


<p>NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE</p> <p>Pursuant to NH RSA 21-H:8 III Internal Practices and Procedures</p>	<p>CHAPTER <u>Resident Programming</u> STATEMENT NUMBER <u>461.00</u></p>
<p>SUBJECT: JUVENILES ADJUDICATED AS ADULTS HOUSING AND MANAGEMENT</p> <p>PROPONENT: <u>Warden</u> <i>Name/Title</i> <u>NHCFW</u> <u>668-6137</u> <i>Office Phone #</i></p>	<p>EFFECTIVE DATE <u>05/09/2022</u></p> <p>REVIEW DATE <u>05/09/2024</u></p> <p>SUPERSEDES PPD# <u>7.25</u></p> <p>DATED <u>12/15/13</u></p>
<p>ISSUING OFFICER:</p> <p> <u>Helen E. Hanks, Commissioner</u></p>	<p>DIRECTOR'S INITIALS: _____</p> <p>DATE: _____</p> <p>APPENDIX ATTACHED: YES _____ NO _____</p>
<p>REFERENCE NO: See reference section on last page of PPD.</p>	

- I. **PURPOSE:**
To formulate guidelines for the acceptance and housing of a youthful offender adjudicated as an adult to the New Hampshire Department of Corrections.
- II. **APPLICABILITY:**
To all staff with special attention to classifications and client records and reception and diagnostic staff managing bookings.
- III. **POLICY:**
It is the policy of the New Hampshire Department of Corrections (NHDOC) in accordance with New Hampshire RSA 651:17-a Transfer of Youthful Offender, any person under the age of 18 who has been certified as an adult pursuant to RSA 169-B:24 and sentenced to the state prison pursuant to RSA 651:15 will not reside at any NHDOC facility and will be transferred pursuant to a Memorandum of Agreement between NHDOC and the Sununu Youth Services Center (SYSC).
- IV. **PROCEDURE:**
 - A. The definition of a juvenile is a person less than eighteen years of age.
 - B. A Superior Court can certify a juvenile as an adult in accordance with RSA 169-B:24 referred to as "youthful offender".
 - C. Pursuant to the attached Memorandum of Agreement, youthful offenders will be transferred to SYSC under the details of the attached agreement.
 - D. A youthful offender will only be accepted to a NHDOC facility under section 7 of the agreement. If NHDOC takes custody of a youthful offender, they will be maintained in site and separation from adults until such time as they turn age eighteen (18). Per Prison Rape Elimination Act (PREA) standard §115.14, any person under the age of 18 who is under adult supervision and incarcerated or detained in a prison must be housed separately from

adult inmates in a prison but may be managed together outside of a housing unit if supervised directly by staff.

No juvenile adjudicated as an adult may be placed in a housing unit where he/she will have contact with any adult resident through use of a shared day room or other common space, shower area, or sleeping quarters. A juvenile adjudicated as an adult outside of housing units, the NHDOC must either maintain “sight and sound separation” between juveniles adjudicated as adults and adult residents—i.e., prevent adult residents from seeing or communicating with youth—or provide direct staff supervision when juveniles adjudicated as adults and adult residents are together. NHDOC must make their best efforts to avoid placing juveniles adjudicated as adults in isolation to comply with PREA. Absent exigent circumstances, NHDOC must afford juveniles adjudicated as adults daily large-muscle exercise and any legally required special education services and provides access to other programs and work opportunities to the extent possible.

- D. Juveniles transported to any NHDOC facility for housing who are not certified as adults by a Superior Court will not be accepted and unless as specified above will be deferred to SYSC.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards
4-4306

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

RSA-169-B:24
RSA 651:17-a
PREA Standard §115.14

PLANTE/hh