



**PINE HILLS CORRECTIONAL FACILITY
PROCEDURE**

No: PHCF 1.1.17.001	Subject SIGHT AND SOUND SEPARATION OF YOUTH AND ADULT RESIDENTS
Chapter 1: ADMINISTRATION AND MANAGEMENT	
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Section 1: General Administration	Effective Date: 5/30/17
Superintendent: /s/ Steve Ray Jr.	Revised: 8/08/18

I. PURPOSE:

It is the policy of the Montana Department of Corrections and Pine Hills Correctional Facility to separate youth and adults housed within Pine Hills and ensure youth residents are not subject to threats, intimidation, physical assault or other forms of physical or psychological abuse from adult residents.

II. DEFINITIONS:

A. Areas:

1. Non-Residential Areas - Areas within a secure 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.).
2. Residential Areas - Areas within a secure facility used for sleeping, dining and hygiene purposes.
3. Secure Areas - Areas that are used by both youth and adults throughout the day (Infirmary, Kitchen, Laundry area etc.), where they are physically locked in.

B. Contact:

1. Physical Contact - any physical contact between incarcerated adult and youth residents.
2. Sight Contact - clear visual contact between incarcerated adult and youth residents within close-proximity to each other.
3. Sound Contact - direct verbal communication between incarcerated adult and youth residents.

C. Resident:

1. Adult Resident - a resident who is 18 years of age or older and reached the age of full criminal responsibility under State law who has been convicted of a criminal offense.
2. Youth Resident - a civilly or criminally convicted resident who is under the age of 18.

D. Close-proximity - close enough to easily see and/or hear what is seen/heard by another.

E. Sight & Sound Separation - controls employed to ensure no physical contact or sustained sight and sound contact between adult residents and youth residents can occur.

F. 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 residents by youth residents.

G. Time-Phased - procedures allowing the use of non-residential areas for adult and youth programming, but not at the same time.

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

III. PROCEDURES

A. General Requirements:

1. Facility employees and service providers shall ensure that sight and sound separation of youth and adult residents is continuously maintained in all areas of the facility and will strictly enforce the prohibition of physical contact and sustained sight and/or sound contact between youth and adult residents.
2. The Superintendent or designee is responsible for the following:
 - a. coordinating and developing facility procedures and post orders which ensure sight and sound separation of youth and adult residents.
 - b. ensuring facility compliance, documentation and reporting in accordance with applicable standards, Federal and State law relating to the sight and sound separation of youth and adult residents.

B. Control Measures:

1. Sight and sound separation of youth from adult residents shall be maintained in all areas of the facility utilizing various control measures including but not limited to, assignment of adults and youth to separate residential areas, time phased programming, control of all resident movements internal and external to the facility and the direct staff supervision of youth residents.
 - a. youth and adult residents shall be housed in separate residential areas.
 - b. visual and auditory barriers shall be in place between youth and adult residential areas, including recreation areas attached to the housing unit (i.e. bullpens).
 - c. youth residents shall not be allowed access to adult residential areas, nor shall adults be allowed access to youth residential areas.
 - d. admission processes and programing (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.
 - e. movement of all residents within facility grounds shall be coordinated through Central Control and conducted in accordance with facility *Post Order SEC-15*, ensuring staff are in close-proximity to youth when controlling all youth resident movements.
 - f. youth and adult residents shall not be transported together outside the facility.
 - g. staff shall maintain continuous direct supervision of youth residents during programming activities and post in close-proximity to youth residents, positioning themselves between adult and youth residents whenever sight and sound contact between youth and adult residents may be possible.
 - h. staff noting sustained sight or sound contact between adult residents and youth shall intervene, taking immediate action to end such contact.
2. 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 and adult residents from:
 - a. the opportunity to participate in at least one hour of large muscle exercise daily.

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- b. reasonable visitation privileges,
- c. participation in facility services, including but not limited to, education, programs, access to medical services and work opportunities.
3. 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 residents.

C. Training:

1. Staff training shall be conducted in accord with *PHCF 1.4.3 Training Standards, Requirements, Methods and Records* including:
 - a. staff working with youth residents, receive specialized training relating to the developmental needs of youth residents and enforcement of sight and sound separation procedures.
 - b. Staff working with adult residents will receive training relating to working with the program specific needs of adult residents and enforcement of sight and sound separation procedures.
2. Adult and youth residents will receive training during orientation on sight and sound separation, their role in preserving this separation and potential consequences for sight/sound violation. Resident will sign a form acknowledging receipt of this training which will be kept in their clinical file.

D. Reporting:

1. Any access to youth residential areas by adult residents or access to adult residential areas by youth residents is a reportable violation of sight and sound separation.
2. 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.
3. Brief, distant, inadvertent or accidental sight or sound contact between youth and adult residents occurring in non-residential areas when staff are in direct supervision of and in close-proximity to youth residents does not constitute a reportable violation and written documentation of the event is not required.
4. Staff who have knowledge, suspicion, or information of actual or suspected sight and sound contact between adult and youth residents must immediately report the situation to the Superintendent, Deputy Superintendent and PREA Compliance Manager in writing.
 - a. Staff who believe a youth resident 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 *PHCF 1.1.17 Prison Rape Elimination Act*.
5. Exigent circumstances which limit or prohibit youth residents from access to large muscle exercise, legally required education services, and/or any other assigned programmatic activity will be documented in writing by the Chief of Security (or designee) and forwarded to the Superintendent and PREA Compliance Manager.

E. Investigative Protocols:

1. Reports of physical contact or other violations in sight and sound separation between youth and adult residents will be investigated in a timely manner following procedures outlined in with *PHCF 1.1.17 Prison Rape Elimination Act*.

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F. Incident Reviews:

1. 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 *PHCF 1.1.17 Prison Rape Elimination Act*

G. Sanctions:

1. A resident 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.

IV. CLOSING:

Questions concerning this policy and procedure shall be directed to the employee's immediate supervisor.

V. REFERENCES:

- A. *Prison Rape Elimination Act (2003) §115.14, Juvenile Justice and Delinquency Prevention Act (1974 as amended)*
- B. *MCA §41-5-206 & 41-5-2503,*
- C. *PHCF 1.1.17 PREA Procedure*