

**CHAPTER 63G-2
SECURE DETENTION SERVICES**

**Proposed Rule Hearing
October 7, 2020**

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63G-2.014 Definitions.

For the purpose of this chapter, the following words shall have the meanings indicated:

- (1) Activity Schedule – The calendar of events regulating the youth’s daily routine in a secure detention facility.
- (2) Admission – The process of placing a youth in secure detention status in the Juvenile Justice Information System (JJIS). In addition, the act of physically placing a youth in a secure detention facility.
- (3) Admission Officer – The officer performing the admission of a youth to secure detention.
- (4) Assistant Superintendent – The person second in command responsible for the operation of a designated juvenile detention center.
- (5) Attempted Escape – An action toward the commission of the criminal offense of escape. An attempted escape in a physically secure facility means the youth did not breach the facility’s perimeter fence, or during transport the youth remained within the supervision of staff.
- (6) Behavior Management System – A system that tracks youth behavior and provides incentives and rewards for positive behavior designed to promote positive behavior through the giving or taking of rewards or privileges based on youth behavior.
- (7) Behavioral Confinement – Placement of a youth in a secure room during ~~volatile~~ situations in which a youth’s ~~sudden or unforeseen~~ onset of behavior imminently and substantially threatens the physical safety of others or compromises security himself.
- (8) Capacity – The maximum number of youths the facility is capable of housing safely and securely.
- (9) Cavity Search – A search of the youth involving physical examination of the body cavities (i.e., the mouth, ears, nose, anus and vagina) by trained medical personnel in a hospital setting.
- (10) Census Counts – Process used to physically count each youth in the facility to ensure the number of youths in the facility is consistent with the number of youths the data system indicates are in the facility.
- (11) Central Communications Center (CCC) – A 24-hour per day, 7-day per week system to which incidents occurring at state or contract operated facilities or programs are reported.
- (12) Classification – The identification and placement of youths in facility housing and programming based upon a classification matrix.
- (13) Close Supervision – The observation by a staff member assigned to monitor a youth at intervals not to exceed five minutes throughout the youth’s stay in his/her room and/or sleeping area. Visual checks must be made of the youth’s condition (i.e., outward appearance, behavior, and position in the room) at intervals not to exceed five minutes.
- (14) Codes – Colors and/or numbers that are used as standard communication codes to ensure fast, accurate, and universal

communication in detention facilities.

(15) Confinement Report – The form used to document the occurrence of a youth being placed in behavioral confinement. The confinement report is available within the computerized Juvenile Justice Information System: Facility Management System.

~~(16)(45)~~ Constant Supervision – The continuous and uninterrupted observation of a youth by a staff member who has a clear and unobstructed view of the youth and unobstructed sound monitoring of the youth at all times. Constant supervision shall not be accomplished through video/audio surveillance. Video/audio surveillance shall be used only to supplement physical observation by staff.

~~(17)(46)~~ Continuity of Operations Plan (COOP) – A plan that provides for the continuity of mission essential functions of a juvenile detention center in the event an emergency prevents occupancy of its primary physical plant or facility.

~~(18)(47)~~ Contraband – Those items or materials which, either by their original design, or through alterations made to them, could be used to compromise the safety and security of the facility (illegal items, sharps, escape paraphernalia, drugs, devices, unauthorized food or beverages, metals, cell phones, keys or any item deemed unsafe, or a threat to facility security).

~~(18) Corporal Punishment – Physical punishment applied to the body of a youth, e.g., whipping, spanking. Corporal punishment is prohibited.~~

(19) Corrective Action Plan (CAP) – A plan that addresses the correction and/or tracking of issues affecting facility operations and staffing.

(20) Cost of Care Recovery – Fees ordered by the court for the care, support and maintenance of the youth while detained in a state-operated facility.

(21) Department – The Florida Department of Juvenile Justice.

(22) Designated Health Authority (DHA) – The DHA shall be a physician (MD) who holds an active, unrestricted license pursuant to chapter 458, F.S., or an osteopathic Physician (DO) who holds an active, unrestricted license under chapter 459, F.S., and meets all requirements for practice in the State of Florida. The Physician must be either Board Certified in Pediatrics, Family Practice or Internal Medicine (with experience in adolescent health) or Board-Eligible and have prior experience in treating the primary health care needs of adolescents. A Psychiatrist who holds an unrestricted license under chapter 458 or 459, F.S., may serve as the DHA of a facility that provides specialized mental health services, as long as the Psychiatrist has current experience in medically treating the physical health care needs of adolescents. The DHA shall be either a state employed or contract Physician accountable for ensuring the delivery of administrative, managerial and medical oversight of the facility health care system. Corporate physicians, who do not perform clinical/administrative duties on-site, shall not be the Designated Health Authority. The DHA shall ultimately be responsible for the provision of necessary and appropriate health care to youth in the care of a detention center.

