

LAW AND PUBLIC SAFETY

JUVENILE JUSTICE COMMISSION

Manual of Standards for Juvenile Detention Facilities

Proposed Readoption with Amendments: N.J.A.C. 13:92

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Peter C. Harvey, Attorney General and Chair, Markus Green, Attorney General's Designee.

Authority: N.J.S.A. 2A:4A-37; 18A:7B-5; 47:1A-1, -5; 52:17B-170(e)(6), (14), (15), (21) and (22); 52:17B-171a(1) and (5); and 52:17B-176a(6) through (9).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2005-160 .

Submit written comments by July 1, 2005 to:

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The agency proposal follows:

Summary

The current rules at N.J.A.C. 13:92 pertain to county juvenile detention facilities and provide standards for the care of juveniles in these facilities pending court disposition. These rules serve as a Manual of Standards for Juvenile Detention Facilities and as a compendium of the physical facility and program requirements for county detention facilities. Pursuant to N.J.S.A. 52:14B-5.1c, these rules are scheduled to expire on October 4, 2005.

At the present time, there are 17 county juvenile detention facilities in the State with a total capacity of 958 juveniles. In a given year, approximately 13,000 to 14,000 youth are admitted to county facilities Statewide. Currently, seven of the county juvenile detention facilities also operate detention commitment programs governed by rules at N.J.A.C. 13:93, which expire on December 3, 2009.

The Commission has reviewed the rules at N.J.A.C. 13:92 and has determined that they are necessary, reasonable and proper for the purposes for which they were originally promulgated. Therefore, the Commission is proposing the readoption of these rules with amendments at this time. The New Jersey Juvenile Detention Association has played an active role in the formulating of the proposed amendments.

A description of the subchapters as contained in N.J.A.C. 13:92 are summarized as follows.

Subchapter 1, Introduction, provides definitions (mainly from the New Jersey Code of Juvenile Justice), as well as the objectives of juvenile detention.

Subchapter 2, Legal Provisions, provides rules concerning the legal authority of the Commission to specify where a juvenile may be detained. The Subchapter specifies that the Commission shall inspect the facilities and enforce the standards set forth in this chapter. Subchapter 2 further provides for variances to be issued by the Commission and requires facilities to comply with other legal authority applicable to the physical facility and program standards for juvenile detention facilities such as public health, safety, fire codes and building regulations set forth by the State of New Jersey, the county and municipality in which a juvenile detention facility is located.

Subchapter 3, Organization and Administration, addresses the responsibilities of the County Board of Chosen Freeholders and the financial requirements for operating a detention facility.

Subchapter 4, Physical Standards, provides the physical facility standards for existing and new juvenile detention facilities, including location and building approval, juvenile population capacity, building and grounds, fire protection, sleeping rooms, bathing and toilet facilities, kitchens, dining areas, indoor and outdoor recreational areas, schoolrooms, office, reception and visiting areas, medical facilities and storage areas.

Subchapter 5, Intake and Admission, provides the statutory juvenile detention admission criteria, as well as facility procedures when juveniles are admitted into juvenile detention.

Subchapter 6, Records and Reports, delineates the records and reports required to be maintained by the facility, including intake information on juveniles, individual case records, master log book, medication log, log for the temporary restriction of juveniles, and other reports as needed. It also addresses the confidentiality of records and reports.

Subchapter 7, Control, Discipline and Grievance Procedure, provides the standards for facility rules and regulations, grievance procedures, discipline, temporary restriction of juveniles in their rooms and the special daily schedule.

Subchapter 8, Physical Care of Juveniles, provides standards on food and nutrition, clothing, personal hygiene and household duties and work.

Subchapter 9, Program Services, delineates the program services that must be provided at juvenile detention facilities. These include medical, recreational, educational, community, social, psychological and psychiatric services, religious services, visiting, mail, and telephone privileges.

Subchapter 10, Staff; General Requirements, provides the personnel requirements for the facility, as well as staff coverage, staff development requirements and standards regarding volunteers.

Subchapter 11, Staff; Responsibilities, provides the standards for the following positions at juvenile detention facilities: administrator; child care worker; social service worker; teacher; physician; clerical staff; food service staff; and maintenance and housekeeping staff.

Subchapter 12, Confidentiality of information sets forth requirements relevant to protecting the confidentiality of information and requirements for each facility to establish policies and procedures to ensure compliance with applicable laws and regulations governing the confidentiality of information.

In addition to the rules proposed for readoption, the Commission is proposing the following amendments. Many of the amendments made to the rules are substantive in nature. The following is an explanation of the proposed amendments.

A new definition, "special daily schedule," is being added to the definition rule at N.J.A.C. 13:92-1.2. Additional information relevant to the "special daily schedule" is explained at N.J.A.C. 13:92-7.4.

N.J.A.C. 13:92-2.5(b) is being amended to delete text. The phrase "the State's Multi Year Plan" is being deleted because the State monitors compliance with the

Juvenile Justice Delinquency Prevention Act of 1974, as amended, P.L. 102-586, 42 U.S.C. §§ 5633 et seq., and 28 C.F.R. Part 31 and not the State's Multi Year Plan. Additionally, text referring to the removal of juveniles from adult jails and lockups is being deleted because N.J.A.C. 13:92 applies only to county juvenile detention facilities that house individuals charged with acts of delinquency.

N.J.A.C. 13:92-4.2(c) is being amended to delete reference to the "New Jersey Training School for Boys" because the Commission's reception and intake unit has been relocated.

N.J.A.C. 13:92-4.3(a) is being amended to prohibit the installation of razor ribbon or barbed wire fencing and will be consistent with the proposed amendment at subsection (b) of N.J.A.C. 13:92-4.11, Outdoor recreational area. Both amendments prohibit the installation of razor ribbon and barbed wire on fencing.

N.J.A.C. 13:92-4.3 is also being amended to add a new subsection (d). The proposed new N.J.A.C.13:92-4.3(d) would require that in newly constructed or renovated facilities, a camera surveillance system be installed in areas of the facility to which juveniles have access, excluding bathrooms, showers and sleeping rooms. The proposed new subsection further requires that the cameras are maintained and used to continuously record facility activity. The proposed new subsection additionally requires the Commission to review and approve the plans for the installation of the camera surveillance system.

The existing N.J.A.C. 13:92-4.3(d) through (p) are being recodified as N.J.A.C. 13:92-4.3(e) through (q) with no change in text.

A portion of text currently at N.J.A.C. 13:92-4.5(f) that requires bed linens to be changed at least weekly and more often as necessary is being deleted from this subsection and relocated as a new last sentence to the current text at N.J.A.C. 13:92-8.3(a), Personal hygiene, where the Commission believes it would be more appropriately located.

Paragraph N.J.A.C. 13:92-4.6(a)1 is being amended to require that one of every eight sleeping rooms, including rooms in the intake, discipline and medical units, in new or renovated facilities shall include a stainless steel toilet and washbasin combination unit.

N.J.A.C. 13:92-4.10(b) is being amended to require that day rooms in new or renovated facilities shall have a minimum of 35 square feet of space per juvenile for the maximum number of juveniles who use the day room at one time. The new provision will ensure adequate space for the population.

N.J.A.C. 13:92-4.11(b) is being amended to prohibit the installation of barbed wire or razor ribbon on fences surrounding outdoor recreation areas. The new requirement would apply to new facilities or renovation projects which include fencing.

