

50 N.J.R. 890(a)

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RULE PROPOSALS

Reporter

50 N.J.R. 890(a)

***NJ - New Jersey Register > 2018 > FEBRUARY > FEBRUARY 20, 2018 > RULE PROPOSALS
> LAW AND PUBLIC SAFETY -- JUVENILE JUSTICE COMMISSION***

Interested Persons Statement

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

Agency

LAW AND PUBLIC SAFETY > JUVENILE JUSTICE COMMISSION

Administrative Code Citation

Proposed Amendments: N.J.A.C. 13:92-1.2, 2.5, 4.1, 4.2, 5.3, 6.5, 6.6, 7.4, 7.5, 7.6, 8.1, 9.1, 9.9, and 10.7 and 13:92 Appendix A

Proposed Repeal: N.J.A.C. 13:92 Appendix B

Text

Manual of Standards for Juvenile Detention Facilities

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Christopher S. Porrino, Attorney General and Chair, Rahat N. Babar, Attorney General's Designee.

Authority: P.L. 2015, c. 89; and N.J.S.A. 2A:4A-37, 18A:7B-5, 47:1A-1 and 5, 52:17B-170.e(6), (14), (15), (21), and (22), 52:17B-171.a(1) and (5), and 52:17B-176.a(6) through (9).

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

Proposal Number: PRN 2018-019.

Submit written comments by April 21, 2018, to:

John Wolff, Administrative Practice Officer
New Jersey Juvenile Justice Commission
1001 Spruce Street--Suite 202
Trenton, NJ 08638

or electronically to: Regulatory.Affairs@jjc.nj.gov

The agency proposal follows:

[page=891] **Summary**

N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities, is the chapter under which the New Jersey Juvenile Justice Commission (Commission) carries out its oversight responsibility over county juvenile detention facilities. The Commission is proposing a number of amendments to the rules found at N.J.A.C. 13:92, in order to comply with provisions of P.L. 2015, c. 89 (New Law), which was signed into law on August 10, 2015, making various changes to New Jersey's juvenile justice system. In addition, the Commission proposes to make a number of minor and technical amendments related to compliance with the regulations under the Federal Prison Rape Elimination Act of 2003 (See 28 CFR Part 115), review of shared service agreements, facility staffing analysis, reporting of incidents, staff development, and grammatical corrections.

Among other things, and of primary relevance to this rulemaking, P.L. 2015, c. 89 places significant limitations on the use of isolation, or room restriction, in juvenile correctional facilities, including county juvenile detention facilities.

N.J.S.A. 52:17B-171.13, regulations relative to room restriction for juveniles, enacted into law by P.L. 2015, c. 89, provides that a juvenile cannot

be subject to room restriction unless the juvenile poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted ... and only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the juvenile, but in no case shall a juvenile be held in room restriction for more than eight consecutive waking hours without being released for at least two hours for recreation and exercise.

That section provides further:

A juvenile who is 15 years of age or younger shall not be subject to room restriction for more than two consecutive days ... [a] ... juvenile who is 16 years of age or older but younger than 18 years of age ... three consecutive days [a] juvenile who is 18 years of age or older ... for more than five consecutive days ... [and a] ... juvenile shall not be subject to room restriction for more than 10 total days in a calendar month.

In addition to amendments proposed to conform to the requirements of N.J.S.A. 52:17B-171.13, the Commission is proposing several technical amendments.

A section by section description of the Commission's proposed amendments follows:

N.J.A.C. 13:92-1.2 is proposed for amendment. First, the term "isolation" is changed to "room restriction," and proposed for amendment to clarify that the temporary restriction of a juvenile can be in any designated room not merely an "isolation" room. In addition, the Commission proposes to delete the definition for "special daily schedule."

N.J.A.C. 13:92-2.5 is proposed for amendment to add the requirement that facilities must comply with the requirements of the Federal Prison Rape Elimination Act (PREA) of 2003, 42 U.S.C. § 15601 et seq., and with Federal regulations establishing PREA standards for juvenile facilities, 28 CFR Part 115, Subpart D.

