

# OKLAHOMA STATE DEPARTMENT OF HEALTH (OSDH) & OFFICE OF JUVENILE AFFAIRS (OJA)

## JUVENILE CERTIFICATION PACKET

Oklahoma House Bill 2311 takes effect November 1, 2021, this legislation brings Oklahoma Statutes into compliance with the 2018 Juvenile Justice Reform Act. In order for any adult jail, lockup, or other detention facility, **to detain a youth under the age of eighteen (18) years**, they must be found in compliance with the 2018 Juvenile Justice Reform Act. Compliance determination will be performed by OSDH and OJA. The certification inspection will only be performed after the submitted documentation has been found to be in compliance with the 2018 Juvenile Justice Reform Act.

### Certification Process:

- 1) Facility must be in "Substantial Compliance" with Okla. Stat. tit. 74 § 192 and Title 310, Chapter 670 of the Oklahoma Administrative Code.
- 2) Facility must request juvenile certification and then submit the requested below documents, policies, and procedures.
- 3) On-Sight Inspection by OSDH & OJA, to determine compliance for juvenile certification.
- 4) After approved certification, unannounced inspections will be conducted by OSDH & OJA, to determine continued compliance.

**310:670-1-3. Implementation and inspection** - A local facility administrator shall develop and implement written policies and procedures pertaining to the daily management and operation of the facility. Each facility shall develop and maintain an operations manual sufficient to demonstrate compliance with the standards in Section 1 of Subchapter 3 of this Chapter, or Section 1 of Subchapter 5 of this Chapter.

### List of documents to be submitted to OSDH: (additional documents may be requested during this process)

1. 310:670-5-1. Written policies and procedures for **admission, release, and records of inmates**
2. 310:670-5-2. Written policies and procedures for the **safety, security and control of staff, inmates and visitors**
3. 310:670-5-3. Written policies and procedures for **supervision of inmates**
4. 310:670-5-4. Written policies and procedures for **inmate rules, discipline and grievances**
5. 310:670-5-5. Written policies and procedures for **classification and segregation of inmates**
6. 310:670-5-6. Written policies and procedures for the **safety, sanitary and hygiene**
7. 310:670-5-7. Written policies and procedures for **food Services and dietary requirements**
8. 310:670-5-8. Written policies and procedures for **medical care and health services**
9. 310:670-5-9. Written policies and procedures for **mail and visitation**
10. 310:670-5-10. Written policies and procedures for **training and staff development**
11. 310:670-5-11. Written policies and procedures for **physical plant**
12. 310:670-7-1. Written policies and procedures for **holding juvenile offenders**
13. 310:670-7-3. Written policies and procedures for **recording and reporting to hold juvenile offenders**
14. **Emergency Plans** to include Fire and Evacuation Plan with copies of posted evacuation plans for Juvenile Housing (Signed and approved by local Fire Chief or Fire Marshal)
15. **Facility Site Plan** (Denotes where juveniles will be housed) Must also include areas for admission, booking, screening, medical, recreation, education, dining, court, etc. (plans must also denote where adults are housed in the facility)
16. **Staff Training Log** for staff who are assigned to work with juvenile inmates
17. **Juvenile Training Curriculum/Lesson Plan** approved by OSDH and OJA. Includes juvenile inmate policies, procedures, adolescent development (including emotional, physical, and brain development), trauma-informed approaches with youth, de-escalation techniques and avoidance of power struggles
18. **Post orders for staff working with and in the Juvenile POD/Housing Unit.**

**OKLAHOMA STATE DEPARTMENT OF HEALTH (OSDH) & OFFICE OF JUVENILE AFFAIRS (OJA)**  
**STANDARDS FOR ADULT DETENTION FACILITIES/JAILS HOUSING JUVENILES**  
**CERTIFICATION CHECK SHEET**

