ARTICLE 5. CLASSIFICATION AND SEGREGATION

Section 1350. Admittance Procedures.

The facility administrator shall develop written policies and procedures for admittance of minors. In addition to the requirements of Sections 1324 and 1430 of these regulations:

(a) juvenile halls shall assure that a minor shall be allowed access to a telephone, in accordance with the provisions of Welfare and Institution Code Section 627; and,

(b) juvenile camps shall include policies and procedures that advise the minor of the estimated length of stay, and shall develop program guidelines that include written screening criteria for inclusion and exclusion from the program.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1351. Release Procedures.

The facility administrator shall develop written policies and procedures for release of minors from custody which provide for:

(a) verification of identity/release papers;

(b) return of personal clothing and valuables;

(c) notification to the minor's parents or guardian;

(d) notification to the facility medical provider in accordance with Section 1437 of these regulations, for coordination with outside agencies; and,

(e) notification of school staff.

The facility administrator shall develop and implement written policies and procedures for the furlough of minors from custody.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1352. Classification.

The facility administrator shall develop written policies and procedures on classification of minors for the purpose of determining housing placement in the facility.

Such procedures shall:

(a) provide for the safety of the minor, other minors, facility staff, and the public by placing minors in the appropriate, least restrictive housing and program settings. Housing assignments shall consider the need for single, double or dormitory assignment or location within the dormitory;

(b) consider facility populations and physical design of the facility;

(c) provide that a minor shall be classified upon admittance to the facility; classification factors shall include, but not be limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations and sex of the minor; and,

(d) provide for periodic classification reviews, including provisions that consider the level of supervision and the minor's behavior while in custody.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1353. Orientation.

The facility administrator shall develop written policies and procedures to orient a minor prior to placement in a living area. Both written and verbal information shall be provided. Provision shall be made to provide information to minors who are impaired, illiterate or do not speak English. Orientation shall include:

(a) facility rules and disciplinary procedures;

(b) grievance procedures;

(c) access to legal services;

(d) access to health care services;

(e) housing assignments;

(f) availability of personal care items and opportunity for personal hygiene;

(g) correspondence, visiting and telephone use;

(h) availability of reading materials, programs, and activities;

(i) use of restraints and chemical agents;

(j) use of force; and,

(k) emergency and evacuation procedures.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1354. Segregation.

The facility administrator shall develop written policies and procedures concerning the need to segregate minors. Minors who are segregated shall not be denied normal privileges available at the facility, except when necessary to accomplish the objectives of segregation. Written procedures shall be developed which provide a review of all minors to determine whether it is appropriate for them to remain in segregation and for direct visual monitoring. When segregation is for the purpose of discipline, Title 15, Section 1390 shall apply.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1355. Assessment and Plan.

The facility administrator shall develop written policies and procedures to provide that for post-adjudicated minors held for 30 days or more, an assessment and plan shall be developed within 30 days of admission. The assessment and plan shall be documented.

(a) The assessment is a statement of the minor's problems, including, but not limited to, identification of substance abuse history, educational, vocational, counseling and family reunification needs.

(b) The plan shall include, but not be limited to, written documentation that provides:
    (1) objectives and time frames for the resolution of problems identified in the assessment;
    (2) a plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented;
    (3) periodic evaluation or progress towards meeting the objectives, including periodic review and discussion of the plan with the minor;
    (4) a transition or aftercare plan, subject to existing resources, that is completed prior to the minor being released; and,
    (5) contact with the Regional Center for the Developmentally Disabled for minors that are developmentally disabled, including provisions of Section 1413(b).

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1356. Counseling and Casework Services.

The facility administrator shall develop written policies and procedures ensuring the availability of appropriate counseling and casework services for all minors. Policies and procedures shall ensure:

(a) minors will receive assistance with personal problems or needs that may arise;

(b) minors will receive assistance in requesting contact with parents, attorney, clergyman, probation officer, or other public official; and,

(c) minors will be provided services as appropriate to the population housed in the facility, and may include, but not be limited to: substance abuse, family crisis and reunification, counseling, public health and mental health services.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1357. Use of Force.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline or treatment.

(a) At a minimum, each facility shall develop policy statements which:
    (1) define the term "force," and address the escalation and appropriate level of force, while emphasizing the need to avoid the use of force whenever possible and using only the amount of force necessary to ensure the safety of minors and others;
    (2) describe the requirements for staff to report the use of force, and to take affirmative action to stop the inappropriate use of force;
    (3) define the role and notification of medical and mental health staff concerning the use of force; and,
    (4) define the training which shall be provided and required for the use of force, including the training on use of less than lethal force.

(b) Policies and procedures shall be developed which include, but are not limited to, the types, levels and application of force, documentation of the use of force, a grievance procedure, a system for investigation of the use of force, and discipline for the improper use of force. Such procedures shall address:
    (1) the specific use of physical, chemical agent, lethal, and non-lethal force that may, or may not, be used in the facility; and,
    (2) a standardized format, time period, and procedure for reporting the use of force, including the reporting requirements of management and line staff.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1358. Use of Physical Restraints.

