

San Benito County Probation Department

Juvenile Hall Policy Manual

CHIEF'S PREFACE



This policy manual represents the guiding principles and core values of the San Benito County Probation Department. The policies included herein are predicated on existing laws, best practice, and sound judgment. The policies are meant to provide guidance and direction, as well as protection to employees, the entire Probation Department, and our San Benito County government organization as a whole.

We work in a complex and dynamic environment, which presents a multitude of tasks to all employees on a daily basis. Everyday decisions have the potential to profoundly affect the lives of offenders, victims and the community. Employees are encouraged to refer to this policy manual regularly, for it is an important tool for you to use in performing your duties. Ultimately, it is the responsibility of every employee to perform your duties with honor, integrity and to the best of your ability. The overall success of our Department will be measured by the degree to which we maintain the trust of the public, our policy makers, the judicial system, our partners and valued stakeholders. Adherence to the policies contained within this manual will ensure consistency, guidance and clear direction as we navigate through the issues that lie ahead.

Joseph A. Frontella Jr.
Chief Probation Officer
San Benito County Probation Department
Revised date: December 3, 2018

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CODE OF ETHICS

In recognition of the profound responsibilities inherent in a profession dedicated to the adjustment of social relationships, I acknowledged these to be my guiding precepts:

Serve With Humility

Act Without Prejudice

Uphold The Law With Dignity

Be Objective In The Performance Of My Duties

Respect The Inalienable Rights Of All Persons

Hold Inviolable Those Confidences Reposed In Me

Cooperate With Fellow Workers And Related Agencies

Be Aware of My Responsibilities To The Individual And To The Community

Improve My Professional Standards Through Continuously Seeking Knowledge And Understanding

I accept these principles as my code of ethics and shall build my professional life upon them

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MISSION AND VISIONS STATEMENT

MISSION STATEMENT

The Mission of the San Benito County Probation Department is to protect the community; provide services to the Court; and assist clients to change criminal behavior.

VISION STATEMENT

Our employees constitute our most valuable resource;

Respect the rights and dignity of all individuals;

Provide trauma informed services in a professional and responsible manner.

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Chapter 1 - Role and Authority

Organizational Structure, Appointment, and Responsibility

100.1 PURPOSE AND SCOPE

This policy identifies the authority and responsibility of the San Benito County Juvenile Hall and juvenile institution officers. All juvenile institution officers employed within the State of California are required to meet specific requirements for appointment. The organizational structure of the Agency is designed to create an efficient means to accomplish its mission and goals, and to provide for the best possible service to the public (15 CCR 1324).

100.2 POLICY

It is the policy of the San Benito County Juvenile Hall that the Chief Probation Officer meets the minimum standards for exercising the authority granted by law. This agency recognizes the power of juvenile institution officers to use discretion in the exercise of the authority granted to them. Juvenile Institution Officers are encouraged to use sound discretion in the exercise of their duties. This agency does not tolerate abuse of authority.

The San Benito County Juvenile Hall will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Agency.

100.3 APPOINTMENT REQUIREMENTS

The Chief Probation Officer of the Agency who operates the Juvenile Hall, as a condition of employment, shall be appointed in accordance with Government Code § 27770 (Welfare and Institutions Code § 270; Welfare and Institutions Code § 271).

100.4 ASSISTANT CHIEF PROBATION OFFICER RESPONSIBILITIES

The Assistant Chief Probation Officer shall have charge of the Juvenile Hall (Welfare and Institutions Code § 853). Custody Operations may include Investigations, Medical/Mental Health Services, Educational Services, Programs, and Transportation. Support Services may include the general management direction and control for Food Services, Facility Infrastructure and Maintenance, and Laundry.

100.5 JUVENILE INSTITUTION OFFICER RESPONSIBILITIES

Juvenile Institution Officers are authorized to supervise youths as provided in this manual, applicable court orders, and state law (Government Code § 27770 et seq.; Penal Code § 830.5; Penal Code § 1202.8; Penal Code § 1203.5; Penal Code § 1203.71; Welfare and Institutions Code § 271).

Every juvenile institution officer, assistant probation officer, and deputy probation officer shall have the powers and authority conferred by law upon peace officers listed in Section 830.5 of the Penal Code (Welfare and Institutions Code § 283; Government Code § 1029 et seq.). In addition, every

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Organizational Structure, Appointment, and Responsibility

juvenile institution officer will meet the minimum selection standards set forth in 15 CCR 184 and successfully complete the core training requirements for each applicable classification.

100.6 ARREST AND OTHER POWERS

Juvenile Institution Officers authorized by the Chief Probation Officer may exercise peace officer powers at any place in the state while engaged in the performance of official duties. The authority extends only to (Penal Code § 830.5):

- Conditions of any person being supervised by this agency who is on parole, probation, mandatory supervision, or post-release community supervision.
- The escape of any inmate or ward from a state or local institution.
- The transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.
- Violations of any penal provisions of law discovered while performing the usual or authorized duties of their employment.
- Rendering mutual aid to any other law enforcement agency.

100.7 CHAIN OF COMMAND

To maintain continuity, order, and effectiveness in the Agency, a chain of command has been established and should be respected. All staff members should adhere to the chain of command in all official actions. However, nothing shall prohibit a staff member from initiating immediate action outside of the chain of command if it is necessitated by a complaint of discrimination, sexual harassment, gross malfeasance, or a violation of the law (15 CCR 1324).

100.7.1 ORGANIZATIONAL CHART

The Assistant Chief Probation Officer should ensure the development and update of an organizational chart identifying the chain of command (15 CCR 1324).

[See attachment: Department Organizational Chart Revised 02-14-20.pdf](#)

100.7.2 GENERAL AGENCY RESPONSIBILITIES

The San Benito County Juvenile Hall is one of several agencies that comprise the juvenile justice system and our facilities address an important role of keeping youth safe when they cannot be placed in a non-secure setting. The San Benito County Juvenile Hall serves as an arm of the court in this role, as our staff provides a variety of services, such as mental health, education, family support, and mentoring. The San Benito County Juvenile Hall is in a unique position to assist youths toward positive change. The role of the Juvenile Justice Commission is to inquire into the administration of juvenile law within San Benito County, including inspecting juvenile facilities and programs offered to youth (Welfare and Institutions Code § 225; 15 CCR 1324).

Authority and Legal Assistance

101.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the San Benito County Juvenile Hall shall operate and maintain a secure detention facility in this state. In addition to the authority vested by state law, the juvenile hall operates in accordance with these laws, constitutional mandates, regulations, and local ordinances, including the federal Juvenile Justice Delinquency and Prevention Act (Welfare and Institutions Code § 850; 15 CCR 1324).

101.2 POLICY

It is the policy of this agency that the secure detention facility will be maintained by all lawful means for the detention of juvenile offenders suspected of violating the law or who have been adjudicated as delinquent for committing a crime or civil offense by a competent legal authority, as prescribed by law.

101.3 LEGAL FOUNDATION

Juvenile Hall staff at every level must have an understanding and true appreciation of their authority and limitations in operating a secure detention facility. The San Benito County Juvenile Hall recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement, detention, and probation personnel with the authority to maintain lawful custody of youths suspected of criminal activity to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests (15 CCR 1324).

The Juvenile Hall shall be under the management and control of the Chief Probation Officer (Welfare and Institutions Code § 852).

101.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the County Counsel and legal specialists can benefit the Agency:

- (a) Analyze and alert the juvenile hall executive and management team to juvenile hall-related case law
- (b) Serve as a legal consultant in the construction and review of new juvenile hall policies and procedures
- (c) Serve as a legal consultant on issues related to but not limited to:
 1. Use of force
 2. Faith-based requests
 3. Complaints and grievances
 4. Allegations of abuse by staff

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- (d) Serve as legal counsel in legal matters brought against this agency and the Chief Probation Officer

101.4.1 LEGAL LIAISON

The Chief Probation Officer will designate one or more staff to act as a liaison between the Agency and the County Counsel's office. The legal liaison officer will provide an orientation of the facility and detention facility policies to representatives of the County Counsel's office as needed.

The liaison officer will arrange for regularly scheduled meetings to provide an ongoing status report of facility issues to the legal counsel. The liaison officer will maintain an open relationship with legal counsel to move quickly on emerging facility issues that could have significant legal implications for the Agency.

101.5 STATE REPORTING REQUIREMENTS

The Chief Probation Officer will ensure a letter is submitted to the Board of State and Community Corrections briefly describing each legal action pertaining to conditions of confinement filed against persons or legal entities responsible for Juvenile Hall operations (15 CCR 1340).

101.5.1 REPORTING OF LEGAL ACTION - LOG

The Juvenile Hall Facility Manager will notify the Chief Probation Officer of any legal action pertaining to the Juvenile Hall. The Chief Probation Officer will submit to the Board of State and Community Corrections a letter of notification on each legal action pertaining to conditions of confinement filed against persons or legal entities responsible for the operation of the juvenile facility. The Chief Probation Officer will maintain a log of legal actions and notifications.

Annual Review and Performance-Based Goals and Objectives

102.1 PURPOSE AND SCOPE

This policy establishes minimum review criteria to measure and evaluate the success of achieving established goals and objectives (15 CCR 1324).

102.2 POLICY

The San Benito County Juvenile Hall is dedicated to continuous improvement in the services provided on behalf of the public and in accordance with applicable laws, regulations, and best practices in the operation of this facility. To this end, the Agency shall conduct an annual review to evaluate its progress in meeting stated goals and objectives.

102.3 ANNUAL REVIEW

The Assistant Chief Probation Officer should ensure that the custody management team conducts an annual management review of, at a minimum:

- (a) Statutory, regulatory, and other requirements applicable to the operation of the facility.
- (b) Lawsuits and/or court orders/consent decrees.
- (c) Agency policies, procedures, directives, and post orders that guide the operation of the facility.
 1. The review should ensure that policies and procedures for admitting youth into the facility emphasize respectful and humane engagement with youths, reflect that the admission process may be traumatic to youths who may already have experienced trauma, and be trauma-informed, culturally relevant, and responsive to the language and literacy needs of youths (15 CCR 1350).
- (d) Fiscal operations and accounting procedures.
- (e) Personnel issues/actions that include but are not limited to on-the-job injuries, internal affairs investigations, employee grievances, employee discipline, selection, and recruitment.
- (f) Compliance with internal/external inspections of the facility.
- (g) Condition of the physical plant, infrastructure, and maintenance efforts.
- (h) Cleanliness of the facility.
- (i) Youth profiles and trends, such as the Juvenile Detention Profile Survey, that measure:
 1. Youth population (average daily population).
 2. Youth population by gender.
 3. Highest one-day count.
 4. Discharge.

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Annual Review and Performance-Based Goals and Objectives

5. Percentage of male youths.
 6. Percentage of female youths.
 7. Pre-adjudicated youths in detention.
 8. Adjudicated youths in detention.
 9. Medical beds.
 10. Mental health beds.
 11. Meal counts (regular, medical, court meals).
 12. Alternative-to-detention youths.
 13. Special needs youths.
 14. Classification issues.
 15. Youth grievances (founded/denied).
 16. Demographics (age, race, gang affiliation).
 17. Court movement.
 18. Certified to stand trial as an adult.
 19. Committed to state detention.
 20. Status of offenders detained.
 21. Youth held pending transport per Interstate Compact.
- (j) Security issues that include:
1. Youth-on-youth assaults.
 2. Youth-on-staff assaults.
 3. Major disturbances.
 4. Deaths in detention facility (natural/suicide/homicide/accidents).
 5. Suicide attempts.
 6. Escapes and escape attempts.
- (k) Youth programs including:
1. Educational and vocational.
 2. Drug and alcohol programs (e.g., substance abuse education, counseling, support groups, Alcoholics Anonymous, Narcotics Anonymous).
 3. Faith-based services.
 4. Behavior modification programming (e.g., anger reduction).

