

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Procedures for Housing Offenders Under 18 Years Of Age(Juvenile) In GDC Custody		
<b>Policy Number:</b> 211.05	<b>Effective Date:</b> 10/30/2017	<b>Page Number</b> 1 of 11
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Facilities Division	<b>Access Listing:</b> Level I: All Access

**I. Introduction and Summary:**

Georgia Department of Corrections (GDC) shall assume custody of juvenile offenders convicted and sentenced as adults by the Superior Court to serve in the custody of the GDC under applicable laws. GDC shall also house juvenile offenders at the request of the Commissioner of the Georgia Department of Juvenile Justice (DJJ), with approval from the Commissioner of GDC. GDC Standard Operating Procedures (SOPs) for managing adult offenders shall apply to managing juvenile offenders, except where explicitly overridden by this SOP or GDC's Prison Rape Elimination Act (PREA) Policy. Where any requirement of this SOP conflicts with an SOP for managing adult offenders, only that portion of the conflicting adult SOP shall be superseded by this SOP.

This policy is applicable to:

- A. Facilities designated to house juvenile offenders are: Al Burruss Correctional Training Center for males, Coastal State Prison for males needing Mental Health Level III (MH III) services that cannot be accommodated at Al Burruss CTC; Augusta State Medical Prison for males needing Mental Health Level IV (MH IV) services that cannot be accommodated at Al Burruss CTC. Lee Arrendale State Prison is designated to house female juvenile offenders. Other facilities may be used to treat immediate medical, mental health, or behavioral needs of juvenile offenders.
- B. This SOP applies to juvenile offenders sentenced by the Superior Courts to GDC custody
- C. This SOP also applies to juvenile offenders housed at the request of the Commissioner of DJJ, with approval from the Commissioner of GDC.

**II. Authority:**

- A. O.C.G.A: §§15-11-2(10), (11), and (12), 15-11-504, 15-11-602; 15-11-702; 17-10-14; 39-2-1 through 39-3-7; 42-5-5.1; 49-4A-7; and 49-4A-9;
- B. GDC Board Rules: All Rules for managing adult offenders apply, except where such application would violate state or federal law pertaining to juvenile offenders.

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C. GDC SOPs: 108.03, Special Education; 209.11, Restrictive Housing Assignment – Juvenile Offender Administrative Segregation; 206.01, Offender Personal Property Standards; 207.04, Offender Work Details; 208.01, Management of Offenders Diagnosed Positive for the HIV Antibody; 208.06 PREA-Sexually Abusive Behavior Prevention and Intervention Program; 209.04, Use of Force and Restraint for Offender Control; 219.01, Case Management-Records Maintenance; 219.03, Access to Offender Facility Records; 219.04, Retention Schedule for Facility Offender/Medical Files; 220.02, Security Classification; 409.04.24, National Child Nutrition Program; 507.04.85, Informed Consent; 508.25, Psychiatric Hospitalization; and all SOPs pertinent to any aspect of facility operations, except where explicitly overridden by provisions of this SOP;

D. Education Board Rule: 160-5-1.02;

E. Georgia Department of Labor Rules and Regulations: Ga. Comp. R. & Regs. 300-7-2-.01 et seq.; and

F. Federal PREA Standards: 28 CFR § 115.14.

G. ACA Standards: 4-4295, 4-4296, 2-CO-4B-05, 4-4306, 2-CO-4B-06, 4-4307, 4-4308, 4-4309, 4-4310, 4-4311, 4-4312, and 4-4312-1.

### **III. Definitions:**

A. **Juvenile Offender** - An offender under eighteen (18) years of age sentenced by Superior Court to GDC custody, or an offender under eighteen (18) years of age being housed by GDC at the request of DJJ, as outlined in Section VI.A. of this policy.

B. **Adult Offender** - For the purposes of this SOP, an offender eighteen (18) years of age or older.

C. **Prison Rape Elimination Act (PREA)** - Passed in 2003 to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.

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**IV. Statement of Policy and Applicable Procedures:**

GDC shall manage all juvenile offenders in a manner consistent with that used to manage adults. Exceptions to adult policy and procedure shall be made to comply with differences in legal and professional standards for juvenile offenders. The following procedures comprise the specific exceptions authorized for routine operation.