N.J.A.C. 13:92-5.3 is being amended at N.J.A.C. 13:92-5.3(a)4, 5, 9, 10 and 11. N.J.A.C. 13:92-5.3(a)4 is being amended to disallow private visits at the time of admission between a juvenile and his or her parent or guardian and would require that such visits be supervised. N.J.A.C. 13:92-5.3(a)5 currently requires that a juvenile be notified of the facility's rules, regulations and specified policies and procedures at the time of admission. This notice may be provided either directly to the juvenile or posted in an area frequented by juveniles. The proposed amendment would require that each

juvenile receive this information directly upon admission and that a copy of the information be prominently posted in the facility. Additionally, the proposed amendment requires that this information be provided to juveniles in Spanish if they indicate preference for the information in Spanish. The last sentence of N.J.A.C. 13:92-5.3(a)5 is being deleted for consistency purposes. A new subparagraph is being proposed at N.J.A.C. 13:92-5.3(a)5i that would require, in the event that a juvenile is admitted and is unable to communicate in either English or Spanish, the facility to provide the information required in N.J.A.C. 13:92-5.3(a)5 in the juvenile's primary language.

N.J.A.C. 13:92-5.3(a)9 is being amended to include three new requirements. Use of a standardized suicide risk questionnaire identified by the Juvenile Justice Commission shall be used. Additionally, if a juvenile is determined to be at risk of suicide, appropriate medical or mental health staff shall be notified and the facility's written procedures governing suicide intervention shall be implemented. Finally, when waiting for appropriate mental health services to be delivered, an at risk juvenile must be placed under an increased level of supervision. N.J.A.C. 13:92-5.3(a)10 is being amended to delete the requirement that a licensed practical nurse be supervised by a registered nurse when conducting an intake health assessment and screening because this level of supervision for this task is not needed. The word "also" is being inserted in N.J.A.C. 13:92-5.3(a)10 to clarify that the health assessment and screening required in N.J.A.C. 13:92-5.3(a)10 is in addition to the admission requirements set forth in N.J.A.C. 13:92-5.3(a)9. N.J.A.C. 13:92-5.3(a)10 is also being amended to codify the last two sentences of existing N.J.A.C. 13:92-5.3(a)10 as proposed new N.J.A.C. 13:92-5.3(a)11. The proposed amendment will help distinguish between the two medical

activities described. N.J.A.C. 13:92-5.3(a)11, recodified as N.J.A.C. 13:92-5.3(a)12, is also being amended. Recodified N.J.A.C. 13:92-5.3(a)12i is being amended to include a prohibition against the routine isolation of a newly admitted juvenile for observational purposes or because of the unavailability of appropriate staff to conduct a medical examination.

New requirements are being proposed at N.J.A.C.13:92-5.3(a)14, 15, 16 and 17. The proposed new requirements individually and collectively are intended to enhance efforts to ensure the safety of juveniles and provide for their mental health needs.

The proposed new paragraph at N.J.A.C. 13:92-5.3(a)14 will require the administration of the Massachusetts Youth Screening Instrument-2 (MAYSI-2) to each juvenile 24 to 72 hours following admission. The MAYSI-2 is a tool primarily designed to assist detention center staff in identifying and responding to juveniles who may have special mental health needs and may therefore be in need of special attention and/or management. Information yielded from the MAYSI-2 may be used to obtain additional services or assistance. The MAYSI-2 is intended as an internal management tool to ensure the safety of juveniles and alert appropriate staff to potential special mental health, emotional and behavioral needs. This standardized mental health screening tool is used in 32 states and seven countries to identify juveniles in emotional distress. The proposed amendment further requires that juveniles who score within a caution or warning range on the MAYSI-2 be referred for additional assessments, intervention and/or services appropriate to their needs. Finally, the proposed amendment requires that juveniles who are determined to be in emotional distress be placed on an increased level of supervision.

The proposed new paragraph at N.J.A.C. 13:92-5.3(a)15 requires that the facility administrator, or his or her designee, be notified immediately whenever a juvenile is suspected of being in emotional distress, at risk of attempting suicide or has made a suicidal gesture or attempt.

The proposed new paragraph at N.J.A.C. 13:92-5.3(a)16 requires that in the event a juvenile makes a suicidal gesture or attempt that the facility administrator, or his or her designee, ensure that the facility's procedures for suicide intervention are implemented.

The proposed new paragraph at N.J.A.C. 13:92-5.3(a)17 requires that the facility administrator, or his or her designee, immediately notify staff providing direct supervision of a juvenile whenever he or she is suspected of being in emotional distress or at risk of attempting suicide.

N.J.A.C. 13:92-6.2(a)3 is proposed to be amended. The word "service" is being inserted to identify the staff member as a "social service worker."

N.J.A.C. 13:92-6.5(a), (a)2, 3, 4, 5 and 6 are being clarified. The word "temporary" is being added to the rule text before "restriction" at N.J.A.C. 13:92-6.5(a)2, 3 and 4, and the phrase "the restricted quarters" replaced with "temporary restriction" in paragraph (a)6. Amendments at N.J.A.C. 13:92-6.5(a) and (a)4 clarify what information is required to be documented when placing a juvenile on temporary restriction. New rules are being proposed at N.J.A.C. 13:92-6.5(a)7, 8 and 9 require documentation of the administrator or his or her designee who authorizes placement of a juvenile on the special daily schedule, the date and time that the juvenile was placed on the special daily schedule and the date and time the juvenile was released from the special daily

schedule. The amendments at proposed N.J.A.C. 13:92-7.4 include the addition of a new “special daily schedule” for juveniles who would benefit from specialized programming in response to acting out behavior. Amendments at N.J.A.C. 13:92-6.5(a) include documentation requirements for juveniles placed on the special daily schedule.

N.J.A.C. 13:92-6.5(a) and 6.6(a) are being amended to add the text “prior to the end of the shift on which the restriction occurred” to require that all incidents involving the temporary restriction of juveniles and the use of mechanical restraints are documented by staff in a timely manner. N.J.A.C. 13:92-6.6(a) is also being amended to add the words “restraint chair” to the list of mechanical restraints that shall be documented in the Mechanical Restraint Log when it is used. This amendment is necessary to ensure consistency with the amendment to N.J.A.C. 13:92-7.5(e) which adds “restraint chair” to the list of mechanical restraints approved for use in juvenile detention facilities.

N.J.A.C. 13:92-6.6(a)3 is being amended to require that the type of restraint used also be recorded in the Mechanical Restraint Log.

The section heading of N.J.A.C. 13:92-7.4 is being amended to include “and special daily schedule.” The entire rule at N.J.A.C. 13:92-7.4 is being revised and amended to clarify and detail how temporary restriction and the special daily schedule shall be implemented within detention facilities.

N.J.A.C. 13:92-7.4(c) is being amended to clarify that approval of the facility administrator, or his or her designee, shall be obtained prior to placing a juvenile on temporary restriction.

The existing text of N.J.A.C. 13:92-7.4(d)1 as clarified by existing paragraph (e)1 is being relocated and revised for clarity as proposed new N.J.A.C. 13:92-7.4(e).

The existing text of N.J.A.C. 13:92-7.4(d)2 is being relocated as proposed new N.J.A.C. 13:92-7.4(m)1.

The existing text of N.J.A.C. 13:92-7.4(d)3 is proposed to be recodified as N.J.A.C. 13:92-7.4(d).

The existing text at N.J.A.C. 13:92-7.4(d)4 through 10 are being relocated as N.J.A.C. 13:92-7.4(m)2 through 8.

Existing N.J.A.C. 13:92-7.4(e) is being deleted. New N.J.A.C. 13:92-7.4(e) through (m) are being proposed as part of N.J.A.C. 13:92-7.4 and are explained as follows.

Existing text at N.J.A.C. 13:92-7.4(e) is being relocated and revised for clarity as proposed new subsections N.J.A.C. 13:92-7.4(g) and (i).

Existing text at N.J.A.C. 13:92-7.4(e)1 is being relocated and revised for clarity as new N.J.A.C. 13:92-7.4(l)

A new N.J.A.C. 13:92-7.4(e) is being proposed that will require that a juvenile placed on temporary restriction be re-assessed at least every two hours to determine if continued confinement is necessary and that the reason for continued restriction be documented.