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Annual Review and Performance-Based Goals and Objectives

102.4 CRITERIA TO MEASURE PERFORMANCE

The following items will be used to measure and evaluate the level of success in achieving the Agency's stated goals:

- (a) Fiscal year budget surpluses or successful operations even with budget reductions
- (b) Findings from independent financial audits
- (c) Youth grievances
- (d) Documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations (28 CFR 115.334)
- (e) Documented training hours received by staff
- (f) Completed audits of the policy and procedures manuals
- (g) Incident report
- (h) Parent/guardian complaints

102.5 MANAGEMENT REVIEW PROCESS

The management team may employ several methods to assess performance, including:

- (a) **Performance analysis** - Performance analysis attempts to discover discrepancies between the expected and actual levels of performance. This analysis should focus on whether the practices in this facility are meeting the mission of the Agency and whether agency policies and procedures align with statutes, regulations, and court orders.
- (b) **One-to-one interviews** - Scheduled interviews with custody staff held in private to encourage candid responses and help identify issues or conditions that should be targeted for review or correction.
- (c) **Questionnaires** - Questionnaires should be used as a group method to solicit suggestions and information about what operations need adjustment or where program resources should be directed.
- (d) **Staff debriefing** - Staff should be periodically debriefed, especially after an emergency operation or incident, to identify aspects of facility operations that may need to be addressed by the Assistant Chief Probation Officer and supervisors.
- (e) **Inspection findings** - The Agency is subject to a variety of administrative inspections (e.g., by the Board of State and Community Corrections, the Juvenile Justice Commission, command staff, a grand jury, detention advocates, health inspectors). These annual inspections should be used to identify ongoing issues in the operation of this facility.
- (f) **Security reviews** - The Assistant Chief Probation Officer shall develop policies and procedures to annually review, evaluate, and document the security of the facility. The review and evaluation shall include internal and external security, including but not limited to key control, equipment, and staff training (15 CCR 1326).

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Annual Review and Performance-Based Goals and Objectives

102.6 MANAGEMENT REVIEW RESULTS

To the extent reasonably practicable, the individuals responsible for developing a management review should follow the guidelines established in the Administrative Communications and Annual Facility Inspection policies to document and support the findings. A complete report of the review results should be submitted to the appropriate level in the chain of command for final approval.

The results of management reviews should be used in the ongoing process of continuous improvement. They should be used to direct changes in the operation of this facility or to identify successful operations that might be replicated in other areas of the facility. They should not, however, include specific identifying information of incidents or involved individuals.

The results of management reviews also may be used in full or in part to respond to inquiries from interested groups, such as the local legislative body, courts, grand jury, or others, and to provide information on issues concerning the operation of this facility, including action planning whenever appropriate.

Custody Manual

103.1 PURPOSE AND SCOPE

The Custody Manual is a statement of the current policies, rules, and guidelines of this agency.

All prior and existing manuals and orders, and regulations that conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Unless otherwise expressly stated, the provisions of this manual shall be considered guidelines. It is recognized that work in the custody environment is not always predictable, and circumstances may arise that warrant departure from these guidelines. This manual should be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this agency under the circumstances reasonably known to them at the time of any incident (15 CCR 1324).

103.2 POLICY

The manual of the San Benito County Juvenile Hall is hereby established and shall be referred to as the Custody Manual. All members are to conform to the provisions of this manual.

103.2.1 DISCLAIMER

The provisions contained in the Custody Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies in this manual are for the internal use of the San Benito County Juvenile Hall and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the county, its officials, or members. Violations of any provision of any policy in this manual shall only form the basis for agency administrative action, training, or discipline. The San Benito County Juvenile Hall reserves the right to revise any policy content, in whole or in part.

103.3 RESPONSIBILITIES

The Chief Probation Officer shall be considered the ultimate authority for the provisions of this manual and shall continue to issue departmental directives that shall modify the provisions to which they pertain. Departmental directives shall remain in effect until they are permanently incorporated into the manual.

The Assistant Chief Probation Officer shall ensure that the Custody Manual is reviewed at least every two years and updated as necessary, and that staff is trained to ensure that the policies in the manual are current and reflect the mission of the San Benito County Juvenile Hall (15 CCR 1324). The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

103.3.1 COMMAND STAFF

The command staff should consist of the following:

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- Chief Probation Officer
- Assistant Chief Probation Officer

103.3.2 OTHER PERSONNEL

Line and supervisory staff have a unique view of how policies and procedures influence the operation of the facility and therefore are expected to bring to the attention of their supervisors issues that might be addressed in a new or revised policy.

All members suggesting revision of the contents of the Custody Manual should forward their suggestions in writing, through the chain of command, to the Assistant Chief Probation Officer, who will consider the recommendation.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

Agency - The San Benito County Juvenile Hall.

Custody Manual - The Agency Custody Manual.

Employee - Any person employed by the Agency.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the San Benito County Juvenile Hall, including:

- Full- and part-time employees.
- Sworn juvenile institution officers.
- Civilian employees.
- Volunteers.

Juvenile Institution Officer - All persons, regardless of rank, who are employees and who are selected and trained in accordance with state law as juvenile institution officers of the San Benito County Juvenile Hall.

On-duty employee - Status during the period when the person is actually engaged in the performance of assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The job classification title held by juvenile institution officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Youth - Any person who is in the custody of the San Benito County Juvenile Hall. This person may be a minor under the age of 18 whose cases are under the jurisdiction of either juvenile or adult court or a person over 18 years of age whose case is under the jurisdiction of the juvenile court (15 CCR 1302).

103.4.1 ABBREVIATIONS

ACPO - Assistant Chief Probation Officer

BH - Behavioral Health

BSCC - Board of State and Community Corrections

CFMG - California Forensic Medical Group (Wellpath)

CPO - Chief Probation Officer

DO - Duty Officer

DRAI - Detention Risk Assessment Instrument

DJJ - Division of Juvenile Justice

EMP - Electronic Monitoring Program

FM - Facility Manager

HPD - Hollister Police Department

HS - Home Supervision

JHCM - Juvenile Hall Case Manager

SJIO - Supervising Juvenile Institution Officer

JIO - Juvenile Institution Officer

OC - Oleoresin Capsicum Spray

PREA - Prison Rape Elimination Act

SBCJH - San Benito County Juvenile Hall

SBSO - San Benito County Sheriffs Office

SJIO - Supervising Juvenile Institution Officer

STC - Standard Training for Corrections

103.5 DISTRIBUTION OF MANUAL

Copies of the Custody Manual shall be made available to all members. An electronic version of the Custody Manual will be made available to all members on the Agency network (15 CCR 1324).

No changes shall be made to the electronic version without authorization from the Chief Probation Officer or the authorized designee.

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103.6 MANUAL ACCEPTANCE

As a condition of employment, all members are required to read and obtain necessary clarification of this agency's policies. All members must sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Custody Manual (15 CCR 1324).

103.7 REVISIONS TO POLICIES

All members are responsible for keeping abreast of all Custody Manual revisions (15 CCR 1324). All changes to the Custody Manual will be posted on the network for review prior to implementation. The Training Manager will forward revisions to the Custody Manual as needed to all personnel via electronic mail. Each member shall acknowledge receipt by return email or online acknowledgement, review the revisions, and seek clarification as needed.

Supervisors will ensure that members under their command are familiar with and understand all revisions.

Administrative Communications

104.1 PURPOSE AND SCOPE

Effective communications within the Agency are critical to the accomplishment of the mission of the Agency and the effective operation of the juvenile hall. Administrative communications of this agency are governed by the following policy (15 CCR 1324).

104.2 POLICY

The San Benito County Juvenile Hall will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature, and disclaimer guidelines.

104.3 PERSONNEL ORDERS

Personnel orders may be issued periodically by the Chief Probation Officer to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, and other changes in status.

104.4 CORRESPONDENCE

All agency correspondence is to be written in a clear, concise manner, consistent with the report formats and guidelines prescribed in this policy and reflecting the highest possible quality in organization, grammar, punctuation, and spelling.

All external correspondence shall be on agency letterhead. All agency letterhead, including all digital facsimiles of the letterhead, shall bear the signature element of the Chief Probation Officer or the authorized designee. Personnel should use agency letterhead only for official business and with the approval of their supervisors.

104.5 SURVEYS

All surveys made in the name of the Agency shall be authorized in advance by the Chief Probation Officer or the authorized designee.

104.6 COMPLETED STAFF WORK

All staff reports (i.e., reports assigned to a specific person to respond to a problem or issue) shall incorporate the principle of completed staff work, which requires the person to whom a task has been delegated to complete and document the delegated work to such an extent that the only thing left for the decision-maker to do is to approve or decline the recommendation. Staff reports that only point out weaknesses or merely suggest needed actions are not completed staff work and are not acceptable.

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Administrative Communications

The writer of the staff report should document the efforts made to have the report reviewed by or acted upon by those individuals representing work units or other entities likely to be affected by any proposed changes.

104.7 INTRODUCTORY SUMMARY MEMORANDUMS

Any memorandum that exceeds one page in length should contain a brief introductory section summarizing the subject matter.

Departmental Directives

105.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing departmental directives (15 CCR 1324).

105.2 POLICY

Departmental directives establish a communication practice that may be used by the Chief Probation Officer to make immediate changes to policy and procedure in accordance with and as permitted by statutes, regulations, or negotiated contracts. Departmental directives will immediately modify or change and supersede the sections of this manual to which they pertain.

105.3 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental directives will be incorporated into the manual as required upon approval of the Chief Probation Officer. Departmental directives will modify existing policies or create a new policy as appropriate. The previous policy will be rescinded upon incorporation of the new or updated policy into the manual.

105.4 RESPONSIBILITIES

105.4.1 CHIEF PROBATION OFFICER

The Chief Probation Officer, with the assistance of agency staff, shall issue and be responsible for all departmental directives, including their publication and dissemination throughout the Agency.

105.4.2 MANAGERS AND SUPERVISORS

Managers and supervisors are responsible for ensuring that staff under their command receive training on all new departmental directives.

Training documentation shall be placed into the supervisor's file or the member's training file.

Annual Facility Inspection

106.1 PURPOSE AND SCOPE

Annual facility inspections are the collections of data designed to assist administrators, managers, and supervisors in the management of the facility by establishing a systematic inspection and review of its operation. This policy provides guidelines for conducting the annual facility inspection (15 CCR 1324; 15 CCR 1326).

106.2 POLICY

This agency will use a formal annual inspection process of its facility to ensure that practices and operations comply with statutes, regulations, policies and procedures, and best practice standards. Inspections will be used to help identify the need for new or revised policies and procedures, administrative needs, funding requirements, evaluation of service providers, and changes in laws and regulations.

106.3 ASSISTANT CHIEF PROBATION OFFICER RESPONSIBILITIES

The Assistant Chief Probation Officer is responsible for collecting performance indicators and other relevant data necessary for an annual inspection of all facilities. The Assistant Chief Probation Officer will ensure that annual inspections are conducted as outlined below for each facility type.

Annual inspections may be used in preparation for inspections by outside entities, such as a government inspection authority, a professional organization, or an accreditation body. In this case, the self-inspection will serve as a pre-inspection review that will prepare the facility for the outside or third-party evaluator.

106.3.1 NONCOMPLIANCE REPORTING

The Assistant Chief Probation Officer shall report as requested by the Board of State and Community Corrections the reasons for the noncompliance with the minimum standards or the corrective measures taken within the time prescribed in the notice of noncompliance as described in Welfare and Institutions Code § 209.

106.3.2 STATE REQUIREMENTS

Annually, the Assistant Chief Probation Officer shall obtain a documented inspection and evaluation from (15 CCR 1313):

- (a) The county building inspector or a person designated by the Board of Supervisors to approve building safety.
- (b) The fire authority having jurisdiction, including a fire clearance as required by the Health and Safety Code § 13146.1 (a) and (b) (see the Fire Safety Policy).
- (c) The local health officer's inspection in accordance with Health and Safety Code § 101045.

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- (d) The county superintendent of schools on the adequacy of educational services and facilities as required in 15 CCR 1370.
- (e) The juvenile court as required by Welfare and Institutions Code § 209.
- (f) The Juvenile Justice Commission as required in Welfare and Institutions Code § 229 or the Probation Commission as required by Welfare and Institutions Code § 240.

106.4 INSPECTION AREAS

The annual inspection should include the following areas in the assessment process:

- (a) **Pre-assessment briefing** - The pre-assessment briefing should begin with a meeting of the Assistant Chief Probation Officer, key program staff, and service providers. The individual conducting the assessment will need to advise key personnel what areas the individual will be inspecting so the appropriate materials can be brought up to date and provided to the assessment team.
- (b) **Policy review** - A review of all juvenile hall policies and procedures should be conducted to ensure that those policies are up to date and accurately reflect the requirements and activities related to the juvenile hall operation.
- (c) **Record review** - A review of the records that support juvenile hall activities, medical records, food services, and the facility's financial records should be conducted to ensure that contractual benchmarks are being met and any discrepancies are documented and reported as part of the assessment report in an effort to mitigate harm from improper access to or release of records.
- (d) **Benchmark review** - A review of the Agency-stated goals and objectives should be discussed with the Assistant Chief Probation Officer, program managers, and other key providers of programs. This will provide the opportunity to identify any areas that require correction or additional resources or that reflect a successful performance that should be acknowledged and possibly replicated.
- (e) **On-site inspections** - The assessment team should inspect the facility to verify that activities in the facility align with goals and objectives and comply with policies and procedures. Any discrepancies, as well as exceptional efforts on the part of management and members, should be reported as a part of the juvenile hall assessment. An inspection checklist should be used to guide the inspection process and to ensure consistency. It is important that the juvenile hall assessments be viewed as a credible measurement instrument because many issues identified in the assessment may require significant funding.
- (f) **Develop an action plan** - After the fact-finding described in the previous sections has been accomplished, notes, records, and recommendations should be analyzed and an action plan developed to initiate any needed correction. Documenting successful practices is important to determine if they can be replicated in other areas.
- (g) **Reporting** - The results of the inspection should be compiled into a report and should include recommendations and action plans necessary to ensure continuous improvement in the operation and management of the juvenile hall system. The completed report and any analysis and documentation required to justify costs, policy

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revisions, or any other administrative requirements should be submitted to the Chief Probation Officer.

