

Date

Administrative Rule Amendments



OKLAHOMA
Office of Juvenile Affairs



Chapter 1 Amendments

Chapter 1 – Function and Structure of the Office of Juvenile Affairs

Subchapter 1

377:1-1-1. Purpose &

377:1-1-2. Legal Basis - Clean up for grammar errors

377:1-1-3. Description of the Office of Juvenile Affairs - Edited to reflect amendments to 10A O.S. § § 2-7-201 and 2-7-202

377:1-1-5. Board of Juvenile Affairs

Edited to reflect amendments to 10A O.S. § § 2-7-101 and 2-7-201. Remove language duplicated from statutes, see 10A O.S. §§ 2-3-103, 2-4-103, 2-7-101, 2-7-201, 2-7-305(D), 2-7-306, 2-7-608, 2-7-613, 2-7-614, 2-7-616, 2-7-704, and 2-8-112, see OJA's report on Administrative Rules to Governor Stitt (EO Report).

Chapter 1 – Function and Structure of the Office of Juvenile Affairs

Subchapter 1

377:1-1-6. Rates and Standards Committee,

377:1-1-7. Legal Base for Rates and Standards Committee, &

377:1-1-8. Rates and Standards Committee membership – Grammar and EO Report edits

377:1-1-9. Conduct of Committee meetings – amended to add OMES to the Rates approval process

377:1-1-10. Public hearing regarding a fixed rate - amended to add OMES & public comment language

377:1-1-11. Executive Director - amended to reflect edits to 10A O.S. § 2-7-201

377:1-1-14. Documentation standards – Grammar and EO Report edits

Chapter 3 Subchapter 9 Amendments

Chapter 3. Administrative Services

Subchapter 9. Office of Policy

Part 7 . Policy and Accreditation

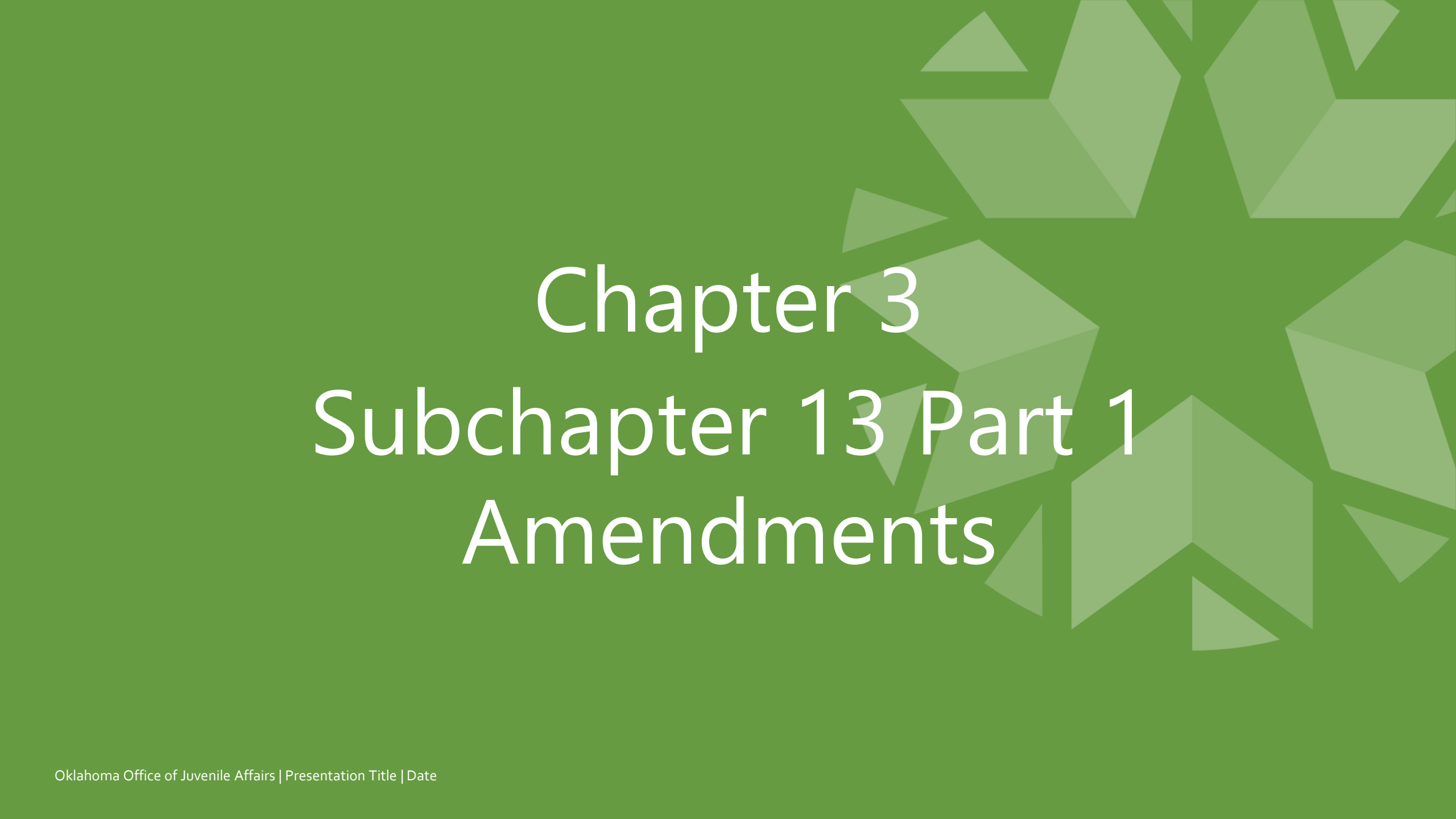
377:3-9-40. Legal basis,

377:3-9-41. Purpose,

377:3-9-42. Public hearings, and

377:3-9-43. Availability of OJA rules, policies, and procedures – Grammar and EO Report edits

377:3-9-44. Petitions for the promulgation, amendment, or repeal of rules – amended to remove the Office of Policy and place rules under the General Counsel, also amended for Grammar and EO edits



Chapter 3

Subchapter 13 Part 1

Amendments

Chapter 3. Administrative Services

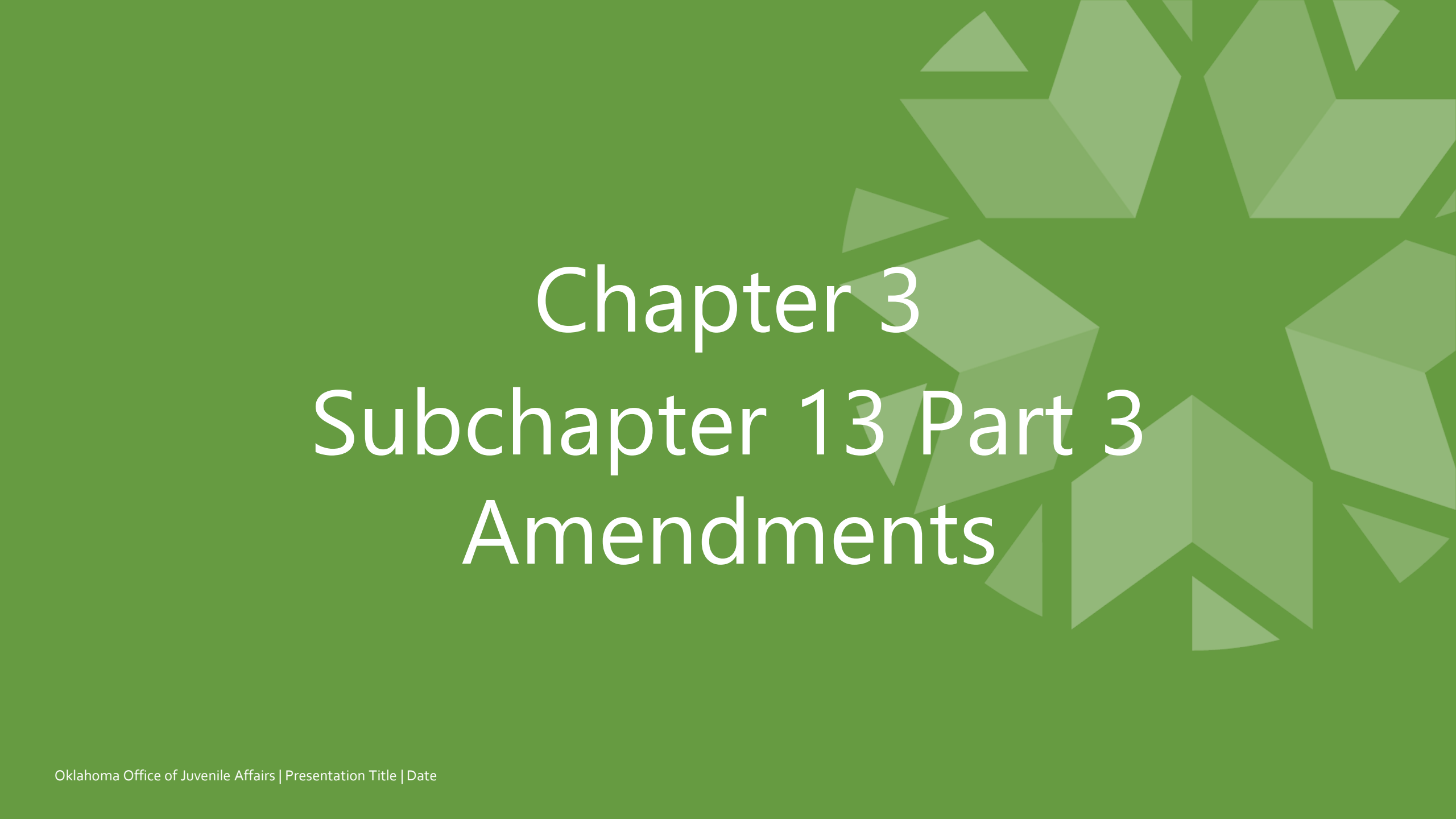
Subchapter 13. Office of Public Integrity

Part 1. General Provisions

377:3-13-1. General Purpose, legal basis and authority – creates sections and gives the Executive Director the power to designate supervision of the sections (1) Internal Affairs/Employment Discrimination Investigations; (2) Licensing and Programs Assessment Section; and (3) Financial Contract Monitoring/Reviews Section - amended to address the section changes along with Grammar & EO edits

377:3-13-2. Internal affairs investigations – amended to reflect changes in OAC 377: 3-13-1 along with Grammar & EO edits

377:3-13-6. Certification of Secure Juvenile Detention Facilities, Municipal Juvenile Facilities, and Community Intervention Centers – amended to reflect changes in OAC 377: 3-13-1 along with Grammar & EO edits – adding section **(d) - (c) Probationary Certificate**. If a facility fails to meet/comply with the requirements of certification, but is not considered an immediate risk to the health and safety of the juveniles, OJA may place the facilities certificate on a probationary status to allow the facility time to regain compliance. The probationary status will not last more than ninety (90) days. During this time, OJA can opt to reduce the licensed capacity of the facility, implement additional safety plans or measures, and conduct unannounced inspections as needed. Should the facility fail to regain compliance during this time, the certificate shall be revoked. The facility will receive official notice of the decision to place the facilities certificate on probationary status and the grounds for such action.



Chapter 3

Subchapter 13 Part 3

Amendments

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-35. Legal basis &

377:3-13-37. Organization, administration and finances – Grammar and EO Report edits

377:3-13-38. Policy and procedure manual – address amendments to OAC 377: 3-13-1, adding language: Prior to implementation, all updates or additions to the policy and procedure manual must be submitted electronically to the Licensing and Programs Assessment division for review. (amended at public hearing)

377:3-13-39. Admission procedure and criteria – adding section (2): verify a written medical release has been obtained before allowing a juvenile to enter the center, in the event any juvenile appears to be under the influence, or has a visible medical concern; (amended at public hearing)

377:3-13-40. Records – Grammar and EO Report edits

377:3-13-42. Juvenile rights – adds: (15) Juveniles shall be provided with a copy of the facility rules and their rights while detained.

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Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-43. Staff requirements – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Amending (a)(5)(A) to read: Each person employed must be physically fit and able to perform all job functions necessary to ensure the health, safety and well-being of the juveniles in their care. A physical examination by a licensed physician may be requested should the employee's ability to perform their mandatory job functions be in question.

Amending (a)(9)(E) to add: Employees will maintain their certification as required by the certifying entity.
(amended at public hearing)

Adding (b)(4) – No individual(s) shall be allowed to serve as the facility administrator, or their designee, with a confirmed/substantiated finding of abuse or neglect by DHS or other entity authorized by state, federal laws or regulations to investigate child abuse and neglect.

