

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 13. Office of Public Integrity

Part 1. GENERAL PROVISIONS

377:3-13-1. General purpose, legal basis and authority [AMENDED]

377:3-13-2. Internal affairs investigations [AMENDED]

Part 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-43. Staff requirements [AMENDED]

377:3-13-44. Security and control [AMENDED]

Part 7. REQUIRMENTS FOR COMMUNITY INTERVENTION CENTERS (CIC)

377:3-13-88. Personnel [AMENDED]

Part 11. REQUIREMENTS FOR SECURE CARE [AMENDED]

377:3-13-123. Provisional certification [REVOKED]

377:3-13-144. Security and control [AMENDED]

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Wednesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=lhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 13, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 13, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 3. ADMINISTRATIVE SERVICES**

RULE IMPACT STATEMENT

1. A brief description of the purpose of the rule:

Title 377. Office of Juvenile Affairs

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 1. GENERAL PROVISIONS

377:3-13-1. General purpose, legal basis and authority [AMENDED]

377:3-13-2. Internal affairs investigations [AMENDED]

Part 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

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377:3-13-144. Security and control [AMENDED]

Summary: The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

2. A brief description of the classes of persons who most likely will be affected by the proposed rule:

The public, Board of Juvenile Affairs, OJA employees, and OJA youth will be affected by the proposed rule revisions.

3. A brief description of classes of persons who will benefit from the proposed rule:

The public, Board of Juvenile Affairs, OJA employees, and OJA youth will benefit from the proposed rule revisions.

4. A brief description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

The proposed rule revisions should not have an economic impact on any affected classes.

5. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the state proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any

anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The cost of implementation and enforcement of the proposed rule revisions is minimal.

6. A determination of whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The proposed rule revisions should not have an economic impact on any small business or require their cooperation in implementing or enforcing the rule revisions.

7. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The proposed rule revisions should not be costly nor require other methods to update the proposed rule revisions.

8. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed rule revisions have no effect on the public health, safety, and environment.

9. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:

If the proposed rule revisions do not pass, there will be a conflict with state law, which may have an effect on agency business.

10. The date the rule impact statement was prepared and if modified, the date modified:

Prepared on November 26, 2024.

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) **Purpose.** Public Integrity division within OJA 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 division is composed of three sections: (1) Internal Affairs/EEO/Investigations; (2) Licensing and Programs Assessment Section; and (3) Financial Contract Monitoring/Reviews Section, each section is under the supervision of the Executive Director, or designee..

- (1) ~~Internal Affairs/EEO~~ Investigations division may among other activities and functions include investigations of:
 - (A) Criminal investigations;
 - ~~(B) Allegations of serious misconduct and/or criminal violations committed by OJA personnel as assigned to the division by the Executive Director, or designee;~~
 - ~~(C)(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, Executive Director, or designee; and
 - ~~(D)(E)~~ Specifically assigned Caretaker Conduct Reviews (CCR) that are returned to the OJA-operated juvenile institutions by the 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 OJA operated institutions.
- (2) Licensing and Programs Assessment ~~division~~ 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 OAC 377-3-13-6;
 - (B) Announced and unannounced assessments of contracted residential care, non-residential services and shelters as directed by the Executive Director, or designee.
 - (C) On-site assessments and licensing of a Secure Juvenile Facility; and
 - ~~(D) On-site or electronic assessments of the Juvenile Services Unit (JSU) offices located throughout the state;~~
 - ~~(D)(E)~~ Assessments of State Office units as directed by the Executive Director, or designee;
- (3) Financial Contract Monitoring/Review 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 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 Executive Director, or designee.

(b) **Legal Basis/Authority.** Authorization for the monitoring/assessment functions 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.** 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) 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. Unannounced assessments shall occur at the direction of the division supervisor or Executive Director. Announced assessments of 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 Executive Director, or designee. Program assessments of OJA institutions, State Office units, contracted residential care facilities, non-residential services and shelters as directed by the Executive Director, or designee.

(2) OJA contracts with the youth services agencies shall be monitored at a minimum of twice per fiscal year. Other contracted facilities and services, OJA institutions, and State Office units shall be monitored at the direction of the Executive Director.

377:3-13-2. Internal affairs investigations

(a) The ~~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. 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).