- (h) **Monitor progress** - The Assistant Chief Probation Officer should ensure that approved recommendations are being instituted by the responsible program providers.

See Procedures Manual on Inspections for further information.

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106.5 FOCAL POINTS FOR INSPECTIONS

Inspections of facilities used for detaining youths pending pre-adjudication and adjudication, held during trial, and held upon a lawful court commitment should include inspection of the policies, procedures, and performance by management and members to ensure compliance and timely updates. Inspections should include but are not limited to the following inspection points:

- Member training
- Number of personnel
- Policy and procedures manual
- Fire suppression pre-planning
- Incident reports
- Critical incidents (e.g., major injuries, deaths)
- Documented suicide attempts
- In-custody deaths
- Classification plan
- Admissions
- Communicable disease prevention plan
- Youths with mental disorders
- Developmentally disabled youths
- Use of force and restraint devices
- Contraband control
- Perimeter security (15 CCR 1326)
- Searches
- Access to telephones
- Access to courts and counsel
- Youth visiting

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- Youth mail
- Religious access
- Health care services
- Intake medical screening
- Pest control
- Suicide prevention program
- First-aid kit
- Meals, frequency of serving
- Minimum diet
- Food services plan
- Food serving and supervision
- Facility sanitation, safety, and maintenance
- Tools, key, and lock control (15 CCR 1326)
- Use of safety and camera rooms and medical isolation areas
- Plan for youth discipline, including rules and disciplinary penalties, forms of discipline, limitations on discipline, and disciplinary records
- Standard bedding and linen use
- Mattresses
- Programming (e.g., education, vocational)
- Clothing and laundry

Chapter 2 - Organization and Administration

Financial Practices

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish financially sound practices to ensure the development and management of a budget plan, conduct appropriate audits, and manage the staffing plan and personnel costs for the facility.

200.2 POLICY

It is the policy of the San Benito County Juvenile Hall to properly manage financial matters by developing a budget plan and monitoring income and expenditures based on established accounting procedures.

200.3 RESPONSIBILITIES

The Chief Probation Officer shall prepare and present an annual budget request identifying the resources and costs associated with the judicious operation of the facility. Budget requests shall be prepared in the manner and detail prescribed by the Agency. Service goals and objectives should be delineated in the budget plan.

The Agency's responsibilities include developing a budget plan, submitting the plan to the County Administrative Officer, and monitoring the facility's progress toward meeting its budget objectives throughout the fiscal year.

A fiscal system based on established accounting procedures shall be used to monitor ongoing income and expenditures.

200.4 TRANSFERRING FUNDS AMONG BUDGET CATEGORIES

Unless otherwise specified, transferring funds among budget categories may require the approval of the County Administrative Officer.

200.5 FINANCIAL AUDITS

The Chief Probation Officer should ensure that a financial audit of the facility is conducted annually. The audit shall conform to generally accepted auditing standards.

200.5.1 POSITION CONTROL

To exercise control of payroll expenditures, the Agency will utilize a system of position control as part of its ongoing budget process. Position control is the process used by the Agency to exercise control over the size and cost of its workforce. It ensures that any new, regular employee added to an agency's payroll basis is filling a position that has been approved and budgeted, and that the pay rate for the position is within the salary range for the job classification in which the position resides.

Financial Practices

200.6 STAFFING PLAN

The Assistant Chief Probation Officer should maintain a current staffing plan for the purpose of exercising position control. The staffing plan should include a comprehensive list of all positions in this facility. Each position has a descriptive job title that is associated with a description of the position's duties and responsibilities. Each position will have a written job description for all position classifications and post assignments that define responsibilities, duties, and qualifications (15 CCR 1324).

The Assistant Chief Probation Officer should adhere to these strategies for the management of position control and personnel costs:

- (a) Ensure this facility is staffed with the appropriate number and type of staff. The proper allocation and deployment of staff across shifts and functional units is essential. In addition, the availability of the right classification of staff with the appropriate job skills and training enhances efficiency.
- (b) Strategically time the filling of newly authorized positions or vacancies in current positions. Strategic timing is important throughout the budget year to create vacancy savings that can be used to address current budget year shortfalls.
- (c) Manage the use of overtime carefully. The historical use of overtime should be tracked to make the case for additional staff and/or to provide sufficient funding in an overtime line item. The use of overtime should also be monitored at regular intervals to verify that it is being used within projected levels.
- (d) Manage the use of part-time staff. The number of hours worked by part-time staff should be monitored to ensure that part-time employees are not working in excess of what has been authorized.
- (e) Establish and maintain procedures to ensure the accuracy and integrity of payroll documentation. Time cards, time sheets, and related documentation should reflect actual hours worked.
- (f) Consider the impact of position upgrades on the entire job classification. An upgrade for one position may set the stage for upgrades of similar positions within the same job classification.

Supervision of Youths

201.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of the facility through appropriate supervision activities.

201.2 POLICY

It is the policy of this San Benito County Juvenile Hall to provide for the safety and security of citizens, staff, and youths through supervision sufficient to safely and securely operate the facility and its programs.

201.3 SUPERVISION OF YOUTHS

When youths are not in their rooms, they shall be directly supervised. Youths are not to be left in any area of the building or grounds without a staff member in attendance. Continual supervision provides opportunity for staff to intervene in attempts to damage property, escape, assault others, or commit suicide.

At all times, there shall be sufficient wide-awake staff in the facility for the supervision and welfare of youths, to ensure the implementation and operation of all programs and activities as required by the Minimum Standards for Juvenile Facilities in Title 15 of the California Code of Regulations, and to respond to emergencies when needed. Staff on duty must not leave the facility while youths are present and should not be assigned duties that could conflict with supervising youths (15 CCR 1321). Staff ratios within the San Benito County Juvenile Hall shall be one staff member for every 10 youths during resident waking hours and one staff member for every 30 youths during youth sleeping hours, except during exigent circumstances, which shall be fully documented. Only security staff shall be included in these ratios (28 CFR 115.313).

At least one staff member who is the same gender as the youths housed in the facility shall be on duty (15 CCR 1321). When both male and female youths are held at a facility, at least one male and one female juvenile institution officer should be on-duty in the juvenile hall at all times. At least two wide-awake youth supervision staff members shall be on duty at all times, regardless of the number of youths in the juvenile hall (15 CCR 1321).

Staff members should not be placed in positions of responsibility for the supervision and welfare of youths of the opposite sex in circumstances that could be described as an invasion of privacy or that may be degrading or humiliating to the youths.

To the extent reasonably practicable, youth bathrooms will contain modesty screens that preserve privacy without creating areas that cannot be properly supervised (24 CCR 1230.2.2; 24 CCR 1230.2.4).

The Assistant Chief Probation Officer or the authorized designee shall be responsible for developing staffing plans to comply with this policy. Records of staff deployment should be maintained in accordance with established records retention schedules.

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Supervision of Youths

201.3.1 OTHER STAFF POSITIONS

Staff members whose primary responsibilities do not involve youth supervision (e.g., administration, supervision of personnel, academic or trade instruction, clerical, kitchen, maintenance) shall not be classified as youth supervision staff (15 CCR 1321).

201.4 STAFF POSITIONING

At least one staff member shall be present on each living unit whenever there is a youth in the housing unit (15 CCR 1321). Members should be aware of the physical location of the youths who are out of their rooms and should conduct frequent population counts of the youths (see the Youth Counts Policy). Safety checks shall be conducted on youths who remain in their rooms or on their assigned beds, under the Youth Safety Checks Policy.

When a youth is in the youth's room, members shall not enter the youth's room without having another staff member within eyesight at all times, except as needed to respond to an emergency in the room. Youths are not allowed to enter any other youth's room.

Staff members should be within continuous eyesight and hearing of other staff members.

201.5 SEPARATION OF DUTIES

The juvenile hall shall have sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance, transportation, operations room, institutional security, and other support staff for the efficient management of the facility, and to ensure that youth supervision staff shall not be diverted from supervising youths. Maintenance personnel are employed to perform preventive, routine, and emergency maintenance functions. Detention staff will not be given physical plant maintenance or other duties that distract from their primary responsibility of supervising youths (15 CCR 1321).

Prohibition on Youth Control

202.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirement that staff should at all times exercise control of the youth population under their supervision and should prevent youths from supervising, controlling, or exerting any authority over other youths within the facility (15 CCR 1391).

202.2 POLICY

All staff, including support staff, contractors, and volunteers, should exercise control and supervision of all youths under their control. It is the policy of this agency to prohibit any staff member from implicitly allowing, or by dereliction of duty allowing, any youth to exercise authority, control, discipline, or rule over any other youth.

202.3 EDUCATION, DRUG, OR ALCOHOL PROGRAM ASSISTANTS

Nothing in this policy is intended to restrict the legitimate use of youths to assist in the instruction of educational or drug and alcohol programs. Any use of youths in this manner will be expressly authorized by the Assistant Chief Probation Officer in a legally prescribed manner. Any program that uses youths to assist in legitimate program activities will be closely supervised by facility employees or vocational instructors. Nothing in this section is intended to authorize a youth program assistant to engage in disciplining other youths.

Equipment Inventory and Supplies

203.1 PURPOSE AND SCOPE

This facility must have the materials, supplies, and equipment necessary to maintain effective and efficient operations. This policy establishes responsibilities and requirements for the purchase, storage, and inventory of those items.

203.2 POLICY

It is the policy of the San Benito County Juvenile Hall to properly manage the acquisition and disposition of equipment and supplies to operate a safe and secure facility. The Agency will maintain accurate records of inventory control to protect the integrity of agency operations and build public trust.

203.3 RESPONSIBILITIES

The Assistant Chief Probation Officer shall ensure that all juvenile hall property and fixed assets are inventoried annually and that all supplies purchased are reconciled with the invoice prior to payment.

The Juvenile Hall maintains a secure storage area for the purpose of storing supplies and equipment. The Assistant Chief Probation Officer shall maintain oversight of the area.

With the exception of medical supplies, which are ordered by the medical staff, administrative staff are responsible for the purchasing and acquisition of materials and equipment for this facility. Supplies and equipment not needed for immediate use should be stored in a secure storage area.

The Agency's Auditor's Department, in conformance with established policies, is responsible for negotiating all other purchases.

203.4 PURCHASING

The Assistant Chief Probation Officer, along with the County Auditor, is responsible for managing the purchasing process to ensure that amounts and types of purchases fall within budget parameters. The Assistant Chief Probation Officer must also ensure that this facility's purchasing process complies with applicable laws, regulations, and agency policies.

Personnel with spending authority should adhere to these strategies:

- (a) Be knowledgeable about the county's requirements and procedures for purchasing goods and services.
- (b) Establish a working relationship with this facility's purchasing agent.
- (c) Provide the purchasing agent with information describing the goods and services required to operate the facility.

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Equipment Inventory and Supplies

- (d) Ensure that staff with spending authority follow procedures that outline the process for submission and approval of purchase requisitions.
- (e) Review purchase requisitions to verify the need, urgency, and priority.
- (f) Monitor service contracts to ensure this facility is receiving the scope and quality of services specified in the contract.
- (g) Regularly monitor expenditures to make certain the purchase of goods and services is charged to the appropriate accounts and within budget limits.
- (h) Keep purchase records to maintain the integrity and availability of purchasing documents, including requisitions, purchase orders, receiving reports, and invoices.
- (i) Maintain inventory records of disposal in accordance with county requirements and procedures.

203.5 EQUIPMENT INVENTORY

The Assistant Chief Probation Officer or the authorized designee will conduct an audit on all supplies and equipment annually. All losses will be reported by the Chief Probation Officer to the County Administrative Officer. The Auditor's Department may also conduct an interim audit on all fixed assets to maintain a complete and accurate accounting of equipment and its location.

Tools and Equipment Control

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a tightly controlled process for the use of tools and equipment in order to reduce the risk of such items becoming weapons for the youth population. While sometimes specific youth workers may need to possess tools or equipment for legitimate daily operations, the possession and use of those tools must be carefully monitored and controlled by staff (15 CCR 1326; 15 CCR 1467).