POLICY	Criteria Met	COMMENT	CITATIONS <a href="#">10A O.S. § 2-3-101</a> <a href="#">OAC 377:3</a> <a href="#">OAC 310:670</a>
<b>Supervision of Inmates</b> <b>Classification and Segregation of Inmates</b>			
<i>Sight and Sound Separation Policy</i> 1. Total separation between juveniles and adult spatial areas 2. Total separation in juvenile and adult activities, including but not limited to recreation, education, counseling, health care, dining, sleeping, and general living activities 3. Adult jails, adult lockups, and other adult detention facilities must have separate juvenile and adult staff on all shifts so that no staff supervise both adult and juvenile inmates during the same shift 4. Facility staff responsible for separately monitoring U18 youth must maintain a staffing ratio of 1:7 during waking hours and 1:16 during sleeping hours 5. Detention Officers for U18 youth are posted and shall be located and staffed close enough to the lockup area to permit Detention Officers to hear and respond promptly to calls for assistance, and provide immediate response to emergencies.		310:670-5-3. Written policies and procedures for supervision of inmates. 310:670-5-5. Written policies and procedures for classification and segregation of inmates. 310:670-7-1. Standards for detention facilities holding juvenile offenders. .	<a href="#">10A O.S. § 2-3-101(G)(1)(b)</a> <a href="#">10A O.S. § 2-3-101(E)(g)(3)</a> <a href="#">OAC 377: 3-13-44</a>  <a href="#">OAC 310:670-5-3(f)</a> <a href="#">OAC 310:670-5-3(g)</a> <a href="#">OAC 310:670-5-5(2)(C)(i)</a> <a href="#">OAC 310:670-7-1(d)</a> <a href="#">OAC 310:670-7-1(g)</a>

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<b>Medical Care and Health Services</b>			
<p><i>Medical &amp; Mental Health Assessment</i></p> <ol style="list-style-type: none"> <li>1. the arrival of a new juvenile admission shall require a medical and dental screening by a licensed nurse;</li> <li>2. all medical screening findings shall be recorded on a form approved by the physician;</li> <li>3. all medication and first aid supplies shall be accounted for during the receiving, storing, dispensing, administering and distributing process; and</li> <li>4. medical and dental instruments and supplies (i.e. syringes, needles, scalpel blades, and other sharps) shall be under maximum secure storage, controlled, and perpetually inventoried under</li> <li>5. Address serious and/or common problems               <ol style="list-style-type: none"> <li>a. Drug toxicity and withdrawal,</li> <li>b. pregnancy,</li> <li>c. sexually transmitted disease (STD),</li> <li>d. suicide threats, and</li> <li>e. emotional problems.</li> </ol> </li> <li>6. Address communicable and infectious disease</li> </ol>		<p>310:670-5-1. Written policies and procedures for admission, release, and records of inmates.            310:670-5-8. Written policies and procedures for Medical care and health services.</p>	<p><a href="#">10A O.S. § 2-3-101(G)(1)(b)</a>   <a href="#">OAC 377:3-13-45(a)(6)</a>   <a href="#">OAC 310:670-5-1</a>  <a href="#">OAC 310:670-5-8(6)</a></p>

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<b>Admission, Release, and Records</b>			
<p><i>Acceptance Policy</i></p> <ol style="list-style-type: none"> <li>1. No child alleged or adjudicated to be deprived or in need of supervision or who is or appears to be a minor in need of treatment defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, shall be confined in any jail, adult lockup, or adult detention facility.</li> <li>2. No child who has been taken into custody as a deprived child, a child in need of supervision, or who appears to be a minor in need of treatment, may not be placed in any detention facility pending court proceedings, but must be placed in shelter care or foster care or, with regard to a child who appears to be a minor in need of treatment, a behavioral health treatment facility in accordance with the provisions of the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, or released to the custody of the parents of the child or some other responsible party</li> </ol>		<p>310:670-5-1. Written policies and procedures for admission, release, and records of inmates.</p> <p><a href="#">10A O.S. § 2-3-101(E)</a></p>	<p><a href="#">10A O.S. § 2-3-101 A (2)</a> <a href="#">10A O.S. § 2-3-101 A (3)</a></p> <p><a href="#">OAC 310:670-5-1</a></p>
<p>Maintain a log to ensure No juveniles housed meeting the standards unless authorized under <a href="#">10A O.S. § 2-3-101(E)</a></p>			<p><a href="#">10A O.S. § 2-3-101</a> <a href="#">10A O.S. § 2-3-101(G)(2)</a></p> <p><a href="#">310:670-7-3</a></p>

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<b>Mail and Visitation</b>			
<p><i>Visitation and visiting Logs</i></p> <ol style="list-style-type: none"> <li>1. Facility shall process requests for visits and allow approved visitors <b>contact</b> visits with the child <b>within five (5) business days</b> of the request and document this process of providing visitation.</li> <li>2. A juvenile shall have access to the courts and confidential contact with attorneys, their authorized representatives, and family and providers approved by their authorized representatives.</li> <li>3. U18 youth shall be permitted visits from authorized juvenile agency personnel. Visits from family members, who are unable to visit during normal visiting hours shall be allowed so long as arrangements for them are made in advance, with the administrator, and provided they do not jeopardize security. Each facility that holds a juvenile shall have written policies and procedures for such visits.</li> </ol>		<p>310:670-5-9. Written policies and procedures for Mail and visitation            310:670-7-1. Written policies and procedures for holding juvenile offenders</p>	<p><a href="#">10A O.S. § 2-3-101(F)(2)</a>            OAC 377:3-13-42  <a href="#">OAC 310:670-5-9</a>  <a href="#">OAC 310:670-7-1(e)</a></p>