(23) Designated Mental Health Clinician Authority – A Licensed Mental Health Professional who, through employment or contract, is responsible for ensuring appropriate coordination and implementation of mental health and substance abuse services in a departmental facility.

(24) Detention Screener – The individual who completes the detention screening and ensures proper paperwork is present to correctly screen a youth for detention.

(25) Detention Youth Supervision Matrix – A classification matrix form designed to set the minimum definitions, characteristics, and requirements of supervision for youth within a facility. The Detention Youth Supervision Matrix (DS 101 August 2020) is incorporated by reference into this rule and is available electronically at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12173>.

~~(26)(25)~~ Disaster Plan – A plan that addresses a detention facility’s response to potential disaster or emergency situations.

~~(27)(26)~~ Disturbance – Any situation resulting in the loss of control of youth in a facility or program that necessitates calling in local law enforcement, other outside sources, and “all available staff” to assist in quelling the disturbance and getting the facility back under control regardless of whether there are any resulting injuries.

~~(28)(27)~~ Documentation – The act or instance of supplying electronically or manually prepared material, references, or records.

~~(29)(28)~~ Escape – Any incident involving a youth who leaves the grounds or fenced boundaries of a secure detention facility while not in the custody of staff or who is detained in such a place and leaves the custody of facility staff when outside the facility, must be reported as an escape regardless of the length or duration of the departure.

~~(30)(29)~~ Facility Management System (FMS) – The computer based system used by state-operated juvenile detention centers as the primary source of documentation and reporting for facility operations. Forms and reports generated by FMS are considered to be

both the official and original documentation.

~~(31)~~~~(30)~~ Facility Operating Procedures (FOP's) – Detailed procedures that operationalize and implement rules 63G-2.013-.026, F.A.C., within a specific facility.

~~(32)~~~~(34)~~ Florida Child Abuse Hotline – Serves as the central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults in Florida. The Hotline Number is 1(800)96-ABUSE.

~~(33)~~~~(32)~~ Frisk Search – A physical search of the person involving the passing of hands over the person's outer clothing.

~~(34)~~~~(33)~~ Grievance – A written complaint by a youth in a secure juvenile detention center.

~~(35)~~~~(34)~~ Grievance Procedure – A process for addressing youths' grievances in secure detention centers.

~~(36)~~~~(35)~~ Group Punishment – The punishment of a group of youths for the behavior of a few.

~~(37)~~~~(36)~~ Inactive Files – File material resulting from a youth's previous detention placement.

~~(38)~~ Incident Report – A report used to document the occurrence of an event that is disruptive to the daily operation of a facility. The incident report is available within the computerized Juvenile Justice Information System: Facility Management System.

~~(39)~~~~(37)~~ Incident Reporting – An occurrence or situation that requires notification to the CCC, Administration, Florida Child Abuse Hotline, or Law Enforcement.

~~(40)~~~~(38)~~ Individual Healthcare Record – The permanent departmental file containing the unified cumulative hard-copy collection of clinical records, histories, assessments, treatments, diagnostic tests which relate to a youth's medical, mental health, substance abuse, developmental disability, behavioral health and dental health, which have been obtained to facilitate care or document care provided while the youth is in a detention center.

~~(41)~~~~(39)~~ Juvenile Justice Detention Officer (JJDO) – An Officer responsible for the direct supervision of the youth in secure detention.

~~(42)~~~~(40)~~ Juvenile Justice Detention Officer Supervisor (JJDOS) – An Officer responsible for the direct supervision of other JJDO officers in the performance of their duties.

~~(43)~~~~(44)~~ Juvenile Justice Information System (JJIS) – The Department's electronic information system used to gather and store information on youths having contact with the Department.

~~(44)~~~~(42)~~ Juvenile Probation Officer (JPO) – An Officer that serves as the primary case manager for the purposes of managing, coordinating and monitoring the services provided and sanctions required for youths on probation, post-commitment probation or conditional release supervision. In this chapter, whenever a reference is made to the tasks and duties of a JPO, it shall also apply to case management staff of a provider agency contracted to perform these duties and tasks.

~~(45)~~~~(43)~~ Learning Management System (LMS) – System used for the delivery of online learning courses and the tracking and management of computer-based and instructor-led training.

~~(46)~~~~(44)~~ Legal Guardian – A person lawfully invested with the power, and charged with the obligation, of taking care of and managing the property and rights of a person who, because of age, understanding, or self-control is considered incapable of administering his or her own affairs.

~~(47)~~~~(45)~~ Level 1 Vocational Programs – These programs are pre-vocational and shall include provision of counseling or instruction contributing to personal accountability skills and behaviors appropriate for youth in all age groups and ability levels that lead to work habits with youth competencies.

~~(48)~~~~(46)~~ Logbook – A written format for communication and record keeping in a secure detention facility.

~~(49)~~~~(47)~~ Master Control – A centralized location within a detention facility where all operational functions are monitored and observed. It is the central security focal point in the facility for both communication and tracking of youth movement.