A. Housing a Juvenile Offender at the Request of the Georgia Department of Juvenile Justice: All requests to house any juvenile offender sentenced to DJJ custody shall be made directly from the Commissioner of DJJ to the Commissioner of GDC. Approval to house any juvenile offender must come directly from the Commissioner of GDC. No other GDC entity shall have the authority to grant housing approval for a DJJ offender.

B. Location and Basic Conditions of Confinement:

GDC shall house juvenile offenders in designated PREA Compliant Housing Units at Al Burruss CTC (males), Coastal State Prison (MH III males), Augusta State Medical Prison (MH IV males) and Lee Arrendale State Prison (females).

Juvenile offenders shall not be placed in a housing unit in which they 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. (PREA Standard 115.14(a).

If Juvenile offenders act or present a threat to other offenders and staff; commit or lead others to commit violent, disruptive, predatory, or riotous actions; escape or attempt to escape from a guarded perimeter; or pose a serious threat to the safety and security of institutional operations they shall be recommended for assignment in a Tier Program utilizing the criteria established in S.O.P. 209.11. This shall be accomplished under the direction of the Asst. Commissioner, Chief of Operations.

1. The housing unit shall be single or double bunk cell design whenever possible. However, this does not mean to place juvenile offenders in isolation. (PREA Standard 115.14(c)

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2. In areas outside of housing units, juvenile offenders shall maintain sight and sound separation from adult offenders, or there shall be direct staff supervision when juvenile offenders and adult offenders have sight, sound, or physical contact. (PREA Standard 115.14 (b))
3. Juvenile offenders may be housed at Augusta State Medical Prison (ASMP) or Atlanta Medical Center (AMC) to receive medical treatment, if Al Burruss CTC or Lee Arrendale State Prison lacks the required treatment capabilities and if adequate bed space exists. Arrangements shall be made to keep juvenile offender separated from adult offenders, in a manner compliant with Federal PREA standards, state law, and this SOP but juvenile offenders need not be housed on a separate floor or hospital wing. Alternatively, the juvenile offender may receive treatment at an area hospital when transport to ASMP or AMC is medically or logistically impractical.
4. Male juvenile offenders needing Mental Health observation may be placed at the Mental Health Catchment facility for Al Burruss CTC prior to appropriate permanent Mental Health placement.
5. Male juvenile offenders shall be housed at Coastal State Prison to receive Mental Health Level III services.
6. Male juvenile offenders shall be housed at Augusta State Medical Prison to receive Mental Health Level IV (MH IV) service.
7. Male juvenile offenders in need of Crisis Stabilization (CSU) shall be placed in an available CSU bed, until the offender is stabilized enough to be transferred back to a facility designated to house juvenile offenders.
8. Female juvenile offenders in need of MH III, MH IV, and CSU services shall be housed at Lee Arrendale State Prison.
9. Juveniles offenders shall not be housed overnight in any facility other than Al Burruss CTC, Coastal State Prison, Augusta State Medical Prison, or

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Lee Arrendale State Prison unless the offender is receiving medical or mental health services that cannot be provided at their regular facility.

C. Transportation:

1. Juvenile offenders shall have a direct transport to court, the hospital, appointments, other facilities, or any other location requiring transport of the offender. Direct transport means the juvenile offender shall bypass any facility, or Regional Hub, and the transport shall be without interruption to the final destination of the transport. Additionally, there shall be no adult offenders on the transport vehicle. Only in exigent circumstances and when approved by the Warden/Designee, shall juvenile offenders be transported with adult offenders. When a transport with an adult offender(s) is necessary the juvenile offender(s) shall be placed as close to the front, behind the cage, as possible. Additionally, the juvenile offender(s) shall be seated as far away as possible from the adult offender(s).
2. During transport juvenile offenders shall not be housed overnight in any facility other than Al Burruss CTC, Coastal State Prison, Augusta State Medical Prison, or Al Arrendale State Prison.

D. Intake:

1. General Diagnostic Approach: The Diagnostic process for male juvenile offenders shall occur on the second and fourth Monday of each month, unless it is a holiday, at Al Burruss CTC. The Diagnostic process for female juvenile offenders shall occur on Friday, as necessary and determined by Offender Administration, at Lee Arrendale State Prison.

Diagnostic materials for adults shall be supplemented or replaced with similar materials designed for juvenile offenders. GDC shall seek cooperation from DJJ and other appropriate agencies to obtain existing diagnostic information on specific offenders.

2. General Medical and Dental Screening: Medical and dental screening shall follow adult screening procedures and protocols. Juvenile offenders shall undergo diagnostic medical, dental, and mental health screening as if they were adults, with no need for parental consent.

