

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Rule Development Workshop

May 22, 2018

63G-2.023 Youth Activities.

(1) Daily Activities.

(a) Youths are expected to participate in all activities unless exempted due to medical or disciplinary reasons.

(b) JJDOs shall supervise all activities and shall maintain safety and security.

(2) Activity Schedules.

(a) The Superintendent or designee shall develop a daily schedule clearly outlining the days and times for every youth activity.

(b) Daily activity schedules shall be posted in all living areas.

(c) JJDOs shall adhere to the daily activity schedules. The on-duty Supervisor must approve any significant changes in the activity schedule (e.g., cancellations, extended delays, etc.), and shall document the rationale for the changes on the shift report.

(d) The placement of all youths in their rooms for a period exceeding two hours is defined as a lockdown. This excludes the placement of all youths in their rooms for sleeping purposes or a situation prompted by inclement weather. The Superintendent and/or Assistant Superintendent shall be notified immediately should a lockdown occur. In addition, the Regional Director shall be notified.

(3) Gender-Specific programming: Detention facilities shall provide gender-specific programming and strategies for at-risk girls and boys, including those related to physical and mental abuse, high risk sexual behavior, mental health and substance abuse issues and gang activity.

(4) Restorative Justice: Detention facilities shall provide services that reflect and promote restorative justice programming and strategies. Programming will enhance accountability, community safety and competency development in the restorative justice model.

(5) Life and Social Skills: Detention facilities shall provide interventions or instruction that focus on developing life and social skill competencies in youths. Life and social skills are those skills that help youths function more responsibly and successfully in everyday life situations, including skills that specifically address interpersonal relationships. Non-clinical staff may implement life and social skills interventions or instruction except when the instructional materials are specifically designed for use by clinical staff.

(6) Education: All youth will receive educational services and instruction while detained.

(7) Recreation and Physical Activities.

(a) Youths shall be afforded at least one hour daily of large muscle exercise outdoors. Outdoor exercises may be canceled, postponed or moved indoors at the discretion of the JJDOs for reasons related to weather, safety or security but such actions shall be documented.

(b) Activities such as free weights, softball, baseball, tackle football and horseshoes are prohibited activities due to safety and security concerns.

(c) Officers shall not participate in any physical activity with youths, but may direct or otherwise instruct youths in an activity.

(d) Exercises shall be consistent with the youths' physical capabilities.

(e) Exercises shall not be used for punitive reasons nor to demean, embarrass or humiliate a youth.

(8) Indoor Activities.

(a) Indoor activities shall promote educational, problem solving and/or life skills.

(b) The Superintendent shall oversee the conditions, content, and supervision necessary for the use of books and other leisure reading materials, television programming, videos, movies, and games in the program. Except for academic classroom materials approved by educational personnel, the Superintendent or designee shall screen or preview the content of books and other reading materials, television programming, videos, movies, and games to prevent youth's access to content that promotes violence, criminal activity, sexual activity, or abuse.

(c) All movies shall be rated G or PG and be previously approved by the Superintendent or designee. All PG 13 movies must be approved by the Assistant Secretary for Detention Services.

(d) Indoor activities shall be canceled or postponed at the discretion of the on-duty Supervisor for reasons related to safety or

security. Such actions shall be documented.

(e) The JJDOS shall ensure that television/videos are used either for educational purposes or as part of the facility's behavior management system. Television programs and videos shall be content appropriate and should not promote violence, criminal activity, or sexual/abusive situations.

(f) Youth access to the internet shall be limited to educational purposes only and must be under direct supervision by staff.

(9) Visitation.

~~(a) At a minimum, visitation shall be scheduled two (2) days per week (on shall be a weekend day) and shall be clearly posted in the lobby area of the facility. The Superintendent shall develop a visitation plan that addresses the safety and security of visitors, staff, and youths. At a minimum, visitation shall be scheduled one day a week and shall be clearly posted in the lobby area of the facility. Legal counsel, probation, law enforcement, guardian ad litem, clergy and other professionals may visit youth outside of regularly established visitation times as necessary and approved.~~

(b) Visitation is an important component of a youth's stay in detention and is to be encouraged and supported by detention staff. Parents, grandparents, legal guardians and children of youth who are in secure detention are approved visitors. Special visits may be approved by contacting the facility Superintendent. The Juvenile Probation Officer may be consulted regarding special visitation. All visitors shall sign in and out and be checked for contraband.

(c) Legal counsel, probation, law enforcement, clergy and other professionals may visit outside of regularly established visitation times as necessary, and are subject to any requirements regarding signing-in and out.

(d) All visitors are subject to electronic search. Visitors shall not bring personal items (e.g., keys, purses, packages) into the secure area. The introduction of unauthorized items into a detention facility is a third-degree felony and posted visitation rules shall include this information.

(e) Visitors must sign-in and sign-out.

1. Parents will only sign the youth JJIS printed visitation sheet.

2. All others coming to see a youth will sign the youth JJIS printed visitation sheet and the visitation logbook. The visitation logbook will be bound and include columns for date, name, purpose of visit, name of visited youth and sign-out time.