204.2 POLICY

It is the policy of this Juvenile Hall to securely store, inventory, control, and monitor the use of tools and equipment to ensure accountability and the secure use of these items.

204.3 TOOLS

Tools include all implements maintained within the secure perimeter of the juvenile hall to complete specific tasks. These tools include but are not limited to mops, brooms, dustpans, and floor polishers.

All tools and medical equipment shall be locked in secure cabinets or storage rooms when not in use.

Any time tools are brought into a secure area where youths are present, staff supervising the area shall count the tools brought in to ensure that the same number of tools are taken out.

Any tool used within the secure perimeter of the juvenile hall must be closely monitored and controlled by the staff supervising the area so it cannot be used as a weapon (15 CCR 1326). Youths who are assigned tasks that require these tools shall be closely supervised.

An inventory of all tools used and stored within the secure perimeter of the Juvenile Hall shall be developed and maintained by the Assistant Chief Probation Officer. Tools will be inventoried by an assigned staff member at least once every 24 hours and inspected immediately after use. The loss of any tool will be immediately reported to the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool, including:

- (a) Detaining and searching any youth who had access to the tool.
- (b) Conducting a thorough search of the immediate area for the missing item.
- (c) Initiating a facility-wide search.

The staff member responsible for the supervision of the use of a missing tool will prepare and submit a report to the Duty Officer documenting the specific missing tool and the circumstances of the disappearance. The report will be forwarded to the Assistant Chief Probation Officer. A report identifying all members involved in the search should be submitted to the on-duty supervisor documenting the findings.

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Tools and Equipment Control

204.4 MAINTENANCE AND CONSTRUCTION TOOLS

Maintenance and construction tools are those tools and equipment brought into and out of the secure perimeter of the juvenile hall by employees or contractors to facilitate repairs or construction of the physical plant. Only the tools and equipment needed specifically for the intended work will be permitted into the juvenile hall. All tools and equipment will be inventoried, and a list of the tools will be provided to the Operations Room before any tools or equipment are brought inside the secure perimeter.

A staff member will check the tools being brought into this juvenile hall against the inventory list. Before entering the secure perimeter of the Juvenile Hall, the contractor shall be instructed to maintain personal possession of the tools at all times. When it is necessary to complete a task in an area where youths are present, the youths shall be locked down by staff supervising the area.

When the person has finished working in the area, juvenile institution officer will ensure that all tools are accounted for by checking the tool inventory. If there is a discrepancy, the on-duty supervisor shall be immediately notified and appropriate action taken to locate or account for the items. Once all tools have been accounted for, the youths may be released from lockdown.

204.5 SERVING AND INDIVIDUAL EATING UTENSILS

Serving utensils and individual eating utensils are those culinary tools located outside of the kitchen. Only staff workers who are assigned to serve food shall be in control of serving tools.

If a serving utensil is missing, the juvenile institution officer shall notify a supervisor, and a search for the utensil shall be initiated.

Eating utensils (forks/spoons/sporks) shall be counted by the juvenile institution officer supervising the meal service prior to and at the completion of each meal. In the event that a utensil is missing, the housing unit shall be immediately locked down and a supervisor notified. A thorough search of the housing unit shall be initiated to locate the utensil.

Disposition of Evidence

205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction regarding the proper handling and disposition of contraband and evidence to ensure that the chain of custody is maintained so that evidence is admissible in a court of law or disciplinary hearing.

205.2 POLICY

It is the policy of the San Benito County Juvenile Hall to seize evidence and contraband in accordance with current constitutional and search-and-seizure law. Members of this agency shall properly handle all contraband and evidence in order to maintain its admissibility. All contraband and evidence shall be handled in a safe manner and in a way that will maintain the chain of custody and protect the integrity of the evidence.

205.3 INITIAL SEIZURE OF EVIDENCE

Any staff member who first comes into possession of any evidence should retain such evidence in the staff member's possession until it is properly tagged, logged, and stored for proper maintenance, safekeeping, and, if appropriate, transfer to other law enforcement agencies. When handling evidence, staff should observe the following safety precautions:

- (a) Unload any firearm in the approved loading/unloading area outside of the facility. If it is a revolver, the cylinder should be left open. If it is a semi-automatic pistol, the magazine shall be removed and the slide locked back in an open position. Clear the chamber and make sure the firearm is safe. The cartridges and/or magazine will be packaged separately and booked separately from the firearm. Staff members should handle carefully to avoid destruction of any potential evidence that might be needed later. If the firearm needs processing for additional evidence recovery (e.g., DNA, fingerprints), it should be packaged and secured in a gun box and marked to indicate further evidence processing is necessary.
- (b) Sheath any knife or other stabbing instrument in its holster (if any), or use tape to attach stiff cardboard to completely cover the blade if the item does not require further evidence processing. If the item needs processing for additional evidence recovery, it should be packaged and secured in a knife box and marked to indicate further evidence processing is necessary.
- (c) Place needles, such as syringes, into a hard plastic container that cannot be punctured by the needle.

205.4 EVIDENCE TRACKING PROCEDURES

All evidence shall be logged prior to the employee going off-duty unless otherwise approved by a supervisor. Employees logging evidence shall observe the following guidelines:

- (a) Complete the evidence/property form describing each item of evidence separately, listing all serial numbers, the owner's name, the finder's name, and other identifying information or markings.

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- (b) Package, seal, and mark each item of evidence with the logging employee's initials and the date booked using the appropriate method to prevent defacing or damaging the value of the property.
- (c) Complete an evidence/property tag and attach it to each bag or envelope in which the evidence is stored.
- (d) Place the case number in the upper right corner of the bag and in the appropriate field of the evidence/property tag.
- (e) Submit the original evidence/property form with the case report. A copy shall be placed with the evidence in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (f) When the evidence is too large to be placed in a locker, retain the item in the secure supply room or another area that can be secured from unauthorized entry. Place the completed evidence/property form into a numbered locker indicating the location of the evidence.

205.4.1 CONTROLLED SUBSTANCES

All controlled substances shall be logged separately using a separate evidence/property form. Paraphernalia shall also be logged separately. All controlled substances shall be properly weighed by the logging staff member. The weight of all controlled substances shall be documented on the evidence/property form. A copy of the evidence/property form shall be placed with the evidence in the designated locker and shall also be distributed in accordance with current evidence logging procedures.

205.4.2 EXCEPTIONAL HANDLING

Certain evidence items, such as bodily fluids, blood, and semen stains, require a separate process and may require coordination with the lead law enforcement agency.

205.4.3 RECORDING OF EVIDENCE OR PROPERTY

The Evidence Technician receiving custody of evidence or property shall record on the evidence/property control card the Evidence Technician's signature, the date and time the evidence was received, and where it will be stored.

An evidence/property number shall be obtained for each item or group of items. This number shall be recorded on the evidence/property tag and the evidence/property control card.

Any changes in the location of evidence or property held by the Agency shall be noted in the evidence/property log book.

205.4.4 EVIDENCE CONTROL

Every time evidence or property is released or received, an appropriate entry on the evidence package and evidence/property control card shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or the employee managing the case.

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Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out any time after booking the property or evidence.

205.4.5 TRANSFER AND STATUS OF EVIDENCE

Each person receiving evidence will make the appropriate entry to document the chain of custody. Temporary release of evidence to a law enforcement authority for investigative purposes or for court shall be noted on the evidence/property control card, stating the date, time, and to whom it was released.

The Evidence Technician shall obtain the signature of the person to whom the evidence was released and the reason for release. Any employee receiving evidence shall be responsible for such evidence until it is returned to property or released to another authorized person or entity.

The return of the evidence should be recorded on the evidence/property control card, indicating the date, time, and name of the person who returned the evidence.

205.5 RELEASE OR DISPOSITION OF UNCLAIMED FUNDS AND PROPERTY

A supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Agency.

All reasonable attempts should be made to return unclaimed property, found property, and evidence not needed for an investigation.

Release of property and evidence shall be made upon receipt of an authorized release form. The release authorization shall be signed by the approving staff member and must match the items listed on the evidence/property form or must specify the items to be released. A signature of the person receiving the evidence or property shall be recorded on the original evidence/property form. Upon release, the proper entry shall be documented on the evidence/property control card log and related forms.

The Property and Evidence Room supervisor shall ensure that all cash not needed as evidence, and funds that are left unclaimed by a youth, are transferred as soon as practicable to the Auditor's Department. A record of the transfer shall be kept in the appropriate youth file.

The Property and Evidence Room supervisor or the authorized designee shall submit a report of presumed abandoned property or funds once a year to the Chief Probation Officer and the Auditor's Department, or more frequently as directed. The Property and Evidence Room supervisor may dispose of property or evidence in compliance with existing laws upon receipt of proper authorization from the Chief Probation Officer.

If such property is not otherwise lawfully claimed, it may thereafter be destroyed in accordance with applicable law. The final disposition of all such property shall be fully documented in related reports and on the evidence/property control card.

The Evidence Technician shall release the evidence or property upon proper identification presented by the owner for which an authorized release has been received. A signature of the

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person receiving the property shall be recorded on the original evidence/property form. Upon release, the proper entry shall be documented in the evidence/property log.

After the release of all property or evidence listed on the evidence/property control card, the card shall be forwarded to the Administrative Services Specialist for filing with the case. If some items have not been released, the evidence/property card will remain in the property section.

205.6 INSPECTIONS AND AUDITS

The Assistant Chief Probation Officer shall ensure that Property and Evidence Room operations and storage facilities are inspected for compliance with applicable policies and procedures, including periodic unannounced inspections.

Audits are conducted as directed by the Chief Probation Officer or the authorized designee.

Inspections and audits shall be conducted by a member of this agency who is not routinely or directly connected with the Property and Evidence Room operations.

The results of all inspections and audits shall be documented and forwarded to the Chief Probation Officer.

Records Retention and Release

206.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of agency records.

206.2 POLICY

The San Benito County Juvenile Hall will adhere to all applicable laws, orders, regulations, use agreements, and training requirements related to the retention and release of its records.

The San Benito County Juvenile Hall is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

206.3 CUSTODIAN OF RECORDS

The Chief Probation Officer shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Agency, including the retention, archiving, release, and destruction of agency public records.
- (b) Maintaining and updating the agency records retention schedule, including:
 - (a) Identifying the minimum length of time the Agency must keep records.
 - (b) Identifying the agency member responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of agency public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 6253).
- (g) Determining how the agency's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that public records posted on the Agency website meet the requirements of Government Code § 6253.10, including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

206.3.1 ACCESS TO RECORDS

Access to confidential paper or electronically generated records in this facility is restricted at various locations according to job function and the need to know. Members working in assigned areas will only have access to the information that is necessary for the performance of their duties.

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Granting access to other members or anyone outside of the work area must meet with supervisory approval. All requests for information received from outside the Agency shall be forwarded to the Assistant Chief Probation Officer. Custody staff, volunteers, and contractors shall not access, disclose, or permit the disclosure or use of such files, documents, reports, records, video or audio recordings, or other confidential information except as required in the performance of their official duties and in accordance with agency policies, statutes, ordinances, and regulations related to data practices.

Custody staff, volunteers, and contractors who are uncertain of the confidentiality status of any record should consult with a supervisor or the Assistant Chief Probation Officer to determine the status of the documents in question.

206.4 PROCESSING REQUESTS FOR RECORDS

Any agency member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

Any member of the public, including the media and elected officials, may access unrestricted records of this agency during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to (Government Code § 6253):

- (a) The Agency is not required to create records that do not exist.
- (b) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of the request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Custodian of Records shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in identifying the records or information so that a response to the request is possible, including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the records exist (Government Code § 6253.9).
 2. If the record requested is available on the agency website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (c) Upon request, a record shall be provided in an electronic format utilized by the Agency. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

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- (d) When a record contains material with release restrictions and material not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the agency approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (e) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure clearly outweighs the public interest served by disclosure of the record (Government Code § 6255). The written response shall also include the names, titles, or positions of each person responsible for the denial.

206.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Social Security numbers (Government Code § 6254.29).
- (b) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except where allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any juvenile institution officer subject to any criminal or administrative investigation shall not be released without the consent of the involved juvenile institution officer, prior approval of the Chief Probation Officer, or as required by law.
- (c) Member home addresses, home and cell phone numbers, and birthdates, except as provided in Government Code § 6254.3.
- (d) Juvenile criminal history information except as provided in 15 CCR 1312.
 - 1. This information shall be made available to the California Board of State and Community Corrections (BSCC) as necessary and for facility inspections. Such information shall be held confidential, except that published reports (e.g., the Juvenile Detention Profile Survey) may contain the information in a form that does not identify an individual.
- (e) Child abuse reports (Penal Code § 11167.5).
- (f) Juvenile case files except as provided in Welfare and Institutions Code § 827.
- (g) Sealed autopsy and private medical information concerning a murdered child, with the exceptions that allow dissemination of those reports to law enforcement agents,

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prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).