A new N.J.A.C. 13:92-7.4(f) is being proposed that will limit temporary room restriction of a juvenile to a maximum of 24 hours. The proposed new subsection also requires that a juvenile who requires continued restriction be placed on the special daily schedule in compliance with proposed new requirements at N.J.A.C. 13:92-7.4(g).

A new N.J.A.C. 13:92-7.4(g) is being proposed that requires a juvenile whose disruptive behavior warrants restriction beyond the initial 24-hour period be placed on the special daily schedule with daily opportunities to engage in program activities, such as education and large muscle exercise. The number of opportunities to engage in daily program activities shall increase as the juvenile's behavior improves.

A new N.J.A.C. 13:92-7.4(h) is being proposed that will require the facility administrator, or his or her designee, to approve placement of a juvenile on the special daily schedule.

A new N.J.A.C. 13:92-7.4(i) is being proposed that requires when a resident is placed on the special daily schedule, the social service worker shall develop a plan that addresses the resident's behavior resulting in his or her restriction. The social service worker shall also ensure compliance with the requirements of N.J.A.C. 13:92-7.4(g). If a mental health problem is suspected, the social service worker shall immediately consult a mental health professional. The special daily schedule shall be maintained and all activities documented until the juvenile can be reintegrated into the general population.

A new N.J.A.C. 13:92-7.4(j) is being proposed that will prohibit placing a juvenile on either room restriction or on the special daily schedule for a predetermined amount of time.

A new N.J.A.C. 13:92-7.4(k) is being proposed that will allow the juvenile's improved behavior to serve as the determining factor for his or her reintegration into the general juvenile population from the special daily schedule status. New N.J.A.C. 13:92-7.4(k) also requires that if the administrator or his or her designee determines that the

resident cannot be reintegrated into the general population, the reason for keeping the resident on the special daily schedule shall be recorded on the form designated for this purpose as described in N.J.A.C. 13:92-7.4(l).

A new N.J.A.C. 13:92-7.4(l) is being proposed that will require that upon placement on the special daily schedule, all pertinent information regarding the placement be recorded on a form designed for that purpose. The information on the form shall include the name of the juvenile, the date and time of placement on and release from the special daily schedule, the name of the supervisor requesting placement, the name of the administrator or his or her designee authorizing placement, the reason for the placement, and the reason for keeping the resident on the special daily schedule. A copy of each completed form shall be filed in a separate folder maintained for this purpose.

A new N.J.A.C. 13:92-7.4(m) is being proposed. The proposed new subsection specifies procedures that shall apply when a juvenile is temporarily restricted to quarters or placed on the special daily schedule.

Proposed new N.J.A.C. 13:92-7.4(m)1 is the existing text at N.J.A.C. 13:92-7.4(d)2 and requires any potentially dangerous item on the juvenile or in the quarters to be removed to prevent self-inflicted harm.

N.J.A.C. 13:92-7.4(m)2 through 8 are being relocated from existing text that is currently codified at N.J.A.C. 13:92-7.4(d)4 through 10, and set forth the procedures to be followed when a juvenile is temporarily restricted to quarters or placed on the special daily schedule.

N.J.A.C. 13:92-7.5(b) is being amended to include that written policy, procedure and practice shall restrict the use of both physical “and/or mechanical” restraints. N.J.A.C. 13:92-7.5(b) is also being amended to include that a juvenile shall be removed from a mechanical restraint when he or she no longer poses a threat.

A new paragraph at N.J.A.C. 13:92-7.5(e)4 is being added to include that mechanical restraints approved for use in a juvenile detention facility include the use of a restraint chair.

N.J.A.C. 13:92-7.5(k) is being revised to require that staff members maintain close rather than constant visual supervision of juveniles when mechanical restraints are in use in order to ensure the safety of the juvenile. Close visual supervision requires that the juvenile be visually checked at least every five minutes. Because the juvenile is in restraints and secure, he or she does not require constant visual supervision to ensure his or her safety. This will allow staff to still provide close supervision of a juvenile in restraints while ensuring the juvenile’s safety and also allow staff to carry out other responsibilities in a more effective manner.

N.J.A.C. 13:92-7.5(m) is being amended to require that the facility administrator, or his or her designee, shall make an assessment of the juvenile’s behavior every 15 minutes for the duration of restraint, ensure that the mechanical restraint is properly applied, and that documentation in the juvenile’s medical and resident file be recorded.

N.J.A.C. 13:92-7.5(n) is being amended to reduce the time frame from 60 to 30 minutes whenever a mechanical restraint is used and that medical or social service staff, or the facility administrator, or his or her designee, in the absence of medical or social service staff, shall determine whether there is reason to suspect a mental health

problem. N.J.A.C. 13:92-7.5(n) is also being amended to delete the requirement that a licensed practical nurse be supervised by a registered nurse when making this determination because this level of supervision is not needed for this task.

N.J.A.C. 13:92-7.5(n)1 is also being amended to require that if a mental health problem is suspected, the medical or social service staff, or facility administrator, or his or her designee, if the medical or social service staff is not available, shall consult with a licensed mental health professional and document the results of that consultation in the juvenile's medical file.

N.J.A.C. 13:92-7.5(n)2 is being revised to clarify that a new determination, whether there is reason to suspect a mental health problem, shall be made and documented at the end of each 30-minute period by the medical or social service staff, or the facility administrator, or his or her designee, if the medical or social service staff is not available. N.J.A.C. 13:92-7.5(n)2 is also being amended to require that if a mental health crisis is suspected, an emergency mental health crisis assessment shall be obtained which may result in the removal of the juvenile from the facility.

Existing N.J.A.C. 13:92-7.5(o) and (p) are being deleted because they are no longer needed due to the new requirements set forth in the proposed amendments to N.J.A.C. 13:92-7.5(n).

Existing N.J.A.C. 13:92-7.5(q) is being recodified as N.J.A.C. 13:92-7.5(o) and is also being amended to require that each use of a mechanical restraint, except when used during transportation outside a secure area, shall be documented in the mechanical restraint log prior to the end of the shift on which the restraint occurred.

Existing N.J.A.C. 13:92-7.5(r) is being recodified as N.J.A.C. 13:92-7.5(p). Recodified N.J.A.C. 13:92-7.5(p)7 is being amended for clarity. The word “method(s)” has been changed to the word “type(s)” of physical or mechanical restraint used.

Existing N.J.A.C. 13:92-7.5(s) is being recodified as N.J.A.C. 13:92-7.5(q) and is being amended to clarify that the use of chemical and/or natural agents, such as mace, pepper spray, or other similar agents, shall be prohibited within a juvenile detention facility. Recodified N.J.A.C. 13:92-7.5(q) is also being amended to include that juvenile detention officers may be authorized by the facility administrator to carry and use pepper spray only while transporting juveniles outside the facility, for example, to court, hospitals, clinics, etc. All juvenile detention officers authorized by the facility administrator to use pepper spray shall receive training and semi-annual re-training in pepper spray use and its effects in a class approved by the Police Training Commission.

N.J.A.C. 13:92-8.1 is being amended to add a new subsection (d) that requires that the general population not be fed meals in sleeping rooms, except under extraordinary circumstances.

Existing N.J.A.C. 13:92-8.1(d) through (l) are being recodified as N.J.A.C. 13:92-8.1(e) through (m) with no change in text.

N.J.A.C. 13:92-8.3(a) is being amended to add text that was previously codified as part of N.J.A.C. 13:92-4.5(f). N.J.A.C. 13:92-8.3(a) will now require that bed linens be changed at least once a week and more often when necessary.

N.J.A.C. 13:92-9.1(m)1 is being amended. Weekday sick call is being changed to daily sick call to clarify that sick call occurs every day because staff is available daily

to conduct sick call. The text “or other qualified healthcare personnel” is being revised to specify who may conduct sick call. The terminology used for “nurse practitioner” is being changed to “an advanced practice nurse” to reflect the appropriate term used for a health care professional authorized to conduct sick call.