(b) 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 Executive Director, or designee; grievance manager, or the affirmative action officer may assign EEO (discrimination) complaints or grievances to the ~~Internal Affairs/EEO~~ Investigations division for investigation.

(c) 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 EEO (discrimination) investigator(s) shall maintain state EEO investigator certification by attending the required number of hours of annual training as mandated by OAC 260-25-3-22 and 260-25-3-26.

PART 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS**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 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.** OJA, through direct request, shall require a records search for each applicant for employment, which shall include the following:

(A) 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 OJA,

(ii) employee or applicant of a secure detention center, municipal juvenile facility, community intervention center or secure facility licensed or certified by 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 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. § 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 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 the offenses identified in subsection A(i)(III) and (V) ~~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 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 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 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, ASHI, 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, ASHI, 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 course of instruction in cardiopulmonary resuscitation (CPR) as established by the Red Cross, ASHI, 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, ASHI, AHA, or its equivalent CPR course of instruction shall be presented by a certified instructor. 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 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 and five (5) years relevant work experience; or
- (ii) an associate's degree from an accredited junior college, college, or university in an appropriate discipline and seven (7) years relevant work experience~~two (2) years of experience working with juveniles; or and~~
- (iii) ten (10) years relevant work experience, five (5) years in staff supervision and administration.

(B) ~~As used in subsection (2)(A) above, relevant work experience shall include~~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) ~~two (2) years of experience working with juveniles; and~~ 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) ~~five (5) years in staff supervision and administration, 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 or obtain a high school diploma or equivalent within the first year of employment.

(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) Direct-care staff are defined as staff on the unit with the juveniles.
- (B) 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;
- ~~(C)~~(B) A minimum of two direct-care staff are on duty at all times in the facility.
- ~~(D)~~(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 to 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 within twenty-four (24) hours of exceeding the forty-eight (48) hours.

(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 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.

PART 7. REQUIRMENTS FOR COMMUNITY INTERVENTION CENTERS (CIC)

377:3-13-88. Personnel

(a) **Community Intervention Center (CIC) program director.**

(1) **Qualifications.** The qualifications (including education and experience), authority, and responsibilities of the program director shall be specified in writing by the CIC's governing body, and include:

(A) a bachelor's degree; and

(B) one year of experience working with juveniles or working in the juvenile justice system.

(b) **Direct-care staff qualifications.** All direct care staff shall be at least 21 years of age and possess a high school diploma or its equivalent or obtain a high school diploma or equivalent within the first year of employment.

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

(1) a national criminal history records search based upon submission of fingerprints that shall be provided by the Oklahoma State Bureau of Investigation (OSBI), including the Rap Back notification, and the Federal Bureau of Investigation (FBI) 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;

(2) a search of the Oklahoma State Courts Network (OSCN) including Oklahoma District Court Records (ODCR);

(3) a search of the Department of Human Services (DHS) Child Care Restricted Registry, also known as Joshua's List;

(4) a search of the Department of Corrections (DOC) Sex Offender Registry;

(5) a search of the Department of Corrections (DOC) Violent Offender Registry, also known as the Mary Rippy Violent Crime Offenders Registry;

(6) 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;

(A) 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;

(B) When no child abuse and neglect registry is maintained in the applicable state, the facility shall request any information that can be provided; and

(7) 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.

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

(A) 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,

(B) 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, or

(C) 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.

(d) **Criminal history investigation.** An employee's criminal history investigation record must be kept in a secure location, separate from his or her personnel file.

- (1) A facility shall not employ or retain an individual who has been convicted of or entered a plea of guilty or nolo contendere to any felony involving:
 - (A) violence against a person;
 - (B) child abuse or neglect;
 - (C) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;
 - (D) sexual misconduct; or
 - (E) gross irresponsibility or disregard for the safety of others;
 - (F) any crime against a child; or
 - (G) 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.
- (2) No employee of the CIC shall use or be under the influence of alcohol or illegal drugs during the hours of work nor shall any employee use or possess illegal drugs at any time.
- (3) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five 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.
 - (A) The facility shall consider, document, and submit to the Office of Public Integrity within 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.
 - (B) The Office of Public Integrity may make a recommendation to the facility administrator as to whether the applicant for employment should be approved or disapproved.
- (4) If any person is formally charged with any of the offenses described in OAC 377:3-13-88(d)(1), he or she must be removed from contact with juveniles until the charges are resolved.
- (5) If there is an allegation that a staff member has committed an act as described in OAC 377:3-13-88(d)(1), the facility shall determine and document whether the staff member shall be removed from contact with juveniles until the allegation is resolved.