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<b>Safety, Sanitary and Hygiene Physical Plant</b>			
<ol style="list-style-type: none"> <li>1. Cell/sleeping area consists of 70 square feet of floor space per U18 youth</li> <li>2. Single sleeping rooms consist of at least 70 square feet of floor space. There shall be no double-celling of juveniles unless:               <ol style="list-style-type: none"> <li>a. the room has been specifically constructed to house two juveniles;</li> <li>b. the Office of Juvenile Affairs and the Department of Health have approved the plans of the facility/room; and</li> <li>c. the room meets the space requirements set forth in the American Correctional Association's (ACA) "Standards for Juvenile Detention Facilities".</li> </ol> </li> <li>3. Facility must provide each U18 youth with a bed elevated from the floor and have a clean, covered mattress with bedding provided</li> <li>4. Day/living area consists of 35 square feet of floor space per U18 youth housed on each unit</li> <li>5. Dining areas consists of provide at least 15 square feet of floor space per U18 youth housed on each unit</li> <li>6. Bathrooms provide 1 toilet, 1 wash basin, and 1 shower for every 6 juveniles housed on each unit</li> <li>7. Showers &amp; wash basins have temperature controls and are supplied with hot and cold water under pressure at all times</li> </ol>		<p>310:670-5-6. Written policies and procedures for the safety, sanitary and hygiene</p> <p>310:670-7-1. Written policies and procedures for holding juvenile offenders</p>	<p><a href="#">10A O.S. § 2-3-101(G)(1)(b)</a></p> <p><a href="#">28 C.F.R. § 115.14(c)</a> 28 CFR § 31.303 (d)</p> <p><b>ACA 3-JDF-2C-03</b></p> <p><a href="#">OAC 377:3-13-45(a)(4)</a> <a href="#">OAC 377:3-13-46(b)(5)</a> <a href="#">OAC 377:3-13-46(b)(1)</a> <a href="#">OAC 377:3-13-46(b)(3)</a> <a href="#">OAC 377:3-13-46(b)(4)</a> <a href="#">OAC 377:3-13-46(c)</a> <a href="#">OAC 377:3-13-46(c)(2 &amp; 3)</a></p> <p><a href="#">OAC 310:670-3-1(14)(D)</a> <a href="#">OAC 310:670-5-6(18)</a> <a href="#">OAC 310:670-7-1(f)</a></p>

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<p>8. Recreation Policy – 1 hour of large muscle exercise and 1 hour of structured recreational activities; indoor activity area outside the sleeping area provides space of at least 100 square feet per juvenile</p> <p>9. Detention Officers for U18 youth are posted and shall be located and staffed close enough to the lockup area to permit Detention Officers to hear and respond promptly to calls for assistance, and provide immediate response to emergencies.</p> <p>10. For adequate sound separation, there can be no shared interior wall between youth and adult inmates. U18 youth cannot be housed next to adult cells, share dining halls, recreation areas, or any other common spaces with adults, or be placed in any circumstance that could expose them to threats or abuse from adult offenders.</p>			