N.J.A.C. 13:92-4.1 is proposed for amendment to add renewals of, or amendments to, shared services agreements between counties to the transactions requiring Commission approval.

In addition, the Commission proposes to amend N.J.A.C. 13:92-4.2 to add a requirement that an assigned maximum population capacity to a facility must be based on the Commission's analysis of the facility's staffing.

The Commission proposes to amend N.J.A.C. 13:92-5.3 by replacing the term "isolation" with "room restriction" and clarifying that prior to placing a juvenile on room restriction the juvenile must undergo required suicide risk and mental health screenings, in accordance with the provisions of N.J.A.C. 13:92-5.3(a)9 and 14.

N.J.A.C. 13:92-6.5 contains requirements related to the logging of information with respect to a juvenile placed in a defined housing status. The Commission proposes to amend N.J.A.C. 13:92-6.5 in order to focus its provisions on room restriction, permitted under the New Law, rather than on the "temporary restriction and special daily schedule" in the current rule. The Commission proposes to amend the heading of N.J.A.C. 13:92-6.5, Documentation of room restriction. Subsection (a) has been amended accordingly, including eliminating current paragraphs (a)7, 8, and 9, which provide for log entries relevant to the existing temporary restriction, and adding new paragraph (a)7, which implements the New Law's requirements for recording information on mental health assessments done in connection with room restriction placements. Also in conformance with the New Law, paragraph (a)1 is proposed to be amended to require information on a juvenile's race, gender, and age (birth date).

The Commission proposes to amend N.J.A.C. 13:92-6.6 to require that detention facilities document less restrictive restraints used when applying mechanical restraints on a juvenile.

N.J.A.C. 13:92-7.4 contains operational provisions related to the use of the temporary restriction and special daily schedule now being eliminated in favor of room restriction, in conformance with the New Law. The Commission proposes to amend the heading of N.J.A.C. 13:92-7.4, to reflect the current usage of "room restriction," as defined and limited by P.L. 2015, c. 89, for restrictions that are contrary to the requirements of that law. "Room restriction" is also proposed to replace "temporary restriction," "restricted to quarters," and/or "special daily schedule" throughout the section.

The Commission proposes to delete existing subsections (d) through (l), which address temporary restriction and special daily schedule in detail, and replace those provisions with new subsections (d) through (j), which codify into the rule operational requirements under the New Law for room restriction.

Under the proposed amendments to N.J.A.C. 13:92-7.4(b), room restriction is permitted only as a last resort when a juvenile's behavior poses an "immediate and" substantial threat to the personal safety of any person or to the security of the detention facility.

Proposed new subsection (d) provides that, except in extenuating circumstances, which must be documented, a juvenile may be kept on room restriction no longer than eight hours and must be released for at least two hours of recreation and exercise during those eight hours. If exigent circumstances, such as the juvenile continuing to pose a threat to safety or security, requires continued room restriction, proposed new subsection (e) provides that such determination must be made by the Administrator or designee, and documented in writing on a designated form.

Proposed new subsection (f) provides further restrictions, in accordance with the New Law, based on a juvenile's age. Under any circumstances, a juvenile who is 15 years of age or younger cannot be on room restriction for more than two consecutive days; a juvenile who is 16 years of age or older, but younger than 18 years of age, for more than three consecutive days; and a juvenile who is 18 years of age or older for more than five consecutive days. No juvenile can be held on room restriction for more than 10 total days in a 30-day period.

Proposed new subsection (g) prohibits placing a juvenile on room restriction for a fixed, predetermined period of time.

Proposed new subsection (h) provides that a juvenile on room restriction must be reassessed at least every two hours, to determine whether continued room restriction is necessary and any determination that room restriction should continue must be documented.

Proposed new subsection (i) ensures that otherwise required health, mental health, and educational services will continue to be given to juveniles on room restriction.