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-44. Security and Control – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Adding (c)(4)(C) adding section (i, ii, and iii) - (i) If a resident is placed in their room for medical, safety, or behavior this will be considered room confinement and facility standards on resident checks will be followed at all times. (ii) During residents' sleeping hours room checks will be completed not to exceed 30 minutes between checks. (iii) All room checks should be documented daily in an observation log and maintained by the facility. [\(amended at public hearing\)](#)

Amending (c)(8)(F) – adding requirement for use of force report: detailing the incident which initiated the use of force, the type of force used and the beginning and end time of the use of force.

Amending (c)(9)(I) – adding the language: and must be continually supervised. [\(amended at public hearing\)](#)

Amending (c)(14)(C) – adding the language: Any juvenile for whom it is determined by the administrator or designee, to continue room confinement in excess of forty-eight (48) hours, must complete a report detailing the reasons for continued room confinement and submit it to the OJA for review.

Amending (c)(15)(D) – adding language to juvenile's room confinement: no longer presents a safety risk to self or others.

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Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-45. Program and Services – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Amending (a)(1) – grammar edits; broadens to applicable local school district.

Amending (a)(7) adding a section (E): The facility will ensure proper notification is made to the juvenile’s custodian and OJA, 5 days before any medications need to be refilled. If needed medications are not received after five (5) days, facility administrator will contact the OJA District Supervisor, or Assistant District Supervisor for assistance in obtaining the medications. [\(amended at public hearing\)](#)

377:3-13-46. Physical Plant or facility &

377:3-13-47. Food service, sanitation and hygiene – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

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Subchapter 13. Office of Public Integrity


Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-48. Safety and Emergency – (amended at public hearing) address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Amending (b)(4) – adding the sentence: Essential services include but are not limited to – creating sections (i) – (iv): (i) drinking water; (ii) security lighting; (iii) appropriate food storage; and (iv) ability to maintain safe building temperatures.

Amending (b)(4) adding section (d)(1), (2) and (3): Emergency Evacuation. The facility shall create, and review annually, an emergency evacuation plan. The plan, or any annual amendments to the plan, shall be submitted for approval to the OJA Licensing and Programs Assessment division. The plan must contain at a minimum:

- (1) A secondary site will be identified by the facility, in the event the facility needs to evacuate in case of emergency or natural disaster.
- (2) Should the emergency necessitate an absence from the facility in excess of twenty-four (24) hours, the secondary site must be emergency certified by the OJA Licensing and Programs Assessment division and meet all Safety, Security and Control, and Physical Plant Requirements for Secure Detention.
- (3) Should a detention facility be damaged, OJA Licensing and Programs Assessment division may require an inspection be conducted prior to allowing the continued certification of the facility. The Licensing and Programs division will arrange to conduct the inspection with the detention provider.
- (4) If necessary, OJA shall assist with moving youth from facility due to damage or factors that make the facility unable to operate.



Chapter 3

Subchapter 13 Part 11

Amendments

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 11. Requirements for Certification of Secure Juvenile Facilities

377:3-13-127. Physical Plant Requirements – this is the adoption of the Emergency Rule adopted by the board in November 2020 for the Next Generation Campus.

Chapter 1 – Function and Structure of the Office of Juvenile Affairs

Subchapter 1

377:1-1-1. Purpose

The purpose of this Chapter is to describe the organizational structure and function of the Office of Juvenile Affairs (OJA). This Chapter indicates the legal bases of ~~the Office of Juvenile Affairs~~ OJA, identifies OJA divisions and units, and outlines other rules governing the overall operation of the OJA.

377:1-1-2. Legal Basis

The Office of Juvenile Affairs (OJA) operates under the statutory authority of "The Oklahoma Juvenile Code", Title-10A O.S.; § 2-1-101 *et seq.*

377:1-1-3. Description of the Office of Juvenile Affairs (OJA)

~~(a) History.~~ The Office of Juvenile Affairs (OJA) was created on July 1, 1995, as a result of legislation enacting the Oklahoma Juvenile Code.

~~(b) Organization.~~ The Office of Juvenile Affairs consists of programs providing services to juveniles involved in the juvenile justice system and administrative components which provide administrative support.

(1) (a) Office of the Executive Director.

~~(A) Within the Office of Juvenile Affairs, programs and divisions which report directly to the Executive Director include, but are not limited to, the:~~

- ~~(i) Office of Public Integrity;~~
- ~~(ii) Division of the Advocate Defender; and~~
- ~~(iii) Office of General Counsel Service;~~

~~(B) The Executive Director of OJA is designated by the Governor as the Interstate Compact Liaison.~~

~~(C) Additional responsibilities of the Executive Director are listed in OAC 377:1-1-11.~~

~~(D) The Executive Director shall establish divisions within OJA in addition to those required by law 10A O.S. § 2-7-202 and may employ staff as necessary to perform the duties of the Office of Juvenile Affairs as authorized by statute.~~

Organizational charts are available upon request from the Office of the Executive Director.

~~(2) Division of Community-based Youth Services.~~ The Division of Community-based Youth Services operates under the authority of 10A O.S., §§ 2-7-202, 2-7-303, 2-7-305 and 2-7-306.

~~(3) Advocate Defender Division.~~ The Advocate Defender Division is a Division of the OJA established by 10A O.S., § 2-7-302. Compliance with Oklahoma statutes is obtained by assignment of the Advocate Defenders to the OJA institutions. The Division of Advocate Defender shall be separate and apart from the Office of General Counsel.

~~(4) Support Services Division.~~ The Support Services Division shall provide centralized support function for the Office of Juvenile Affairs.

~~(5) Financial Services Division.~~ The Financial Services Division shall provide the centralized accounting, procurement, reporting, and budgeting for OJA.

~~(6) — **Institutional Services Division.** The Institutional Services Division shall be responsible for all secure institutional services.~~

~~(7) — **Juvenile Services Division.** The Juvenile Services Division shall be responsible for intake, probation and parole services, supervision and placement of juveniles.~~

~~(8) — **Office of the Parole Board.** The Office of the Parole Board shall have responsibilities as set forth in 377:5.~~

~~(e) — **Purpose/mission.** The purpose of the Office of Juvenile Affairs as stated in Title 10A O.S., § 2-1-102, is to promote the public safety and reduce delinquency. To execute the purpose of the statutes, OJA has developed its mission to include:~~

~~(1) — protection of the public from juvenile offenders;~~

~~(2) — prevention of juvenile delinquency;~~

~~(3) — implementation of programs ensuring accountability of juveniles for their behavior; and~~

~~(4) — involvement of the community in creating and implementing solutions to juvenile delinquency and establishing individual accountability.~~

377:1-1-5. Board of Juvenile Affairs

~~(a) **Composition.** Title 10A O.S., § 2-7-101, authorizes the Board of Juvenile Affairs (Board) as the governing body for the Office of Juvenile Affairs. The Board shall consist of seven (7) members appointed by the Governor with the advice and consent of the Senate in accordance with 10A O.S. § 2-7-101. The Board of Juvenile Affairs (Board), per 10A O.S. § 2-7-101, is the governing body for the Office of Juvenile Affairs OJA. The Board consists of nine (9) members; five (5) members appointed by the Governor, two (2) members appointed by the President Pro-Tempore of the Senate, and two (2) members appointed by the Speaker of the House, all members serve at the pleasure of their appointing authority.~~

~~(b) **Meetings.** Regularly scheduled meetings of the Board shall be held at places, dates, and times fixed by the Board and after appropriate notice. Special meetings may be called by the Chair or by five (5) members of the Board by delivery of written notice to each member of the Board. Emergency meetings of the Board may be called as provided by Oklahoma statutes.~~

~~(1) — Any member may waive notice of any meeting. The attendance of a member at a meeting shall constitute waiver of notice of such meeting except where the member attends for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened.~~

~~(2) — All meetings, including executive sessions, shall be conducted in accordance with the provisions of the Open Meeting Act.~~

~~(c) **Voting.** A majority of members serving on the Board shall constitute a quorum.~~

~~(1) The acts of the majority of the members present at a meeting at which a quorum is present shall be the acts of the Board except that a vote of not less than four (4) members of the Board shall be required to amend these rules.~~

~~(2) A member may disqualify himself or herself from a vote at any time and without explanation. A member who disqualifies himself or herself from a vote shall be considered to be not present for purposes of that vote.~~

~~(d) **Election of officers.** At the first meeting of each calendar year, the Board shall elect one of its members to serve as Chair and another of its members to serve as Vice chair. The Chair or Vice-chair shall be elected in accordance with 10A O.S. § 2-7-101(E), and shall hold office~~

until his or her successor has been duly elected or ~~until his or her~~ upon death, resignation, or removal.

(e) Vacancies. A vacancy in the elected position of Chair or Vice-chair because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board for the unexpired portion of the term of the position.

(f) Duties of the position of Chair and Vice-chair. The Chair, or in ~~his or her~~ the Chair's absence, the Vice-chair, shall preside at all meetings of the Board, including executive sessions. The Chair, ~~or Vice-chair as the case may be,~~ shall be the final authority on all procedural issues, and may, when appropriate, refer to and follow the recommendations of ~~the~~ legal counsel for the ~~Office of Juvenile Affairs~~ OJA or "Robert's Rules of Order" to resolve a procedural issue.

(1) The Chair, within two (2) weeks of a member's new appointment, shall:

- (A) brief the member of the Board regarding the duties and responsibilities of the Board and its members;
- (B) provide the new member a copy of the statutes pertinent to the Board and its duties;
- (C) provide a copy of the monthly operating budgets of OJA~~the Office of Juvenile Affairs~~ for the preceding twelve months;
- (D) provide a copy of the rules under which OJA~~the Office of Juvenile Affairs~~ functions and operates; and
- (E) provide such other information as is necessary to assure that the new member is advised of his or her duties and responsibilities.

(2) The Chair may delegate the briefing described in paragraph (1) of this subsection in whole or ~~in part~~ to the Executive Director ~~of the Office of Juvenile Affairs~~ or a managing officer ~~of that agency~~, but the responsibility for its accomplishment shall remain with the Chair.

(g) Responsibilities. ~~The purpose of the Board of Juvenile Affairs, in addition to the duties required by 10A O.S. §§ 2-3-103, 2-4-103, 2-7-101, 2-7-201, 2-7-305(D), 2-7-306, 2-7-608, 2-7-613, 2-7-614, 2-7-616, 2-7-704, and 2-8-112, may:~~ is to act as the governing board for the Office of Juvenile Affairs and to implement and direct the mandates of the Oklahoma Legislature with respect to the custody, care, and supervision of juveniles adjudicated to be delinquent or in need of supervision or persons sentenced as youthful offenders. The Oklahoma Juvenile Code, Title 10A O.S. § 2-1-101 et seq., and other provisions of law related to children and youth gives the Board the responsibility for:

- ~~(1) promulgating rules for the Office of Juvenile Affairs and for its own governance;~~
- ~~(2) adopting an official seal for the Office of Juvenile Affairs;~~
- ~~(3) appointing and setting the salary of the Executive Director of the Office of Juvenile Affairs;~~
- ~~(4) (1) reviewing and approving OJA's budget request to the Governor;~~
- ~~(5) assisting OJA in conducting regular reviews and planning activities related to the goals, objectives, priorities, and policies of the Office of Juvenile Affairs;~~
- ~~(6) providing a public forum for receiving comments and disseminating information to the public regarding the goals, objectives, priorities, and policies at least quarterly;~~
- ~~(7)(2) adopting nonbinding resolutions requesting action by OJA~~the Office of Juvenile Affairs~~ in response to comments from the public or upon the Board's own initiative;~~