(e) **Health requirements.** An employee's health record must be kept in a secure location, separate from his or her personnel file.

- (1) Each employee must have a pre-employment physical conducted by a licensed physician.
- (2) 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.
 - (A) 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.
 - (B) 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.

(f) **Personnel records.** Every staff person employed by the CIC shall have a written personnel record, which complies with personnel policies of the municipality or service provider. The CIC shall have written personnel policies. The program director shall make personnel policies, which include written job descriptions, available to all employees. Either the policy or job description specifies the person to whom the employee is responsible and the duties the employee is expected to perform.

- (1) Each personnel record must include:
 - (A) an application, resume, or staff information sheet that documents qualifications for the position;
 - (B) three reference letters, or if the reference was interviewed by phone, documentation of telephone interview must contain the:
 - (i) content of the interview;
 - (ii) date and time of the interview; and
 - (iii) name of employee conducting the telephone inter-view;
 - (C) documentation that the staff member was provided a copy of personnel policies, including his or her job description.
 - (D) written disciplinary action forms and job performance evaluations;
 - (E) dates of employment; and
 - (F) date and reason for employment separation or termination.
- (2) Personnel records shall be maintained for at least three (3) years following an employee's separation.
- (3) All employee records shall be confidential subject to existing federal and state statutes.
- (4) All employees shall have access to their personnel files for reviewing purposes upon request to the program director and according to agency policy.

(g) **Staff orientation.**

- (1) Each direct-care staff shall be provided orientation before being allowed to work independently In addition to a review of the certification standards and on-the-job training with an experienced staff member, the orientation must include a

review of the CIC's:

- (A) policies and procedures;
- (B) philosophy and goals;
- (C) organization;
- (D) behavior management/crisis intervention training; and
- (E) job expectations for the individual employee.

(2) Within 90 days of employment, each direct-care staff shall successfully complete first aid training. The training must be conducted by a certified instructor from the American Red Cross or its equivalent. The employee must be recertified in first aid every three years. First aid training may be counted as training hours. At least one staff person trained and certified in first aid shall be present in the CIC at all times.

(3) Within 90 days of employment, each direct-care staff shall be certified in cardiopulmonary resuscitation (CPR). The employee shall be recertified annually. CPR certification and recertification may be counted as training hours. At least one staff person trained and certified in CPR shall be present at all times.

(4) Within six (6) months of employment, each direct-care staff shall complete a certified class on behavior management; e.g., MAB, MANDT, CLEET, etc.

(5) The CIC must maintain written documentation of each area in which the employee received orientation.

(h) Staff training.

(1) All direct-care staff and program administrators shall obtain at least 24 clock hours of training per employment year. Hours are prorated for staff who have not been employed for a full year or are part-time employees.

(2) Professional conferences, workshops, seminars, formal education classes, or in-service training are considered training.

(3) Documentation of the employee's training shall be maintained in the employee's file.

PART 11. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERSCARE

377:3-13-123. Provisional certification [REVOKED]

(a) Secure facilities certified by the Department of Human Services as residential childcare facilities prior to November 1, 2009, shall receive provisional certification to operate as a secure juvenile facility for 180 days. Prior to the conclusion of the 180 days, the Office of Juvenile Affairs shall evaluate of the facility to ensure that the facility meets the certification standards promulgated by the Board of Juvenile Affairs for secure juvenile facilities.

(b) The Office of Juvenile Affairs shall initially evaluate any newly established secure juvenile facility to ensure compliance with standards relating to staffing and the physical plant. A determination that the facility meets the standards shall result in the issuance of a provisional certification for 180 days and authorization for the placement of juveniles into the facility. Prior to the conclusion of the 180 days, the Office of Juvenile Affairs shall evaluate the facility to ensure that it meets all certification standards promulgated by the Board of Juvenile Affairs for secure juvenile facilities.