N.J.A.C. 13:92-9.1(m)2 is being amended to delete “on weekends” and “other health care professionals.” The proposed amendment will clarify that sick call occurs daily and may occur when medical personnel are not on-site. The amendment will further specify those medical professionals that are on call at all times and are to be contacted for guidance and instruction.

N.J.A.C. 13:92-9.7(a) is being amended to add new text that will allow a visit to be withheld from a juvenile who exhibits disruptive behavior if it is determined by the facility administrator, or his or her designee, that allowing the visit could pose a threat to the safety or security of the staff, other juveniles, visitors or the facility. When a juvenile’s visit is withheld, the visitor shall be notified.

A new subsection at N.J.A.C. 13:92-9.7(g) is being proposed that requires juveniles to not be routinely locked in their rooms during visiting hours.

Existing N.J.A.C. 13:92-9.8, Mail, is being amended to prohibit a juvenile’s legal mail from being read or copied. For clarity purposes, the sequence of existing subsections N.J.A.C. 13:92-9.8 (b), (c) and (d) is being changed. Existing N.J.A.C. 13:92-8.1(d) is being recodified as N.J.A.C. 13:92-8.1(b) with no change in text. Existing N.J.A.C. 13:92-9.8(c) is being recodified as N.J.A.C. 13:92-8.1(d) with no change in text. Existing N.J.A.C. 13:92-9.8(b) is being recodified as N.J.A.C. 13:92-8.1(c) and this subsection is being amended to prohibit the reading or copying of a

juvenile's legal mail. Existing subsections N.J.A.C. 13:92-9.8(a), (e) and (f) remain unchanged.

N.J.A.C. 13:92-9.9(a) is being amended to allow juveniles to make a minimum of two telephone calls weekly in order to encourage and maintain family and other relationships. In addition, N.J.A.C. 13:92-9.9(a) is being amended to allow those juveniles whose families have a "block" on their phone line which prevents them from receiving collect telephone calls, to make at least one non-collect telephone call per week.

N.J.A.C. 13:92-10.6(d) is being amended to clarify that whenever juveniles are in their sleeping room or any holding room, that they be visually checked at least every 15 minutes. N.J.A.C. 13:92-10.6(d) is also being amended to require that the check be documented in a record created for this purpose.

A new N.J.A.C. 13:92-10.6(g) is being proposed that would require the ratio of child care workers on duty to juveniles during waking hours to be at least one worker to eight juveniles and during sleeping hours at least one worker to 16 juveniles. It should be noted that new N.J.A.C. 13:92-10.6(g) is currently codified at N.J.A.C. 13:92-11.2(a) where it is proposed to be deleted because of its proposed relocation at N.J.A.C. 13:92-10.6(g).

Existing N.J.A.C. 13:92-10.6(g) through (i) are being recodified as N.J.A.C. 13:92-10.6(h) through (j) with no change in text.

N.J.A.C. 13:92-10.7(c)3 is being amended to clarify that methods for handling disruptive behavior, security and emergency procedures are included as part of staff training.

N.J.A.C. 13:92-10.7(f) is being amended to add that certification in Cardiopulmonary Resuscitation (C.P.R.) and First Aid shall be included as part of the annually budgeted 24 hours of in-service training for each staff member.

As stated above, N.J.A.C. 13:92-11.2(a) is being deleted as part of this rule and being relocated at N.J.A.C. 13:92-10.6(g).

Existing N.J.A.C. 13:92-11.2(b) through (c) are being recodified as N.J.A.C. 13:92-11.2(a) through (b) with no change in text.

N.J.A.C.13:92-11.3(b) is being amended to require that there be one full-time social service worker employed for every 25 juveniles. The current requirement provides for one social service worker for every 20 juveniles. The change from 20 to 25 juveniles to one social service worker is being made because of the proposed new N.J.A.C.13:92-11.3(c), described below, which limits the activities and duties of the social service worker thereby permitting more time for the social service worker to perform exclusive social service activities related to the needs of juveniles.

A new N.J.A.C. 13:92-11.3(c) is being proposed that stipulates that social service workers responsible for meeting the social service needs of juveniles, and included in meeting the social service worker to juvenile ratio, shall not have other responsibilities assigned to them, such as court liaison, administrative responsibilities, or other duties.

Existing N.J.A.C. 13:92-11.3(c) through (d) are being recodified as N.J.A.C. 13:92-11.3(d) through (e) with no change in text.

N.J.A.C. 13:92-12.1(a) is being amended to change the name of the “Right to Know Act” to the “Open Public Records Act” because statutory amendments have been made to N.J.S.A. 47:1A-1 et seq. since N.J.A.C. 13:92 was originally adopted.

Appendix A is being amended with the new telephone number and fax number for the Compliance Monitoring Unit for submission of Incident Reports. In addition, the form is also being amended to require documentation of administrative action taken in response to incidents.

Because the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption and the proposed amendments will continue to have a positive social impact by making the Manual of Standards for Juvenile Detention Facilities (Manual) strong, clear, easy to understand and consistent with the legislation that established the Juvenile Justice Commission.

In 2003, the Statewide average daily population in New Jersey's 17 county detention centers was 906. The rules proposed for readoption and the proposed amendments will result in increased Statewide uniformity in the nature of the programming provided to the detainees by incorporating recognized standards of care. The Manual will continue to establish standards regarding the type of programming (for example, education, medical and social services) made available to the detainees. Requirements are set forth regarding staff to juvenile ratios, staff training, and life-safety issues for juveniles as well as staff.

Pursuant to State statute, detained juveniles have been determined to be a threat to others or at risk of failing to appear for court hearings. The rules proposed for

readoption and the proposed amendments will benefit the public at large by ensuring that local detention facilities provide secure settings for juveniles charged with delinquency offenses. The Manual will continue to specify minimum standards for security requirements regarding the physical plant, staffing and employee qualifications. The Manual will result in Statewide uniformity in new or renovated juvenile detention facilities. The detention standards will also have a positive social impact on counties and local communities in that they support the juvenile justice reform initiative which is designed to protect the public, ensure juvenile accountability and foster rehabilitation of juvenile offenders.

The Manual takes into account national standards and the contributions of experts in the field of juvenile detention who are knowledgeable in the area of established detention practices. These practices, resulting from years of experience, will ensure the adequate programming, safety and security of juvenile detention facilities.

Economic Impact

The rules proposed for readoption will have an economic impact on county juvenile detention facilities by continuing the State's regulatory oversight. Juvenile detention facilities are operated and funded by counties. In order to comply with standards imposed by the readoption, counties will need to fund the staffing, training, equipment needs and infrastructure required at juvenile county detention facilities.

The regulatory scheme set out in the proposed rules is not new, and neither is the economic impact on counties. Current regulation of juvenile county detention

facilities continues a status quo that goes back to January 11, 1980, when the Department of Corrections promulgated rules regulating those facilities at N.J.A.C. 10:19. Pursuant to Executive Order No. 66 (1978), those rules expired on May 12, 2000. As part of the transfer of jurisdiction from the Department of Corrections to the Commission, N.J.A.C. 10:19 was superceded by the May 2000 promulgation of the existing N.J.A.C. 13:92.

The proposed amendments will have an economic impact on those counties that choose to renovate or construct new juvenile detention facilities. The costs for the expenditures made necessary by the new requirements described in the Summary will vary depending on the size of the facility, the population served, and whether a county is planning to renovate an existing facility, or build a new one. In addition, juvenile detention facilities may be required to promote staff development and training in order to comply with strengthened requirements in this area.