3. Visitors not seeing any youth will only sign the bound visitation logbook.

(f) Visitors shall be denied entrance if they:

1. Are disruptive or uncooperative;

2. Refuse to be searched or comply with an officer's instructions;

3. Are under the influence or appear to be under the influence of any intoxicating substance;

4. Fail to present proper photo identification;

5. Attempt to introduce contraband into the secure area; or

6. Are dressed in inappropriate attire.

(g) Visitation may be terminated if the behavior of the visitor or the youth is disruptive or not in compliance with facility policies and procedures. The termination of a visit may lead to the suspension of future visitation privileges at the discretion of the Superintendent.

(h) Any questions that a visitor may have regarding the youth's case or charges shall be referred to the assigned Juvenile Probation Officer. Other questions shall be referred to the on-duty JJDO Supervisor.

(i) The visitation room and any other common areas shall be searched both prior to and following visitation to ensure the absence of any hazardous or dangerous items or items that would be considered contraband.

(j) Youth shall be frisk searched following visitation. If contraband is suspected, but not found during the frisk search, a strip search shall be initiated.

(k) Stakeholder Access: The stakeholders listed below are authorized to visit juvenile detention centers operated by the state and county between the hours of 6:00 a.m. and 11:00 p.m. All stakeholders must sign and abide by the department's Confidentiality Agreement. The Confidentiality Agreement (DS 100, April 2018) is incorporated by reference and available electronically at XXXX, or may be obtained by contacting the Office of Detention Services, 2737 Centerview Drive, Tallahassee, FL 32399.

1. The Governor;

2. A Cabinet member;

3. A member of the Legislature;

4. A judge of a state court;

5. A State Attorney; and

6. A Public Defender.

(l) News Media Tours. Permission for visits by bona fide news media representatives shall not be unreasonably withheld. It shall be the responsibility of the news media representatives requesting the visitation to present to the Office of Communications evidence sufficient to establish that such person is a bona fide news media representative and to provide the information sufficiently in advance that it may be verified.

1. News media representatives consist of persons whose principal employment is gathering and reporting news for a:

a. Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;

b. Newspaper reporting general interest information news and circulated to the public in the community where it is published;

c. News magazine that has a national circulation, is sold by mail subscriptions, or on newsstands to the general public; or

d. National or international news service.

2. News media tours of a juvenile detention facility shall be pre-arranged with the Office of Communications. The following conditions apply:

a. News media representatives shall be required to provide news station ID and two verifiable contacts for the media group they represent. Phone numbers for these contacts must also be provided. If the contacts provided do not confirm the representative's association with the respective media group, the representative shall be required to provide two additional contacts. If such contacts do not confirm the representative's association with the respective media group, the tour shall be cancelled and the media representative shall not be permitted future tours.

b. Representatives of news media visiting a facility are subject to search pursuant to paragraph (d), above.

c. News media representatives must be escorted by staff. The tour must be conducted by the highest-ranking staff on duty at the time, but no rank lower than a Juvenile Justice Detention Officer Supervisor (JJDOS). Random access not specific to the purpose of the tour is prohibited.

d. During an emergency, news media representatives will be restricted to a designated area identified by the facility administrator or designee.

e. Media members are limited to two (2) members.

f. Attorneys, doctors, youth's family members, and victims or victim family members may not accompany media representatives on their visits.

g. Media representatives must provide identification upon entry into the juvenile detention facility.

h. Interviews and photographs of youth or staff shall not be permitted.

i. Photography and video making equipment is prohibited.

j. Privacy rights of youth shall be observed by the media. No movie films, television tapes, or recordings may be made of the juvenile involved.

k. Media representatives shall not be given access to juveniles on any type of observation defined in Rule 63N-1.00951-00952, F.A.C, or to any area where youth are performing showers or hygiene.

l. The Florida Department of Juvenile Justice or contracted provider employees are not authorized to sign film crew or media location releases.

m. Tours are authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the facility administrator or designee determines that such tours would not impair or disrupt the normal operations or security of the facility and would not endanger the safety of the visitor.

n. No part of the juvenile detention facility may be filmed.

o. Foreign Press. In addition to the above, foreign press members must provide criminal history clearance from the official criminal history registry of their native country. Contact information for a representative from the agency that maintains that registry must also be provided. A legible copy of the foreign media representative's passport must be submitted to the Office of Communications prior to the tour for approval.

(10) Telephone Usage.

(a) The Superintendent shall develop procedures governing telephone usage.

(b) All youth shall have access to use a telephone for a minimum of fifteen minutes per week.

(c) Youth shall have access to a telephone to make or receive telephone calls with/from legal counsel and/or their JPO. These

calls are not counted as part of the weekly allocated fifteen minutes of calls.

(11) Mail.

(a) The Superintendent shall develop procedures governing mail.

(b) Youths shall be provided the opportunity to both receive and send mail.

(c) Postage and writing materials shall be provided by the facility for personal correspondence for youth to post a minimum of two (2) letters weekly.

(d) All incoming and outgoing mail shall be screened within 48 hours for content that could jeopardize safety or security.

Rulemaking Authority 985.601(9)(b), 985.6885(4) FS. Law Implemented 985.601(9)(b)1.-2., (c), 985.6885 FS. History--New 8-9-15, Amended