Proposed new subsection (j) provides detailed reporting requirements, ensuring that essential information concerning room restriction placements are promptly entered into the Commission provided system through which the Commission manages oversight of room restriction placements, and requires that the reason for placement in room restriction, and the race, age, and gender of the juvenile shall be made available for public inspection under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

N.J.A.C. 13:92-7.5 sets forth requirements related to mechanical restraints, including, in subsection (c), related training standards that limit permitted restraints to those that are included in the New Jersey Police Training Commission (PTC) approved Basic Course for Juvenile [page=892] Detention Officers. The Commission proposes to amend N.J.A.C. 13:92-7.5(c) to allow other PTC-approved training authorized by the Commission. Paragraph (p)9 is also proposed for amendment to remove "and prescription for restraint."

At N.J.A.C. 13:92-7.6, the Commission proposes to add physical suicidal gestures and attempted escapes to the list of incidents that must be reported to the Commission within 24 hours. The Commission proposes to add use of mechanical restraints beyond 30-minutes and instances when a juvenile is transferred to an adult facility to the list of incidents that must be reported to the Commission within three days of occurrence. A proposed amendment to N.J.A.C. 13:92-8.1 deletes the requirement that staff eat with juveniles whenever practical.

The Commission proposes to amend N.J.A.C. 13:92-9.1 to delete the reference to N.J.A.C. 13:92 Appendix B, the mandatory form of medical record, because it is outdated and unnecessary. In addition, the Commission proposes to amend N.J.A.C. 13:92-9.1 to delete reporting requirements for certain medical episodes, because they are redundant with the provisions of N.J.A.C. 13:92-7.6.

N.J.A.C. 13:92-9.9 provides the right of juveniles to make at least two phone calls weekly, including the right to one "non-collect" call. Other calls may be collect. However, with the prevalence of mobile phones today, the issue of collect calls is rarely, if ever, relevant. Accordingly, the Commission proposes to amend N.J.A.C. 13:92-9.9 to provide a blanket right to one free call each week.

The Commission proposes to amend N.J.A.C. 13:92-10.7 to add a requirement that staff authorized to issue medication to juveniles attend Commission-approved training in medication dispensing and to require that all child care workers attend a training academy in accordance with the PTC's requirements.

The Commission is proposing to make several changes to the chapter appendices.

First, the Commission proposes to amend N.J.A.C. 13:92 Appendix A, changing the form name from "Compliance Monitoring Unit Incident Report" to "Juvenile Detention Monitoring Unit Incident Report," and clarifying that a report is needed in connection with all suicide attempts and suicides, attempted escapes, certain uses of mechanical restraints and restraint chairs, and transfers of juveniles to adult detention facilities. N.J.A.C. 13:92 Appendix A is also proposed for amendment to include physical suicidal gestures in the list that must be reported within 24 hours

after occurrence. The contact information is also updated to correct the name of the Juvenile Detention Monitoring Unit.

Finally, the Commission proposes to repeal Appendix B, Individual Medication Record (see Summary of amendments to N.J.A.C. 13:92-9, Program services, above).

Because the Commission has provided for 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 proposed amendments and repeal will have a positive social impact, by ensuring compliance with State law that strictly limits isolation of incarcerated juveniles to where necessary to counter an immediate and substantial risk of harm to others or to the security of the facility.

Economic Impact

The costs associated with the proposed amendments and repeal have been and will be met through the established budget process with funds allocated by the State and county governments. The Commission anticipates that the proposed amendments and repeal will not have any measurable economic impact on the Commission, any other department or agency of the State government, or political subdivision of the State.

Federal Standards Statement

The proposed amendments and repeal comply with 28 CFR 31.303 and do not exceed the standards or requirements imposed by Federal law.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost if the proposed amendments and repeal are adopted.

Agriculture Industry Impact

The Commission does not anticipate that the rules as proposed for amendment and repeal would have any impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments and repeal impose no reporting, recordkeeping, or other compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. A regulatory flexibility analysis is not required because the proposed amendments and repeal concern only the incarceration of juveniles in county detention facilities, none of which are small businesses.

Housing Affordability Impact Analysis

The proposed amendments and repeal will have an insignificant impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing, because the proposed amendments and repeal concern only the incarceration of juveniles in county detention facilities.