Specific proposed amendments to N.J.A.C. 13:92 may impose additional costs. The proposed amendment at N.J.A.C.13:92-7.5(q) permits the optional use of pepper spray by juvenile detention officers only when transporting juveniles. Should a county facility elect to allow its staff to use pepper spray, only trained staff would be permitted to do so. Provision of this required training and re-training approved by the Police Training Commission would present an economic impact on the county only if the county chooses this option. Proper training, however, alleviates the potential adverse impact such as lawsuits, from improper usage.

A county may experience an economic impact when complying with the new requirement at N.J.A.C.13:92-9.9(a), which requires a juvenile detention facility to

provide at least one weekly telephone call for those juveniles whose families have a block on their telephone line that prevents collect calls. It is anticipated that this cost will be minimal if juveniles are permitted to use facility office telephones to make these calls, which will typically be local calls, because in most cases, the juvenile lives in the county in which the facility is located.

Counties are also expected to experience an economic benefit. Employees will be more informed and qualified to perform their duties; fewer accidents, incidents and injuries are expected because of the safer equipment and conditions in the facilities and staff will be better trained. Therefore, this should result in lower legal and health care costs.

These rules are required to adequately protect the health, safety and well-being of the juveniles served in county detention.

Currently, it is estimated that juvenile detention in New Jersey costs approximately \$53 million per year.

Federal Standards Statement

The rules proposed for readoption and the proposed amendments do not contain any standards or requirements which exceed those imposed by federal law including the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, P.L. 102-586, 42 U.S.C. §§5601 et seq., 28 C.F.R. Part 31, the Americans with Disabilities Act, 42 U.S.C.A. §§12101 et seq., the United States Department of Agriculture's regulations concerning child nutrition programs at 7 C.F.R. Parts 210 and 220 and the Occupational Safety and Health Administration's bloodborne pathogens standard, 29 C.F.R.

§1910.1030 concerning Exposure Control Plans. Therefore, a Federal standards analysis is not required.

Jobs Impact

The Juvenile Justice Commission does not anticipate that the rules proposed for readoption and the proposed amendments will result in the generation or loss of jobs in New Jersey.

Agriculture Industry Impact

The rules proposed for readoption and the proposed amendments will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The rules proposed for readoption and the proposed amendments do not impose reporting, recordkeeping or other compliance requirements upon small businesses. The facilities impacted by the rules are county-operated facilities and are not considered small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et. seq. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Impact

The Juvenile Justice Commission does not anticipate that the rules proposed for readoption and the proposed amendments will have any impact on the achievement of

smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:92.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:92-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...

“Special daily schedule” means an alternative schedule developed for juveniles whose disruptive behavior warrants restriction from the juvenile population beyond 24 hours. This schedule requires that the restricted juvenile be provided with daily opportunities to engage in program activities, such as education and large muscle exercise, as his or her behavior permits. These program activities may be engaged in separately or with the general population, based on the discretion of the facility administrator or his or her designee. The number of opportunities to engage in daily program activities shall increase as the juvenile’s behavior improves.

...

13:92-2.5 Other legal authority

(a) (No change.)

(b) Each facility shall comply with [all] the requirements of the [State's] Juvenile Justice and Delinquency Prevention [Multi Year Plan, adopted pursuant to the Juvenile Justice and Delinquency Prevention] Act of 1974, as amended, P.L. 102-586, 42 U.S.C. §§ 5633 et seq., and 28 C.F.R. Part 31 and [all] related State and Federal laws and regulations [including, but not limited to, those] involving: the deinstitutionalization of status offenders and non-offenders; and prohibited contact between juveniles and incarcerated adults[, and the removal of juveniles from adult jails and lockups].

13:92-4.2 Juvenile population capacity

(a) - (b) (No change.)

(c) Consistent with the purpose set forth by the Legislature in the juvenile justice reform legislation to reduce overcrowding at all State and county juvenile facilities, a juvenile who receives a State sentence of incarceration shall be transported to the juvenile intake unit at the [New Jersey Training School for Boys] Juvenile Justice Commission's reception and intake unit no later than 30 days after the Juvenile Justice Commission receives notification, in the form of a signed commitment order and presentence or predisposition report, from the county where the juvenile has been sentenced. Subject to the availability of appropriations, the Commission also shall provide a Commission-determined per diem rate to the counties for State-committed juveniles held in the county detention centers from the 16th day after receipt by the Commission of the signed commitment order and presentence or predisposition report for each State-sentenced juvenile. The per diem rate shall be established by the Commission from time to time. The 30 days shall be exclusive of the date on which the Commission receives the appropriate and necessary documentation.

(d) (No change.)

13:92-4.3 Building and grounds

(a) Detention buildings shall be secure, as nonjail-like as possible, fire resistive, and spacious enough to meet the needs of juveniles and staff. The installation of razor ribbon or barbed wire is prohibited.

(b) - (c) (No change.)

(d) In new or renovated facilities, camera surveillance systems shall be installed in all areas of the facility to which juveniles have access, excluding bathrooms, showers and sleeping rooms. The cameras shall be maintained and used to continuously record facility activity. Plans for the installation of the camera surveillance system shall be reviewed and approved by the Commission.

Recodify existing (d) - (p) as (e) - (q) (No change in text.)

13:92-4.5 Sleeping rooms

(a) - (e) (No change.)

(f) Beds shall be equipped with comfortable fire and water-resistant mattresses, approved by the Commission. Sheets, pillows and pillow cases, and blankets shall also be provided, preferably of a fire-resistant type. [Bed linens shall be changed at least once a week and more often when necessary.]

(g) - (i) (No change.)

13:92-4.6 Sleeping rooms; new and renovated facilities

(a) The sleeping areas of new or renovated detention facilities shall be provided by individual sleeping rooms which shall contain a minimum of 70 square feet of floor space, or double-occupancy sleeping rooms with a minimum of 100 square feet of floor space. No more than 20 percent of the capacity of new or renovated facilities shall be provided by double-occupancy sleeping rooms. Rooms shall not be approved for more than two occupants.

1. In new or renovated detention facilities, [a sufficient number of] one of every eight sleeping rooms on each resident wing, [notably] including the intake, discipline, and medical units, shall be equipped with a stainless steel toilet and washbasin combination unit.

i. - vii. (No change.)

(b) - (g) (No change.)

13:92-4.10 Indoor recreational areas

(a) (No change.)

(b) In new or renovated facilities, each housing unit shall have its own day room [to accommodate the full capacity of the housing unit and meet the recreational and quiet-time needs of its residents]. Day rooms shall provide a minimum of 35 square feet of space per resident (exclusive of lavatories, showers and toilets) for the maximum number of residents who use the day room at one time. The area shall meet the recreational and quiet-time needs of its residents and be designed to be acoustically pleasing with comfortable seating and surroundings.

(c) (No change.)

13:92-4.11 Outdoor recreational areas

(a) (No change.)

(b) In new facilities or renovation projects which include the fencing, the vertical portion of the security fence surrounding the outdoor recreational area shall be at least 12 feet high and equipped with a four-foot outrigger curved or angled at 45 degrees

inward with non-climbable fencing attached to the underside of the outrigger. Non-climbable fencing shall also be attached to the top of the 12-foot vertical fence and extend four feet down. The installation of razor ribbon and/or barbed wire is prohibited in the outdoor recreation areas of juvenile detention facilities.

(c) (No change.)

13:92-5.3 Intake and admission procedures

(a) When it becomes necessary to place a juvenile in detention in accordance with the code's criteria for such placement as noted in N.J.A.C. 13:92-5.1, the following intake and admission procedures shall be adhered to:

1. - 3. (No change.)

4. Upon admission, the juvenile shall be permitted to be visited in private by an attorney and [/or his or her parents or guardian] receive a parental/guardian visit under supervision.