- (h) Juvenile health care records (15 CCR 1406).
- (i) Any record created in anticipation of potential litigation involving this agency.
- (j) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (k) Records relating to the security of the agency electronic technology systems (Government Code § 6254.19).
- (l) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint, if the complaint is frivolous as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
- (m) Information connected with juvenile court proceedings, the detention or custody of a juvenile, or juvenile immigration status. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).
- (n) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

206.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena or subpoena duces tecum should be promptly referred to legal counsel for the Agency so that a timely response can be prepared.

206.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the agency name and to whom the record was released.

Each audio/video recording released should include the agency name and to whom the record was released.

206.8 SECURITY BREACHES

The Custodian of Records shall ensure notice is given any time there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any agency information system (Civil Code § 1798.29).

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Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Agency determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. Notice shall be written in plain language and consistent with the format and requirements provided in Civil Code § 1798.29.

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- (a) Social Security number
- (b) Driver's license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- (c) Full account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account
- (d) Medical information
- (e) Health insurance information
- (f) A username or email address, in combination with a password or security question and answer that permits access to an online account
- (g) Unique biometric data

206.9 SEALED RECORD ORDERS

Sealed record orders received by the Agency shall be reviewed for appropriate action by the Custodian of Records or the authorized designee.. The Custodian of Records or the authorized designee shall seal such records as ordered by the court and advise the court of compliance with the order. Records may include but are not limited to a record of arrest, investigation, custody, or conviction. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (Welfare and Institutions Code § 781).

See Procedures Manual on Institutions Record Keeping Statistics, Communication/ Correspondence for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 204.1 INSTITUTION RECORD KEEPING, STATISTICS, AND COMMUNICATION/CORRESPONDENCE](#)

206.10 TRAINING

Prior to being allowed to work inside this juvenile hall, all members will receive training on agency records, policies, and confidentiality requirements, including the potential criminal and civil penalties that may result from a breach of confidentiality in violation of this policy and all applicable statutes.

See Procedures Manual on Youth Confidentiality for further information.

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CONFIDENTIALITY PROCEDURES

Research Involving Youths

207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish safeguards and guidelines to protect youths from being used as research subjects based only on their status as youths and without proper approval, review, or informed consent.

207.2 POLICY

The San Benito County Juvenile Hall may conduct and support research that improves operations, enhances professional knowledge, decreases recidivism, and advances the Agency's mission in accordance with existing laws and with appropriate protection of all youths. However, using youths for medical, pharmaceutical, or cosmetic experiments, or for human research study, is prohibited.

207.3 AUTHORIZATION REQUIREMENTS

Before initiating any approved research, all persons conducting research in this facility must agree to abide by all agency policies relating to the security and confidentiality of youth files. Based upon the intended use of the research, guidelines will be established regarding what information shall be accessible to the researcher or the research organization.

Any requests for an exception shall include, as part of the proposed research project:

- (a) Responses to these questions:
 - 1. Who is conducting the research?
 - 2. What is the purpose of the research?
 - 3. What is the methodology?
 - 4. Do the researchers or persons advocating research involving youths understand their ethical responsibilities, including considerations for the establishment of an Institutional Review Board (IRB), as described in 45 CFR 46.301 et seq. and 45 CFR 46.401 et seq.?
- (b) Any other information deemed appropriate by the Chief Probation Officer or the authorized designee.
- (c) Approval from:
 - 1. Parent, lawful guardian, or custodian.
 - 2. Appropriate state regulatory agencies.
 - 3. The local authority having supervision jurisdiction.

Inquiries regarding proposed research projects from local, state, and federal executive and legislative bodies/agencies will be brought to the attention of the Chief Probation Officer immediately by the member who receives the request. At the direction of the Chief Probation Officer, an appropriate and timely response will be made to each legitimate inquiry.

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Research or studies involving more than the information identified as public information may require signed release/waiver forms from the involved youth and the parent/guardian. The Chief Probation Officer should consult and seek guidance from the legal counsel serving the Agency or other legal experts in these matters.

Youths are not precluded from individual treatment based on the need for a specific medical procedure that is not generally available. Treatment with a new medical procedure by the youth's own physician shall be undertaken only after the youth and the parent/guardian have received a full explanation of the positive and negative features of the treatment, and only with informed consent of the youth and the parent/guardian.

207.4 LEGAL CONSIDERATIONS

Any research conducted or supported by the U.S. Department of Health and Human Services will be required to comply with applicable provisions of Code of Federal Regulations Title 45, part 46.

207.4.1 ADDITIONAL STATE REQUIREMENTS

Wellpath, along with the Assistant Chief Probation Officer, shall implement guidelines to ensure ethical, medical, and legal standards for research are met and to account for youth safety, and procedures to obtain informed consent (15 CCR 1454).

Youth Records

208.1 PURPOSE AND SCOPE

This policy establishes the procedures required to create and maintain accurate records of all youths admitted to and confined in this facility.

208.2 POLICY

It is the policy of this agency that all records shall be complete and comprehensive, resulting in reliable data that provides information about each youth's period of detention, as well as histories of previous detentions in this facility. All youth records are official agency documents and should be used for official business only. Youth records are a vital component of the criminal justice system and should only be released to authorized persons.

208.3 RECORD MAINTENANCE

It shall be the responsibility of the Administrative Services Specialist to maintain the following records on all youths who have been committed or assigned to this facility, including but not limited to (15 CCR 1324):

- Information gathered during the admission process as provided in the Youth Reception Policy.
- Photographs and fingerprints cross-referenced with the admission number.
- Duration of detention.
- Cash and property inventory and receipts.
- Classification records, including youth classification levels and housing restrictions.
- Housing history records.
- Reports of disciplinary events and dispositions.
- Grievances and dispositions.
- Reports of incidents or crimes committed during detention.
- Request forms.
- Special visit forms.
- Court appearances, documents, and the disposition of hearings.
- Work documentation.
- Documentation related to compliance with education requirements.
- Program documentation.
- Visitation records.
- Telephone records.

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- Medical, dental, mental health, drug and alcohol screenings, assessments, treatments, and medications.

The Assistant Chief Probation Officer or the authorized designee shall establish a procedure for managing youth records.

208.4 RELEASE OF YOUTH RECORDS

Youth records are confidential and shall be used for official business only. Any release of youth records shall be made only in compliance with a lawful court order, as authorized by state and federal law, or as provided in the Records Retention and Release Policy (15 CCR 1324).

See Procedures Manual on Youth Confidentiality for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 201.1 YOUTH CONFIDENTIALITY PROCEDURES](#)

See Procedures Manual on Institutions Record Keeping, Statistics, and Communication/Correspondence for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 204.1 INSTITUTION RECORD KEEPING, STATISTICS, AND COMMUNICATION/CORRESPONDENCE](#)

208.5 ELECTRONIC RECORD MAINTENANCE

All youth records and data maintained in an electronic format shall be accessible only through a login/password-protected system capable of documenting by name, date, and time any person who accesses the information. The Assistant Chief Probation Officer shall be responsible for working with information technology personnel to ensure the security of the data and to develop and maintain a copy of the security plan.

208.6 RECORDS RETENTION

Youth records shall be maintained consistent with the established records retention schedule (15 CCR 1324).

See Procedures Manual on Institutions Record Keeping, Statistics, and Communication/Correspondence for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 204.1 INSTITUTION RECORD KEEPING, STATISTICS, AND COMMUNICATION/CORRESPONDENCE](#)

208.7 INFORMATION SHARING REGARDING IMMIGRATION STATUS

No member of this agency will prohibit or in any way restrict another member from doing any of the following regarding citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

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- (a) Sending information to or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in agency records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information permissible under the California Values Act.

Report Preparation

209.1 PURPOSE AND SCOPE

Report preparation is a major part of each juvenile institution officer's job. The purpose of these reports is to document incidents at the facility, refresh the juvenile institution officer's memory, and provide sufficient information for a follow-up investigation and successful prosecution or a disciplinary proceeding. Report writing is the subject of substantial formal and on-the-job training.

209.2 POLICY

It is the policy of the San Benito County Juvenile Hall that members shall act with promptness and efficiency in the preparation and processing of all reports.

209.3 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed and free from errors prior to submission. Reports shall be prepared by the staff assigned to investigate or document an incident, approved by a supervisor, and submitted to the Assistant Chief Probation Officer or the authorized designee in a timely manner. Reports relating to any incident resulting in death, serious injury, or endangerment to staff, youths, or a visitor; an escape; a major disturbance; a facility emergency; or an unsafe condition at the facility shall be submitted to the Assistant Chief Probation Officer as soon as practicable, but no later than the end of the shift (15 CCR 1324; 15 CCR 1362). It is the responsibility of the assigned employee to ensure that all the above-listed reports meet this requirement or that supervisory approval has been obtained to delay the report. The supervisor must determine whether the report will be available in time for appropriate action to be taken, such as administrative notifications or resolution, investigative leads, or a youth disciplinary proceeding.

Handwritten reports must be prepared legibly. If the report is not legible, the employee shall be required by the reviewing supervisor to promptly correct it. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal, or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

209.4 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate agency-approved form unless otherwise approved by a supervisor (15 CCR 1362).

209.4.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to an incident, or as a result of self-initiated activity, and becomes aware of any activity where a crime has occurred, the employee is required to document the

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activity in a Special Incident Report. The fact that a victim does not desire prosecution is not an exception to documentation.

209.4.2 INCIDENT REPORTING

Incident reports generally serve as an in-house documentation of occurrences in the facility and to initiate, document, and support the youth disciplinary process. The Agency shall establish a filing system that differentiates between incident reports, crime reports, and disciplinary actions. This policy does not require the duplication of information on two different forms. Where both exist, cross-referencing facilitates retrieval of one or both.

Incidents that shall be documented using the appropriate approved report include:

- (a) Non-criminal incidents of rule violations by youths.
- (b) Attempted suicide or suicidal ideation by a youth (15 CCR 1329).
- (c) Non-criminal breaches of security or evidence of an escape attempt.
- (d) Non-criminal security threats, including intelligence related to juvenile hall activities.
- (e) Significant incidents related to medical issues, health, or safety in the juvenile hall.
- (f) Discovery of contraband in the possession of youths or their housing areas.
- (g) Detaining or handcuffing any visitor at the facility.
- (h) Traffic collisions involving agency vehicles.
- (i) Risk management incidents, including injuries to youths and lost or damaged property.
- (j) Accidental injuries of staff, youths, or the public.
- (k) Unusual occurrences.

See Procedures Manual on Reports and Memos for further information.

REPORTS AND MEMOS PROCEDURES

209.4.3 DEATHS

Reporting of youth deaths will be handled in accordance with the Reporting In-Custody Deaths Policy.

209.4.4 INJURY OR DAMAGE BY AGENCY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of an employee. Reports shall be taken involving damage to agency property or equipment.

209.4.5 USE OF FORCE AND PHYSICAL RESTRAINTS

Reports related to the use of force or physical restraint shall be made in accordance with the Use of Force and Restraints policies.

209.5 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. Incomplete reports, unorganized reports, or reports

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delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

209.5.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state, and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

209.5.2 ADDITIONAL STATE REQUIREMENTS

Staff shall report incidents which result in physical harm to, serious threat of physical harm to, or the death of an employee, a youth, or any other person or persons. Reports should be made by the end of the shift unless additional time is approved by the Assistant Chief Probation Officer or the authorized designee (15 CCR 1362).

209.6 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return it to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner. It shall be the responsibility of the supervisor rejecting the report to follow up on any report corrections not received in a timely manner.

209.7 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Administrative Services Specialist for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Administrative Services Specialist may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor. Reviewing supervisors should not alter reports. When modifications are required, these should be the responsibility of the authoring employee.

209.8 ELECTRONIC SIGNATURES

The Agency has established an electronic signature procedure for use by all employees. The Assistant Chief Probation Officer or the authorized designee shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for the employee's electronic signature. The system use and design shall follow the requirements of Civil Code § 1633 et seq. when applicable.

- (a) Employees may only use their electronic signatures for official reports or other official communications.
- (b) Each employee shall be responsible for the security and use of the employee's electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Key and Electronic Access Device Control

210.1 PURPOSE AND SCOPE

This policy outlines the methods that the Agency will use in maintaining strict security of its keys and electronic access devices (15 CCR 1326). For ease of reference, the term “key” as used in this policy includes all physical means of access to or exit from the secure areas of the juvenile hall.

210.2 POLICY

It is the policy of this agency that all keys used to access or exit secure areas of the juvenile hall are strictly controlled. Members will be held accountable for the security and safety of the juvenile hall. All key control activities shall be accurately documented daily.