(c) **Denial or revocation of certification.** When the operator of a secure juvenile facility is unable or unwilling to comply with standards promulgated by the Office of Juvenile Affairs' Board or has failed to adequately protect the health, safety and welfare of the juveniles in its facility, OJA may deny or revoke the facility's certification. OJA shall furnish thirty (30) calendar days written notice of the decision to deny or revoke certification and the grounds for such action. The facility operator shall have thirty (30) calendar days from receipt of the OJA notice of denial or revocation to protest the action in writing to the OJA Executive Director. An administrative hearing shall be convened where the facility operator will be given the opportunity to present testimony and witnesses. If the result of the hearing is to uphold the OJA action of denial or revocation, the facility operator may appeal to the district court pursuant to 12 O.S. § 951. In the event there is not an appeal, the secure juvenile facility shall cease operation on the effective date of the denial or revocation action.

377:3-13-144. Security and control

(a) Juvenile count.

(1) At least one daily uninterrupted juvenile population count shall be conducted on each shift;

(2) The results of the population count shall be transmitted to central control where it is documented and available at all times; and

(3) No movement of juveniles shall be permitted during the population count.

(b) Mail security. The secure facility shall have a mail security policy that shall include the following:

(1) A child shall have constant access to writing materials and may send mail without limitation, censorship or prior reading, and may receive mail without prior reading, except that mail may be opened in the presence of the child, without being read, to inspect for contraband, as defined by 57 O.S., § 21 or as otherwise defined by rules promulgated by the Board of Juvenile Affairs, or to inspect for material harmful to minors, as defined by 21 O.S., § 1040.75. Provided that, when based on legitimate facility interests of order and security as determined by the facility administrator, mail addressed to a child or sent by a child may be read, censored, or rejected, except that mail addressed to a child from the attorney of the child or sent by the child to the attorney of said child shall not be opened, censored, or withheld in any way. The child shall be notified when incoming or outgoing mail is withheld in part or in full.

(A) Legitimate facility interests may include but are not limited to:

- (i) for security reasons where a clearly documented reason exists, e.g., the correspondent has aided the juvenile in planning an escape or has used the mail to send the juvenile contraband items;
- (ii) where it is clearly documented that the correspondence is from a person whose continued relationship poses a threat to the juvenile's treatment or rehabilitation; or
- (iii) when the correspondence is from correctional facility inmates whose continued relationship poses a threat to the juvenile's treatment or rehabilitation.

(B) In any of the above cases, staff shall return the unopened mail to its point of origin, unless it is clearly documented that the correspondence is from a relative.

(c) Control of contraband and Facility Prohibited Item (FPI).

(1) Contraband is defined as any item introduced or found in the secure facility, the mere presence or possession of which shall constitute a violation of criminal law. Contraband discovery procedures require:

- (A) confiscation by staff with the completion of a report prior to the end of the shift;
- (B) a log entry by staff containing the contraband description and names of involved person(s);
- (C) placement of the contraband into secure storage;
- (D) a notification to the facility administration for the initiation of a criminal investigation; and
- (E) the establishment of a timeline and procedures for storing and disposing of contraband;

(2) A Facility Prohibited Item (FPI) is defined as an item in an individual's possession or control, which is a violation of facility, or unit rules, but does not constitute a violation of criminal law. FPI discovery procedures require:

- (A) The confiscation of the FPI by staff with the completion of a report prior to the end of the shift;
- (B) a log entry by staff containing the FPI description and the names of involved person(s);
- (C) non-perishable FPI confiscated from a juvenile shall be entered on the juvenile's personal property inventory and, if appropriate, returned upon the juvenile's release;
- (D) all other non-perishable FPI confiscated from staff, visitors or others shall be inventoried and properly disposed of when no longer administratively necessary;
- (E) all perishable FPI shall be photographed, if necessary, and immediately disposed of in an appropriate manner; and
- (F) the opportunity for juveniles to challenge the confiscation of FPI through the established grievance procedure.

(d) Searches.

(1) **General area search** is defined as a random search of all areas of the secure facility for the security and safety of the juveniles and staff.