5. Upon admission, juveniles shall be informed of rules and regulations of the facility, mail and visiting policies and procedures, fire exits and procedures, the behavior management system, the detention program and the juvenile's responsibilities, and grievance and disciplinary procedures. A written copy of this information shall be [given] provided to all juveniles, and shall be provided in Spanish when the juvenile indicates a preference for the information in Spanish. The procedures shall also be prominently posted in the facility [and made available in Spanish when applicable] in

English and in Spanish. [This information shall be discussed with all juveniles, preferably at the intake interview.]

i. In the event that a juvenile is admitted and is unable to communicate in either English or Spanish, the information in (a)5 above shall be provided in the juvenile's primary language.

6.– 8. (No change.)

9. If a physician is not present at the time of the admission shower, the nurse, a medication assistance staff worker, or the senior staff worker on duty shall examine the juvenile's body for lice, bruises or abrasions, unusual marks, and symptoms of any communicable diseases. The juvenile shall also be [assessed] screened for the risk of suicide. This screening shall be in accordance with the facility's written procedures governing suicide screening, prevention and intervention. The screening shall include, but need not be limited to, the use of a standardized suicide risk questionnaire identified by and available from the Juvenile Justice Commission. The findings shall be recorded and brought to the attention of the [physician] appropriate medical or mental health staff, as soon as possible.

i. - ii. (No change.)

iii. In situations where a juvenile shows evidence of suicide risk, [specific procedures shall be implemented immediately for prevention and supervision.] the facility's written procedures governing suicide intervention shall be implemented immediately.

These procedures shall include an increased level of supervision of the juvenile until the appropriate mental health services can be obtained.

10. Each juvenile placed in detention shall also receive a health assessment and screening by a registered nurse or licensed practical nurse [under the supervision of a registered nurse,] within 24 hours following admission, noting symptoms of any communicable disease, lice, bruises or abrasions, unusual marks and general medical condition. The facility's medical and social service staff shall attempt to secure from appropriate sources, information regarding any medical care, treatment or medication prescribed prior to placement.

11. Each juvenile shall also receive a medical examination performed by either a physician licensed to practice medicine in the State of New Jersey, a licensed physician assistant or an advanced practice nurse within 72 hours following admission. Internal vaginal and rectal examinations shall not be routinely included as part of the medical examination for admission.

[~~11.~~12. Upon admission, any juvenile who shows signs of a contagious disease shall be isolated until examined by a registered nurse or physician.

i. Routine isolation pending a medical examination, [usually ordered when no physician or registered nurse is available,] for observational purposes, or because of the unavailability of

appropriate staff to conduct an examination, is psychologically and medically unsound and shall not be practiced.

[12.] 13. (No change in text.)

14. Twenty-four to 72 hours following admission, a social service worker shall administer the Massachusetts Youth Screening Instrument - 2 (MAYSI-2) to each juvenile placed in detention. The social service worker shall be trained to administer the MAYSI-2. The MAYSI-2 shall be used to identify juveniles who may have special mental health needs. If a juvenile scores in a range indicating a caution or warning, the social service worker shall initiate follow-up questions and actions appropriate to the caution or warning areas.

i. If the social service worker determines to refer the juvenile for additional interventions, such as a more comprehensive mental health assessment and/or additional mental health services like those provided through the New Jersey Department of Human Services, this shall be done as soon as possible.

ii. The juvenile shall be placed on and remain under increased supervision by staff until it is determined by a mental health clinician, for example, a social worker, psychologist or psychiatrist, that the heightened level of supervision is no longer needed to ensure the safety of the juvenile or others.

iii. The results of the MAYSI-2 shall be maintained in a secure area under the control of the social service staff.

15. The facility administrator, or his or her designee, shall be notified immediately whenever a juvenile is suspected of being at risk of attempting suicide, in emotional distress, has made a suicidal gesture or attempt or scores in a suicide caution or warning range on the MAYSI-2.
16. The facility administrator, or his or her designee, shall ensure that the facility's written procedures governing suicide intervention are implemented in the event that a juvenile attempts suicide or makes a suicidal gesture.
17. The facility administrator, or his or her designee, shall immediately inform staff members responsible for providing direct supervision of juveniles whenever a newly admitted juvenile is suspected of being at risk of attempting suicide or is in emotional distress.

13:92-6.2 Individual case records

(a) Individual case folders shall be maintained for each juvenile admitted to the detention facility. These folders shall include, but not be limited to, the following records:

1. - 2. (No change.)
 3. Social service worker's reports;
 4. – 8. (No change.)
- (b) - (c) (No change.)

13:92-6.5 Log for [the] temporary restriction [of juveniles] and special daily schedule

(a) In accordance with the provisions of N.J.A.C. 13:92-7.4, Temporary restriction and special daily schedule, whenever a juvenile is removed from the group or ongoing program and temporarily restricted to his or her sleeping room[,] or an isolation room, or placed on the special daily schedule, the following information shall be recorded in a log maintained for that purpose prior to the end of the shift on which the restriction occurred:

1. (No change.)
2. The date and time of the juvenile's temporary restriction;
3. The name of the staff member requesting temporary restriction;
4. The name of the [supervisor] administrator or his or her designee authorizing temporary restriction;
5. The reason for the [juvenile's] temporary restriction; [and]
6. The date and time of the juvenile's release from [the restricted quarters.] temporary restriction;
7. If the juvenile is placed on the special daily schedule, the name of the administrator, or his or her designee, authorizing placement is required;
8. The date and time the juvenile was placed on the special daily schedule;
and
9. The date and time of the juvenile's release from the special daily schedule.

13:92-6.6 Mechanical restraint log

(a) Whenever a juvenile is placed in mechanical restraints, such as handcuffs, leather restraints, restraint chair or leg irons, except when used during transportation outside the secure area, the following information shall be recorded in a log maintained for that purpose prior to the end of the shift on which the restraint occurred:

1. - 2. (No change.)

3. The type of restraint used:

Recodify existing 3. - 7. as 4. - 8. (No change in text.)

13:92-7.4 Temporary restriction and special daily schedule

(a) - (b) (No change.)

(c) No juvenile shall be [restricted to quarters except upon orders from] placed on temporary restriction without the approval of the administrator of the detention facility or his or her designee.

[(d) When a juvenile is temporarily restricted to quarters, the following procedures shall apply:

1. No juvenile shall be temporarily restricted to quarters for longer than two hours within any 24-hour period without the personal reassessment of the juvenile's situation and approval by the administrator of the detention facility or his or her designee.
2. As a precaution, any potentially dangerous item on the juvenile or in the quarters shall be removed to prevent acts of self-inflicted harm.]

- [3.](d) Upon temporary restriction, the juvenile's name shall be recorded in the "Log for Temporary Restriction [of Juveniles] and Special Daily Schedule" as provided for in N.J.A.C. 13:92-6.5.
- [4. During the period of temporary restriction, the juvenile shall be checked at least every 15 minutes, including regular sleeping hours, by the staff assigned to the unit and the juvenile's condition noted. The staff is to be alert at all times for indications of destructive behavior on the part of the juvenile, either self-directed or toward the surroundings.
5. In all situations requiring a juvenile's separation from the group and restriction to quarters, an incident report shall be processed and filed with the administration by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in the juvenile's individual case folder and a central incident report file.
6. If the juvenile is temporarily restricted to quarters through a change of shifts, the relieving supervisor shall check the juvenile and the room prior to assuming his or her post and assure that the conditions as outlined in these rules are being properly employed. Under no circumstances shall a juvenile remain in restricted quarters when there is no supervisor available to provide proper supervision.
7. Restriction procedures shall include a means of communication with staff at all times.
8. There is to be no reduction in food or calorie intake while a juvenile is restricted to quarters.

9. The restricted juvenile shall have access to bathroom facilities, including a toilet and washbasin.
10. The room in which the juvenile is restricted shall be maintained in accordance with the temperatures at N.J.A.C. 13:92-4.3(e).