- ~~(8) — establishing OJA contracting procedures and guidelines for rates of payment for services provided by contract; provided the Board may not increase payment rates during the time the Legislature is not in session;~~
- ~~(9) — serving as the rulemaking body for the Office of Juvenile Affairs, including promulgating rules which implement the duties and responsibilities of the Office of Juvenile Affairs pursuant to the Oklahoma Juvenile Code;~~
- ~~(10) — developing performance standards for programs implemented by the Office of Juvenile Affairs, either directly or by contract;~~
- ~~(11)(3) if necessary and in accordance with 10A O.S. § 2-7-201(G), designate an interim or acting Executive Director appointing the Executive Director, or in the event of a vacancy, designating an interim or acting Executive Director, including the Chief of Staff of the Office of Juvenile Affairs, until a new and permanent Executive Director is appointed;~~
- ~~(12) — establishing fee schedules;~~
- ~~(13)(4) advising OJA with respect to real estate leases;~~
- ~~(14) — approving criteria for designation of organizations as "Youth Services Agencies";~~
- ~~(15) — establishing an administrative hearing and appeal process for denials of "Youth Service Agency" designation;~~
- ~~(16)(5) reviewing annually the OJA report (OJA Annual Report) which analyzes and evaluates the effectiveness of OJA programs and services;~~
- ~~(17) — reviewing annually the OJA report (OJA Annual Report) which analyzes and evaluates the effectiveness of the Youthful Offender Act;~~
- ~~(18)(6) promulgating rules for OJA the Office of Juvenile Affairs to obtain national criminal history records searches for personnel working with or around juveniles in OJA the Office of Juvenile Affairs' institutions and Office of Juvenile Affairs' contracted operated facilities, pursuant to 10 O.S. § 404.1(A)(14);~~
- ~~(19) — promulgating rules, outlining policies and procedures governing the operation of facilities operated by or through contract with OJA;~~
- ~~(20) — promulgating rules defining contraband for purposes of inspection;~~
- ~~(21) — promulgating rules governing the use of mechanical restraints in institutions and other facilities operated by or through contract with the Office of Juvenile Affairs;~~
- ~~(22)(7) receiving and reviewing receive and review institutional inspection reports of the State Fire Marshall and Commissioner of Public Health;~~
- ~~(23)(8) establishing standards for regimented juvenile training programs;~~
- ~~(24) — establishing the proposal submission and education procedures and criteria for the implementation of the Delinquency and Youth Gang Intervention and Deterrence Act;~~
- ~~(25) — *promulgating rules necessary for the implementation of the "Juvenile Offender Victim Restitution Work Program";*~~
- ~~(26) — adopting rules as required to implement the Serious and Habitual Juvenile Offender Program and Juvenile Justice Information System;~~
- ~~(27)(9) establishing certification standards for municipal juvenile facilities for temporary detention;~~
- ~~(28) — promulgating standards for certification of juvenile detention facilities;~~
- ~~(29) — developing, adopting, and implementing the "State Plan for the Establishment of Juvenile Detention Services";~~
- ~~(30) — establishing procedures for the letting of contracts or grants for juvenile detention services or facilities;~~

- ~~(31)~~(10) approving a form for the statistical reporting of detention of persons under the age of 18;
- ~~(32)~~—establishing standards for the certification of detention services;
- ~~(33)~~—with the State Department of Health, establishing standards for certification of jails, adult lock ups and adult detention facilities used to detain juveniles;
- ~~(34)~~—establishing guidelines and procedures for Juvenile Bureaus to ensure uniformity in the performance of the Juvenile Bureau's statutory duties;
- ~~(35)~~—promulgating rules and forms necessary for the implementation of the juvenile sex offender registry;
- ~~(36)~~—establishing Foster Care licensing standards for Office of Juvenile Affairs' foster home placements;
- ~~(37)~~—promulgating rules for the expansion for criminal records searches or foster care eligibility assessments beyond the records searches conducted by the Oklahoma State Bureau of Investigation;
- ~~(38)~~—Designating Youth Services Agencies;
- ~~(39)~~—Adopting the State Plan for Youth Services Agencies;
- ~~(40)~~—promulgating rules as necessary for the establishment and operation of a charter school pursuant to 10A O.S. § 2-7-616; and
- ~~(41)~~—promulgating rules, creating policies and procedures governing the establishment of detention beds, pursuant to 10A O.S. § 2-7-608

377:1-1-6. Rates and Standards Committee

The Board of Juvenile Affairs (Board) is the official rate-setting body for the programs administered by ~~the Office of Juvenile Affairs (OJA)~~. The Rates and Standards Committee (Committee) is responsible for making recommendations to the Board regarding fixed fiscal rates and standards for service contracts entered into by OJA~~the Office of Juvenile Affairs~~. The Rates and Standards Committee is not authorized to make decisions regarding rate setting. The Committee's purpose is to advise and make recommendations to the Board.

377:1-1-7. Legal Base for Rates and Standards Committee

The legal base for establishing fixed and uniform rates is found at 10A O.S. 2-7-101(F)(6) and 74 O.S. § 85.7(A)(6)~~.74 O.S., § 85.7(A)(11)(d) and (e) (Oklahoma Central Purchasing Act), and 10A O.S., § 2-7-101(F)(6)(H)(7)~~.

377:1-1-8. Rates and Standards Committee membership

The Chair~~man~~ of the Rates and Standards Committee shall be a member of the Board of Juvenile Affairs (Board) and shall be appointed by the Board. In addition to the Chair, the Committee shall be comprised of the Board's Finance Sub-Committee Chair, and the Executive Director of OJA, or ~~his/her~~ designee.

377:1-1-9. Conduct of Committee meetings

(a) Committee meetings are called by either the Chair~~man~~, Executive Director, or Board of Juvenile Affairs. A majority of the Committee constitutes a quorum. Recommendations of the Committee are approved by a majority of the members present and voting.

(b) During a meeting in which the Committee intends to vote on a rate setting recommendation for the Board of Juvenile Affairs, the public, vendors, or OJA staff shall provide evidence to support rate recommendations.

(c) A party requesting a rate shall supply the following information and data to justify the proposed rate recommendation:

- (1) a description of the program or service, including the target population and an annual estimate of the number of juveniles to whom the service will be provided;
- (2) any historical rate information regarding previous rates established for the program, or rates for similar programs or services if no rate exists;
- (3) an explanation and cite of cite and explain any Federal, State, and other regulations and standards which apply;
- (4) the rate being proposed, a summary of the program and cost variables included in the rate, and a program and fiscal impact statement on the juvenile justice system;
- (5) the operational budget and narrative justification for each budget category, including the methodology and cost computations used to arrive at the proposed rate; and
- (6) an estimated total cost of the service.

(d) If the Committee determines additional information is needed, the Chair may recess the meeting until a later date to allow interested parties or staff additional time to secure the information.

(e) In making its recommendations, the Committee shall consider any relevant data which is consistent with applicable state plans, ~~OJA~~ all relevant administrative rules, OJA policies and procedures, and statutory provisions.

(f) Once the Committee establishes a recommendation, notification of the proposed rates and standards along with any supporting documentation will be sent to the Office of Management and Enterprise Services (OMES). ~~The~~ The Chair shall place the item on the agenda of a Board of Juvenile Affairs meeting for a public hearing to set the rate, after proposed rates and standards have been approved by OMES. ~~The Office of Management and Enterprise Services must be given 30 days advance notice of the public hearing. In addition to the Hearing agenda, the Committee shall submit to the Office of Management and Enterprise Services documentation and other materials which support the proposed rate.~~ The public hearing may be held during any Board meeting.

377:1-1-10. Public hearing regarding a fixed rate

(a) Any comments from ~~OMES~~ the Director of the Office of Management and Enterprise Services, whether made in person or in writing, are included in the minutes of the Board meeting.

(b) During the Board meeting, the Chair of the Rates and Standards Committee, or a designee, shall present the proposed rate and provide the Committee's recommendation to the Board.

(c) After the Chair's presentation, interested parties shall be given the opportunity for public comments regarding the proposed rates ~~may present further testimony~~. Each rate must be openly and separately discussed before the Board's vote. The Board may vote to approve, deny, or modify the recommendation of the Rates and Standards Committee.

377:1-1-11. Executive Director

(a) ~~The OJA Executive Director of the Office of Juvenile Affairs shall be appointed by the Board of Juvenile Affairs~~ is appointed by the Governor and shall report agency business directly to the

Board. As the OJA administrator ~~of the Office of Juvenile Affairs~~, the Executive Director is responsible ~~for supervising OJA activities and establishing internal policy and procedures for the administration of OJA~~ of the Office of Juvenile Affairs.

(b) The Executive Director shall be responsible for selecting staff or contracting with personnel capable of carrying out OJA's mission, goals, and statutory requirements.

~~(c) The Executive Director shall have the authority to assume all duties and responsibilities of the Chief of Staff of OJA.~~

377:1-1-14. Documentation standards

All activities, administrative and operational, within ~~the Office of Juvenile Affairs~~ OJA shall be performed in a manner resulting in an audit trail; consisting of dual controls; and complying with Generally Accepted Accounting Principles (GAAP), Governmental Accounting Standards Board (GASB), and other fundamentals of sound financial management.

Chapter 3 – Administrative Services
Subchapter 9 – Office of Policy
Part 7 – POLICY AND ACCREDITATION

377:3-9-40. Legal basis

~~Title 10A O.S., § 2-7-101(I), requires that the~~ The Board of Juvenile Affairs, pursuant to 10A O.S. § 2-7-101 (F)(2), shall be the rulemaking body for the Office of Juvenile Affairs (OJA). ~~In developing rules, OJA is bound by the~~ shall follow the rulemaking requirements of the pursuant to the Oklahoma Administrative Procedures Act (APA), Title 75 O.S.; § 250 et seq., as amended.

377:3-9-41. Purpose

~~The Office of Policy~~ General Counsel, designee, manages OJA's rules and procedures; ~~The Office of Policy serves~~ serving as a link between the program, administrative, and legal functions of OJA and OJA's rules and policies.

377:3-9-42. Public hearings

~~Under circumstances set forth in Title 75 O.S., § 303(C)1, the Office of Policy shall arrange for a public hearing relating to proposed OJA rules.~~ Public hearings will be held in accordance with 75 O.S. § 303(C).

377:3-9-43. Availability of OJA rules, policies, and procedures

~~The OJA manual contains rules and procedures for all OJA operations. The manual is made available to all staff. In accordance with the Open Records Act, Title 51 O.S.; § 24A.1 et seq., the manual is all OJA rules, policies, and procedures are available upon request. Requests should be submitted by letter to the Office of Juvenile Affairs, Attention: General Counsel, 3812 North Santa Fe Avenue, Suite 400, Oklahoma City, OK 73118, at or by telephone call 405-530-2800 and ask to speak with the General Counsel, or via email at records@oja.ok.gov. to the Office of Policy, P.O. Box 268812, Oklahoma City, Ok., 73126-8812, (405)530-2800.~~

377:3-9-44. Petitions for the promulgation, amendment, or repeal of rules

(a) Submission. Any person may petition OJA requesting the promulgation, amendment, or repeal of a rule. The person making the request shall submit a petition to the Office of Juvenile Affairs, ~~Administrative Services Division~~ by mailing or delivering the petition to P.O. Box 268812, Oklahoma City, OK 73126-8812, Attention, Office of Policy ~~the Office of Juvenile Affairs, Attention: General Counsel, 3812 North Santa Fe Avenue, Suite 400, Oklahoma City, OK 73118.~~ or delivery to the Office of Juvenile Affairs, 3814 N. Santa Fe, Suite 400, Oklahoma City, Oklahoma. A petition mailed to OJA is considered submitted upon receipt by the General Counsel ~~Office of Policy~~. A designated staff member shall stamp the petition upon receipt to show the date of submission.

(b) Form. The petitioner shall submit the petition in the form given in paragraphs (1) - (5) below.

(1) The petition must contain a clear statement of the action requested and the solution desired as a result of the request. ~~ed rule. or rule change.~~

(2) When the petition seeks to amend or repeal an existing rule, the existing rule must be identified in the petition in the following format OAC Title:Chapter-Subchapter-Part. If the petition is submitted electronically, please hyperlink the current rule in the petition.

If the petition is submitted via mail, please include a copy of the current rule. If the petitioner knows which OJA rule he or she is seeking to amend or repeal, the petitioner shall:

- ~~(A) list the Title, Chapter, and Subchapter; or~~
- ~~(B) submit a copy of the rule.~~

(3) The petition must contain a statement of the facts supporting the requested rule or rule change, including any legal grounds, if known, and other relevant information or views on which the petitioner relies. A copy of any reference or source cited in the statement must be submitted or hyperlinked with the petition unless the reference or source is readily available to OJA. When a petition requests more than one rule change, a single statement which supports and justifies each proposed change meets the requirements of this subsection.

(4) The petition must describe ~~the class or classes of persons~~, if known, who most likely will be affected by the proposed change.

(5) The petition must be signed by the petitioner or his/her authorized representative, and contain the printed name, address, email, and day time telephone number of the petitioner or his/her authorized representative.

(6) A petitioner may supplement or revise a petition at any time prior to approval by the Executive Director or submission of the proposed change to the Board. However, if significant changes are made, the petitioner should withdraw the petition and submit a revised petition.

(c) Notification of receipt. The General Counsel, or designee, Office of Policy staff shall send the petitioner ~~written~~ notification of receipt of the petition within five (5) working days after receipt.

(d) Consideration and disposition. ~~Title~~ In accordance with 75 O.S., 1991, § 305, provides that if rulemaking action has not occurred by the 30th day after receipt of the petition, the petition shall be deemed denied. Within fourteen (14) calendar days after the submission of the petition, the ~~administrative services division administrator~~ General Counsel, or designee, shall review the request ~~with the Office of General Counsel Services and recommend to the Executive Director that he or she:~~

- (1) approve the petition for Board action;
- (2) deny the petition, in whole or in part, on any of the following grounds:
 - (A) the petition requests promulgation of a rule that OJA clearly lacks authority to promulgate;
 - (B) the petition requests a rule or rule change inconsistent with any applicable statutory or constitutional authority;
 - (C) the petition requests promulgation, amendment, or repeal of an OJA policy that does not constitute a rule as defined in the Oklahoma Administrative Procedures Act ~~[75 O.S., § 250.3(2)]~~;
 - (D) the petition is frivolous and not pursued in good faith; or
 - (E) the petition is not feasible, taking into consideration available and anticipated agency resources for the category of the subject matter of the proposed change and the public policy or other grounds supporting the proposed change; or
 - (F) for other just cause; or
- (3) request additional material from the petitioner.