~~(50)~~~~(48)~~ Module/Mod – A living unit inside a secure detention facility designed for housing youth.

~~(51)~~~~(49)~~ Mechanical Restraints – This includes restraint devices such as metal handcuffs, leg cuffs, waist chains and zip ties.

~~(52)~~~~(50)~~ Medical Confinement – The placement of a youth in a secure room to allow youth to rest and recover from illness and/or prevents the spread of a communicable illness (i.e. flu, H1N1 virus, etc.). The use of medical confinement is not intended as punishment or discipline and is ordered by the DHA.

~~(53)~~~~(51)~~ One-to-One Supervision – The supervision of one youth by one staff member who must remain within five feet of the youth at all times. The staff member must maintain constant visual and sound monitoring of the youth.

~~(54)~~~~(52)~~ Precautionary Observation – A suicide precaution method that provides for the constant supervision of a suicide risk youth in designated observation areas of the facility that are safe and secure.

~~(55)~~~~(53)~~ Property Custodian – Superintendent or designee responsible for oversight of the youth's property.

~~(56)~~(54) Protective Action Response (PAR) – The Department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with chapter 63H-1, F.A.C.

~~(57)~~(55) Quality Improvement System (QI) – The process authorized by section 985.632, F.S., governing the assessment of a program's operation, management, governance, and service delivery based on established standards.

~~(58)~~(56) Regional Director – The Department employee responsible for the supervision of the Superintendents of the state-operated juvenile detention centers in a specified region. This person also provides direct oversight and technical assistance to all secure detention facilities in a specified region.

~~(59)~~(57) Release – The removal of a youth from detention status.

~~(60)~~ Right Interactions (PAR) Report – The form used to document the occurrence of an event where an employee has used one of the physical intervention techniques. The Right Interactions (PAR) Report is incorporated in chapter 63H-1, F.A.C.

~~(61)~~(58) Secure Detention – A physically restrictive facility for the housing of youth pending adjudication, disposition, placement or by court order.

~~(62)~~(59) Security Devices – Devices, both mechanical and electrical, that enhance security in the facility.

~~(63)~~(60) Sexual Misconduct – Any act of sexual abuse and/or sexual harassment.

~~(64)~~(61) Special Needs Supervision – Any youth admitted who is age 9 years or younger or a youth that has an emotional handicap, a physical handicap, or has developmental delays is placed on Special Needs Supervision. The supervision requires one staff to one youth supervision at all times.

~~(65)~~(62) Standard Supervision – The required visual observations of the youth's condition (i.e., outward appearance, behavior, and position in the room) while in his or her room at intervals not to exceed ten minutes.

~~(66)~~(63) Strip Search – A visual check of a youth without clothing. A strip search shall be conducted in a private area with two staff members present, both of the same sex as the youth being searched.

~~(67)~~(64) Suicide Precautions – Use of Precautionary Observation or Secure Observation for supervising, observing, monitoring and housing youth who have been identified as a potential suicide risk. Suicide Precautions require that specific action be taken within a DJJ facility or program to protect a youth considered at risk of suicide or potential self injury.

~~(68)~~(65) Suicide Prevention Tool – A tool utilized in DJJ facilities to cut the youth free from material used in a suicide attempt.

~~(69)~~(66) Superintendent – The Department employee responsible for the operation of a designated juvenile detention center.

~~(70)~~(67) Supervision – The direct care, custody, and control of youths while in detention status.

~~(71)~~ Visual Observation Report (VOR) – The form used to document the frequency of supervision checks conducted by juvenile detention staff as well as the juvenile detention staff's observations of the youth's behavior and activities during confinement. The VOR is available within the computerized Juvenile Justice Information System: Facility Management System.

~~(72)~~ Work Order System – Documentation of efforts made to address preventative and corrective maintenance needs.

~~(73)~~(68) Youth – Any youth ordered into secure detention status.

~~(69)~~ Work Order System – Documentation of efforts made to address preventative and corrective maintenance needs.

Rulemaking Authority 985.601(9)(b) FS. Law Implemented 985.601(9) FS. History–New 8-9-15, Amended _____.

2.019 Security.

(1) Security Audits.

(a) In order to maintain appropriate security within the facility, ongoing reviews and audits of security systems, devices, and procedures must be conducted. The Superintendent shall ensure security audits are conducted and documented on a quarterly basis.

(b) Audit results shall be submitted to the Regional Director within ten business days of completion of the audit.

(2) Security Devices.

(a) Employees and contracted staff shall ensure:

1. All doors are closed and locked when not in use to include, but not limited to, closets, offices, laundry, classrooms, and storage rooms.

2. All occupied and unoccupied cell room doors are closed and locked at all times.

3. No door shall be propped open unless approved by the Superintendent or designee for documented extenuating circumstances. Documentation of the permission to have the door(s) propped open shall be in the logbook.