210.3 KEY IDENTIFICATION

All keys that open any doors within the facility shall be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set shall be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or code on keys shall not correspond to numbers/codes on locks.

210.4 KEY CONTROL

All juvenile hall keys shall be maintained in a locked key box next to the Operations Room room. The locked key box shall only be accessed by staff. At the beginning of a shift key sets will be issued to each staff member and a record of which member has which set will be documented in the Daily Activities log. At the end of a shift, members shall return the key sets, which shall be documented in the Daily Activities log.

Under no circumstances shall a member pass a key or key set to another member. All keys must be checked out through the control process. Members shall not possess any key for which they have not been authorized.

Members shall not duplicate, mark, alter, or manufacture any key without written authorization from the Assistant Chief Probation Officer or the authorized designee.

Operations Room staff shall, at the beginning and end of their respective shifts, inventory the key sets. All keys must be accounted for before the end of shift.

Under no circumstances will security keys be made available to youths regardless of their status.

210.5 EMERGENCY KEY SET

At least one key set containing every key for the facility shall be kept separate from all other key sets in a secure location and made accessible only to the Assistant Chief Probation Officer, the Duty Officer, the supervisor, or the authorized designee in the event of an emergency.

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Key and Electronic Access Device Control

210.6 MISSING KEYS

Any staff member who discovers that a key or key set is missing shall immediately make a verbal report to a supervisor and shall prepare a written incident report as directed by the supervisor. The supervisor shall immediately initiate a search for the missing key. If a reasonable effort to locate the key fails, the supervisor should order a lockdown of the juvenile hall. All youths should be locked in their housing units or held in place and a headcount conducted. Youths shall not be allowed to pass into or out of the facility without being thoroughly searched for the missing key. The supervisor shall, as soon as practicable, notify the Assistant Chief Probation Officer regarding the loss of the key, when it was discovered, and the circumstances involved.

A methodical and thorough search of the entire facility will be made by the on-duty staff. Additional staff may be called to assist with the search. If, after a thorough search, the key or key set is not located, the Assistant Chief Probation Officer will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Chief Probation Officer or the authorized designee will initiate an investigation into the disappearance of the keys to re-examine the procedures for key control. Based upon the findings of the investigation and any recommendations, the procedures governing this policy may be amended.

210.7 DAMAGED KEYS OR LOCKS

Damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key shall be left in the lock. All portions of the damaged key must be turned in to the Duty Officer, who will ensure duplicate keys are provided as needed. Damaged locks shall be replaced or repaired as soon as practicable. Appropriate security measures should be taken until the lock is properly restored. No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No youth should be secured in a sleeping room, detention room, or area that has inoperable locks.

210.8 KEY CONTROL RECORDS

A shift roster will be maintained for the accounting and security of all key sets. Each shift is responsible for reporting any key malfunctions or missing key sets. Key control measures shall be documented by the Operations Room staff on logs and forms, and the records retained in accordance with established records retention schedules.

210.9 ELECTRONIC ACCESS DEVICES

Proximity cards, fobs, or other devices may be issued to staff to allow access to restricted or controlled areas of the juvenile hall. In the event of a lost or stolen device, members shall notify their supervisor as soon as it is known the device is missing. The device shall be immediately deactivated to prevent unauthorized use.

Daily Activity Logs and Shift Reports

211.1 PURPOSE AND SCOPE

Accurate and legible records are vital to the management of the juvenile hall. They provide a means for managers to review events and emergency situations that have occurred within the facility.

This policy provides guidance for creating and maintaining accurate and legible records necessary for the management of the juvenile hall.

211.2 POLICY

This policy establishes the requirement for the preparation, maintenance, and retention of permanent logs and shift reports to provide a record of both routine activities and unusual events such as emergencies or other notable occurrences.

211.3 PROCEDURES

All members assigned to security posts, housing units, and other designated facility areas shall prepare an accurate daily activity log and a shift report. The daily activity log and the shift report are a permanent record of daily activities and should reflect an accurate account of activities (15 CCR 1324). Members who fail to complete or who falsify any official document may be subject to disciplinary action, up to and including termination.

All members will adhere to the following procedures when preparing a daily activity log or shift report:

- (a) Entries shall be in pen, using black ink, unless entries are logged into an electronic record.
- (b) Entries should be legible and provide sufficient detail to ensure that the log entry or report properly reflects the events of the day.
- (c) Entries shall include the name of the individual making the entry.
- (d) Entries shall reflect the date and time of the event logged.
- (e) Entries created and stored electronically shall not be modified. If corrections or changes become necessary, they shall be done by way of a supplemental entry, leaving the original entry unaltered and retrievable.
- (f) Handwritten log entries requiring modification shall be crossed out with one line and a new entry made with the author's initials, noting that it is a correction.

211.4 SHIFT ACTIVITY LOG

All pertinent activities should be documented in the daily activity log. At a minimum this includes:

- Personnel on-duty.
- Admissions and discharges.

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Daily Activity Logs and Shift Reports

- Temporary releases.
- Formal counts.
- Safety checks, security checks and inspections, and routine activities.
- All searches/shakedown.
- Youth movement within the facility and youths received at a housing assignment.
- Meal service.
- Professional visits to the housing units, including maintenance work and tours.
- Alarms and security equipment tests.
- Medication delivery, sick call, or youth complaint of illness or injury, and the action taken.
- Locking and unlocking of youth rooms.
- Disciplinary actions.
- Supervisor rounds to the housing area and/or to specific youths.
- Unusual youth behavior.
- Discovered contraband.
- Activities and programs offered and the attendees.
- Unusual occurrences.
- Use of emergency equipment.
- Any use of force.
- Sanitation inspections.
- Key counts.
- School attendance or absence.
- Exercise.
- Visitation.
- Special incidents.
- Snacks.

The shift report will be retained in accordance with established records retention schedules.

See Procedures Manual on Log Books for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 202.1 Log Books Procedures](#)

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Daily Activity Logs and Shift Reports

211.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall review the daily activity log during each shift. Supervisors shall sign and include the date and time of review on each log or report. When appropriate, supervisors should include comments in the logbook regarding an incident or unusual occurrence in the juvenile hall.

Whenever a major event in the facility requires a coordinated command response, the Duty Officer should designate someone to keep a running log that identifies, at a minimum, the following:

- Date and time the incident began
- Specific location of the incident
- Times of significant response measures taken during the incident
- Name, identification number, and time of arrival of personnel on-scene
- Orders issued by the Supervisor or designee
- Significant events that occurred because of the incident

The above information should remain available to the Supervisor or designee throughout the event to assist with ongoing response planning.

Administrative and Supervisory Tours and Inspections

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish both regularly scheduled and unannounced tours and inspections of the facility's living and activity areas. This is to encourage contact with members and youths and to observe youth living and working conditions. Inspections may be useful in identifying deficiencies, which can be corrected, as well as processes working properly, which may be replicated elsewhere in the facility.

212.2 POLICY

Tours and inspections should be conducted by administrative and supervisory staff throughout the juvenile hall at least weekly to facilitate and encourage communication among administrators, managers, supervisors, members, youths, and the visiting public.

212.3 INSPECTIONS

The Assistant Chief Probation Officer is responsible for ensuring that scheduled and unscheduled inspections, visits, and contacts are implemented to include, at a minimum:

- (a) The general conditions and overall climate of the facility.
- (b) The living and working conditions of youths.
- (c) Communication between administrators, managers, supervisors, members, youths, and the visiting public.
- (d) Compliance with policies.
- (e) Safety, security, and sanitation concerns.
- (f) Youth concerns.
- (g) Meal services.

See Procedures Manual on Daily Inspections for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 200.1 DAILY INSPECTIONS](#)

212.3.1 AREAS TO BE INSPECTED

Supervisor inspections should occur daily, including weekends and holidays, in all occupied areas of the facility. Inspections should be conducted randomly, and special effort should be given to tour and informally inspect the following areas:

- Youth housing areas
- Reception, intake, and receiving areas, including detention areas
- Exercise yard and recreation areas

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Administrative and Supervisory Tours and Inspections

- Visiting areas
- Medical and dental service areas
- Work areas (e.g., laundry room, janitorial closets)
- Sallyports and transportation staging areas
- Classrooms, school, and other program areas

212.4 INSPECTIONS OF SECURITY EQUIPMENT

The Assistant Chief Probation Officer should ensure that weekly inspections of all security devices are conducted and all actions taken to correct identified deficiencies are documented, including maintenance records, and shall retain those records in accordance with established records retention schedules.

212.5 DOCUMENTATION AND REPORTING

Members conducting the inspection or tour shall document the activity on the appropriate station form or facility log. The log should include any significant findings that indicate remedial action or training may be needed. Significant issues of security or safety shall be addressed promptly. Commendable or successful actions that should be replicated elsewhere in the facility should also be noted in the log.

The Duty Officer shall review the logs daily and ensure that any deficiencies noted are addressed or forwarded through the chain of command, as appropriate, and that commendable actions are also appropriately addressed (15 CCR 1324).

Perimeter Security

213.1 PURPOSE AND SCOPE

The purpose of this policy is to create guidelines for ensuring the outer portions of secure detention areas are adequate to confine detained youths and prevent the entry of unauthorized persons and contraband (15 CCR 1326).

213.1.1 DEFINITIONS

Definitions related to this policy include:

Perimeter -The outer portion of the juvenile hall that provides for the secure confinement of detained youths and prevents the entry of unauthorized persons and contraband.

Perimeter security check – An inspection of the outside or inside perimeter of the facility to discover or prevent a security breach. This may include inspecting adjacent containment fences or additional areas as designated by the Assistant Chief Probation Officer.

213.2 POLICY

It is the policy of the juvenile hall to maintain, inspect, monitor, and continuously assess the effectiveness of facility perimeters to ensure their integrity and prevent unauthorized entry and youth escapes, and to keep contraband from entering the facility.

213.3 PERIMETER ASSESSMENT AND MAINTENANCE

The Assistant Chief Probation Officer or the authorized designee should assess the perimeter, including security systems/devices, and review related procedures on an ongoing basis to address:

- (a) Preventing escape.
- (b) Preventing perimeter access without proper authorization.
- (c) Maintaining adequate video monitoring and audio monitoring systems that provide two-way communication between Operations Room and the perimeter, subject to agency resources.
- (d) Securing and storing tools and toxic, corrosive, and flammable substances and other potentially dangerous supplies and equipment.
- (e) Providing a perimeter design that does not unnecessarily reflect a punitive environment.
- (f) Maintaining adequate warning signs and direction posted for the public.
- (g) Providing adequate security-grade walls, doors, locks, gates, fences, and windows (glazing/grills), subject to agency resources.
 1. Exterior windows should be translucent or located to prevent persons outside the secure perimeter from observing youths within the facility.

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2. Doors/gates for entry into the perimeter should include a vision panel or other means of observation to permit identifying individuals before they enter.
 3. Sallyports, exterior doors, and lock procedures should be consistent with the Key and Electronic Access Device Control Policy. Electric locks on the perimeter should allow for manual operation and timed locking of the security perimeter.
- (h) Managing and storing weapons before permitting an individual to enter the facility.
 - (i) Providing adequate lighting to allow visual inspection by video or electronic monitoring or perimeter patrols.
 - (j) Ensuring an adequate staffing plan is in place to monitor the secure perimeter of the facility, including areas of the facility that require personal observance and areas that may be monitored by electronic surveillance.
 - (k) Communicating with law enforcement during a breach or potential breach of the secure perimeter.

213.3.1 PERIMETER SECURITY CHECKS

Perimeter security checks should be logged. Members should equip themselves with a functioning two-way radio when assigned to conduct a perimeter security check. Structural items that may require repair (e.g., locks, screens, windows, floors) and equipment malfunctions or failures should be documented and reported to the on-duty supervisor as soon as practicable. Suspicious activity at or near the perimeter shall immediately be reported to the Duty Officer and Operations Room and documented.

213.4 MEMBER RESPONSIBILITY

Members should not obtain keys to perimeter doors and gates without Assistant Chief Probation Officer authorization. Members should take reasonable steps to ensure the physical integrity and security of the perimeter, including:

- (a) Closing and securing all perimeter doors as described in the Key and Electronic Access Device Control Policy.
- (b) Not propping open perimeter doors unless approved by the Assistant Chief Probation Officer.
- (c) Reporting suspicious activity near the perimeter as soon as practicable and taking appropriate steps to ensure that suspicious persons at the perimeter are contacted and questioned.
- (d) Confirming perimeter surveillance equipment under their control is in good working order and immediately reporting malfunctions or failures to the on-duty supervisor.
- (e) Using sallyports and secure garages for the transport of youths as directed.