(e) Restrictions that extend beyond a 24-hour period shall require a review by social service staff to assess the situation and develop a short-term and long-term plan to address the behavior which led to the restriction. If a mental health problem is suspected, the social service staff shall immediately consult a mental health professional. The plans developed by the social service staff shall provide several opportunities daily for the restricted juvenile to participate in activities that are well-supervised and separate from other juveniles. This restricted schedule shall be maintained and all activities documented until the juvenile can be reintegrated into the juvenile population.

1. If the juvenile is continued in restriction, written documentation of the reasons for the continued restriction shall be made in the log for the temporary restriction of juveniles (see N.J.A.C. 13:92-6.5).]

(e) A juvenile placed on temporary restriction shall be re-assessed, at a minimum, every two hours by the administrator of the detention facility or his or her designee, to determine whether continued restriction is necessary. If the administrator or his or her designee determines that continued restriction is necessary the reason shall be recorded in the resident's file.

(f) Temporary room restriction shall not exceed 24 hours. Juveniles who require continued restriction shall be placed on the special daily schedule as described in (g) below.

(g) A juvenile whose disruptive behavior warrants restriction beyond the initial 24 hours permissible in (f) above, shall be placed on the special daily schedule. This alternative schedule requires that the restricted juvenile be provided with daily opportunities to engage in program activities, such as education and large muscle exercise, as his or her behavior permits. These program activities may be engaged in separately or with the general population, at the discretion of the facility administrator or his or her designee. The number of opportunities to engage in daily program activities shall increase as the juvenile's behavior improves.

(h) No juvenile shall be placed on the special daily schedule without approval by the facility administrator, or his or her designee.

(i) For a juvenile who is placed on the special daily schedule, the social service worker shall develop a plan to address the behavior which led to the restriction. The social service worker shall also ensure compliance with the requirements of (g) above. If a mental health problem is suspected, the social service worker shall immediately consult a mental health professional. The special daily schedule shall be maintained and all activities documented until the juvenile can be reintegrated into the general population.

(j) No juvenile shall be placed on either room restriction or on the special daily schedule for a pre-determined amount of time, for example, 72 hours, five days, etc.

(k) The special daily schedule shall be designed to allow the juvenile's improved behavior to serve as the determining factor for the reintegration of the juvenile into the general population. The juvenile's behavior shall be assessed daily by the administrator of the detention facility, or his or her designee, to determine whether the juvenile's behavior warrants reintegration. If the administrator or his or her designee determines that the resident cannot be reintegrated into the general population, the reason for keeping the resident on the special daily schedule shall be recorded on the form designated for this purpose as described in (l) below.

(l) Upon placement on the special daily schedule, all pertinent information regarding the placement shall be recorded on a form designed for this purpose. The information on the form shall include the name of the juvenile, the date and time of placement on, and release from, the special daily schedule, the name of the supervisor requesting placement, the name of the administrator or his or her designee authorizing placement, the reason for the placement, and the reason for continuing the resident on the special daily schedule. A copy of each completed form shall be filed in a separate folder maintained for this purpose.

(m) When a juvenile is temporarily restricted to quarters, or placed on the special daily schedule, the following procedures shall apply:

1. As a precaution, any potentially dangerous item on the juvenile or in the quarters shall be removed to prevent acts of self-inflicted harm.
2. During the period of temporary restriction or special daily schedule, the juvenile shall be checked at least every 15 minutes, including during regular sleeping hours, by the staff assigned to the unit and the juvenile's

condition noted. The staff is to be alert at all times for indications of destructive behavior on the part of the juvenile, either self-directed or toward the juvenile's surroundings.

3. In all situations requiring a juvenile's separation from the group and restriction to quarters, an incident report shall be processed and filed with the administration by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in the juvenile's individual case folder and a central incident report file.
4. If the juvenile is restricted to quarters through a change of shifts, the relieving supervisor shall check the juvenile and the room prior to assuming his or her post and assure that the conditions set forth in these rules are being met. Under no circumstances shall a juvenile remain in restricted quarters when there is not sufficient personnel available to provide the supervision required by (m)2 above.
5. Restriction procedures shall include a means for the juvenile to communicate with staff at all times.
6. There is to be no reduction in food or calorie intake while a juvenile is restricted to quarters.
7. The restricted juvenile shall have access to bathroom facilities, including a toilet and washbasin.
8. The room in which the juvenile is restricted shall be maintained in accordance with temperatures at N.J.A.C. 13:92-4.3(e).

13:92-7.5 Physical and mechanical restraints

(a) (No change.)

(b) Written policy, procedure and practice shall restrict the use of physical and /or mechanical restraints to instances of justifiable self-protection, the protection of others, the residents and property, and the prevention of escapes, and are to be used only as a last resort. Residents shall be removed from mechanical restraints when no longer posing a threat.

1. (No change.)

(c) - (d) (No change.)

(e) Mechanical restraints approved for use in juvenile detention facilities shall include:

1. Handcuffs;

2. Leather restraints; [and]

3. Leg irons; and

4. Restraint chair.

(f) - (j) (No change.)

(k) [Staff members shall maintain constant visual supervision of the juvenile(s) when mechanical restraints are in use.] Staff members shall ensure the safety of the juvenile(s) in mechanical restraints and maintain close visual supervision, at least every five minutes, of the juvenile(s).

(l) (No change.)

(m) The facility administrator, or his or her designee, shall immediately assess the juvenile upon the application of a mechanical restraint for any injuries and to ensure

the juvenile's circulation is not or was not impaired upon the application of the mechanical restraint, except for the transportation of juveniles. The facility administrator, or his or her designee, shall make repeated assessments of the juvenile's behavior and circulatory status every 15 minutes for the duration of restraint and document this in the juvenile's [medical] file. At the earliest possible opportunity, a medical professional such as a physician, licensed physician assistant, advanced practice nurse, registered nurse, or licensed practical nurse shall examine every juvenile involved in a physical and/or mechanical restraint and document this in the juvenile's medical file.

(n) Whenever a mechanical restraint is used for more than [60] 30 minutes, except for the transportation of juveniles, [a] the medical [professional] or social service staff, or facility administrator or designee if the medical or social service staff are not available, shall determine whether there is reason to suspect a mental health problem and document this determination in the juvenile's medical file. [If the assessment is made by a licensed practical nurse, it must be under the supervision of and in consultation with a registered nurse or other medical professional, excluding a licensed practical nurse.]

1. If a mental health problem is suspected, the medical [professional shall immediately] or social service staff, or facility administrator, or his or her designee, if the medical or social service staff are not available, shall consult a licensed mental health professional and document the results of that consultation in the juvenile's medical file.
2. A new [mental health] determination whether there is reason to suspect a mental health problem shall be made and documented at the end of each

30-minute period by the medical or social service staff, or facility administrator, or his or her designee, if the medical or social service staff are not available. If a mental health crisis is suspected, an emergency mental health crisis assessment shall be obtained which may result in the removal of the juvenile from the facility.

[(o) A juvenile shall not be kept in any mechanical restraint for more than two hours, cumulatively, during any 24-hour period, unless the requirements of (p) below are met.

(p) If mechanical restraints are used for more than two hours, the requirements of (n) above shall be maintained. Written policy, procedure and practice shall require that staff obtain an emergency mental health crisis assessment and intervention which may result in the removal of the juvenile from the facility.]

[(q)] (o) Each use of a mechanical restraint, except when used during transportation outside the secure area, shall be documented in the mechanical restraint log prior to the end of the shift on which the restraint occurred (see N.J.A.C. 13:92-6.6).

[(r)] (p) Each application of a physical or mechanical restraint, except when used to transport a juvenile, shall be fully documented in the juvenile's file, including:

1. - 6. (No change.)

7. The [methods] type(s) of physical or mechanical restraint used;

8. - 12. (No change.)

[(s)] (q) The use of chemical and/or natural agents, such as mace, pepper spray, or other similar agents, shall be prohibited within the detention facility. The facility

administrator may authorize trained juvenile detention officers to carry and use pepper spray only while transporting juveniles outside the facility to court, hospitals, clinics, etc.