4. Cell doors are opened and secured individually except during a facility emergency.

5. Personal cell phones are prohibited in the secure area of a detention center without the written authorization of the Superintendent or designee.

(b) Facility staff shall ensure the provision of a clean, safe and secure physical environment that is in proper repair with all security equipment fully functional and operable.

(3) Mechanical Restraints:

(a) Mechanical restraints may be used as a method of controlling youth who present a threat to safety and security within the facility. The shift supervisor shall be notified of the need for or application of mechanical restraints as identified in the Protective Action Response Training Curriculum.

(b) Whenever mechanical restraints are used, a report shall be completed and submitted for review. The only exception to this requirement is when mechanical restraints are used to transport youths outside the secure area of the facility.

(c) Mechanical restraints shall be used when transporting youths outside the secure area of the facility.

(d) Mechanical restraints shall not be used as a means of discipline.

~~(4)(3)~~ Master Control – Master Control is responsible for maintaining chronological documentation of all activity within the facility.

~~(5)(4)~~ Communications.

(a) The Superintendent shall require that officers and Supervisors, upon reporting to duty, are briefed by the outgoing JJDOS or designee on each shift.

(b) All officers assigned to the direct supervision of a group of youths shall be issued radios to be used to communicate with other officers, Supervisors and Master Control as needed. Facility administration shall be assigned radios compatible with those issued to staff.

(c) Radio 10 codes shall be utilized for standard radio communications.

(d) Color codes, via radio communications and/or intercom announcements, shall be utilized to announce certain emergencies to officers and other facility personnel. The communication of a color code shall include the location where the incident is occurring.

~~(6)(5)~~ Key Control: The Superintendent shall outline a system of key control that addresses assignment, tracking, storage and disposal or replacement of lost or damaged keys, including keys to the program's vehicles. Emergency key rings shall be maintained separately in a secure location designated by the Superintendent. These keys shall be notched or otherwise identifiable by touch and shall provide egress through facility exterior doors providing access to evacuation areas.

(a) Employees who are issued keys shall receive key control training prior to receiving facility keys and shall carry the assigned keys on their person at all times when in the facility.

(b) Youths are not allowed to handle or use facility keys.

~~(7)(6)~~ Youth Movement.

(a) Officers shall remain alert while they interact with youths.

(b) Officers must be aware of the location and movement of all youths assigned to their supervision at all times.

(c) All youths shall be in sight of at least one JJDO at all times (with the exception of sleeping hours or time secured in rooms).

(d) Officers are prohibited from leaving their area of responsibility without being properly relieved by a co-worker and obtaining approval from the Supervisor.

(e) When a youth leaves the group or program area of the facility for any reason, all officers assigned to supervise the youth must be informed.

(f) Master Control authorizes all movement of youths prior to the actual movement. No movement shall occur until Master Control gives clearance and authorizes the movement.

(g) When moving youths from one area of the facility to another, officers shall:

1. Stop all group activities prior to the scheduled move to allow time to prepare the group to move.

2. Count all youths before leaving the area, around corners, and upon arrival at the destination.

3. Be positioned so that visual sight of all youths is maintained throughout the move.

4. Never allow any youth to trail behind an officer.

5. Move youths in a straight line along one side.

~~(8)(7)~~ Visual Observation Report (VOR).

(a) When a youth is confined to a room, whether for sleeping or other reasons, officers shall conduct visual observations to ensure safety and security.

(b) Visual observations shall be documented to include the time of the observation and the initials/identification of the officer completing the observation. Electronic documentation is acceptable for facilities using electronic cell check systems, however, pre-printed times are prohibited.

(c) There shall be no obstructions (clothing, memos, pictures, etc.) over windows and areas where staff are likely to be in the presence of youths and direct line of sight is needed.

(d) If an officer, in the course of completing observations, is unable to see any part of a youth's body, the officer shall, with the assistance of another officer, open the door to verify the youth's presence.

(e) Levels of youth supervision – All youth are screened at admission and during their detention stay for medical, mental health and substance abuse needs. Based on this screening, youth are placed on one of four levels of supervision under the Detention Youth Supervision Matrix (DS 101 August 2020). These levels include:

1. Standard Supervision.
2. Close Supervision.
3. Constant Supervision.
4. One-to-One Supervision.

~~(9)(8)~~ Alerts – In order to ensure the safety and well-being of youth, Superintendents shall be responsible for ensuring that JJIS Alerts are reviewed, responded to appropriately, and documented.

~~(10)(9)~~ Counts.

(a) Officers must know the exact number and location of all youths under their supervision at all times. Census counts of youths shall be taken, called into Master Control, and documented, at a minimum:

1. At the beginning and end of each shift.
2. Following any emergency to include: power outages, evacuation due to emergency drills, and any code called. In the event a code is called in any location outside the main walls of a facility, it is critical that all youth counts are reconciled prior to the movement of any group of youths.
3. Prior to and following routine group movement.
4. Anytime a population change occurs.
5. Randomly, at least once on each shift.