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213.5 VISITORS (OTHER THAN VISITORS TO YOUTHS)

Members assigned to monitor the perimeter should identify individuals seeking access to the perimeter of the facility, including persons delivering goods or services, and deny access to any person without authorization from the Assistant Chief Probation Officer or the authorized designee.

All visitors shall be required to provide satisfactory identification, such as a valid driver's license, valid passport, or military identification. Visitors shall be required to sign in on the visitor log and state the reason for the visit. Visitors shall be provided visitor badges and are required to wear them at all times. Members should escort visitors at all times within the perimeter.

Materials delivered to or transported from the facility's secure perimeter shall be inspected for contraband. Vendors making deliveries into the secure area of the facility will do so under the supervision of members.

Accessibility - ADA Compliance

214.1 PURPOSE AND SCOPE

This policy provides guidance for providing access to the facility and for communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind, in compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (29 USC § 794).

Additional guidance for addressing the needs and rights of youths detained in the Juvenile Hall can be found in the Youths with Disabilities Policy.

214.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that limits a major life activity, including hearing or seeing, regardless of whether the person with the disability uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; Government Code § 12926; Government Code § 12926.1).

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

214.2 POLICY

It is the policy of the San Benito County Juvenile Hall to reasonably ensure that people with disabilities, including parents/guardians and visitors, have equal access to services, programs, and activities by providing reasonable accommodations and making efforts to communicate effectively with individuals with disabilities.

The San Benito County Juvenile Hall will not discriminate against individuals or deny individuals access to services, rights, or programs based on disabilities (15 CCR 1324).

214.3 ADA COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an Americans with Disabilities Act (ADA) coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Assistant Chief Probation Officer or the authorized designee.

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Accessibility - ADA Compliance

The responsibilities of the coordinator include but are not limited to:

- (a) Remaining familiar with:
 1. The Agency's structure, activities, and members, including special issues relating to the requirements of the Juvenile Hall.
 2. The ADA and other laws that address the rights of people with disabilities, such as Section 504 of the Rehabilitation Act (29 USC § 794).
 3. Alternative formats and technologies that enable staff, youths, and members of the public with disabilities to communicate, participate, and perform tasks related to juvenile hall activities.
 4. Construction and remodeling requirements with respect to ADA design standards.
- (b) Working with the county ADA coordinator regarding San Benito County Juvenile Hall efforts to ensure equal access to services, programs, and activities.
- (c) Developing reports or new procedures or recommending modifications to this policy.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to agency services, programs, and activities.
- (e) Ensuring that a list of qualified interpreter services is maintained and available. The list should include information regarding:
 - Contact information.
 - Availability.
- (f) Developing procedures that enable members to access auxiliary aids or services, including qualified interpreters, and ensuring the procedures are available to all members.
- (g) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (h) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to agency services, programs, and activities.

214.3.1 MEMBER RESPONSIBILITIES

Members receiving a request for accommodation should make reasonable attempts to do so. If a request cannot be reasonably accommodated, a supervisor should be notified.

Members becoming aware of any potential ADA violation should document the issue in a memorandum and forward the memorandum to the Assistant Chief Probation Officer, with a copy sent to the ADA coordinator.

Members receiving a complaint of disability discrimination or inability to reasonably access the facility, or any other complaint related to the ADA, should document the complaint and refer the matter to the ADA coordinator.

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214.4 ACCESS

As part of the compliance with the ADA and the commitment to provide access to persons with disabilities, the Agency will provide reasonable accommodations that include but are not limited to:

- Vehicle parking areas that accommodate cars, vans, or other vehicles with wheelchair lifts.
- Public areas that are wheelchair-accessible.
- Drinking fountains that can accommodate wheelchairs or other mobility devices.
- ADA-compliant elevators.
- Restroom areas that are wheelchair-accessible and meet ADA standards for accessibility.
- Search areas and metal detection devices, including private areas where alternative search methods may be performed.
- Visitor check-in areas.
- Visitation areas, including attorney interview rooms, that can accommodate wheelchairs and other mobility devices.

214.5 COMMUNICATIONS

Members must make efforts to communicate effectively with individuals with disabilities.

214.5.1 FACTORS TO CONSIDER

Members of this agency should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people with disabilities have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) The potential for miscommunication. Members should not always assume that effective communication is being achieved. The fact that an individual appears to nod in agreement does not always mean the individual completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate understanding.
- (b) The nature of the disability (e.g., deafness versus hard of hearing, blindness versus low vision).
- (c) The nature of the contact (e.g., emergency versus non-emergency, custodial versus consensual contact, parent or guardian, offender, victim).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

214.5.2 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that some encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

214.5.3 TYPES OF ASSISTANCE AVAILABLE

Members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Agency will not charge anyone to receive auxiliary aids, nor shall it require individuals to furnish their own auxiliary aid or service as a condition for receiving assistance. The Agency will make every effort to reasonably accommodate and provide timely assistance to individuals with disabilities through a variety of services.

Individuals with disabilities may accept agency-provided auxiliary aids or services, or they may choose to provide their own.

Agency-provided auxiliary aids or services may include but are not limited to the assistance methods described in this policy.

214.5.4 AUDIO RECORDINGS AND ENLARGED PRINT

The Agency may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

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214.5.5 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with VRS and/or video remote interpreting service.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use agency-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. Individuals with a disability shall not be required to provide their own interpreter (28 CFR 35.160).

214.5.6 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., admission, attorney contacts), members must also provide those who are deaf, are hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Agency will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Because relay services translate verbatim, the conversation should be conducted as if speaking directly to the caller.

214.5.7 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Agency to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, agency members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

Accessibility - ADA Compliance

214.5.8 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

214.6 DISSEMINATION OF INFORMATION

The ADA coordinator will be responsible for the dissemination of information to staff and visitors on issues specifically related to but not limited to:

- Services available to visitors with disabilities.
- Accessing services to accommodate disabilities.
- Registering complaints or grievances relating to issues involving the ADA.

214.7 COMPLAINTS

The Agency shall ensure that individuals with disabilities who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this agency.

214.8 TRAINING

The ADA coordinator should work with the Training Manager as appropriate, developing training regarding issues specifically related to but not limited to:

- The requirements of Section 504 of the Rehabilitation Act (29 USC § 794).
- Agency policies and procedures relating to ADA requirements.

News Media Relations

215.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to this facility's incidents and general public information (15 CCR 1324).

215.2 POLICY

It is the policy of this agency that the ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer. However, in situations not warranting immediate notice to the Chief Probation Officer and when the Chief Probation Officer or the authorized designee has given prior approval, the designated Public Affairs Officer may prepare and release information to the media in accordance with this policy and applicable law.

215.3 MEDIA REQUEST

Any media request for information or access to this facility shall be made in writing and shall be referred to the designated Public Affairs Officer or, if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this agency make any comment or release any official information to the media without prior approval from a supervisor or the designated Public Affairs Officer.
- (b) In any situation involving a law enforcement agency, reasonable efforts shall be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this agency.
- (c) Under no circumstance should any member of this agency make any comment to the media regarding any law enforcement or detention-related incident that does not involve this agency without prior approval of the Chief Probation Officer or the authorized designee.

215.4 MEDIA ACCESS

Authorized members of the media may be provided access to scenes of disasters, investigations, emergencies, and other law enforcement activities related to this facility, subject to these conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times.
- (b) Media representatives should be prevented from interfering with emergency operations and investigations.
 1. When media access would reasonably appear to interfere with the facility's security, emergency operations, or an investigation, every reasonable effort should be made to give media representatives information regarding the incident in a way that does not compromise the safety and security of the youths, staff,

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or the facility itself. All information released to the media should be coordinated through the Public Affairs Officer or other designated spokesperson.

- (c) No member of this agency shall be subjected to media visits or interviews without the consent of the involved member.
- (d) Requests for media interviews with youth detainees shall be handled on a case-by-case basis, and only with approval of the Chief Probation Officer, after consultation with the facility's legal counsel.

215.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of personnel working in this facility, advance information about planned actions by agency personnel, such as movement of youths in custody, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief Probation Officer.

Any exceptions to the above should only be considered to further this facility's legitimate purposes. Prior to approving any exception, the Chief Probation Officer will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person, or is otherwise prohibited by law.

215.6 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Agency will maintain a daily log of youths who are currently in custody or were recently admitted. Most information is confidential and shall only be released in accordance with the Records Retention and Release Policy.

Information on this facility's policies and procedures regarding non-security related matters (e.g., programs, facility rules and regulations, visitation, health care, religious services) can be released to the general public by any custody staff member. A copy of the applicable portions of this facility's policy and procedures manual can be made available for public review with the approval of the Chief Probation Officer.

Any information related to safety, security, and the maintenance of order should be redacted before being provided to the general public. Applicable regulations for the operation of the juvenile hall can be made available for review by the public and youths. Youths can request a copy through the youth programs staff.

Information concerning escapes, suicides, or crimes occurring in this facility shall only be released with the approval of the Assistant Chief Probation Officer or the authorized designee.

Identifying information about deceased individuals shall not be released to the media until notification of next of kin or until otherwise cleared by the Sheriff/Coroner's office or as otherwise required by law.

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215.6.1 RESTRICTED INFORMATION

It shall be the responsibility of the Assistant Chief Probation Officer or the authorized designee to ensure that restricted information is not inappropriately released to the media by this agency. When in doubt, authorized and available legal counsel should be consulted.

Community Relations and Public Information

216.1 PURPOSE AND SCOPE

This policy provides guidelines to detention personnel when dealing with the public or interested groups when requests are received to share information about the operations and policies of the juvenile hall (15 CCR 1324).

216.2 POLICY

It is the policy of the San Benito County Juvenile Hall to protect the privacy rights of youths while releasing nonconfidential information to interested groups when requests are received. Information that has the potential to affect the safety and security of the Juvenile Hall or an investigation will not be released.

216.3 RESPONSIBILITIES

The Assistant Chief Probation Officer is responsible for ensuring that the following information is public and available to all who inquire about it:

- (a) The Board of State and Community Corrections Minimum Standards for Juvenile Facilities
- (b) Facility rules and procedures affecting youths as specified in 15 CCR 1324, including:
 1. A visitation schedule that includes days and times visiting is allowed and how many visits youths may receive, as well as reasons visiting may be restricted (15 CCR 1374)
 2. Telephone and correspondence rules and availability to youths (15 CCR 1375; 15 CCR 1376)
 3. A brief description of the education programs (15 CCR 1370)
 4. Facility rules and limits of discipline (15 CCR 1390; 15 CCR 1391)
 5. Access to medical, mental health, and dental care (15 CCR 1411)
 6. The process by which youths are oriented to the facility (15 CCR 1353)

This information is to be provided at the facility's front desk and assembled into a binder or clearly posted for public viewing. A copy also should be made available in this facility's library or provided by other means for use by youths. At the discretion of the Chief Probation Officer, the information may also be provided electronically. No information will be released on persons whose booking process is not completed.

216.4 PROHIBITED MATERIALS

Policies, procedures, and other information and materials related to the safety and security of youths, detention personnel, the facility, or the maintenance of order should not be provided as a part of the public information material unless directed by the Assistant Chief Probation Officer.

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216.5 TOURS OF THE JUVENILE HALL

Tours of this facility may be arranged through the Assistant Chief Probation Officer. Authorized tours are subject to facility rules and restrictions:

- (a) Persons who tour this facility must be of an appropriate age as determined by the Chief Probation Officer.
- (b) A short application form must be completed and a background check for warrants will be conducted before an applicant is approved to participate in a tour.

A record of all facility tours should be maintained in accordance with applicable retention requirements.

Staffing Plan

217.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff, visitors, youths, and the public and meet the programming requirements of the juvenile hall.

217.2 POLICY

It is the policy of the San Benito County Juvenile Hall to ensure the safety, security, and efficient operation of this facility by assigning custody personnel according to a detailed staffing plan.

217.3 STAFFING PLAN REQUIREMENTS

The Assistant Chief Probation Officer shall ensure that a staffing plan conforming to the type and size of this facility is prepared and maintained as described in the following section. The plan should detail all custody personnel assignments, including work hours and weekly schedules, and should account for holidays, vacations, training schedules, military leave, sick time, and other atypical situations (15 CCR 1321).

At a minimum, the staffing plan will include:

- Facility administration and supervision.
- All facility programs, including programming, exercise, and recreation.
- Post positions and assignment descriptions.
- Staff break relief.
- Staff-to-youth ratios.
- Youth supervision.
- A plan for shift relief.
- Support services, including medical, food services, maintenance, and clerical.
- Other facility-related functions such as escort and transportation of youths.