1. All juvenile detention officers authorized by the facility administrator to use pepper spray shall receive training and semi-annual re-training in pepper spray use and its effects in a class approved by the Police Training Commission (PTC).

13:92-8.1 Food and nutrition

(a) - (c) (No change.)

(d) The general population shall not be fed meals in sleeping rooms, except under extraordinary circumstances.

Recodify existing (d) - (l) as (e) - (m). (No change in text.)

13:92-8.3 Personal hygiene

(a) Each juvenile shall be provided with his or her own toothbrush, comb, towel, washcloth, and other personal hygiene items as needed, and shall have access to haircuts and hair grooming. Each juvenile's towel and washcloth shall be changed at least twice a week and more often when necessary. Bed linens shall be changed at least once a week and more often when necessary.

(b) - (d) (No change.)

13:92-9.1 Medical services

(a) - (l) (No change.)

(m) Sick call shall be conducted daily and be available to each juvenile.

1. [On weekdays, a] A daily sick call list may be initiated by the senior staff worker. A sick call shall then be conducted by a physician, registered professional nurse [or other qualified health care personnel, such as a], physician assistant, or [nurse practitioner] an advanced practice nurse, who is licensed and authorized by State law.
2. [On weekends, or at other] At times when a physician [or other qualified health care personnel is] , registered professional nurse, physician assistant or an advanced practice nurse are not on-site, sick calls may be directed by the senior staff worker. A physician [or other qualified health care professional] , registered professional nurse, physician assistant or an advanced practice nurse shall be on call at all times, and medically approved written standing orders or protocols shall be followed. [Qualified health care personnel] A physician, registered professional nurse, physician assistant or an advanced practice nurse shall be notified, as needed, for guidance and instruction.

(n) (No change.)

13:92-9.7 Visiting

(a) Parents and guardians shall have the right to visiting privileges unless prohibited by the court[. Visits] , and visits to juveniles from attorneys and/or their representatives, investigators, and other professionals associated with the juvenile shall not be restricted unless a juvenile is exhibiting disruptive behavior and it is determined

by the facility administrator or his or her designee that allowing the visit could pose a threat to the safety or security of the staff, other juveniles, visitors or the facility. When a visit is being withheld, the visitor(s) shall be notified as soon as possible. In addition, the reason why the visit was withheld shall be documented in the juvenile's file.

(b) - (f) (No change.)

g) Juveniles shall not be routinely locked in their rooms during visiting hours.

13:92-9.8 Mail

(a) (No change.)

(b) [Incoming and outgoing mail shall not be read by detention staff unless the administrator of the facility or his or her designee has compelling reasons to believe the correspondence contains material which presents a clear and present danger to the health or safety of the juvenile, other persons, or to the security of the facility.] Incoming mail shall only be opened for the purpose of examining for contraband material and enclosures of funds and always in the presence of the juvenile. Outgoing mail shall be sealed by the juvenile in the presence of staff.

(c) Incoming legal mail shall not be read or copied. No other mail shall be read or copied unless the administrator of the facility or his or her designee has compelling reasons to believe the correspondence contains material which presents a clear and present danger to the health or safety of the juvenile, other persons, or to the security of the facility.

[(c)] (d) (No change in text.)

[(d) Incoming mail shall only be opened for the purpose of examining for contraband material and enclosures of funds and always in the presence of the juvenile. Outgoing mail shall be sealed by the juvenile in the presence of staff.]

(e) - (f) (No change.)

13:92-9.9 Telephone

(a) Juveniles shall have the right to make [weekly telephone calls] a minimum of two telephone calls weekly in order to encourage and maintain family and other relationships. At least one non-collect telephone call per week shall be provided for those juveniles whose family have a "block" on their phone line which prevents them from receiving collect telephone calls.

(b) (No change.)

13:92-10.6 Staff coverage

(a) - (c) (No change.)

(d) Periodically, during sleeping hours, and [at least every 15 minutes, all juveniles] whenever juveniles are in their sleeping rooms or any holding room, they shall be visually checked [in order to document their condition] at least every 15 minutes. Each check shall be documented in a record created for this purpose.

(e) - (f) (No change.)

(g) The ratio of child care workers on duty to juveniles during waking hours shall be at least one worker to eight juveniles; during sleeping hours at least one worker to 16 juveniles.

[(g)] (h) Child care workers responsible for the supervision of juveniles, and included in meeting staff-to-juvenile ratios, shall not have other responsibilities assigned to them at that time, such as transportation, control room duties, or other duties.

Recodify existing (h) - (i) as (i) - (j) (No change in text.)

13:92-10.7 Staff development

(a) - (b) (No change.)

(c) Pre-service orientation/training programs shall be conducted by personnel with experience in adolescent development and related juvenile detention issues and shall include:

1. - 2. (No change.)

3. Development of special skills and methods for handling disruptive behavior, [ensuring] security and [addressing emergencies] emergency procedures;

4. - 6. (No change.)

(d) - (e) (No change.)

(f) There shall be budgeted training time of 24 hours per year for each staff member to attend professional institutes, workshops, conferences, and formal in-service training programs at the detention facility. This shall include, but not be limited to, maintaining certification in Cardiopulmonary Resuscitation (CPR) and First Aid.

13:92-11.2 Child care workers

[(a) The ratio of child care workers on duty to juveniles during waking hours shall be at least one worker to eight juveniles; during sleeping hours at least one worker to 16 juveniles.]

Recodify existing (b) - (c) as (a) - (b). (No change in text.)

13:92-11.3 Social service worker

(a) (No change.)

(b) There shall be a minimum of one full-time social service worker employed for every [20] 25 juveniles in the detention facility.

(c) Social service workers responsible for meeting the social service needs of the juveniles, and included in meeting the social service worker-to-juvenile ratio, shall not have other responsibilities assigned to them, such as court liaison, administrative responsibilities, or other duties.

Recodify existing (c) - (d) as (d) - (e). (No change in text.)

13:92-12.1 Confidential records and information

(a) To the extent that the documents required to be made, kept or maintained by this chapter are not otherwise deemed by law to be confidential, those documents shall be confidential and shall not be subject to public inspection or copying pursuant to the ["Right to Know Law,"] "Open Public Records Act," N.J.S.A. 47:1A-1 et seq.

(b) (No change.)

APPENDIX A
NEW JERSEY JUVENILE JUSTICE COMMISSION
COMPLIANCE MONITORING UNIT
INCIDENT REPORT

Facility Name: _____ Date: _____

Person Completing Form: _____ Phone: _____

Type of Incident (*fire, escape, attempted suicide, etc.*): _____

Date and Time of Incident: _____

Outside Agencies Involved (*police, fire dept., health dept., etc.*) _____

DETAILED DESCRIPTION OF INCIDENT: (attach copies of all internal incident reports; copies of outside agency reports when involved; provide names of all individuals involved, including victims, alleged perpetrators, witnesses, etc. *Use additional pages if necessary.*) _____

ADMINISTRATIVE ACTION TAKEN (e.g., hearings scheduled/held; policies or procedures modified; staff disciplined or terminated, etc.) _____

**This form is to be utilized to report incidents such as deaths, all suicide attempts by hanging and all other suicide attempts which require immediate/emergency medical attention. This form should also be used to report escapes, alleged sexual assaults by juveniles or staff, fires, outbreaks of contagious disease, or any other incidents which result in substantial injury to juveniles or staff and require medical attention outside of the facility, or substantial damage to the facility. Deaths, suicide attempts, fires, escapes and serious injuries must be reported as soon as practicable, but no later than within 24 hours of the occurrence. All other incidents must be reported within three working days of occurrence.*

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Peter C. Harvey
Attorney General
Chair, Juvenile Justice Commission
Executive Board

By: Markus Green
Attorney General's Designee

Date