(b) There shall be no youth movement during counts until Master Control confirms the counts, reconciles the count and authorizes facility activity to resume.

(c) At the discretion of the Superintendent or designee, visitors may be asked to exit the secure area of the facility during shift change or to cease any non-essential movement.

~~(11)(40)~~ Staff Positioning – Officers will position themselves strategically in the mod, during movement, in the classroom and other areas of the facility or during transportation so as to have optimum sight and sound supervision.

~~(12)(44)~~ Searches.

(a) The Superintendent shall ensure that the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(b) All searches, and the result of each search, shall be documented in the designated logs, in FMS or a manual logbook used for these recordings, and on the shift report.

(c) Any item or situation which may compromise safety or security shall be reported immediately to the JJDOS.

(d) Law enforcement shall be contacted if any item found would be considered illegal as defined in Florida Statute, or if there is evidence of any type of unlawful activity.

(e) Frisk, Strip and Other Physical Searches.

1. Electronic searches of youths shall be conducted during admission and following any transport.
2. An officer of the same sex as the youth being searched shall conduct a frisk search.
3. Frisk searches shall be conducted: during admission; following activities outside the secure area of the facility; following visitation with a person(s) from outside of the facility (visitation, attorney, clergy, etc.); prior to and after transportation; or if there is a reasonable suspicion that a youth is harboring contraband. Based upon youth behavior, a frisk search will be conducted prior to being placed in behavioral confinement.
4. A strip search is a visual check of a youth without clothing. A strip search shall be conducted in a private area with two staff members present, both of the same sex as the youth being searched. If two staff of the same sex as the youth are not available, one

staff of the same sex as the youth may conduct the strip search while a staff of the opposite sex is positioned to observe the staff person conducting the search, but cannot view the youth.

5. Strip searches shall be conducted during admission or if there is a reasonable suspicion a youth is harboring contraband.

6. Staff shall prepare the youth prior to the initial frisk search or any strip search by explaining the purpose and procedure of the search, while assuring the youth of his or her safety. Throughout the search, staff shall avoid using unnecessary force and shall treat the youth with dignity and respect to minimize the youth's stress and embarrassment.

7. Staff shall not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during conversation with the youth, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

8. Cavity searches shall be approved by the Superintendent or designee when it is strongly suspected that a youth has concealed contraband in a body cavity. Trained medical personnel must conduct a cavity search in a hospital setting. Detention staff are not authorized to conduct a cavity search.

(f) The following shall be documented in FMS when applicable:

1. Room searches shall be conducted during the first two shifts (morning and afternoon) or if there is a reasonable suspicion that a youth is harboring contraband in a room.

2. Recreation field searches shall be conducted prior to any outdoor activity.

3. Perimeter, outside the fence line, and parking lot(s) searches shall be conducted once during each shift.

~~(13)(42)~~ Contraband – The facility must have procedures in place to dispose of contraband.

~~(14)(43)~~ Criminal Gangs.

(a) Each facility shall identify a staff person to serve as a gang representative.

(b) Facility staff shall share pertinent gang-related information, as appropriate, with the Florida Department of Law Enforcement, local law enforcement, Department of Corrections, school districts, the judiciary, and social service agencies, as well as with a youth's JPO.

(c) Consequences for youths who participate in any criminal gang activity or any other gang related activity not specifically defined in statute shall be consistent with the behavior management program.

~~(15)(44)~~ Disturbances.

(a) Disturbances must be reported to the CCC according to the requirements of chapter 63F-11, F.S. The Superintendent or designee shall be responsible for the notification of the Regional Director.

(b) A Code is to be called any time an officer determines that there is a potential threat to the safety of officers, youths, or property.

~~(16)(45)~~ Hostages: Each facility must have a plan in place to address hostage situations that must include, in the event a hostage situation occurs, the following procedures:

(a) If hostages are involved in an escape or other situation, staff should do nothing that shall, in any way, endanger the safety of the hostages.

(b) The nearest officer shall notify Master Control of the hostage situation, giving the location and number of youth involved.

(c) Master Control shall contact 9-1-1. If the incident occurs outside the facility, the officers involved will also contact 9-1-1 and Master Control.

(d) The shift supervisor shall immediately notify the Superintendent or designee of a hostage situation.

(e) If directed by administration, staff shall attempt to verbally intervene using calming non-confrontational language. The Superintendent or his representative shall notify the Detention Regional Director.

(f) All youth not involved in the situation shall be moved to the nearest secure area. The area in which the hostage has been taken shall be secured until the situation has been resolved.

(g) If at all possible, the situation should be stalled until a trained law enforcement negotiator arrives.

(h) The CCC shall be contacted according to the reporting guidelines.

~~(17)(46)~~ Capacity/Overcrowding.

(a) Each Facility shall develop an overcrowding contingency plan.