- (A) The facility administrator shall authorize the procedures through the distribution of a post order.
- (B) The search shall be accomplished under the direction of a security shift supervisor by teams of two or more staff trained in conducting searches.
- (C) The use of a canine may be authorized, if appropriate and available.
- (D) Dates and times for the searches shall be at the discretion of the secure facility's administrator.
- (E) The objective of the searches shall be to discover and confiscate contraband and/or FPI.
- (F) The completion of staff reports shall be required before the end of shift.

(2) **Specific area search** is defined as a search limited to a certain time and area involving juveniles' personal property in one or more juvenile living quarters.

- (A) The search shall be based on reasonable suspicion that a juvenile(s) is in possession of contraband and/or FPI or without reasonable suspicion upon the routine transfer of a juvenile from one living area to another.
- (B) A facility administrator shall authorize a search based upon reasonable suspicion while a shift supervisor or above shall authorize a search based on a routine transfer.
- (C) The search shall be accomplished under the direction of a security shift supervisor by teams of two or more staff trained in conducting searches.
- (D) The use of a canine may be authorized, if appropriate and available.
- (E) The date and time for the search shall be specific to the event establishing reasonable suspicion or to the date, time and location of the routine juvenile transfer.
- (F) The search objective shall be to discover and confiscate contraband and/or FPI and/or recover missing property and/or injurious item(s).
- (G) The completion of staff reports shall be required prior to the end of shift.

(3) **Juvenile body search** is defined as observing and touching the body to discover contraband and/or FPI and is described from the least intrusive to the most intrusive types of search:

- (A) **Pat search** is considered to be a routine search and the least intrusive type of search.
 - (i) It shall be routinely conducted based on suspicion of contraband and/or FPI on the juvenile's person.
 - (ii) It shall be routinely conducted:
 - (I) Upon the completion of work assignments (i.e. kitchen, maintenance, etc.); or
 - (II) At the conclusion of visitation;
 - (III) After returning from recreation or from school; or
 - (IV) Following a restraint.

(iii) The search shall be conducted by a minimum of two staff members trained in searches, one of whom shall be the same gender as the juvenile, except in an emergency situation.

(iv) Procedures for conducting the search include:

(I) The use of hands to pat the outside clothing covering the body;

(II) The back of the hands shall be used to pat the genitals, buttocks (males and females) and breasts (female); and

(III) The search may include the removal of coat, hat, gloves, shoes and socks.

(v) A written report shall be required by the end of the shift only when an illegal and/or prohibited item(s) is found.

(B) Disrobement search is considered intrusive and involves the complete removal of all clothing items from the body.

(i) This search requires reasonable suspicion that a juvenile(s) is in possession of contraband and/or injurious item(s) and shall be conducted pursuant to verbal or written authorization from the facility administrator or designee.

(ii) The search shall be routinely conducted:

(I) During admission to the secure facility; or

(II) During discharge from the secure facility; or

(III) Upon return from a pass; or

(IV) Upon return from any appointment, court appearance, event or activity outside the perimeter fence of the secure facility.

(iii) The search shall be accomplished under the direction of a security shift supervisor by a minimum of two staff members trained in searches, both of whom are the same gender as the juvenile.

(iv) The search shall be conducted in a professional manner in an area that prevents observation by other staff and/or other juveniles and not covered by surveillance cameras.

(v) A written report is required by the end of the shift whether or not an illegal and/or prohibited item(s) is found.

(C) Cavity search is defined as a non-routine and intrusive search that involves medical personnel in searching the internal areas of body orifices.

(i) The search requires prior written authorization by the facility's administrator or designee based on written facts that would lead a reasonable person to believe a juvenile is carrying contraband and/or injurious item(s) in a body cavity.

(ii) The search shall only be conducted by a physician at the secure facility or by medical personnel at a local hospital.

(iii) A written report shall be required by the end of the shift documenting the search, including the names of the medical personnel involved, whether or not an illegal and/or prohibited item(s) is found.

(4) Each facility shall maintain a stationary and mobile magnetometer in good working order. All juveniles, staff, and visitors shall be required to pass through the facility's magnetometer (metal detector), and hand-wand if necessary, prior to entry into the facility.

(e) Staff ratios.