(e) Executive Director responsibilities. The Executive Director₂ or designee₂ shall send ~~his or her~~ the recommendation and other pertinent material to each member of the Board of Juvenile Affairs within two (2) calendar days of ~~decision receipt~~.

(1) If the next regularly scheduled Board meeting falls within twenty (20) calendar days of receipt of the petition ~~by Office of Policy~~, the Executive Director₂ or designee₂ shall ensure that the petition is placed as an action item on the agenda of the Board's next regularly scheduled meeting.

(2) If the next regularly scheduled Board meeting does not fall within thirty (30) calendar days of receipt of the petition ~~by Office of Policy~~, the Executive Director₂ or designee₂ shall notify the ~~Board Chair of the Board and all Board members~~. The Board may choose ~~then be responsible for calling~~ to call a Special meeting, in accordance with ~~according to~~ OAC 377:1-1-5(b) within the thirty (30) day time period to consider the petition.

(f) Responsibilities of the Board of Juvenile Affairs. The Board shall decide whether to approve or deny the petition.

(g) Notification of approval or denial of petition. The ~~Office of Policy supervisor~~ General Counsel, or designee, shall notify the petitioner of the decision to approve or deny the petition within thirty (30) days of the ~~Office of Policy's original~~ receipt of the petition.

(h) Rulemaking process. If the Board approves the petition, the ~~Office of Policy supervisor~~ General Counsel, or designee, shall initiate OJA's rulemaking process ~~in accordance with 75 O.S. Supp. 1996, § 303 by submitting a Notice of Rulemaking Intent to the Office of Administrative Rules. The rulemaking process shall follow the time frames and other requirements of the Administrative Procedures Act for all proposed rules.~~

(i) Notice to petitioner. If the petitioner does not attend the Board meeting in which the vote on the rule revision is made, the General Counsel, or designee, ~~Office of Policy supervisor~~ shall provide written notice within five (5) working days after the Board's meeting of the Board's decision.

Chapter 3 – Administrative Services
Subchapter 13 – Office of Public Integrity
Part 1 – GENERAL PROVISIONS

377:3-13-1. General Purpose, legal basis and authority

(a) Unit Purpose. ~~The Office of Public Integrity (OPI) is a unit/division established within the Oklahoma State Office of Juvenile Affairs (OJA) and is directly responsible, organizationally and administratively, to conduct investigations, performs on-site assessments, licensing visits, and financially monitors OJA state contracts, functions and activities to ensure compliance with, state statutes, OJA policies/procedures, contractual provisions, and other applicable professional rules and standards.~~ ~~the OJA Executive Director.~~ The division/unit is composed of three sections: (1) Internal Affairs/Employment Discrimination Investigations; (2) ~~OJA~~-Licensing and Programs Assessment Section; and (3) Financial Contract Monitoring/Reviews Section, each section is under the supervision of the Executive Director, or designee, and other duties as assigned by the division's supervisor or Executive Director. ~~The unit conducts investigations, performs on-site assessments, licensing visits, and financially monitors OJA state contracts, functions and activities to ensure compliance with, state statutes, OJA policies/procedures, contractual provisions, and other applicable professional rules and standards.~~

(1) Internal Affairs/EEO Investigations Section/division may among other activities and functions include investigations of:

(A) Allegations of serious misconduct and/or criminal violations committed by OJA personnel as assigned to the unit/division by the ~~agency's~~ Executive Director, or designee;

(B) Allegations of discrimination (Equal Employment Opportunity) either by or against OJA employees as received and assigned by the affirmative action officer, or the agency's grievance manager, ~~agency's~~ Executive Director, or designee. ~~affirmative action officer, or the agency's grievance manager;~~ and

(C) Specifically assigned Caretaker Conduct Reviews (CCR) that are returned to the OJA operated juvenile institutions by the ~~state~~ Oklahoma Department of Human Services' Office of Client Advocacy (OCA) or other entity as prescribed by law for administrative review, as well as major incidents (i.e. serious assaults, riots, escapes) that occur at ~~the~~ OJA operated institutions.

(2) ~~OJA~~-Licensing and Programs Assessment Section/division includes the licensing and assessing of the following:

(A) On-site licensing and unannounced monitoring visits to OJA state contracted juvenile detention centers, community intervention centers (CIC) and municipal juvenile detention facilities, See ~~OJA Rule~~ OAC 377-3-13-6;

(B) Announced and unannounced assessments of contracted residential care, non-residential services and shelters as directed by the ~~OJA~~ Executive Director, or designee.

(C) On-site assessments and licensing of a Secure Juvenile Facility;

(D) On-site or electronic assessments of the ~~OJA~~ Juvenile Services Unit (JSU) offices located throughout the state;

(E) Assessments of State Office units as directed by the ~~OJA~~ Executive Director, or designee;

(3) Financial Contract Monitoring/Review ~~Section~~division includes but is not limited to the financial monitoring of the following:

- (A) Secure Juvenile Facilities;
- (B) OJA contracted detention centers and community intervention centers;
- (C) OJA contracted residential care and shelter services as directed by the ~~OJA~~ Executive Director, or designee;
- (D) OJA contracted non-residential services provided by designated youth services agencies; by performing
 - (i) On-site contractor visits to reconcile claims against supporting documentation with a documented recommended corrective action, if appropriate;
 - (ii) Reviews of reimbursed claims for payment by OJA, to include: compliance with contract requirements; applicable laws, rules and regulations; and adequate supporting documentation.
- (E) In addition to the above duties, the financial contract monitoring/review section shall perform in-depth financial audits as directed by the ~~OJA~~ Executive Director, or designee.

(b) Legal Basis/Authority. Authorization for the monitoring/assessment functions ~~of the Office of Public Integrity~~ is found in 10A O.S., § 2-7-301(E)(1)(c). Authorization for detention certification is found in 10A O.S., § 2-3-103(C)(1). Authorization for certification of community intervention centers (CIC) is found in 10A O.S. § 2-7-305(D)(1).

(c) Unit Independence. ~~The Office of Public Integrity is organizationally and administratively independent from the other units and divisions of the agency that actually provide, or contract for, programs and services.~~ Communication and coordination with agency and contractor personnel is necessary and desirable during the investigative, assessment, and monitoring procedures.

(d) Frequency of Assessments/Monitoring

- (1) ~~OPI shall conduct a~~Announced certification assessments of contracted facilities, i.e. detention centers and community intervention centers, and municipal juvenile detention facilities shall occur on a bi-annual basis, with announced annual inspections during the interim year. ~~OPI may conduct a~~Unannounced assessments shall occur at the direction of the ~~OPI administrator~~division supervisor or Executive Director. ~~OPI shall conduct a~~Announced assessments of its ~~Juvenile Services Units (JSU)~~ in each county of the state shall occur on a bi-annual basis and unannounced assessments as requested by the Juvenile Services Division Director with approval of the ~~OJA~~ Executive Director, or designee. ~~OPI shall conduct a~~Program assessments of OJA institutions, State Office units, contracted residential care facilities, non-residential services and shelters as directed by the ~~OJA~~ Executive Director, or designee.
- (2) ~~OPI shall financially monitor the~~ OJA contracts with the youth services agencies shall be monitored at a minimum of twice per fiscal year. ~~OPI shall financially monitor~~ ~~Other~~ contracted facilities and services, OJA institutions, and State Office units shall be monitored at the direction of the ~~OJA~~ Executive Director.

377:3-13-2. Office of Public Integrity's Internal affairs investigations

(a) ~~The Office of Public Integrity~~Internal Affairs/EEO Investigations division is responsible for conducting internal investigations of agency personnel who have been accused of serious misconduct and/or criminal behavior while on or off duty. Serious misconduct is defined as any

violation of laws, policies, rules, or procedures that, if proven, could result in disciplinary actions of, suspension without pay, demotion, involuntary transfer, or termination of employment.

~~OP~~The Internal Affairs/EEO Investigations division investigates only those internal misconduct allegation cases that have been assigned by the OJA Executive Director, or designee.

(b) ~~OP~~The Internal Affairs/EEO Investigations division is also responsible for conducting Equal Employment Opportunity (EEO) (discrimination) investigations as a result of complaints/grievances filed by OJA employees and/or clients. The ~~OJA~~ Executive Director, or designee; ~~OJA~~ grievance manager, or the ~~OJA~~ affirmative action officer may assign EEO (discrimination) complaints or grievances to ~~OP~~the Internal Affairs/EEO Investigations division for investigation.

(c) ~~OP~~The Internal Affairs/EEO Investigations division shall ensure there is a minimum of one state certified EEO investigator on its staff to investigate EEO (discrimination) complaints or grievances. The ~~OJA~~EEO (discrimination) investigator(s) shall maintain state EEO investigator certification by attending the required number of hours of annual training as mandated by ~~OPM~~ Policy 530-10-3-22 OAC 260-25-3-22 and 260-25-3-26. and sending the OPM 3 form to the state Office of Personnel Management confirming the training was received for each calendar year.

377:3-13-6. Certification of Secure Juvenile Detention Facilities, Municipal Juvenile Facilities, and Community Intervention Centers

(a) Certification. The certification of secure detention facilities, municipal juvenile facilities, and community intervention centers by OJA is to ensure maintenance of minimum standards for the care and protection of juveniles detained in these facilities. OJA issues a ~~permanent~~ two-year certificate to operate a secure detention facility, a municipal juvenile facility, or a community intervention center when satisfied the facility meets the standards set forth in this subchapter. The certificate is non-transferable.

(b) Provisional certificate. OJA shall issue a ninety (90)-day provisional certificate to operate a newly established secure juvenile detention facility, municipal juvenile facility, and community intervention center after determining the facility meets the respective requirements to include: physical plant, staffing ratio, and written policies. Prior to the conclusion of the ninety (90) days, OJA shall conduct a full certification assessment of the facility to ensure its operation is in conformity with the requirements of a juvenile detention facility, municipal juvenile facility, or community intervention center. If the facility is in compliance OJA will issue a ~~permanent~~ two (2)-year certificate to operate the facility. If the facility is not in compliance, OJA may issue a second ninety (90)-day provisional certificate to operate the facility, as long as the health and safety of juveniles are not substantially at risk. OJA shall conduct a second full certification assessment of the facility prior to the conclusion of the ninety (90) days. Based on the findings of the second certification assessment, OJA will either issue the two-year certificate to operate the appropriate facility or deny the application. Only the OJA executive director may authorize more than two (2) ninety (90)-day provisional certificates. Any facility that has been closed, sold, or had a change in operators may not operate as a juvenile detention facility, municipal juvenile facility, or a community intervention center until it has gone through this certification process.

(c) Probationary Certificate. If a facility fails to meet/comply with the requirements of certification, but is not considered an immediate risk to the health and safety of the juveniles, OJA may place the facilities certificate on a probationary status to allow the facility time to regain compliance. The probationary status will not last more than ninety (90) days. During this time, OJA can opt to reduce the licensed capacity of the facility, implement additional safety

plans or measures, and conduct unannounced inspections as needed. Should the facility fail to regain compliance during this time, the certificate shall be revoked. The facility will receive official notice of the decision to place the facilities certificate on probationary status and the grounds for such action.

~~(e)~~**(d) Revocation of certification.** If a facility is unable or unwilling to comply with requirements or has failed to adequately protect the health and safety of the juveniles, OJA may revoke the facility's ~~permanent~~ two (2)-year certification or its ninety (90)-day provisional certification. The OJA executive director must authorize the revocation of the certificate and the facility shall receive notice in writing of the decision and the grounds for such action.

~~(d)~~**(e) Monitoring.** The OJA Licensing and Programs Assessment division~~Office of Public Integrity~~ monitors for compliance with the certification requirements and offers technical assistance upon request. Allegations that a facility is not in compliance with certification requirements may necessitate an ~~OPI~~ investigation. The name of the complainant is kept confidential, if possible. ~~OPI~~The investigator shall advise the facility administrator of the outcome of the investigation.

~~(e)~~**(f) Development and revision of standards.** ~~The OPI and other OJA staff~~After compliance monitoring, staff may propose new or modified certification standards to the Board of Juvenile Affairs. The development and revision of standards are subject to the rulemaking requirements of the Administrative Procedures Act.