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3. **Mental Health and Mental Retardation Screening:** Mental health screening shall follow adult screening procedures and protocols, pending development of screening tools for juvenile offenders.
  4. **Education Screening:** Education screening shall be complete in accordance with SOP 108.03, Special Education.
  5. **DNA Samples:** All juvenile offenders who are sentenced to the custody and control of GDC shall have DNA samples collected and processed in accordance with SOP for adults. Juvenile offenders being housed at the request of DJJ shall NOT have DNA collected.
  6. **HIV Testing:** All juvenile offenders who are sentenced to the custody and control of GDC shall be HIV tested in accordance with SOP for adults. Juvenile offenders who are being housed at the request of DJJ shall NOT be HIV tested.
- E. **HIV Management:** SOP 208.01, Management of Inmates Diagnosed Positive for the HIV Antibody shall apply to juvenile offenders. Briefly:
1. If a juvenile offender tests positive for HIV, that fact and the name of the juvenile offender shall be considered AIDS confidential information.
  2. The Warden or his/her designee may segregate HIV positive juvenile offenders from HIV negative juvenile offenders, in accordance with procedures described in SOP 208.01.
  3. The facility medical section shall report positive HIV test results to the Department of Human Services. The report shall include the result, age, sex, race and county of residence of the infected person, but no other identifying information.
  4. OCGA § 15-11-35.1 grants GDC knowledge of HIV positive results from tests made prior to pick up. GDC medical staff may pursue access to such test results.

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- F. Escape and Authorization to Arrest/Apprehend: GDC may pursue and apprehend juvenile offenders who escape from GDC custody in the same manner prescribed for adult offenders. GDC may apply force, up to and including lethal force, in the same manner as prescribed for adult offenders. If unable to apprehend an escaped juvenile offender being housed at the request of DJJ, DJJ must be contacted and an escape warrant must be obtained.
- G. Use of Force: GDC may apply force to Juvenile Offenders, up to and including lethal force, in the same manner prescribed for Adult Offenders. However, the age of the offender shall be considered when determining the force to be applied.
- H. Release and Agreements: Standard procedures for adult offenders shall apply to juvenile offenders sentenced to the custody and control of GDC. Specifically, GDC may grant temporary custody to a Court that has outstanding charges or other proceedings to dispose of. Standard procedures for court production and detainers shall apply. GDC must work with DJJ to handle the release or other agreements for juvenile offenders being housed at the request of DJJ. Juvenile offenders may NOT be housed overnight at a GDC adult facility during transport to court.
- I. Programs: Juvenile offenders shall be provided similar access to program services as adults, including recreation, vocational training, chaplaincy, library, and counseling. Counseling programs specifically will focus on priority needs such as life skills training, substance abuse, violence prevention, sex offender, family dynamics and support groups, as well as general counseling. All programs will be tailored for use with juvenile offenders, to the extent possible. Juvenile offenders should only attend programs with adult offenders under staff supervision, with the juvenile offender sitting as near the instructor as possible.
- J. Education: Juvenile offenders, who have not graduated high school, or completed their GED, will be provided no less than 24 hours per week of educational opportunities.

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K. **Staffing:** Because of the unusual difficulty of the work to be done, the Warden (or designee) must specifically approve the assignment of uniformed officers, counselors, medical or other staff members to work in the Juvenile Housing Unit. Staff shall also be required to attend designated training, which is specific to the needs of the Juvenile Offender. This training shall be conducted by the Office of Professional Development, Inmates Services Division, and the Department of Juvenile Justice, on a quarterly or as needed basis, at designated locations.

L. **Facility Policies and Procedures:**

1. **Security Classification:** Juvenile offenders shall undergo the same security classification process as adults, as described in the SOP 220.02, Security Classification and SOP 207.04 Offender Work Details.
2. **Behavior and Control:** Juvenile offenders shall be subject to current GDC SOPs, behavior standards, disciplinary procedures and protocols for use of force, isolation, segregation, and restraint. Specifically, juvenile offenders shall be subject to SOP 209.04, Use of Force and Restraint for Offender Control as necessary. The age of the offender must be considered when determining the level of force to be applied.
3. **Care and Custody:**
  - a. Male juvenile offenders shall wear distinctive uniforms and identification.
    - 1) Uniforms shall be white with khaki (tan) collars and pant stripes.
    - 2) Work jackets shall be blue
  - b. Female juvenile offenders shall wear the standard issue female uniform.
  - c. All juvenile offender identification cards shall use different color schemes in order to distinguish them from adult offenders.