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<b>Safety, Security, Control and Supervision Training and Staff Development</b>			
<p><i>Sight Checks</i></p> <ol style="list-style-type: none"> <li>1. For U18 youth, Sight checks of juvenile inmate living areas shall be performed at least one (1) time every 30 minutes. The check shall include all areas of each cell and the inmates shall be visually observed. Checks shall be documented in writing on a form provided by the administrator cell and the inmates shall be visually observed. Checks shall be documented in writing on a form provided by the administrator</li> <li>2. Facility shall eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints, behind the back, and four-point restraints on known pregnant juveniles</li> <li>3. The Department and OJA Compliance Monitor shall be notified no later than the next working day if any of the following incidents occur with an U18 youth: <ol style="list-style-type: none"> <li>a. Extensive damage to detention facility property;</li> <li>b. Serious injury to staff or inmate defined as life threatening or requiring transfer to outside medical facility;</li> <li>c. Escape;</li> <li>d. Serious suicide attempt, defined as life threatening or requiring</li> <li>e. transfer to outside medical facility; and (E) Death.</li> </ol> </li> </ol>		<p>310:670-5-2. Written policies and procedures for the safety, security and control of staff, inmates and visitors</p> <p>310:670-5-3. Written policies and procedures for supervision of inmates</p> <p>310:670-5-10. Written policies and procedures for Training and staff development</p> <p>310:670-7-1. Standards for detention facilities holding juvenile offenders</p> <p>Note: Sight checks are performed every ½ hour</p>	<p><a href="#">57 O.S. § 4.2</a>  <a href="#">34 U.S.C. § 11133(a)(7)(B)(ix)(II)</a>  34 U.S. Code § 11133 (12) (B)  <a href="#">10A O.S. § 2-3-101(A)(2)</a>  <a href="#">10A O.S. § 2-3-101(G)(b)(3)</a>  <a href="#">10A O.S. § 2-3-101(G)(1)(b)</a>  <a href="#">OAC 377:3-13-43(a)(9)</a>  28 C.F.R. § 115.14 (c)  <b>ACA 3-JDF-3E-03</b></p> <p><a href="#">OAC 310:670-5-2(3)</a>  <a href="#">OAC 310:670-5-2(24)</a>  <a href="#">OAC 310:670-5-2(27)</a>  <a href="#">OAC 310:670-5-3</a>  <a href="#">OAC 310:670-5-10</a>  <a href="#">OAC 310:670-7-1. (c)</a>  <a href="#">OAC 310:670-7-1 (d)</a>  <a href="#">OAC 310:670-7-1 (g)</a></p>

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<p>4. Notification policies as required by statute or law</p> <p>5. An adult inmate who is assigned trustee status shall not be permitted contact with a juvenile inmate. A staff member shall serve a juvenile inmate's meals.</p> <p>6. No staff member shall be permitted to enter a juvenile inmate living area i.e., past the last locked door, without backup assistance being available from another staff member. At least one (1) staff member shall be of the same sex as the juvenile inmate except in life endangering situations. Anytime a decision is made to enter the living area without appropriate backup assistance as defined above, the action shall be documented. Documentation shall show the reason for the decision and a permanent record shall be maintained.</p> <p>7. a. U18 youth placed in isolation beyond fifteen (15) minutes, shall be visually observed by a detention officer at least every half-hour. Checks shall be documented in writing on a form provided by the administrator.</p> <p>b. Facility U18 staff must complete 3- hour reviews, and 24 hour administrative reviews by uninvolved administrators or their designees in order to keep the youth in isolation. Living conditions/essential services must remain the same for youth in</p>			

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<p>confinement/isolation. ACA also has a requirement setting a maximum of five days of isolation/confinement unless provided by law.</p> <p>8. Review of Employee Entering and Leaving U18 youth Area legally required documentation</p> <p>9. Isolation Check Log</p> <p>10. Staff separation Policy</p> <p>11. Each member of the staff of an adult jail, adult lockup, or other adult detention facility that has contact with U18 youth shall satisfactorily complete a training program provided or approved by the Office of Juvenile Affairs</p> <p>    a. All staff who work with juveniles in adult detention facilities must have been trained and certified to work with juveniles and have completed at least 8 hours of training in:</p> <p>    b. Adolescent Development, including emotional, physical, and brain development,</p> <p>    c. Trauma-informed approaches with youth,</p> <p>    d. De-escalation techniques and avoidance of power struggles</p> <p>12. Maintain Staff Training Policy and Logs</p>			

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<p>Facility Staffing Requirements</p> <ol style="list-style-type: none"> <li>1. Minimum of two direct care staff on duty at all times</li> <li>2. If a female is placed, a female staff member is on duty; when a male is placed, a male staff member is on duty</li> <li>3. Juveniles shall be supervised at all times. Staff must remain close and in visual contact.</li> <li>4. Facility shall comply with all information and data requests from the Oklahoma Department of Health and the Compliance Manager of the Office of Juvenile Affairs</li> </ol>		<p>310:670-7-1. Written policies and procedures for <b>holding juvenile offenders</b></p> <p>310:670-7-3. Written policies and procedures for <b>recording and reporting to hold juvenile offenders</b></p>	<p><a href="#">10A O.S. § 2-3-101(G)(1)(b)</a> OAC 377:3-13-44(c)(4)</p> <p><a href="#">OAC 310:670-7-1(g)</a> <a href="#">OAC 310:670-7-3</a></p>