Part 3 – REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-35. Legal basis

Statutory authorization for ~~the Office of Juvenile Affairs~~OJA to certify secure juvenile detention facilities is found in 10A O.S., § 2-3-103(C). All juvenile detention facilities, including those not incorporated in the State Plan as provided in 10A O.S., § 2-7-608(C), must be certified by the Office of Juvenile Affairs.

377:3-13-36. Requirements

A certificate to operate a secure juvenile detention facility that provides full-time group care for juveniles is granted on the basis that the facility meets the Requirements for Secure Juvenile Detention Facilities as set forth in OAC 377:3-13-6 and 377:3-13-37 through 377:3-13-49.

377:3-13-37. Organization, administration and finances

(a) Organization. A statement of the purposes or function of the secure juvenile detention facility is clearly defined and filed with OJA~~the Office of Juvenile Affairs~~. The statement includes the services available for the juveniles who are admitted. A secure detention facility may be organized in any manner provided in 10A O.S., § 2-3-103(C)(3).

(b) Administration and responsibility of the governing body. The governing body of a secure juvenile detention facility shall:

- (1) have responsibility for the program and services of the facility;
- (2) review and approve all policies and policy changes;
- (3) maintain a record of policy approvals in meeting minutes and in an organized form developed by the facility;
- (4) obtain all required licenses for operation and continued compliance with Requirements for Secure Juvenile Detention Facilities;

- (5) meet twice a year to assure proper operation of the facility;
- (6) document meetings of the governing body and keep the documentation on file; and
- (7) have responsibility for the physical facility and its use by the juveniles and staff.

(c) Finances. The agency shall maintain complete financial records of income and disbursements.

- (1) All financial records pertaining to the agency are audited annually by a certified public accountant or public accountant who has a valid current permit to practice in the State of Oklahoma and who is not a staff member of the agency or in accordance with the governmental funding source.
- (2) A copy of the auditor's statement substantiating the solvency of the agency and a statement concerning receipts and disbursements is submitted to the Office of Juvenile Affairs annually.

377:3-13-38. Policy and procedure manual

(a) Policy and procedures. The facility shall have a policy and procedure manual which specifically describes its purpose, program, and the services offered. The manual is to be reviewed at least annually and updated if necessary. Prior to implementation, all updates or additions to the policy and procedure manual must be submitted electronically to the Licensing and Programs Assessment division for review. The manual is available to all staff and all authorized regulatory authorities. It includes, but is not be limited to:

- (1) screening criteria;
- (2) admission procedures;
- (3) visiting arrangements;
- (4) disciplinary procedures;
- (5) security and control;
- (6) discharge procedures;
- (7) personnel practices;
- (8) juvenile rights;
- (9) resident grievance procedures;
- (10) abuse reporting procedures which comply with ~~OJA rules~~ OAC 377:3-1-25 and 377:3-1-26;
- (11) clothing provisions;
- (12) personal hygiene provisions;
- (13) medical and health care programs;
- (14) educational programs;
- (15) recreational programs;
- (16) food and nutrition requirements;
- (17) general emergency procedures;
- (18) fire safety;
- (19) transportation procedures; and
- (20) suicide prevention guidelines.

(b) Procedure availability. Procedures that compromise safety and security are not available to the public and clients.

377:3-13-39. Admission procedure and criteria

(a) Juveniles shall be admitted to the secure detention facility only as provided by 10A O.S., §§ 2-3-101 et seq. and § 2-7-504.

(b) The facility's written policy and procedure for admitting juveniles includes, but is not limited to, provisions which require the facility to:

- (1) verify legal authority to detain;
- ~~(2)~~ (2) verify a written medical release has been obtained before allowing a juvenile to enter the center, in the event any juvenile appears to be under the influence, or has a visible medical concern;
- ~~(2)~~~~(3)~~ (3) search the individual and the juvenile's possessions;
- ~~(3)~~~~(4)~~ (4) inventory the juvenile's clothing and personal possessions;
- ~~(4)~~~~(5)~~ (5) distribute personal hygiene items;
- ~~(5)~~~~(6)~~ (6) make provisions for shower and hair care;
- ~~(6)~~~~(7)~~ (7) issue clean, laundered clothing;
- ~~(7)~~~~(8)~~ (8) ensure that the juvenile's family, custodian or guardian is notified;
- ~~(8)~~~~(9)~~ (9) assist the juvenile in notifying his or her family, guardian, or custodian of the juvenile's admission;
- ~~(9)~~~~(10)~~ (10) supervise the juvenile while the juvenile makes two admission phone calls, if desired;
- ~~(10)~~~~(11)~~ (11) conduct an admission interview of the juvenile to answer questions and obtain information;
- ~~(11)~~~~(12)~~ (12) complete a medical history questionnaire;
- ~~(12)~~~~(13)~~ (13) provide an orientation which includes:
 - (A) juvenile rights;
 - (B) program description;
 - (C) program rules;
 - (D) grievance process; and
 - (E) discipline policy;
- ~~(13)~~~~(14)~~ (14) record basic personal data;
- ~~(14)~~~~(15)~~ (15) review procedures for mail and visiting; and
- ~~(15)~~~~(16)~~ (16) assign the juvenile to a sleeping unit.

377:3-13-40. Records

(a) Facility staff shall complete a confidential record for each juvenile admitted to the facility and include, at the minimum, the following:

- (1) court case number, if any;
- (2) date and time of admission and release;
- (3) name and nicknames;
- (4) last known address;
- (5) custodian;
- (6) name of attorney, if any;
- (7) name, title, and signature of delivering officer;
- (8) specific charge(s);
- (9) sex;
- (10) date of birth;
- (11) place of birth;
- (12) race or nationality;

- (13) education and school attended;
- (14) religious preference;
- (15) medical history questionnaire;
- (16) medical consent forms, court orders authorizing medical treatment, or documentation of request for medical consent;
- (17) name, relationship, address, and phone number of parent, guardian, or person with whom the juvenile resides at the time of admission;
- (18) driver's license number, social security number and medical assistance number, if any;
- (19) statement signed by the juvenile that he/she has been advised of juvenile rights, program rules, grievance process, and discipline policy;
- (20) date of petition, if available;
- (21) additional notations including identifying marks, any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos;
- (22) inventory of personal property;
- (23) emergency contact person; and
- (24) signature of person recording data.

(b) Facility staff shall maintain a confidential record on each juvenile and ensure that the record is safeguarded from unauthorized and improper disclosure. The case record includes, at a minimum, the information in ~~(1)-(14)~~ of this subsection, when and where applicable:

- (1) documented legal authority to accept juvenile;
- (2) referral source;
- (3) record of court appearances;
- (4) signed release of information forms when records are requested or distributed;
- (5) notations of temporary absences from the facility;
- (6) visitors' names and dates of visits;
- (7) a record of telephone calls;
- (8) a report of any accidents or injury occurring to a resident while detained;
- (9) probation officer or caseworker assignment;
- (10) progress reports on program involvement;
- (11) court dates and disposition, if any;
- (12) grievance and disciplinary record, if any;
- (13) referrals to other agencies; and
- (14) final discharge or transfer report.

377:3-13-41. Release policy and procedure

Written policy and procedure for releasing residents include, but are not limited to, provisions for facility staff to:

- (1) verify the juvenile's identity;
- (2) obtain documentation of authority for release, i.e., by court order or operation of law;
- (3) verify the identity of the person to whom the juvenile is being released;
- (4) complete release arrangements, including the person or agency to whom the juvenile is to be released;
- (5) obtain the signature of the person to whom the juvenile is released;
- (6) return personal effects to the juvenile;

- (7) complete any pending action, such as grievances or claims for damages or lost possessions; and
- (8) obtain instructions on forwarding mail.

377:3-13-42. Juvenile rights

Written policy and procedure provides that facility staff shall ensure the rights of a detained juvenile are preserved. Staff shall not diminish or deny a detained juvenile his or her rights for disciplinary reasons. The rights of a juvenile in detention are subject only to the limitations necessary to maintain order and security in the facility. Each juvenile has the rights listed in (1)-(14) of this Subsection.

- (1) A juvenile shall have freedom from discrimination because of race, national origin, color, creed, sex or physical handicap.
- (2) Male and female juveniles shall have equal access to all programs and services offered in a detention facility housing both sexes.
- (3) The facility shall have a written grievance procedure, in accordance with OJA policy and approved by the Advocate General. Facility staff shall explain and make the grievance procedure available to the juvenile.
- (4) The facility shall have on-site nondenominational religious services and religious counseling. A juvenile shall have the right to voluntarily participate in on-site religious services and religious counseling.
- (5) A juvenile shall have access to on-site recreational opportunities, including daily outdoor exercise, weather permitting. The facility shall provide adequate and appropriate recreational equipment.
- (6) A juvenile shall have access to the courts and confidential contact with attorneys and their authorized representatives. Contact includes, but is not limited to:
 - (A) telephone conversations;
 - (B) uncensored correspondence; and
 - (C) visits.
- (7) Facility staff shall not discipline a juvenile by using:
 - (A) corporal or unusual punishment;
 - (B) humiliation;
 - (C) mental abuse; or
 - (D) punitive interference with the daily functions of living such as eating or sleeping.
- (8) A juvenile shall be allowed to receive visitors according to the facility's written policy and procedures.
- (9) A juvenile shall have reasonable access to the general public.
- (10) A juvenile's access to the media is subject to the limitations necessary to protect the juvenile's rights and ensure the security of the facility. Media requests for interviews and juvenile consents must be in writing.
- (11) A juvenile shall be allowed to determine the length and style of his or her hair, except in individual cases where restrictions are necessary for reasons of health and safety.
- (12) A juvenile shall keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety.
- (13) A juvenile shall have supervision and control exercised by staff or training volunteers while at the facility.

(14) A juvenile shall receive educational instruction to which the juvenile is entitled under provisions of state education laws and regulations.

(15) Juveniles shall be provided with a copy of the facility rules and their rights while detained.

377:3-13-43. Staff requirements

(a) **General provisions.** The requirements for facility staff are set forth in this Section.

(1) **Personnel policy.** Every facility shall have written personnel policy which includes the maintenance of personnel records. The facility director shall make available to employees personnel policy and written job descriptions. The policy and job descriptions specify the person to whom the employee is responsible and the duties the employee is expected to perform.

(2) **Juveniles' tasks.** A juvenile in detention shall not be used as an employee. A juvenile in detention is permitted to perform tasks, if the tasks teach the juvenile responsibility and the juvenile is supervised. A juvenile shall be allowed to perform tasks (chores) in any area (restricted to the facility) in which adequate security exists. The facility administrator shall approve all work assignments.

(3) **Supervision.** Sufficient staff shall be available to provide continuous day and night supervision of the residents and protection of the facility as well as to allow staff relief from duty.

(4) **Auxiliary staff.** There shall be sufficient auxiliary staff to maintain adequate support services. Auxiliary staff are all staff that are not direct-care staff.

(5) **Health requirements.** Staff health requirements are given in (A)-(B) of this paragraph.

(A) ~~Each person employed shall have a physical examination by a licensed physician, within the first 90 days of employment. The physician shall verify in a written statement that the individual is physically able to perform his or her job-related functions.~~ Each person employed must be physically fit and able to perform all job functions necessary to ensure the health, safety and well-being of the juveniles in their care. A physical examination by a licensed physician may be requested should the employee's ability to perform their mandatory job functions be in question.

(B) Testing for tuberculosis is not required on a routine basis. Tuberculin skin testing shall be required when there is a local identified tuberculin exposure identified by the Oklahoma State Department of Health.