(1) The ratio of staff to juveniles on a unit shall not be less than 1 to ~~8+0~~ during waking hours and 1 to ~~10+2~~ during sleeping hours. For units composed entirely of secure individual sleeping rooms the ratio shall not be less than 1 to 10 during waking hours and 1 to 14 during sleeping hours.

(2) At least one staff member of the same gender as the juveniles shall be on duty within the facility on each shift.

(3) Juveniles shall be supervised at all times. Each secure facility shall maintain a plan that details the frequency of visual checks of juveniles made by the staff.

(f) Surveillance plan.

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

(2) The facility shall maintain a camera system that is in working condition and monitored by staff in real time with recording capabilities to maintain a minimum of ninety (90) days of video.

(g) Door security.

(1) All perimeter security doors to the living units shall be locked and doors to vacant or unoccupied living units and storage rooms shall remain locked when not in use.

(2) The facility shall maintain a backup release system that allows for the immediate release of juveniles from locked areas in the event of an emergency.

(h) Key control.

(1) The facility's key control system shall include:

(A) The maintenance of a log of all keys with lock locations and names of employees possessing keys;

(B) Key storage that permits easy determination of the presence or absence of keys;

(C) The maintenance of at least one duplicate key for each lock in the facility;

(D) A central area from which keys are issued; and

(E) The labeling of all keys to include color-coding and touch identification of emergency keys.

(F) No keys shall be taken off the premises except as authorized by the facility administrator.

(i) Physical force.

(1) Use of force is authorized, as provided in 10A O.S., § 2-7-604 and 377:10-1-4.

(2) Use of physical force requires a medical evaluation and photo(s) of the juvenile(s) immediately following the incident.

(3) A written report is required prior to the end of shift following all uses of physical force.

(j) Mechanical restraints. The standards regarding mechanical restraints are found in 10A O.S., § 2-7-604 and 377:10-1-4.

(k) Oleoresin Capsicum. The use of Oleoresin Capsicum (OC) spray ~~is prohibited~~ shall conform to 377:10-1-4.1.

(l) Solitary Confinement.

(1) The use of confinement as a method of intervention with juveniles shall be limited to the following:

(A) Solitary confinement is the involuntary removal of a juvenile from contact with other persons by confinement in a locked room, including the juvenile's own room, except during normal sleeping hours. Solitary confinement is a serious and extreme measure to be imposed only in emergency situations. It may be imposed only upon a juvenile in a secure facility who is out of control and is a serious and immediate physical danger to him or herself or others, and only after less restrictive methods of control have failed.

(B) Solitary confinement shall not be used for punishment at any secure facility. No juvenile shall remain continuously in solitary confinement in excess of three (3) hours. As soon as the juvenile is sufficiently under control so as to no longer pose a serious and immediate danger to him or herself or others, the juvenile shall be released from solitary confinement. The use of such confinement is not limited to three (3) continuous hours within any twenty-four (24) hour period when the juvenile is out of control and poses a continuing serious and immediate physical danger to him or herself or others, provided that any juvenile who meets this required standard for such confinement for a period in excess of three (3) continuous hours must be examined by a licensed mental health professional at the conclusion of the 3-hour period.

(C) All rooms used for solitary confinement shall have at least eighty (80) square feet of floor space, and shall have toilets, potable water, and adequate lighting, heating/cooling, and ventilation for the comfort of the juvenile. Juveniles in solitary confinement shall have access to appropriate medical and psychological services.

(2) A facility shall establish procedures for solitary confinement that include:

(A) a log of events to include date, time, location and rationale;

(B) staff visual observation of juvenile behavior as documented every fifteen minute period the juvenile is in solitary confinement; and

(C) reauthorization by the facility administrator after every twenty-four (24) hour period of time the juvenile has been in solitary confinement.

(3) Juveniles are afforded living conditions and privileges based on their behavior.

(4) The establishment of a cool down period and time out periods appropriate types of interventions for inappropriate juvenile behaviors.

(m) Firearms and tools.

(1) Firearms shall not be permitted in the secure facility except for law enforcement officers during emergency situations.

(2) All tools and kitchen utensils shall be classified, controlled and stored based on their level of risk for death or serious injury.

(n) Escape. The facility shall develop procedures for apprehension of juveniles who escape from the facility to include notification of law enforcement agencies and OJA criminal investigators.