Minnesota Department of Corrections

Division Directive:	**204.020**	**Title: Youthful Offenders in Adult Facilities**
Issue Date:	**8/18/15**	
Effective Date:	**9/1/15**	

AUTHORITY: Minn. Stat. §§241.01 subd. 3a and 244.03
Prison Rape Elimination Act (PREA), 28 C.F.R. §115 (2012)

PURPOSE: To establish policy relating to programming of youthful offenders within the adult facilities division of the Minnesota Department of Corrections.

APPLICABILITY: Minnesota Department of Corrections (DOC); 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). MCF-LL offers 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 must not be 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 may have sight, sound, or physical contact. These staff must be specifically trained to work with youthful offenders/juveniles.

   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 certified as adults and housed in a DOC facility must be 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 must be 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 must be 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 grant 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.

INTERNAL CONTROLS:

A. Job assigned waivers granted by the education director must be documented in COMS.

B. Medical consent forms must be stored in health services in the offender's medical file.

REVIEW: Annually

REFERENCES: Minn. Stat. §260B.125
Policy 500.1261, "The Provision of Health Care to Juvenile Residents"
ACA Standard 4-4306

SUPERSESSION: Division Directive 204.020, "Youthful Offenders in Adult Facilities," 7/15/14. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Parental/Legal Guardian Consent form (500.1261A)
Sample Court Request Letter (500.1261B)

/s/
Assistant Commissioner, Facilities