(i) When a tuberculin skin test is required, employees with a positive skin test reaction must submit documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(ii) An employee who has ever had a positive skin test reaction must have or provide documentation of a chest x-ray. Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

(6) **Background history records searches.** ~~The Office of Juvenile Affairs~~ OJA, through direct request, shall require a records search for each applicant for employment, which shall include the following:

(A) ~~the Office of Juvenile Affairs~~ OJA shall make a direct request for background searches to be conducted on behalf of any:

- (i) operator or responsible entity making a request to establish or operate a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by ~~the Office of Juvenile Affairs~~OJA,
 - (ii) employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by ~~the Office of Juvenile Affairs~~OJA, or
 - (iii) persons allowed unsupervised access to children, including contract employees or volunteers, of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by ~~the Office of Juvenile Affairs~~OJA;
- (B) a national criminal history records search based upon submission of fingerprints that shall be provided by the Oklahoma State Bureau of Investigation (OSBI), including Rap Back notification, and the Federal Bureau of Investigation (FBI), pursuant to National Child Protection Act, 42 U.S.C.A. § 5119a, and 74 O.S. § 150.9, provided both the OSBI and FBI act in their designated role;
 - (C) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);
 - (D) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;
 - (E) a search of the Department of Corrections (DOC) Sex Offender Registry;
 - (F) a search of the ~~Department of Corrections (DOC)~~ Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;
 - (G) a search of all applicable out-of-state child abuse and neglect registries if the applicant has not lived continuously in Oklahoma for the past five (5) years;
 - (i) The prospective applicant is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state;
 - (ii) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and
 - (H) a criminal history records search conducted by an authorized source, when an applicant has lived outside the United States within the last five (5) years.
- (7) Criminal history investigation.** The facility shall not employ or retain any person for whom there is documented evidence that the employee would endanger the health, safety, and/or well-being of juveniles.
- (A) A facility shall not employ or retain an individual who has been:
 - (i) convicted of or entered a plea of guilty or nolo contendere to any felony involving:
 - (I) violence against a person;
 - (II) child abuse or neglect;
 - (III) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;
 - (IV) sexual misconduct;
 - (V) gross irresponsibility or disregard for the safety of others;

- (VI) any crime against a child; or
 - (ii) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.
 - (B) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five (5) years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.
 - (i) The facility shall consider, document, and submit to the Licensing and Programs Assessment division ~~Office of Public Integrity~~ within ten (10) days of the employees first day of work the:
 - (I) type of crime or offense for which the individual was convicted or a finding was made; and
 - (II) reference letters concerning the individual in question.
 - (ii) The Licensing and Programs Assessment division ~~Office of Public Integrity~~ may make a recommendation to the facility administrator as to whether the applicant for employment should be approved or disapproved.
 - (C) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-43(a)(7)(A), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.
 - (D) If any person is formally charged with any of the offenses described in OAC 377:3-13-43(a)(7)(A), notification must be made to the OJA Licensing and Programs Assessment division, and the employee ~~he or she~~ must be removed from contact with juveniles until the charges are resolved.
 - (E) No employee of the facility shall use or be under the influence of alcohol or illegal drugs during hours of work nor shall any employee use or possess illegal drugs at any time.
- (8) Personnel records.** The facility shall keep on file a written personnel record available for review for every staff person employed by the facility.
- (A) The personnel record includes, but is not limited to:
 - (i) an application, resume or staff information sheet that documents qualifications for the position, valid driver's license or other state ID, birth certificate, applicable educational diploma;
 - (ii) health records as required by the facility;
 - (iii) three (3) written references and/or documentation of telephone interviews;
 - (iv) any reports and notes relating to the individual's employment with the facility and an annual job performance evaluations;
 - (v) dates of employment; and
 - (vi) date and reason for leaving employment.
 - (B) When employment is involuntarily terminated, a statement regarding the reason for termination is to be included in the personnel file.

(C) Personnel records are maintained for at least three years following a staff member's separation.

(D) All employees' records are kept confidential subject to existing state and federal statutes.

(E) Staff members shall have access to their personnel files for reviewing purposes if a request is made to the facility administrator.

(9) Staff training. All staff shall be trained on facility policy and procedure and a training record be established for each staff member. A record of all annual training shall be maintained. At the end of the year, it shall become part of the personnel record.

(A) Each direct-care staff member shall be provided orientation before being allowed to work independently.

(B) Auxiliary staff shall receive orientation to the facility's policy and procedure and to their assigned duties.

(C) During orientation the trainer shall acquaint staff with the philosophy, organization, program practice, and goals of the secure juvenile detention facility.

(D) "Requirements for Secure Juvenile Detention Facilities" is reviewed as a part of the orientation process and is available to staff at all times.

(E) Within ninety (90) days of employment, by a detention facility, all direct-care staff shall have successfully completed a specific course of instruction in first aid as established by the Red Cross, ~~American Safety and Health Institute (ASHI)~~, ~~American Heart Association (AHA)~~, and presented by a certified instructor, or by a certified instructor in an equivalent professionally recognized first aid training program. There shall be a certificate or card issued to the employee and this card must be signed by the certified instructor attesting to the employee's successful completion of the professionally recognized first aid training program. The Red Cross, ~~American Safety and Health Institute (ASHI)~~, ~~American Heart Association (AHA)~~, or its equivalent, first aid course of instruction, presented by a certified instructor shall be updated within the employee's third year of employment and each succeeding three-year increment. The first aid training may count towards the employee's required annual training hours.

(F) Within ninety (90) days of employment by a detention facility, all direct-care staff shall be certified in have successfully completed an approved ~~specific~~ course of instruction in cardiopulmonary resuscitation (CPR) as established by the Red Cross, ~~American Safety and Health Institute (ASHI)~~, ~~American Heart Association (AHA)~~, or its equivalent. This training must be presented by a certified instructor, or by a certified instructor in an equivalent professionally recognized CPR training program. There shall be a certificate or card issued to the employee and this card must be signed by the certified instructor attesting to the employee's successful completion of the professionally recognized CPR training program. The Red Cross, ~~American Safety and Health Institute (ASHI)~~, ~~American Heart Association (AHA)~~, or its equivalent CPR course of instruction shall be presented by a certified instructor, ~~and shall be updated on an annual basis.~~

Employees will maintain their certification, as required by the certifying entity.
The CPR training may count towards the employee's required annual training hours.

(G) Full-time direct-care staff and administrators shall obtain at least 24 ~~clock~~ hours of training per employment year. Hours are prorated at two hours per month for staff who have not been employed for a full year.

(H) Part-time direct-care staff shall have training hours prorated based on the average number of hours of work per month.

(I) On-call staff shall have a minimum of six (6) hours of training per year.

(J) Support staff shall obtain a minimum of twelve (12) hours of training per employment year.

(K) The content of staff development courses for direct-care staff is relative to their roles and responsibilities. Content may include:

- (i) crisis intervention;
- (ii) child development;
- (iii) behavior management;
- (iv) discipline;
- (v) stress management;
- (vi) therapeutic relationship and intervention;
- (vii) child abuse detection, reporting and prevention;
- (viii) suicide prevention;
- (ix) human sexuality;
- (x) client grievance procedures;
- (xi) communicable diseases, including sexually transmitted diseases; and
- (xii) any other training deemed necessary to meet individual or group training needs.

(L) Attendance at professional conferences, workshops, seminars, formal education classes, or in-service training is counted toward the training requirements provided the training is documented and meets the content requirements.

(b) Facility Administrator. The duties and qualifications of the facility administrator are described in ~~(1)~~ - ~~(2)~~ of this subsection.

(1) **Responsibilities.** The facility administrator is responsible for implementing the policies adopted by the governing body, the ongoing operation of the facility, and compliance with the Requirements for Secure Juvenile Detention Facilities.

(A) In the facility administrator's absence a person shall be designated to act as administrator and shall be available to detention staff in person or by telephone.

(B) A designated person of responsibility shall be at the secure juvenile detention facility at all times. The designated person is directly responsible to the administrator who is to be notified of any irregularities in the general affairs of detention and follow through with directives given.

(C) The duties of the facility administrator include, but are not limited to:

- (i) preparing and presenting the budget for the appropriate authority to review and approve;
- (ii) administering the budget and maintaining accurate financial records;
- (iii) employing and discharging staff according to the established personnel rules;
- (iv) supervising the program overall;

- (v) holding staff meetings on a monthly basis to discuss plans and interpret policies to the staff;
- (vi) organizing a program for the continued training and development of staff;
- (vii) establishing and maintaining working relationships with other social services agencies within the community; and
- (viii) interpreting the program to professional and lay groups.

(2) Qualifications.

(A) The education, experience, and qualifications of the administrator of a large facility (20 beds or more) are specified in writing by the governing body of the facility and includes, at a minimum:

- (i) bachelor's degree from an accredited college/university in an appropriate discipline;
- (ii) two (2) years of experience working with juveniles; and
- (iii) five (5) years in staff supervision and administration.

(B) The education, experience, and qualifications of the administrator of a small facility (less than 20 beds) are specified in writing by the governing body of the facility and includes, at a minimum:

- (i) associate's degree from an accredited junior college/college/university in an appropriate discipline (i.e. social work, sociology, psychology, criminal justice, etc.); OR
- (ii) sixty (60) hours of credits from an accredited junior college/college/university of which fifteen (15) hours must be in the appropriate discipline as indicated in (i); and
- (iii) two (2) years in staff supervision; and
- (iv) one (1) year of experience working with juveniles.

(C) A facility administrator hired prior to January 1, 2000 shall be exempt from the rules set forth in (A) of this paragraph.

(3) Location. All facilities administrators must maintain their primary office at the detention facility.

(4) No individual(s) shall be allowed to serve as the facility administrator, or their designee, with a confirmed/substantiated finding of abuse or neglect by DHS or other entity authorized by state, federal laws or regulations to investigate child abuse and neglect.

(c) Direct care staff. The qualifications and hiring requirements for direct care staff are described in (1) - (2) of this subsection.

(1) Qualifications. All direct-care staff shall be at least 21 years of age and possess a high school diploma or its equivalent.

(2) Hiring requirements. A direct-care staff person can be hired when the person:

- (A) has his or her character and fitness attested to by three (3) satisfactory written references and a criminal history background check is conducted as required and in conformance with 377:3-13-43(a)(6);
- (B) is qualified and capable of satisfactorily performing assigned job responsibilities; and
- (C) does not pose a known risk to juveniles.

(d) Support staff. Support staff shall be able to read and write; demonstrate knowledge and skills necessary to the job assignments; and meet the requirements for direct-care staff if responsible for direct care of juveniles for any part of the day.

377:3-13-44. Security and control

- (a) The facility shall have policy and procedure for security and control.
- (b) A list of in-house rules, outlining acts prohibited in the facility and the range of disciplinary procedures, is given to all juveniles. The list is posted in a conspicuous and accessible area.
 - (1) Staff members shall explain in-house rules to each juvenile admitted to the facility.
 - (2) When a literacy or language problem prevents a juvenile from understanding the list of rules, a staff member or translator shall assist the juvenile in understanding the rules.
- (c) Required security control procedures are described in ~~(1) - (15)~~ of this subsection.
 - (1) Resident count.** The facility shall have a system to physically count detained juveniles.
 - (A) The facility director shall designate one staff member per shift to conduct at least one uninterrupted population count during the shift.
 - (B) The staff member conducting the count shall be a trained employee in each living unit who shall see the juveniles being counted.
 - (C) Juveniles shall not be permitted to move about the facility during the count.
 - (D) Documentation of resident counts is available at the facility at all times.
 - (2) Mail security.** Written policy and procedure provide that a juvenile may send or receive mail without limitation, censorship, or prior reading by staff. Staff may open a juvenile's mail in the presence of the juvenile to inspect for contraband. However, staff shall not read the opened mail.
 - (3) Searches and control of contraband.** The facility shall have written policy and procedure governing searches and control of contraband.
 - (A) Policy and procedure include, but are not limited to:
 - (i) control of contraband;
 - (ii) searches for contraband;
 - (iii) body searches;
 - (iv) property searches;
 - (v) searches of the facility; and
 - (vi) visitor searches;
 - (B) Residents and visitors shall be notified that they are subject to search.
 - (C) No resident shall be searched beyond what is necessary to maintain proper security.
 - (D) Searches are conducted by a staff member of the same sex as the resident or visitor.
 - (E) A body cavity search may be conducted only when there is a strong reason to believe that the juvenile is concealing contraband in a body cavity.
 - (i) The facility administrator must give authorization to medical personnel for any body cavity search.
 - (ii) Medical personnel are the only persons authorized to perform body cavity searches.

(iii) The body cavity search must be conducted in a private area of the facility, without windows, which ensures the privacy and dignity of the juvenile.

(iv) A supervisory witness of the same sex as the juvenile shall be present during the body cavity search.

(v) The detention facility shall contact the OJA Advocate General within 24-hours of conducting a body cavity search.

(4) Staff ratios and staffing patterns. There is a minimum ratio of 1:7 direct-care staff to residents during waking hours and 1:16 during residents' sleeping hours.

(A) When a female is placed in detention, there must be a female staff member on duty and when a male is placed in detention, there must be a male staff member on duty;

(B) A minimum of two direct-care staff are on duty at all times in the facility.

(C) Juveniles in detention shall be supervised at all times. The facility shall have enough staff available for staff to remain close to and in visual contact with the juveniles.

(i) If a resident is placed in their room for medical, safety, or behavioral concerns, this will be considered a room confinement and the facility licensing standards on resident visual observation checks will be adhered at all times.

(ii) During residents' sleeping hours room checks will be completed not to exceed 30 minutes between checks.

(iii) All room checks should be documented daily in an observation log and maintained by the facility.

(5) Surveillance plan. The facility shall have a plan for surveillance of all areas of the perimeter of the facility. Outside lighting must be sufficient to provide visibility under all conditions with no blind spots.

(6) Door security. All doors that are security perimeter entrances, exterior doors, and doors which the facility administrator determines should be locked are kept locked. These doors are unlocked only for admission or exit of juveniles, employees, or visitors or in case of an emergency.

(A) Doors to vacant units, unoccupied areas, and storage rooms are kept locked when not in use.