(a) The facility administrator, in cooperation with the responsible physician and mental health director, shall develop written policies and procedures for the use of restraint devices. In addition to the areas specifically outlined in this regulation, as a minimum, the policy shall address the following areas: known medical conditions that would contraindicate certain restraint devices and/or techniques; acceptable restraint devices; signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment; protective housing of restrained minors; provision for hydration and sanitation needs; and exercising of extremities.

(b) Restraint devices include any devices which immobilize a minor's extremities and/or prevent the minor from being ambulatory. Physical restraints should be utilized only when it appears less restrictive alternatives would be ineffective in controlling the disordered behavior. Physical restraints shall be used only for those minors who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm.

(c) Minors shall be placed in restraints only with the approval of the facility manager or the shift supervisor. The facility manager may delegate authority to place a minor in restraints to a physician. Continued retention in restraints shall be reviewed a minimum of every hour. A medical opinion on the safety of placement and retention shall be secured as soon as possible, but no later than two hours from the time of placement. The minor shall be medically cleared for continued retention at least every three hours thereafter. A mental health consultation shall be secured as soon as possible, but in no case longer than four hours from the time of placement, to assess the need for mental health treatment.

(d) Continuous direct visual supervision shall be conducted to ensure that the restraints are properly employed, and to ensure the safety and well-being of the minor. Such observation shall be documented. While in restraint devices all minors shall be housed alone or in a specified housing area for restrained minors which makes provision to protect the minor from abuse. In no case shall restraints be used as punishment or discipline, or as a substitute for treatment. Additionally, the affixing of hands and feet together behind the back (hogtying) is prohibited.

(e) The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain minors for movement or transportation reasons.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1359. Safety Room Procedures.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures governing the use of safety rooms, as described in Title 24, Part 2, Section 460A.1.13. The room shall be used to hold only those minors who present an immediate

danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. A safety room shall not be used for punishment or discipline, or as a substitute for treatment. Policies and procedures shall:

(a) include provisions for administration of necessary nutrition and fluids, access to a toilet, and suitable clothing to provide for privacy;

(b) provide for approval of the facility administrator, or designated shift supervisor, before a minor is placed into a safety room;

(c) provide for continuous direct visual supervision;

(d) provide that the minor shall be evaluated by the facility administrator, or designee, every four hours;

(e) provide for immediate medical assessment, where appropriate, or an assessment at the next daily sick call;

(f) provide that a minor shall be medically cleared for continued retention every 24 hours;

(g) provide that a mental health opinion is secured within 24 hours; and,

(h) provide a process for documenting the reason for placement, including attempts to use less restrictive means of control, observations of the minor during confinement, and decisions to continue and end placement.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1360. Searches.

The facility administrator shall develop written policies and procedures governing the search of minors, the facility, and visitors. Searches shall be conducted to ensure the safety and security of the facility, and to provide for the safety and security of the public, visitors, minors, and staff. Searches may be conducted as deemed necessary by the facility manager on a routine or random basis. Searches shall not be conducted for harassment or as a form of discipline or punishment. Body cavity searches, as defined in Penal Code Section 4030, shall be conducted by medical personnel. Written procedures shall address each of the following:

(a) intake searches which may include pat-downs, metal detector, and clothing searches. (Strip searches and visual body searches shall be conducted only with prior supervisory approval, and only upon reasonable suspicion that a minor is in possession of a weapon or contraband, as provided in Penal Code Section 4030; minors accused of felonies may, in addition to the preceding, be visually observed during the shower process by a staff member of the same sex as the minor);

(b) searching minors who are returning from court, or from another facility; when appropriate, the searches may include pat-down, metal detector, clothing, strip, and visual body cavity searches;

(c) facility searches that address procedures to search both minors and their personal property within the facility;

(d) limited administrative searches of visitors to ensure the safety, security, and sound operation of the facility; and,

(e) cross gender supervision shall distinguish between visual supervision, pat-down searches, and more intrusive searches, as well as the suspension of restrictive procedures during emergencies, in conformance with Penal Code Section 4030.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1361. Grievance Procedure.

The facility administrator shall develop written policies and procedures whereby any minor may appeal and have resolved grievances relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, and food, clothing, or bedding. Policies and procedures shall include provisions whereby the facility manager ensures:

(a) a grievance form and instructions for registering a grievance, which includes provisions for the minor to have free access to the form and to deliver the form to any child care supervision staff working in the facility;

(b) resolution of the grievance at the lowest appropriate staff level;

(c) provision for a review and response to grievances within a specified time limit;
    (1) The minor may elect to be present to explain his/her version of the grievance to a person not directly involved in the circumstances which led to the grievance.
    (2) Provision for a staff representative approved by the facility administrator to assist the minor.

(d) provision for a written response to the grievance which includes the reasons for the decisions; and,

    (a) a system which provides that any appeal of a grievance shall be heard by a person not directly involved in the circumstances which led to the grievance.

Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be addressed and documented in accordance with written policies and procedures within a specified timeframe.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

Section 1362. Reporting of Incidents.

A written report of all incidents which result in physical harm, serious threat of physical harm, or death to an employee or a minor of a juvenile facility, or other person(s) shall be maintained. Such written record shall be prepared by the staff and submitted to the facility manager by the end of the shift.

NOTE: Authority cited: Sections 210 and 885, Welfare and Institutions Code; Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; Assembly Bill 1397, Chapter 12, Statutes of 1996.