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<b>Inmate Rules, Discipline and Grievances</b>			
<p>Grievance Policy</p> <ol style="list-style-type: none"> <li>1. There shall be a written policy and procedure to respond to inmate requests of staff and grievances. The grievance policy shall conform to the requirements</li> <li>2. Grievances filed by U18 youth shall be forwarded to the Department of Health, the OJA Compliance Monitor, and the Oklahoma Commission on Children and Youth as required by Title 10A O.S. § 2-3-105</li> <li>3. Grievances may be filed either by the child or by a person responsible for the juvenile's health or welfare as defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes acting on the child's behalf.</li> <li>4. Grievances shall be directed to the Commission's Office of Juvenile System Oversight for investigation, resolution and referral to the appropriate agency if deemed necessary including, but not limited to, the State Department of Health.</li> <li>5. Grievances filed by youth or persons responsible for the juvenile's health shall be forwarded to the <b>Oklahoma Commission on Children and Youth within 2 working days of being completed by the grievant to the web address: <a href="mailto:youth.jails@occy.ok.gov">youth.jails@occy.ok.gov</a></b></li> <li>6. <b>Or faxed to: 405-524-0417</b></li> <li>7. Facility in which U18 youth are being held shall:</li> </ol>		<p>310:670-5-4. Written policies and procedures for inmate rules, discipline and grievances</p>	<p><a href="#">10A O.S. § 2-3-105</a></p> <p>10A O.S. § 2-3-105 (A-D)  10A O.S. § 2-3-105 (A-B)  10A O.S. § 2-3-105 (A-B)  <a href="#">10A O.S. § 2-3-105(B)</a></p> <p><a href="#">OAC 310:670-5-4</a></p>

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8. Make all grievance policies and procedures available upon request to any member of the public; 9. Make grievance policies and procedures readily accessible to any children in the facility; and 10. Explain all grievance policies and procedures to every child during his or her intake at the facility 11. Grievance Log a. Date of Grievance b. Name of Individual Filing Grievance c. Juvenile's Name d. Date Filed with OCCY			

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<b>EDUCATIONAL SERVICES</b>			
<p>Education to U18 youth Policy</p> <ol style="list-style-type: none"> <li>1. Any youth under eighteen (18) years of age detained in any adult jail, lockup, or other detention facility shall be identified to the State Department of Education within seventy-two (72) hours of such detention for educational needs and shall be afforded such educational opportunities by the State Department of Education without delay while in such facility</li> <li>2. Facility staff are responsible for ensuring the youth's educational needs are met. In order for a facility to meet the PREA 115.14 and Oklahoma Title 10A-2-5-301 requirement that all children under the age of 18 are provided their education, the facility must have a dedicated staff person that:               <ol style="list-style-type: none"> <li>a. Arranges educational services to begin within 7 calendar days of the child's entry into the facility;</li> <li>b. Ensure the child is provided with direct contact with a teacher/tutor with an affiliated school system at least 4 hours per school day per week (at least 16 hours weekly direct instruction time per detained youth);</li> <li>c. Ensures assignments are completed and submitted for grading purposes on a weekly basis, with documentation that demonstrates the submissions took</li> </ol> </li> </ol>			<a href="#">10A O.S. § 2-5-301</a>

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<p>place;</p> <p>d. Maintains documentation at the facility that demonstrates work is completed, submitted, and results in grades and credits being earned.</p> <p>e. Ensures these educational records are provided for each student/detained youth to the Oklahoma Department of Education on a Quarterly basis</p>			
<b>Food Services and Dietary Requirements</b>			
<p>Food Service Policy</p> <ol style="list-style-type: none"> <li>1. Provide 3 meals a day, 2 are hot</li> <li>2. Provided at scheduled times between a 2 to 4 hour time period; no more than 14 hours between evening meal and breakfast meal</li> <li>3. 1 snack per 24-hour period</li> <li>4. Dietician Approved menu for Juveniles</li> <li>5. Served by staff</li> </ol>		<p>310:670-5-7. Written policies and procedures for Food Services and dietary requirements</p> <p>310:670-7-1. Written policies and procedures for holding juvenile offenders</p> <p><b>Note: Separate Juvenile menu to be provided to include a snack</b></p>	<p><a href="#">OAC 310:670-5-7</a></p> <p><a href="#">OAC 310:670-7-1 (d)</a></p>

**The packet is a guide to assist the facility in preparing for Oklahoma Juvenile Certification. For complete applicable Federal Regulations and State of Oklahoma rules, standards and statutes click on the hyperlinks below:**

[OAC 310:670](#)

[OAC 377:3](#)

[10A O.S. § 2-3-101](#)

[10A O.S. § 2-3-103](#)

[10A O.S. § 2-3-105](#)

[10A O.S. § 2-5-301](#)

[74 O.S. § 192](#)

[57 O.S. § 4.2](#)

[34 U.S.C. § 11133\(a\)\(7\)\(B\)\(ix\)\(II\)](#)

[28 C.F.R. § 115.14\(c\)](#)

[28 CFR § 31](#)