(B) Staff members shall know what doors must be locked and under what circumstances they are opened.

(C) Once a door is locked, it is checked to see that it is secured.

(7) Key control. The facility's key-control system provides for the following:

(A) a log to record the number of keys given out, the location of the lock, the number of keys to that lock, and the names of employees possessing keys;

(B) a central administrative area from where the keys can be issued;

(C) a manner of storage that permits easy determination of either the presence or absence of keys;

(D) labeling of all keys and maintenance of at least one duplicate key for each lock; and

(E) readily available fire and emergency keys.

(8) Physical force. Rules relating to the use of physical force are set forth in this paragraph.

- (A) Written policy and procedure limit the use of physical force:
 - (i) for self-protection;
 - (ii) to separate juveniles from fighting;
 - (iii) to restrain juveniles in danger of inflicting harm to themselves or others; and
 - (iv) to restrain juveniles who have escaped or who are in the process of escaping;
- (B) The least amount of force is used.
- (C) Physical force may not be used as punishment or retaliation.
- (D) Facility personnel shall not encourage or knowingly permit any person to use physical force which is contrary to policy.
- (E) Staff members shall not provoke physical confrontation by taunting, harassing, or cursing a resident or otherwise manipulating a resident into activities which would justify physical force.
- (F) A written report is prepared following all uses of force and submitted to the facility administrator by the end of the shift detailing the incident which initiated the use of force, the type of force used and the beginning and end time of the use of force.
- (G) Staff members shall receive written guidelines on the use of physical force and shall be informed that loss of employment may result if unauthorized use of physical force is proven.
- (H) Medical attention shall be provided immediately upon the juvenile's release from restraint as a result of physical force even if there is not visible evidence or complaint of injury. Staff certified in first aid and CPR may provide medical attention and are responsible for referring the juvenile to licensed medical personnel, if warranted.

(9) Use of mechanical restraints. Any instrument of restraint must be approved by the facility administrator or designee.

- (A) Restraints are used only:
 - (i) for self-protection;
 - (ii) to separate juveniles from fighting;
 - (iii) to restrain juveniles in danger of inflicting harm to themselves or others;
 - (iv) to restrain juveniles who have escaped or who are in the process of escaping; and
 - (v) prevent destruction of property if reasonably related to (i) through (iv).
- (B) Restraints are used only with the approval of the facility administrator or designee.
- (C) Restraints may not be used as a form of punishment.
- (D) Restraints are used only as long as necessary and are removed as soon as the juvenile regains control of his/her behavior.

(E) When restraints are placed on a juvenile, such placement must be made by a trained and authorized staff member in a humane manner that does not restrict the juvenile's blood circulation.

(F) Juveniles shall not be restrained to an immovable object.

(G) A juvenile's hands and feet may be restrained, however restraining of the juvenile's hands to his or her feet is prohibited.

(H) The use of hog-tying is prohibited.

(I) A juvenile placed in restraints shall not be left unattended and must be continually supervised.

(J) A full written report is submitted by the end of the shift to the administrator following every use of an instrument of restraint.

(10) Chemical agents. Facility staff shall not use chemical agents for security. Staff may not use tear gas, mace, pepper spray, and related chemical agents to control juveniles.

(11) Weapons. Weapons are not permitted except when authorized by state law.

(12) Procedures for separation from general population and/or general activities for disciplinary reasons. The following procedure shall be utilized as an intermediary level of intervention, which requires the continual line of sight and sound observation of the juvenile. If a juvenile is separated from the general population, the reasons for the separation and length of time shall be documented in the written daily observation of the juvenile. The separation should not be in excess of 60 minutes. Additional intervals shall be approved by a supervisor/administrator who was not involved in the original incident. Facilities which do not have another supervisor/administrator on site shall receive re-authorization from the on-call administrator. The reasons for the continued separation must be documented. The juvenile shall be released when staff determines that he or she can safely be returned to the group.

(13) Room restriction. Room restriction is one means of informally resolving minor juvenile misbehavior. It serves a "cooling off" purpose and has a short time period (up to 60 minutes) that is specified at the time of the assignment.

(14) Room confinement. Room confinement means locking a juvenile in his/her room when the juvenile has been charged with a major rule violation requiring confinement for his/her safety or the safety of others or to ensure the security of the facility.

(A) Room confinement is used with detained juveniles:

(i) for self-protection;

(ii) to separate juveniles from fighting;

(iii) to restrain juveniles in danger of inflicting harm to themselves or others;

(iv) to restrain juveniles who have escaped or who are in the process of escaping;

(v) to prevent destruction of property if reasonably related to (i) through (iv); and

(vi) stop behavior that incites other juveniles which jeopardizes the safety of staff and residents of the facility and is reasonably related to (i) through (iv).

(B) Room confinement of juveniles shall be re-authorized every 3 hours, except during normal sleeping hours, by a supervisor/administrator who was not

involved in the original incident. Facilities which do not have another supervisor/administrator on site shall receive re-authorization every 3 hours from the on-call administrator. Reasons for continued room confinement shall be documented.

(C) A juvenile shall not be in room confinement in excess of 24 hours without the opportunity of an administrative review by the administrator or designee who was not involved in the incident. Any juvenile for whom it is determined by the administrator, or designee, to continue room confinement in excess of forty-eight (48) hours, must complete a report detailing the reasons for continued room confinement and submit it to the OJA for review.

(15) Procedure for room confinement or room restriction. When room restriction or confinement is used, the procedure given in (A) - (E) of this paragraph is followed.

(A) Prior to room restriction or confinement, facility staff shall explain the reasons for the restriction or confinement to the juvenile and shall give the juvenile an opportunity to explain his or her behavior.

(B) Any juvenile shall be visibly observed by a staff member every 15 minutes, and this must be documented.

(C) Juveniles placed in room confinement shall be afforded living conditions and essential services approximating those available to the general juvenile population. Exceptions shall be justified in writing by clear and substantial evidence.

(D) The juvenile shall be released when staff determines ~~that he or she~~ juvenile can safely be returned to the group and no longer presents a safety risk to self or others.

(E) A written record shall be maintained on any juvenile placed in room restriction or confinement. It includes a log stating who authorized the action, names of persons observing the juvenile and times of observation, the person authorizing release, and the time of release.

(16) Escape and absence without leave. The facility shall develop written policy and procedure for juveniles who escape from the facility or are absent without leave which shall include the notification of law enforcement agencies.

377:3-13-45. Program and services

(a) Activities and services are available to each juveniles outside their rooms at least twelve (12) hours a day. The facility shall provide or make available the minimum services and programs given in (1)-(7) of this subsection to detained juveniles.

(1) Education. The facility shall provide educational opportunities in compliance with federal and state laws, State Department of Education requirements, applicable local school district requirements, and ~~the local school district's rules and regulations~~ and OJA contract requirements. Facilities shall provide or make provisions for an educational program, which includes space for education, necessary equipment and supplies, and supervision.

(2) Visitation. Written policy and procedure specify the number of visitors a juvenile may receive and the length of visitation.

- (A) Visits may be limited only by the facility's schedule, space, and personnel constraints or where there are substantial reasons to justify such limitations.
- (B) Juveniles have the right to refuse visitation.
- (C) Legal counsel for a detained juvenile may visit at any reasonable time a request is made.

(3) Social services. The facility's social services program shall make a range of resources available to meet the needs of juveniles.

- (A) Juveniles shall be afforded access to emergency mental health counseling and crisis intervention services according to their needs.
- (B) Counseling services include group or individual counseling and are provided at least weekly.

(4) Recreation. Written policy and procedure provide a recreation schedule that includes at least one hour per day of large muscle activity and one hour of structured recreational activities. A variety of recreational materials are made available to detained juveniles and kept in good condition at all times.

(5) Food service. Written policy and procedure provide that the dietary needs of juveniles are met.

- (A) Special diets as prescribed by appropriate medical or dental personnel or as required by religious preference are provided.
- (B) Menus are planned at least one week in advance, posted and dated, and kept on file for one year.
- (C) Menus are approved before use and reviewed annually by a licensed dietician, nutritionist, or physician to ensure compliance with nationally recommended food allowances. Facilities participating in the National School Lunch Program are not required to have their breakfast and lunch menus approved by a licensed dietician, nutritionist, or physician.

(6) Medical and health care. The facility shall have written policy and procedure for delivery of health care services. When health care services are provided by someone other than a physician, the final medical judgment rests with the designated physician.

- (A) Written health care policy and procedure is approved by a designated physician.
- (B) Medical, mental health, and dental care involving medical judgment are the sole province of the designated physician, mental health professional or dentist.
- (C) Personnel who provide health care services to juveniles shall be governed by a written job description approved by the medical authority.
 - (i) Responsibilities and job duties are in keeping with the individual's professional discipline.
 - (ii) Verification of current credentials and job descriptions are on file in the facility.
- (D) Security regulations applicable to facility personnel also apply to health personnel.
- (E) The secure juvenile detention facility shall develop and maintain written policy and procedure which:
 - (i) requires medical screening upon arrival of any juveniles, including intra system transfers at the facility.
 - (ii) records all findings on a medical screening form approved by the physician;
 - (iii) accounts for receiving, storing, dispensing, administering and distributing all medications and first aid supplies;

- (iv) prohibits the use of juveniles for medical, pharmaceutical or cosmetic experiments;
- (v) assures that detention staff and other personnel are trained to respond to health related situations; and
- (vi) establishes a training program that includes:
 - (I) recognition of signs and symptoms of illness or injury and knowledge of action required in potential emergency situations;
 - (II) administration of first aid and cardiopulmonary resuscitation (CPR);
 - (III) methods of obtaining assistance;
 - (IV) signs and symptoms of mental illness, intellectual and/or developmental disorders, trauma, retardation and drug and alcohol abuse; and
 - (V) procedures for transfer to appropriate medical facilities or health care providers.

(7) Medication. Medication is administered by persons properly trained in medical administration and under supervision of the physician and facility administrator.

- (A) Prescription medication is only administered as directed by a physician.
- (B) When any medication is administered, a precise record is kept of the juvenile's name, reason for dosage, route, date and time given, and signature of the person who administered it. Any adverse reaction to the medication is documented.
- (C) When prescription medications are used, the juvenile, custodian, and all staff members shall be made aware of side effects of the medication.
- (D) All medications, syringes, and needles are protected by maximum-security storage and are under the supervision of staff on duty.
- (E) The facility will ensure proper notification is made to the juvenile's custodian and OJA, five (5) days before any medications need to be refilled. If needed medications are not received after five (5) days, facility administrator will contact the OJA District Supervisor, or Assistant District Supervisor for assistance in obtaining the medications.

377:3-13-46. Physical plant or facility

(a) Building plans. Prior to new construction or remodeling existing structures to be used for secure juvenile detention facilities, building plans are first presented to and approved by the:

- (1) Office of Juvenile Affairs to assure compliance with ACA Standards for Detention and Section 504 of the Rehabilitation Act of 1973 as amended. The plan shall be submitted to the OJA Licensing and Programs Assessment division ~~OJA Office of Public Integrity~~ for review. Consultation may be obtained from the Oklahoma Office of Handicapped Concerns. OJA shall provide consultation on building plans and suggest requirements for environmental design as they impact program and services. The population using housing or living units may not exceed the designed or rated capacity of the facility and exceed designed use standards;
- (2) the State Fire Marshal's Office to assure compliance with the National Fire Protection Association Life Safety Code as adopted by the State Fire Marshal's Commission and administered by the Office of the State Fire Marshal. The State Fire Marshal will determine the rated capacity for the facility; and
- (3) Commissioner of Health, State Health Department, Environmental Health Services to assure compliance with the adopted rules and regulations of the State Board of Health.

Juvenile detention facilities are designed and comply with the duly adopted codes for plumbing, electrical, water supply and sewage disposal.

(b) Space. Space requirements for secure juvenile detention facilities are set forth in this subsection.

(1) Single sleeping rooms consist of at least 70 square feet of floor space. There shall be no double-celling of juveniles unless:

(A) the room has been specifically constructed to house two (2) juveniles;

(B) the Office of Juvenile Affairs approved the construction plans prior to construction of the facility/room; and

(C) the room meets the space requirements set forth in the American Correctional Association's (ACA) "Standards for Juvenile Detention Facilities".

(2) Male and female residents shall not occupy the same sleeping room.

(3) Not less than 35 square feet of floor space per juvenile is provided in the day room on each living unit.

(4) The facility shall provide at least 15 square feet of floor space per person for individuals occupying the dining room or dining area.

(5) The total indoor activity area outside the sleeping area provides space of at least 100 square feet per resident.

(6) School classrooms are designed in conformity with local or state educational requirements.

(7) Where the facility provides food service, the kitchen has at least 200 square feet of floor space.

(c) Bathrooms. All housing and activity areas provide, at a minimum, one toilet, one wash basin, and one shower for every six residents. All juveniles and staff shall have access to a drinking fountain by residents and staff.