(b) The plan shall address:

1. The maximum number of youths the facility is capable of housing safely and securely. If the number of youths in a facility is

such that the amount is greater than 125 percent of the designated bed capacity, the facility shall be considered overcrowded.

2. Actions to be taken when the facility reaches the identified maximum capacity shall include requesting release of youths through the Court and transferring youths to other facilities if space is available and if deemed to be in the best interest of safety and security.

~~(18)(47)~~ Firearm and Weapon Control.

(a) The Superintendent shall ensure the following:

1. Firearms and weapons as defined in chapter 790, F.S., shall not be in the possession of any facility employee while on facility property or during the performance of their job.

2. Firearms and weapons may only be brought into the secure area of any detention facility by law enforcement when emergency conditions exist.

(b) The possession of any firearm or weapon by a youth is a criminal act. Such items shall be seized if there is no immediate danger posed and law enforcement must be contacted.

~~(19)(48)~~ Emergencies – Officers and other facility staff shall be trained and prepared to address emergency situations. Any facility staff member shall call 9-1-1 if it is believed that any youth or staff requires emergency care. If 911 services are requested, Master Control shall be notified of the request as soon as possible to assist arriving emergency personnel in getting to the proper location.

~~(20)(49)~~ Escape Attempts and Escape.

(a) If an escape attempt occurs:

1. Staff shall immediately alert other officers by announcing a Code Green and the location over the radio.

2. Master Control shall communicate Code Green to all other staff and specify the location. All non-essential radio transmissions shall cease.

3. All available officers shall respond and provide assistance in maintaining control of the group or apprehending the youth attempting to escape.

4. All movement in the facility shall cease. Youth counts shall be conducted.

5. All youth shall be returned to their mods upon authorization from the shift supervisor and clearance from Master Control. Youth may be placed in lockdown status at the discretion of the supervisor.

6. In the event this movement cannot occur for security reasons, all youth are to be instructed to sit down at their current location.

7. The supervisor shall determine when it is appropriate to resume the daily schedule.

8. Any attempt by staff at apprehending the escaping youth should be done only if the remaining youth are under the direct supervision of another officer. If this procedure is not followed, it is quite possible that an escape involving one youth could develop into a situation in which a number of youth escape.

9. If staff can physically intervene in stopping the youth from escaping, he/she should do so by securing the youth. If the youth resists, the officer shall use the DJJ approved Protective Action Response techniques to control the youth.

10. Local law enforcement shall be contacted and advised of the attempted escape.

11. Following an attempted escape, the facility's administration shall review all aspects of the attempted escape, and submit a corrective action plan to the Regional Director for review and approval.

12. The attempted escape shall be documented in the logbook as identified in Facility Operating Procedures and a detailed incident report shall be completed.

~~(b)(a)~~ Should a youth successfully escape, staff shall comply with the actions described above as well as the following actions:

1. Local law enforcement shall be contacted immediately and advised of the escape. The reporter is to provide as much information about the youth as possible (height, weight, hair color, eye color, scars, tattoos, clothing description, potential destinations, etc.). A photograph may be provided to law enforcement for identification purposes.

2. The facility Superintendent shall be notified of the escape attempt at the earliest possible time. If the escape occurs at a time when facility administration is not on duty, the shift supervisor shall be responsible for contacting (either by cellular telephone or home telephone) the on-call administrator.

~~3.(b)~~ The following shall be notified within two (2) hours of the escape:

~~a.1-~~ Central Communications Center,

~~b.2-~~ Chief Probation Officer of the circuit,

~~c.3.~~ Parent/guardian,

~~d.4.~~ State Attorney, who shall make every effort to notify the victim, material witnesses, parent(s) or guardian(s) of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee; and,

~~e.5.~~ The court having jurisdiction over the youth.

~~4.(e)~~ The bedding and clothing of the escaped youth shall be confiscated and made available to law enforcement.

~~5.(d)~~ The escape shall be documented in the logbook as identified in Facility Operating Procedures and a detailed incident report shall be completed.

~~6.(e)~~ Upon apprehension, the State Attorney and Judge, parents, Juvenile Probation Officer, Chief Probation Officer, law enforcement shall be notified of the youth's return to the facility.

~~(c)(f)~~ All staff shall be trained in escape prevention annually. The facility shall conduct and document quarterly mock escape drills.

~~(21)(20)~~ Vehicles.

(a) Vehicle searches shall be conducted prior to and after the transportation of any youths.

(b) All vehicles shall be inspected and the inspection documented prior to each use. If, during vehicle safety and security inspection, any item is found or suspected to be out of compliance, and no other vehicle is available, the officer must have the transportation coordinator or the JJDOS' approval prior to transport.