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4. Property: Facilities housing juvenile offenders shall abide by GDC SOP 206.01, Offender Personal Property Standards.
5. Medical Issues:
  - a. GDC shall provide general health care to juvenile offenders in accordance with policies of the Office of Health Services.
  - b. In the case of emergency, GDC shall do everything possible to preserve the general welfare and health of the juvenile offender.
  - c. In non-emergency cases where competent medical authority deems medical treatment appropriate, if a juvenile offender refuses such care parental consent or court order shall not be required to proceed with non-emergency care. Informed Consent regarding juvenile offenders should be in accordance with SOP 507.04.85, Informed Consent.
  - d. Housing during treatment/recovery must be separate from adult offenders. Separate single-patient rooms meet the requirement for separation from adult offenders.
6. Mental Health:
  - a. GDC shall provide appropriate mental health services to juvenile offenders.
  - b. Juvenile offenders shall be assessed through Diagnostics for Mental Health/Mental Retardation (MH/MR) Level of Care.
  - c. Assignment of Level of Care shall determine facility assignment for provision of appropriate services.
  - d. MH/MR hospitalization shall be handled in accordance with SOP 508.25, Psychiatric Hospitalization.

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- e. Male juvenile offenders needing Mental Health observation may be placed at the Mental Health Catchment facility for Al Burruss CTC prior to appropriate permanent Mental Health placement.
  - f. A male juvenile offender requiring MH III shall be housed at Coastal State Prison.
  - g. A male juvenile offender requiring MH IV shall be housed at Augusta State Medical Prison to receive MH IV service.
  - h. A male juvenile offender in need of Crisis Stabilization (CSU) shall be placed in an available CSU bed, until the offender is stable enough to be transferred back to a facility designated to house juvenile offenders.
  - i. A female juvenile offender requiring Mental Health Level III, Mental Health Level IV or CSU services, shall be housed at Lee Arrendale State Prison.
7. Meal Services: Juvenile offenders may be fed at the same time and place as adult offenders with as much separation as possible, with the juveniles sitting as near security staff as possible and under staff supervision. Juvenile offenders shall be fed two meals per day on weekends and holidays, in accordance with SOP 409.04.24 National Child Nutrition Program.
8. Work Details: All juvenile offenders are expected to take care of all personal hygiene needs; they are also expected to maintain a clean and orderly living area. Maintaining personal hygiene standards and a clean and orderly living environment shall not be considered work details. Any work completed by juvenile offenders shall be under direct staff supervision. The staff supervisor shall ensure the offender has a full understanding of the task, how it is to be completed, and that the offender is exercising all safety precautions. If the staff supervisor feels that the work being performed by the offender may be hazardous work shall immediately cease. Work done by juvenile offenders shall not be done so in conflict with education or other programming needs. Work assignments that are a part of an approved

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vocational or training program may be approved on a case-by-case basis by the Warden or his/her designee. Such work assignments shall comply with state and federal regulations and statutes pertaining to child labor. Applicable regulations include O.C.G.A. § 39-2-1 through 39-2-21, Georgia Department of Labor Rule 300-7-2-.01, and 29 CFR § 570).

9. Visitation: Visitation shall be in accordance with adult SOPs. Contact visits shall be allowed. Visitation for juvenile offenders may occur on the same schedule as adult offender visitation. However, there shall be as much separation as possible from the adult offenders. The juvenile offenders and their visitors shall sit near each other and as close to security staff as possible.

10. Computerized Tracking and Storage of Information: Juvenile offenders shall be tracked in the GDC's offender data management system.

11. Juvenile Records: The records of juvenile offenders shall be treated like records of adult offenders. The same procedure set out in O.C.G.A. § 42-5-38 shall apply for juvenile offenders. SOPs 219.01, Case Management-Records Maintenance, 219.03. Access to Facility Offender Records and 219.04, Retention Schedule for Facility Offender/Medical Files provide relevant guidance.

M. Turning 18 Years of Age: Once a juvenile offender turns 18 years of age, they must be moved out of the housing unit designated for juvenile offenders. Juvenile offenders who turn 18 years old shall be housed in whichever facility is most appropriate to meet their needs. However, it is the responsibility of the Warden or his/her designee at the receiving facility to ensure the safety, and appropriate housing of this offender.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.