Smart Growth Development Impact Analysis

The proposed amendments and repeal will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the rules as proposed for amendment concern only the incarceration of juveniles in county detention facilities.

Regulations

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

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

SUBCHAPTER 1. INTRODUCTION

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.

...

["Isolation" means the temporary restriction of a juvenile to his or her sleeping room or isolation room.]

...

"Room restriction" means the temporary restriction of a juvenile to his or her sleeping room or other designated room.

...

["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.]

...

SUBCHAPTER 2. LEGAL PROVISIONS

13:92-2.5 Other legal authority

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

(c) Each facility shall comply with the requirements of the Federal Prison Rape Elimination Act (PREA) of 2003 (42 U.S.C. §§ 15601 et seq.) and with Federal regulations establishing PREA standards for juvenile facilities, 28 CFR Part 115, Subpart D, as may be amended.

[page=893] SUBCHAPTER 4. PHYSICAL STANDARDS

13:92-4.1 Location, building approval, and limitations

(a) A juvenile shall be placed or remain in detention only in a facility approved for that purpose by the Commission.

1. (No change.)

2. A detention facility must obtain Commission approval of a written implementation proposal that has been signed-off by all relevant entities prior to:

i. (No change.)

ii. Any closure of facility or portion thereof; [or]

iii. Any renewal of or amendments to shared services agreements between counties; or

[iii.] **iv.** (No change in text.)

3.-7. (No change.)

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

13:92-4.2 Juvenile population capacity

(a) Each detention facility shall be inspected by the Commission and, in consultation with the administrator of the facility, assigned a maximum population capacity based on minimum standards established herein. **This population capacity will also be based on the Commission's analysis of the facility's staffing.**

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

SUBCHAPTER 5. INTAKE AND ADMISSION; ELECTRONIC MONITORING PROGRAMS

13:92-5.3 Intake and admission procedures

(a) When it becomes necessary to place a juvenile in detention the following intake and admission procedures shall be adhered to:

1.-11. (No change.)

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] **room restriction** pending a medical examination, 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.

13.-17. (No change.)

18. No juvenile shall be placed [in isolation (] **on room restriction**[)] before undergoing **a suicide risk questionnaire** and mental health [screenings] **screening required under (a)9 and 14 above**. However, if a juvenile's behavior warrants separation from the general population prior to receiving the required screenings, the juvenile shall be placed on [a "special daily schedule" as provided for in N.J.A.C. 13:92-7.4(g). In addition, this juvenile shall be placed on], and remain under, increased supervision by staff until he or she receives all required screenings.

SUBCHAPTER 6. RECORDS AND REPORTS

13:92-6.5 [Log for temporary] **Documentation of room** restriction [and special daily schedule]

(a) In accordance with the provisions of N.J.A.C. 13:92-7.4, [Temporary] **Room** 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] **other designated** room, [or placed on the special daily schedule,] **prior to the end of the shift on which the restriction occurred, all pertinent information, including, but not limited to,** 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] **documented and available for review:**

1. The name of the juvenile, **race, gender, and date of birth;**

2. The date and time of the juvenile's [temporary] **room** restriction;

3. The name of the staff member requesting [temporary] **room** restriction;
4. The name of the administrator or his or her designee authorizing [temporary] **room** restriction;
5. The reason for the [temporary] **room** restriction;
6. The date and time of the juvenile's release from [temporary] **room** restriction; **and**
- [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.]

7. If any health or mental health assessments were performed, the administrator or designee shall certify that the results of those assessments were considered in any decision to place the juvenile on room restriction or to continue room restriction.

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.-6. (No change.)

7. The date and time the juvenile was released from the restraints; [and]

8. The name and title of the administrator or designee authorizing continued use of restraint, if necessary, beyond 30 minutes[.]; **and**

9. Any less restrictive restraint used.

SUBCHAPTER 7. CONTROL, DISCIPLINE, AND GRIEVANCE PROCEDURE

13:92-7.4 [Temporary] **Room** restriction [and special daily schedule]

(a) [Temporary] **Room** restriction [of a juvenile to his or her sleeping room, or isolation room,] shall be used as a last resort only after other less restrictive measures have failed.