(c) The transporting officer(s) shall inspect and document the inspection of the inside of vehicle prior to the transport to ensure that the vehicle is safe and that no contraband is present. The officer shall inspect each seat, underneath and between the cushions, air vent, around the security cages, and the floor areas. If any contraband is found, the officer shall turn it over to the JJDOS and write an incident report documenting the find and circumstances. After completion of the search, the vehicle shall be locked to prevent the possible introduction of contraband.

(d) General Vehicle Guidelines.

1. Fifteen-passenger vans can transport no more than thirteen youths at any one time.

2. Each vehicle is to include at least two transporters, one of which must be gender appropriate.

3. Youths and staff are not permitted to smoke or use any tobacco products.

4. Transporters are not permitted to play radios, taped music, or any other electronic devices while youths are in the vehicle.

5. Cell phone usage (calls and texting) for personal reasons is prohibited.

6. All persons riding in state vehicles or personal vehicles while on state business shall use seat belts.

7. Transporters must observe all traffic laws.

8. If a youth in custody attempts to escape, one (1) staff shall remain to control the other youths and call for assistance. The second staff shall pursue the escapee. Extra caution shall be used as to not pursue the escapee into oncoming traffic.

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

63G-2.022 Behavior Management and Behavioral Confinement Disciplinary Treatment.

(1) Principles – The use of an established behavior management system promotes safety, respect, fairness and protection of rights within the facility.

(2) Behavior Management:

(a) ~~A behavior management system will enhance safety and security as it relates to youth behavior. The behavioral norms and expectations shall be explained to all youths during the admission process, during orientation, and will be posted in all living areas and shall clearly specify what are appropriate and inappropriate behaviors.~~

~~(b)~~ Each facility shall implement a behavior management system that includes:

1. Fair and consistent consequences,

2. A three level system for rewarding positive behavior,

3. A process for youth to move up or down the level system; and,

4. ~~Extra incentives tailored specifically for facility youth as they move up the levels. An internal procedure for the tracking of youth on the behavior management system.~~

~~(b)(e)~~ The behavior management system shall be explained to all youth during the admission and orientation process, and a copy of the behavior management system shall be posted in all living areas. Youth shall be provided an orientation brochure at the

~~time of admission, which clearly describes the behavior management system. Group punishment shall not be used as a part of the facility's behavior management plan. However, corrective action taken with a group of youths is appropriate when the behavior of a group jeopardizes safety or security. This should not be confused with group punishment.~~

~~(c)(4) At the beginning of each awake shift, the expectations for the day will be conveyed to the youth. Officers shall review the daily schedule so youth know what to expect. The expected behaviors and incentives will be posted in each mod. Corporal punishment shall not be used on any youth. All allegations of corporal punishment of any youth by facility staff shall be reported to the Florida Child Abuse Hotline and the CCC.~~

~~(e) The use of drugs to control the behavior of youths is prohibited. This does not preclude the proper administration of medication as prescribed by a licensed physician.~~

~~(d)(f) At no time shall a youth be allowed to exercise control over or provide discipline or care of any type to another youth.~~

~~(3) Mechanical Restraints:~~

~~(a) Mechanical restraints may be used as a method of controlling youth who present a threat to safety and security within the facility. The shift supervisor shall be notified of the need for or application of mechanical restraints as identified in the Protective Action Response Training Curriculum.~~

~~(b) Whenever mechanical restraints are used, a report shall be completed and submitted for review. The only exception to this requirement is when mechanical restraints are used to transport youths outside the secure area of the facility.~~

~~(c) Mechanical restraints shall be used when transporting youths outside the secure area of the facility.~~

~~(d) Mechanical restraints shall not be used as a means of discipline.~~

~~(3)(4) Behavioral Confinement:~~

~~(a) Behavioral confinement is an immediate, short-term, crisis management strategy for use during situations in which one or more youth's behavior imminently and substantially threatens the physical safety of others or compromises security. Confinement may not be used to harass, embarrass, demean or otherwise abuse a youth. The use of confinement shall be monitored by the Superintendent or designee.~~

~~(b) All youth placed in confinement shall be provided: The time limit for placement of a youth in confinement is no more than eight hours unless the superintendent or his or her designee grants an extension because release of the youth would imminently threaten his or her safety or the safety of others.~~

~~1. Three meals per day and an evening snack;~~

~~2. Access to medical care as needed;~~

~~3. Access to mental health care as needed;~~

~~4. Daily shower;~~

~~5. Clean clothing daily;~~

~~6. Hygiene items such as toothbrush, toothpaste, deodorant and feminine hygien products;~~

~~7. Mattress;~~

~~8. Education materials provided through education staff; and~~

~~9. Notice of the youth's right to grieve a confinement placement.~~

~~(c) Youth shall be removed from confinement as soon as the youth is not a continued threat to safety or security advised of their right to grieve a confinement placement. Supervision and documentation of confinement shall consist of the following:~~

~~1. The officer making the confinement placement shall submit an incident report and a confinement report to the supervisor.~~