(1) Flush urinals may be substituted for not more than one-half the required number of toilets when provided to serve males only.

(2) Every lavatory basin, bathtub or shower is supplied with hot and cold water under pressure at all times.

(3) All showers and bathtubs must have temperature control equipment.

(4) All fixtures must be maintained in good working condition.

(5) Toilet paper, soap and individual sanitary towels are provided within easy access of the residents.

377:3-13-47. Food service, sanitation and hygiene

(a) General. General requirements related to food service, sanitation, and hygiene are set forth in this subsection.

(1) Minimum health requirements for secure juvenile detention facilities are determined by the Health Department and enforced by ~~OJA~~ the Office of Juvenile Affairs.

(2) The facility shall be maintained in compliance with State Health Department Food Service Code. An annual inspection of the facility is conducted to determine compliance with health codes. Documentation is kept on file at the facility.

(3) The facility shall have a written plan for housekeeping that is posted and followed at all times.

(4) The facility shall be weather tight and kept in sound condition and good repair.

(5) The facility's written policy and procedure specify that its food services comply with the Board of Health Food Service rules and regulations.

(b) Plumbing and water. Plumbing is sized, installed, and maintained in a safe manner and according to the Oklahoma Plumbing License Act. Plumbing constructed after the effective date of these rules will be installed in compliance with the Building Officials and Code Administrators Plumbing Codes or applicable local ordinances.

(1) There may not be cross-connection between the potable water supply and any non-potable or questionable water supply or any source of pollution through which the potable water supply might be contaminated.

(2) The facility's potable water source and supply, whether owned and operated by the public water department or the facility, must be approved by an independent, outside source to be in compliance with jurisdictional laws and regulations.

(c) Electrical. The electrical distribution system must be sized, installed, and maintained in a safe manner according to the Oklahoma Electrical Licensing Act. Portions of the electrical system constructed, repaired, or replaced after the effective date of these rules will be installed in compliance with the National Electrical Code.

(d) Waste disposal. Solid waste disposal must comply with the appropriate local ordinance where in effect and otherwise with the Oklahoma Public Health Code and adopted rules and regulations. Sewage disposal must comply with the Oklahoma Health Code and adopted rules and regulations.

(e) Lighting. Requirements regarding lighting in the facility are set forth in this subsection.

(1) The facility shall have sufficient air and lighting to ensure the health of the detained juveniles.

(A) Any room designated as a sleeping room shall have natural lighting by a room window to the exterior or from a source within 20 feet of the room. This rule does not prohibit OJA from issuing a provisional certificate if a sleeping room does not meet this criteria.

(B) All window panes must be of shatter-resistant material.

(C) Thirty foot-candles of artificial light are provided in all areas and additional light of at least 50 foot-candles is provided in study areas.

(2) Every hallway and stairway in each secure juvenile detention facility is lighted by natural or electric light at all times to provide at least ten foot-candles of light at floor level. Every hall and stairway in structures containing not more than two sleeping areas may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

(f) Ventilation and temperature. Non-habitable areas, such as bathrooms and food preparation areas, provide other approved ventilation systems in lieu of windows or skylights. Adequately designed, maintained, and operated central heating and cooling systems must meet the ventilation requirements. Window area requirements may be reduced but must be adequate to meet requirements of the State Fire Marshal.

(1) Every window, exterior door, and hatchway, or similar devices, must be rodent proof and weather tight and kept in working condition and good repair.

(A) During the portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door and window must have a properly fitting stainless steel mesh detention screen.

(B) Air conditioned habitable areas are deemed adequate to meet this requirement when properly operated unless vectors are able to enter to such extent that a nuisance or hazard is created.

(2) Every habitable area must have heating facilities which are properly installed and maintained in working condition. The heating system must be capable of safely and adequately heating all habitable rooms, bathrooms, and water closets at a temperature of at least 68 degrees Fahrenheit at a distance of eighteen 18 inches above floor level under ordinary winter conditions.

(3) An acceptable temperature zone for maintaining year round comfort is sixty-six (66) degrees to eighty (80) degrees Fahrenheit in the summer, optimally seventy-one (71) degrees, and sixty-one (61) degrees to seventy-three (73) degrees Fahrenheit in the winter, optimally seventy (70) degrees.

(g) Food Service. Written policy, procedure, and practice require that at least three meals, two of which are hot, be provided at scheduled times during each 24-hour time period on regular business weekdays, with no more than 14 hours between the evening meal and breakfast meal. Only on weekends and state recognized holidays may a hot brunch and a hot evening meal, both of which meet basic nutritional goals, be provided at scheduled times during each 24 hour time period.

(1) The facility provides or arranges for the meals and at least one snack per 24 hour day from food that is selected, stored, prepared, and served in a sanitary and palatable manner. Each meal contains a sufficient amount of food for every juvenile and additional servings are permitted.

(2) Facilities recognize the social and emotional needs of juveniles during mealtime. Juveniles and the staff who eat with them are served the same food, except for tea and coffee, unless differences in age or special dietary needs are factors.

(h) Hygiene. Juveniles shall have the opportunity for daily showers.

377:3-13-48. Safety and emergency

(a) Fire protection. Minimum state fire safety requirements for secure juvenile detention facilities are enforced by the State Fire Marshal's office. Documentation of compliance is available at the facility at all times.

(1) Secure juvenile detention facilities for juveniles must comply with the Building Officials Administrators Code (BOCA) as enforced by the State Fire Marshal's office.

(2) The facility's written policy and procedure provide for a qualified fire and safety officer to regularly inspect the facility for compliance with safety and fire prevention requirements. The facility director and designated staff shall conduct an annual review of policy and procedure. An administrative staff member or designee shall conduct a fire and safety inspection of the facility at least weekly.

(3) The facility's written policy and procedure relating to fire safety is reviewed at least annually by certification staff.

(4) Written policy and procedure specify the facility's fire prevention regulations and practices to ensure the safety of staff, juveniles, and visitors. Fire prevention practices include, but are not limited to:

(A) a provision for an adequate fire protection service; and

(B) annual inspection and testing of equipment by a fire service company approved by the local fire official.

- (5) Fire hoses or extinguishers are available at appropriate locations throughout the facility.
- (6) Specifications for the selection and approval of facility furnishings indicate the fire safety performance requirements of the materials selected.
 - (A) Materials selected are subjected to careful fire safety evaluation before purchase or use.
 - (B) Only mattresses manufactured from materials that are not highly flammable are used.
- (7) The facility is equipped with non-combustible receptacles for smoking materials. Separate containers are provided in other locations throughout the facility for other combustible refuse.
- (8) A fire alarm and automatic detection system is required as approved by the state and/or local fire marshal.
- (9) Special containers are provided for flammable liquids and for rags used with flammable liquids.
- (10) All plans for exiting the building during time of fire emergencies are posted in a conspicuous place on all levels of the facility.

(b) General emergency procedures. Written policy and procedure specify the means for the prompt release of juveniles from locked areas in case of emergency and provide for a secondary release system if electrically equipped.

- (1) All facility personnel shall be trained in the implementation of written emergency plans.
- (2) Written policy and procedure govern the control and use of all flammable, toxic, and caustic materials.
- (3) The facility director or designee shall develop written plans which specify procedures to be followed in emergency situations, e.g., fire, disturbances, taking of hostages. These plans are made available to all applicable personnel and are reviewed and updated at least annually.
- (4) The facility shall have access to an alternate power source to maintain essential services in an emergency. Essential services include but are not limited to:
 - (i) ~~running water~~ access to drinking water;
 - (ii) ~~facility lighting~~ security lighting;
 - (iii) ~~refrigeration~~ appropriate food storage; and
 - (iv) ability to maintain safe building temperatures

(c) Exits. The facility shall have exits that are properly positioned and clearly, distinctly, and permanently marked in order to ensure the timely evacuation of juveniles and staff in the event of fire or other emergency.

- (1) Two identifiable exits are located in each juvenile housing area and other high density areas to permit the prompt evacuation of juveniles and staff under emergency conditions.
- (2) The facility shall have exits that are continuously visible at all times, kept clear, and maintained in usable condition.

(d) Emergency Evacuation. The facility shall create, and review annually, an emergency evacuation plan. The plan, or any annual amendments to the plan, shall be submitted for approval to the OJA Licensing and Programs Assessment division. The plan must contain at a minimum:

(1) A secondary site will be identified by the facility, in the event the facility needs to evacuate in case of emergency or natural disaster.

(2) Should the emergency necessitate an absence from the facility in excess of twenty-four (24) hours, the secondary site must be emergency certified by the OJA Licensing and Programs Assessment division and meet all Safety, Security and Control, and Physical Plant Requirements for Secure Detention.

(3) Should a detention facility be damaged, OJA Licensing and Programs Assessment division may require an inspection be conducted prior to allowing the continued certification of the facility. The Licensing and Programs division will arrange to conduct the inspection with the detention provider.

(4) If necessary, OJA shall assist with moving youth from facility due to damage or factors that make the facility unable to operate.

(d)(e) Facility maintenance. Requirements for maintenance of the facility are set forth in this subsection.

(1) **Housekeeping.** All habitable and non-habitable areas are maintained in a condition free of litter.

(2) **Laundry.** Work areas are maintained in a clean and safe condition. Equipment is installed in such a way as to meet safety requirements.

(3) **Maintenance of the activity area.** Equipment is maintained in good repair and activity areas are free of hazards.

(4) **Maintenance of the interior structure.** The interior of the building, including appliances, machinery, and equipment, is maintained in proper working order at all times. Interior walls, carpeting, and furniture is repaired, replaced, and kept in acceptable condition.

(5) **Interior finish materials.** All interior surfaces, including walls, ceilings and floors, must have flame-spread ratings as outlined by the BOCA Building Code. Documentation of appropriate flame-spread ratings must be obtained from the manufactures of the material. Examples of interior finishing materials include, but are not limited to, paint, paneling, wallpaper, carpets, and tile.

(6) **Furnishings and decorations.** Draperies, curtains, and similar furnishings and decorations must be flame resistant.

(A) Proof of flame resistance is documented from the material manufacturer that the material passed the criteria of NFPA 701, small and large scale tests.

(B) Waste baskets and other waste containers must be of noncombustible or self-extinguishing materials.

(C) Mattresses and upholstered or cushion furniture may not be of a highly flammable character.

(7) **Exterior surfaces.** All exterior wood surfaces, other than decay-resistant woods, must be protected from the elements and decay by a lead-free paint or other product to provide a protective covering or treatment. Toxic paint and materials may not be used where readily accessible to juveniles.

377:3-13-49. Collocated detention facilities

(a) A juvenile detention facility collocated with an adult jail or lockup must meet the same standards and certification requirements as a freestanding juvenile detention center and be certified appropriately. A collocated facility is a juvenile facility located in the same building as

an adult jail or lockup, or is part of a related complex of buildings located on the same grounds as an adult jail or lockup.

(b) Each of the following three criteria must be met in order to ensure that a juvenile detention facility is separate from the adult jail with which it is collocated.

(1) Juveniles and adults must be separated in that there can be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. This type of separation can be achieved architecturally or through time-phasing of common use non-residential areas.

(2) All juvenile and adult program areas must be separate. There must be an independent and comprehensive operational plan for the juvenile detention facility which provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time-phasing of common use nonresidential areas is permissible to conduct program activities.

(3) There must be separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (medical care, food service, maintenance, etc) who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both populations. The day-to-day management, security, and direct care functions of the juvenile detention facility must be vested in a totally separate staff.

Part 11 – Requirements for Certification of Secure Juvenile Facilities

377:3-13-127. Physical Plant Requirements

(a) The secure juvenile facility shall conform to applicable federal, state and/or local building codes and zoning ordinances.

(b) The secure juvenile facility shall be clean and sanitary and shall comply with standards, rules and regulations promulgated by the Oklahoma State Department of Health.

(c) Each juvenile shall have at a minimum a bed, storage space for clothing and access to a writing area.) Multiple-occupancy rooms, including open-bay dormitories, and single occupancy rooms shall provide at least ~~80~~70 square feet per juvenile.

(e) Dayrooms are situated adjacent to sleeping areas and provide a minimum of 35 square feet per juvenile for the maximum number of juveniles who use the dayroom at one time (exclusive of lavatories, showers and toilets).

(f) Clean and sanitary bathrooms are convenient to sleeping rooms and dayrooms:

(1) One flush toilet, hand sink and bathtub or shower in good working order is available for each six juveniles.

(2) Flush urinals may be substituted for up to one-half the required number of toilets to serve male juveniles only.

(3) Hand sinks, bathtubs and showers have cold and hot water with temperatures between 100 and 120 degrees Fahrenheit.

(4) Toilet paper, soap and individual sanitary towels are provided to juveniles.