(b) A juvenile shall be placed [in temporary] **on room** restriction only if the juvenile's behavior poses [a] **an immediate and** substantial physical threat to himself or herself and/or others or [property] **to the security of the facility**. Room restriction shall not be used for punitive purposes, but rather to gain control of an acting-out juvenile and ensure the security and safety of the facility, staff, and other juveniles.

(c) No juvenile shall be placed on [temporary] **room** restriction without the approval of the administrator of the detention facility or his or her designee.

[(d) Upon temporary restriction, the juvenile's name shall be recorded in the "Log for Temporary Restriction and Special Daily Schedule" as provided for in N.J.A.C. 13:92-6.5.

(e) A juvenile placed on temporary restriction shall be reassessed, 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 meet with the juvenile within 48 hours of placement and develop a plan to address the behavior which led to the restriction. The social service worker shall also ensure compliance with [page=894] 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.]

(d) A juvenile may be subject to room restriction only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the juvenile, but in no case shall a juvenile be held in room restriction for more than eight consecutive waking hours without being released for at least two hours of recreation and exercise. These programs and/or activities may be engaged in separately or with the general population, at the discretion of the facility administrator or his or her designee. Each instance of a juvenile being released for his or her recreation as required in this subsection shall be documented and available for review.

(e) While executing the requirements of (d) above, if the facility administrator or designee determines that a juvenile's behavior poses an immediate and substantial physical threat to others or to the security of the facility or for other reasons that do not allow for the provisions of (d) above to be safely carried out, the reason for this determination must be fully documented on a separate form for this purpose and be available for review.

(f) A juvenile who is 15 years of age or younger shall not be subject to room restriction for more than two consecutive days. A juvenile who is 16 years of age or older, but younger than 18 years of age, shall not be subject to room restriction for more than three consecutive days. A juvenile who is 18 years of age or older

shall not be subject to room restriction for more than five consecutive days. No juvenile shall be subject to room restriction for more than 10 total days in a 30-day period.

(g) No juvenile shall be placed on room restriction for a pre-determined amount of time, for example, 24 hours, three days, etc.

(h) A juvenile placed on room restriction shall be reassessed, 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 documented and available for review.

(i) Juveniles subject to room restriction shall continue to receive health, mental health, and educational services. If a mental health problem is suspected, a mental health professional shall be consulted immediately.

(j) Upon room restriction, the juvenile's name and all relevant information pertaining to each use of room restriction, as provided for in N.J.A.C. 13:92-6.5, shall be available to the Commission through the system developed by the Commission for this purpose. This information shall be entered into this system prior to the end of the shift on which the restriction occurred. In addition, all aggregate data pertaining to the use of room restriction including the dates and duration of each occurrence, the reason for placement in room restriction, and the race, age, and gender of the juvenile shall be made available for public inspection pursuant to N.J.S.A. 47:1A-1 et seq., commonly known as the Open Public Records Act.

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

1. (No change.)

2. During the period of [temporary] **room 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] **placement on room restriction**, 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] **on room restriction** 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] **on room restriction** when there is not sufficient personnel available to provide the supervision required by [(m)2] (k)2 above.

5. [Restriction] Room **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] **on room restriction**.

7.-8. (No change.)

13:92-7.5 Physical and mechanical restraints

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

(c) Only those physical and mechanical restraint techniques [which] **that** are included in the New Jersey Police Training Commission (P.T.C.)-approved Basic Course for Juvenile Detention Officers **or other P.T.C.-approved training authorized by the Commission** may be used to restrain juveniles in juvenile detention facilities.

(d)-(o) (No change.)

(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.-7. (No change.)

8. [Any] **All** less intrusive interventions that were tried and proved unsuccessful in managing the behavior;

9. The mental health evaluation [and prescription for restraint], if applicable;

10.-12. (No change.)

(q) (No change.)

13:92-7.6 Reporting of incidents

(a) (No change.)

(b) All suicide attempts [by hanging or by other means] **or physical suicidal gestures** shall be reported to the Commission as soon as practicable, but no later than within 24 hours of the occurrence.