~~2. Supervision shall be documented on the confinement Visual Observation Report (VOR) Log at a minimum of every five (5) minutes during the first hour in confinement. The youth will be supervised according to how they are classified on the Detention Youth Supervision Matrix (DS 101 August 2020) thereafter.~~

~~3. If a physical injury is observed, the youth complains of an injury or illness, the youth has a known chronic health condition (including pregnancy) or the youth experienced a fall, impact, or blow such that injury could reasonably be expected, a health care professional shall be immediately notified for timely assessment and treatment to be documented in the youth individual healthcare record. For a pregnant youth, the documentation shall consist of a report that includes the reason confinement is necessary, the reason less restrictive means are not available, whether a qualified medical professional objects to the placement, and any alternative recommendations or plan of care. When a medical professional is not on site to provide an assessment and determine if there is an objection to the placement of a pregnant youth in confinement, then the on-call practitioner must be contacted. The contact person, date, time and the response from the on-call practitioner shall be documented on the report, which must be given to the pregnant~~

youth within twelve (12) hours.

4. The Supervisor must conduct an initial confinement review with the youth no later than two (2) hours from the incident.

5. Supervisors and staff are expected to personally counsel the youth throughout the placement and document each interaction on the VOR.

6. The Supervisor will conduct additional reviews with the youth at a minimum of every 3 hours following the initial confinement review and document the review in FMS. Each review must include a reason for continued confinement. The reviews shall be done in person and, unless during sleeping hours, shall include a conversation with the youth.

(d) Confinement shall not exceed twenty-four (24) hours for pregnant youth. Confinement for all other youth shall not exceed twenty-four (24) hours except for those rare instances where the youth's behavior continues to imminently and substantially threaten the physical safety of others or compromises security, at which point the following process for Confinement Review must be initiated: The Superintendent or designee shall notify the Regional Director daily of all open confinements.

1. Confinement Reviews will be chaired by the Regional Director or designee and be conducted in person or over the phone. The review must be held a minimum of two (2) hours prior to the end of the twenty-four (24) hour period.

2. The Superintendent or designee must provide the chair with a copy of the youth Confinement Report and all documented review and interviews with the youth.

3. The Superintendent or designee and a member of the facility mental health team must meet with the youth prior to the Review to discuss continued confinement.

4. The chair shall document his or her decision.

a. If the youth's behavior continues to imminently and substantially threaten the physical safety of others or compromise security, the youth shall be continued in confinement for an additional period up to but not exceeding 24 hours. Mental health staff must see the youth as soon as reasonably possible, and thereafter, regular reviews will be conducted under subparagraph (c)6., above.

b. If the youth's behavior does not imminently and substantially threaten the physical safety of others or compromise security the youth shall be returned to general population.

c. A copy of the Confinement Review documentation, including the chair's decision, shall be distributed to the Regional Director and the Assistant Secretary for Detention Services and uploaded into FMS.

5. The youth shall be removed from confinement if, at any point during or after the Confinement Review, the youth's behavior ceases to imminently and substantially threaten the physical safety of others or compromise security.

(e) The Regional Director or designee must review and grant any confinement extended beyond 24 hours; and, if granted, must notify the Assistant Secretary or designee.

(f) An incident report, including a confinement report, shall be submitted as soon as possible, but no later than one hour of the youth's confinement to the JJDOS by the JJDO making the confinement placement.

(g) A confinement report shall be reviewed by the JJDOS as soon as possible, but no later than two hours of the youth's confinement. The review shall include documentation of the allegations and the youth's opportunity to grieve (appeal) the confinement placement. The JJDOS shall evaluate and document the youth's status, at a minimum, every three hours to determine if the continued confinement of the youth is required.

(h) No youth shall be held in confinement beyond 72 hours without a confinement hearing. The Regional Director, with approval from the Assistant Secretary for Detention Services, shall designate an employee of the Department who holds a management or supervisory position to conduct the hearing. Notification of the need for a confinement hearing must be made to the Regional Director and the Assistant Secretary.

(i) The Superintendent or designee shall review the report within forty eight hours of the end of the confinement, excluding weekends and holidays.

(4)(5) Grievances:

(a) Youths may submit a written grievance if they feel their rights have been violated or they have been treated unfairly.

(b) The JJDOS will review the grievance by the end of the shift with action taken within twenty-four hours.

(c) The youth may appeal the outcome of the grievance to the Superintendent or designee.

(d) Any grievance involving physical safety will be brought to the attention of the Superintendent, or designee, for immediate resolution and may be called in to the CCC if reporting requirements are met.

(e) Grievances do not replace the responsibility of reporting abuse. If the grievance is an allegation of abuse, it must be reported

to the Florida Child Abuse Hotline and the CCC, and shall be handled pursuant to such guidelines.

Rulemaking Authority 944.241, 985.601(9)(b) F.S. Law Implemented 944.241, 985.601(9)(b)8. F.S. History–New 8-9-15, Amended _____.