirm the individual's age before they may enter the booking and admissions area of the facility. Facility staff shall rely on the lodging paperwork to verify the individual's age.
- 3. The Director of Classification, or designee, shall review all charging documentation to determine whether the emerging adult meets the criteria described in Section A of this document before they are admitted to the facility.
- 4. The Director of Classification, or designee, shall notify the CFSS, or designee, whether they authorize the admission.
- 5. After the Director of Classification, or designee, authorizes admission, the CFSS, or designee, shall:
  - a. Ensure that the emerging adult is admitted into the facility; and
  - b. Document the authorization for admission as an incident report in the emerging adult's Offender Management System (OMS) record.

**C. Process for Housing and Providing Care to Emerging Adults Aged 17 and Younger**

- 1. The following provisions align with the PREA standards that facility staff shall follow when housing an emerging adult who is aged 17 and younger.
- 2. The Director of Classification, or designee, shall consult with DCF regarding the housing and care of all emerging adults who are aged 17 and younger.
- 3. An emerging adult who is aged 17 and younger shall not be housed in a unit, including units with shared common spaces or dayrooms, bathrooms, and sleeping quarters, in which they may have sight, sound, or physical contact with any incarcerated individuals who are aged 18 and older.
- 4. In areas outside of housing units, facility staff shall:
  - a. Ensure the emerging adult who is aged 17 and younger is completely separated by sight and sound, or physical contact, from any incarcerated individuals who are aged 18 and older; or

- b. Directly supervise any sight, sound, or physical contact between any emerging adults who are aged 17 and younger and incarcerated individuals who are aged 18 and older.
- 5. The facilities shall:
  - a. Obtain consent for medical care by a qualified health care professional at the behest of the Commissioner, as appropriate; and
  - b. Provide emerging adults who are aged 17 and younger with an opportunity to engage in daily large-muscle exercise and any special education services.
- 6. Emerging adults who are aged 17 and younger shall also have access to other programs and work opportunities.

**D. Process for Housing Emerging Adults Aged 18 and Younger Prior to Interest of Justice Hearing**

- 1. The following provisions align with the JJRA standards that facility staff shall follow when housing an emerging adult who is aged 18 and younger.
- 2. When possible, facilities shall not house emerging adults who are aged 18 and younger in units in which they may have sight and sound contact with any incarcerated individuals who are aged 19 and older until the court conducts an Interest of Justice (IOJ) Hearing.
- 3. Facility staff shall document anytime they are unable to ensure that the emerging adult is completely separated by sight and sound from incarcerated individuals who are aged 19 and older in the emerging adult's incident report in OMS.
- 4. After the court conducts an IOJ hearing, the Superintendent, or designee, shall coordinate a meeting with a multidisciplinary team comprised of a Corrections Services Specialist (CSS), and representatives from casework staff, facility security, and the contracted health services staff.
  - a. The multidisciplinary team shall establish an individualized housing plan for the emerging adult, in accordance with any IOJ hearing determinations.
  - b. Notwithstanding the IOJ hearing, the multidisciplinary team shall follow the procedures described in Section C of this document if establishing a housing plan for emerging adults who are aged 17 and younger.