[(c) All physical suicidal gestures shall be reported to the Commission within three days of the occurrence, excluding weekends and State holidays.]

(c) All fires, escapes, and attempted escapes shall be reported to the Commission as soon as practicable, but no later than within 24 hours of the occurrence.

(d) Other incidents, such as alleged sexual assaults by juveniles or staff, outbreaks of contagious disease, group disturbances involving four or more juveniles, [or] any situation that [require] **requires** medical or mental health attention outside the facility for juveniles or staff, [or] substantial damage to the facility, **mechanical restraints beyond 30 [page=895] minutes, and instances when a juvenile is transferred to an adult facility**, shall be reported to the Commission within three days of the occurrence [, excluding weekends and State holidays. However, fires and escapes shall be reported to the Commission as soon as practicable, but no later than within 24 hours of the occurrence].

(e) (No change.)

SUBCHAPTER 8. PHYSICAL CARE OF JUVENILES

13:92-8.1 Food and nutrition

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

(f) Normal table conversation shall be permitted during mealtimes. [Staff should eat with juveniles whenever practical.]

(g)-(m) (No change.)

SUBCHAPTER 9. PROGRAM SERVICES

13:92-9.1 Medical services

(a)-(d) (No change.)

(e) In accordance with N.J.A.C. 13:92-6.4, whenever a juvenile is administered medication, it shall be recorded in the "Medication Log" and on an "Individual Medication Administration Record" form[, set forth in chapter Appendix B, and incorporated herein by reference, and] **that shall be** maintained in the juvenile's medical file.

(f)-(i) (No change.)

[(j) Deaths of juveniles in the detention facility, as well as injuries to juveniles, which, in the opinion of the treating physician, may cause death, serious disability, or disfigurement shall be reported to the Commission as soon as practicable, within 24 hours of the occurrence.

(k) All suicide attempts by hanging and all other attempts which require immediate emergency medical attention shall be reported to the Commission within 24 hours of the occurrence.]

Recodify existing (l)-(n) as **(j)-(l)** (No change in text.)

13:92-9.9 Telephone

(a) Juveniles shall have the right to make 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] **of these calls** shall be provided for [those juveniles whose family have a "block" on their phone line which prevents them from receiving collect telephone calls] **free**.

(b) (No change.)

SUBCHAPTER 10. STAFF; GENERAL REQUIREMENTS

13:92-10.7 Staff development

(a)-(d) (No change.)

(e) All medication assistance staff shall attend at least one Commission-approved medication dispensing training. This shall include training in the security aspects of medication administration to ensure that medications are properly dispensed. In addition, [Annual] annual in-service refresher training in the administration of medication and the documentation thereof shall be provided by a qualified healthcare professional to all medication assistance staff. [The training shall include methods for evaluating minimal competencies in those areas.]

(f) Every [custody staff member] **child care worker** shall receive a minimum training time of 24 hours per year 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.

(g) The facility shall ensure that all child care workers attend a training academy in accordance with the Police Training Commission's (PTC) requirements.

[(g)] **(h)** (No change in text.)

APPENDIX A:

NEW JERSEY JUVENILE JUSTICE COMMISSION

[COMPLIANCE] **JUVENILE DETENTION MONITORING UNIT**

INCIDENT REPORT

Facility Name: _____ Date: _____

Person Completing the 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], and **physical suicidal gestures. This form should also be used to report escapes, **attempted escapes**, alleged sexual assaults by juveniles or staff, fires, outbreaks of contagious disease, group disturbances involving four or more juveniles, [or] any [other incidents which] **situations that** result in injury to juveniles or staff requiring medical attention outside of the facility, [or] substantial damage to the facility, **mechanical restraints beyond 30 minutes, and any instances when juveniles are transferred to an adult facility**. Deaths, suicide attempts, **physical suicidal gestures**, 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.*

New Jersey Juvenile Justice Commission

[Compliance] **Juvenile Detention** Monitoring Unit

PO Box 107

Trenton, New Jersey 08625-0107

[phone] **Phone:** (609) 292-1400

[fax] **Fax:** (609) 292-4620

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