217.3.1 RESPONSIBILITIES

The Assistant Chief Probation Officer is responsible for seeing that the facility has (15 CCR 1321):

- (a) An adequate number of personnel sufficient to carry out overall operation and its programming, to provide for safety and security of youths and staff, and to meet established standards and regulations. No services should be denied because of insufficient numbers of staff on duty.
- (b) Enough supervisory-level staff to ensure adequate supervision of all members.
- (c) A clearly identified person on-duty at all times who is responsible for all operations and activities who has completed the Juvenile Corrections Officer Core Course and other training as required by Penal Code § 832.

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- (d) At least one member on duty who is the same gender as youths housed in the facility.
- (e) At least one member present on each living unit whenever there are youths present.
- (f) Sufficient custody staff to provide continuous wide-awake supervision of youths.
- (g) Sufficient staff to meet the staff-to-youth ratio.

217.4 STAFFING ANALYSIS

The Chief Probation Officer or the authorized designee shall complete an annual comprehensive staffing analysis to evaluate personnel requirements and available staffing levels. The staffing analysis will be used to determine staffing needs and to develop staffing plans (15 CCR 1324).

The Assistant Chief Probation Officer, in conjunction with the Prison Rape Elimination Act (PREA) coordinator, should ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan (28 CFR 115.313; 15 CCR 1321). Relief factors for each classification and position should be calculated into the staffing analysis to ensure staffing levels will consistently meet requirements. Staff should be deployed in an efficient and cost-effective manner that provides for the safety and security of the staff, youths, and the public.

The staffing analysis should be used to identify whether required activities are being performed competently and in compliance with current laws, regulations, and agency policies. If deficiencies are noted, the staffing analysis should also include recommendations regarding what corrective measures may be needed, including:

- (a) Operational and programmatic changes.
- (b) Equipment requirements.
- (c) Additional training.
- (d) Supervisory intervention.
- (e) Additional personnel.

217.4.1 DATA COLLECTION FOR ANALYSIS

Data that may be collected for the annual staffing analysis include:

- All categories of leave usage for each staff member working in the facility.
- Date of hire or assignment to a detention position for each employee.
- Annual hours of authorized overtime expended during the previous year.
- Number of part-time or extra personnel hours used during the previous year.
- Compliance with meeting required youth activity time (programs, recreation, exercise) and safety checks.
- Details of claims or litigation that were related to staffing levels and were initiated against the facility in the previous year.
- Collective bargaining agreements or memorandums of understanding relating to corrections personnel.

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- Annual training requirements that affected staffing levels in the facility.
- Concerns expressed by members of the public.
- Any investigations or reports by an outside body or other government agency, detention monitor, or ombudsman.
- Other data that may influence the number of personnel available to occupy posted positions.

217.5 REPORTING

The Chief Probation Officer will cause a report of the findings of the staff analysis to be submitted to the officials responsible for funding the detention operation (15 CCR 1324).

Information Technology Use

218.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of agency information technology resources, including computers, electronic devices, hardware, software, and systems.

218.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the San Benito County Juvenile Hall that are provided for official use by its members. This includes all access to, and use of, internet service providers (ISP) or other service providers provided by or through the Agency or agency funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

218.2 POLICY

San Benito County Juvenile Hall members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Agency in a professional manner and in accordance with this policy.

218.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy regarding emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any agency technology system.

The Agency reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Agency, including the agency email system, computer network, or any information placed into storage on any agency system or device. This includes records of all key-strokes or web-browsing history made at any agency computer or over any agency network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through agency computers, electronic devices, or networks.

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The Agency shall not require a member to disclose a personal username or password for accessing a personal social media account or to open a personal social website; however, the Agency may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

218.4 RESTRICTED USE

Members shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to the Duty Officer.

Members shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by the Duty Officer.

218.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software infection, members shall not install any unlicensed or unauthorized software on any agency computer. Members shall not install personal copies of any software on any agency computer. Any files or software that a member finds necessary to install on agency computers or networks shall be installed only with the approval of agency information systems technology (IT) staff and only after being properly scanned for malicious attachments.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Agency while on agency premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Agency and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of agency- or county-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

218.4.2 HARDWARE

Access to technology resources provided by or through the Agency shall be strictly limited to agency-related activities. Data stored on or available through agency computer systems shall only be accessed by authorized members who are engaged in an active supervision of youths, treatment reporting, disciplinary and behavior issues, or agency-related purpose to access such data. Any exceptions to this policy must be approved by the Duty Officer.

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218.4.3 INTERNET USE

Internet access provided by or through the Agency shall be strictly limited to agency-related activities. Internet sites containing information that is not appropriate or applicable to agency use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of the Duty Officer as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

218.4.4 OFF-DUTY USE

Members shall only use technological resources provided by the Agency related to their job while on-duty or in conjunction with specific on-call assignments unless specifically authorized by the Duty Officer. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access agency resources.

218.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure agency computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by the Duty Officer and shall be changed at intervals as directed by IT staff or the Duty Officer.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to the Duty Officer.

218.6 INSPECTION AND REVIEW

The Duty Officer or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of the Duty Officer's duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems or general computer system failure, a lawsuit against the Agency involving one of its members or a member's duties, an alleged or suspected violation of any agency policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the Agency computer system when requested by the Duty Officer or during the course of regular duties that require such information.

218.7 SECURITY OF DATA

The Chief Probation Officer will select a member of the Agency to oversee the security of data.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the Criminal Justice Information Services Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.

Electronic Mail

219.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Agency.

219.2 POLICY

San Benito County Juvenile Hall members shall use email in a professional manner in accordance with this policy and current law (e.g., the California Open Records Act).

219.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

219.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the Agency.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, or harassing messages, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Agency are only to be used for official business-related items of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in the member's chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name, or password. Members who believe their password has become known to another person shall change the password immediately.

219.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Open Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

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Electronic Mail

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Retention and Release Policy.

Supervision Staffing Levels

220.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Agency and members throughout all Juvenile Halls (15 CCR 1321).

220.2 POLICY

The San Benito County Juvenile Hall will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Agency. The needs of its members should be balanced with the Agency's desire for flexibility and discretion in assigning members to meet supervisory requirements. While balance is desirable, the paramount concern is to meet the demands of the Agency.

220.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Assistant Chief Probation Officers for each Juvenile Hall and work group. The supervision staffing levels should support proper supervision, span of control, compliance with any memorandum of understanding or collective bargaining agreement, and activity levels to meet the needs of members and the goals of the Agency (15 CCR 1321).

220.3.1 TEMPORARY SUPERVISORS (DUTY OFFICERS)

To accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor (Duty Officer) in place of a regularly assigned supervisor.

Emergency Plan

221.1 PURPOSE AND SCOPE

This policy clarifies the role of the San Benito County Juvenile Hall and the responsibilities of its members pertaining to large-scale emergencies and the State of California Emergency Plan.

221.2 POLICY

The San Benito County Juvenile Hall will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

The county Emergency Plan complies with the State of California's Emergency Services Act (Government Code § 8550 et seq.). This plan provides guidance for county emergency operations within and outside its borders as may be required.

221.2.1 SAN BENITO COUNTY CODES/ORDINANCES

An emergency management organization has been established by the county of San Benito County. This ordinance has been approved by the county Council (Government Code § 8610).

221.3 ACTIVATING THE EMERGENCY PLAN

The Emergency Plan can be activated in a number of ways. For the San Benito County Juvenile Hall, the Chief Probation Officer or the highest-ranking on-duty supervisor may activate the Emergency Plan in response to a major emergency.

Upon activation of the plan, the Chief Probation Officer or the authorized designee should contact the Office of Emergency Services to assist with mutual aid response from local, state, and federal law enforcement agencies.

221.3.1 RECALL OF PERSONNEL

In the event that the Emergency Plan is activated, all employees of the Chief Probation Officer are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the highest-ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

221.4 LOCATION OF THE EMERGENCY PLAN

Copies of the Emergency Plan are available in the Chief Probation Officer's office, the Juvenile Hall Supervisor's office, and Dispatch. All supervisors should familiarize themselves with the Emergency Plan and the roles members will play when the plan is implemented. The Administration Assistant Chief Probation Officer should ensure that agency members are familiar with the roles they will play when the plan is implemented.

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Emergency Plan

221.5 EMERGENCY PLAN REVIEW

The Chief Probation Officer or the authorized designee shall review the Emergency Plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief Probation Officer or the authorized designee should appropriately address any needed revisions.

221.6 TRAINING

The Agency should provide annual training on the Emergency Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop exercise, or command discussion.

Records Bureau

222.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the San Benito County Juvenile Hall Administrative Services Specialist. The policy addresses agency file access and internal requests for youth records (15 CCR 1324).

222.2 POLICY

It is the policy of the San Benito County Juvenile Hall to maintain agency records securely, professionally, and efficiently.

222.3 RESPONSIBILITIES

222.3.1 RECORDS MANAGER

The Chief Probation Officer shall appoint and delegate certain responsibilities to the Administrative Services Specialist. The Administrative Services Specialist shall be directly responsible to the Administration Assistant Chief Probation Officer or the authorized designee.

The responsibilities of the Administrative Services Specialist include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Administrative Services Specialist.
- (b) Scheduling and maintaining Administrative Services Specialist time records.
- (c) Supervising, training, and evaluating Administrative Services Specialist staff.
- (d) Ensuring compliance with established policies and procedures.
- (e) Supervising the access, use, and release of protected information.
- (f) Establishing security and access protocols for youth records, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving agency members or public officials.
 3. Internal investigations.
 4. Any case where restricted access is prudent.

222.3.2 RECORDS BUREAU

The responsibilities of the Administrative Services Specialist include but are not limited to:

- (a) Ensuring a process exists for maintaining a records management system for case reports and youth records (15 CCR 1324).
- (b) Numbering, identifying, tracking, and retrieving youth records.
- (c) Entering case report information into the records management system.

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Records Bureau

- (d) Ensuring youth records can only be modified when authorized by a supervisor.
- (e) Providing members of the Agency with access to youth records when needed for investigation or court proceedings.
- (f) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of statistics.
 - 1. This includes forwarding population and profile survey reports to the Board of State and Community Corrections within 10 working days after the end of each reporting period (15 CCR 1342).
- (g) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (h) Identifying missing youth records and notifying the responsible member's supervisor.
- (i) Supplying information to the juvenile court and those authorized by the court or by the law (15 CCR 1324).
- (j) Retaining monthly fire and life-safety inspections required by 15 CCR 1325.
- (k) Forwarding education records when a youth is moved to a new facility (15 CCR 1370).

222.4 FILE ACCESS AND SECURITY

The security of files in the Administrative Services Specialist must be a high priority and shall be maintained as mandated by state or federal law. All case reports, including criminal history records and publicly accessible logs, shall be maintained in a secure area within the Administrative Services Specialist, accessible only by authorized members of the Administrative Services Specialist. Access to reports or files when Administrative Services Specialist staff is not available may be obtained through the Administration Assistant Chief Probation Officer or the authorized designee.

The Administrative Services Specialist will also maintain a secure file for case reports deemed by the Chief Probation Officer as sensitive or otherwise requiring extraordinary access restrictions.

222.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Administrative Services Specialist. Should an original case report be needed, the requesting agency member shall first obtain authorization from the Administrative Services Specialist. All original case reports removed from the Administrative Services Specialist shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Administrative Services Specialist.

All original youth records to be removed from the Administrative Services Specialist shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Administrative Services Specialist. The photocopied report shall be shredded upon return of the original report to the file.

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222.5 CONFIDENTIALITY

Administrative Services Specialist staff has access to information that may be confidential or sensitive in nature. Administrative Services Specialist staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Retention and Release Policy.

See Procedures Manual on Institutions Record Keeping, Statistics, and Communication/Correspondence for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 204.1 INSTITUTION RECORD KEEPING, STATISTICS, AND COMMUNICATION/CORRESPONDENCE](#)

Chapter 3 - Training

Member Orientation

300.1 PURPOSE AND SCOPE

The purpose of this policy is to define the parameters for new member orientation.

300.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide new members with basic information about the facility and the environment in which they will be working. Orientation is not meant to supplant other basic training required by law, ordinance, or regulation.

300.3 NEW MEMBER ORIENTATION

All new members shall participate in an orientation provided by this agency prior to assuming their duties. The orientation shall include but is not limited to (15 CCR 1322; 15 CCR 1324):

- Agency mission, vision, and values statement.
- Code of ethics.
- Agency culture.
- Nature of population served.
- Policy, procedures, and job description resources.
- Basic requirements and competency necessary to perform in position.
- Organizational chart.
- Chain of reporting.
- Youths' rights.
- Staff rules and regulations.
- Facility tour.
- Security (including facility, perimeter, and grounds), population control, emergency preparedness, and evacuation procedures.
- Position responsibilities and decision-making protocols.

See Procedures Manual on Program In-House Training for further information.

300.3.1 YOUTH SUPERVISION ORIENTATION

All staff members who are responsible for supervising youths shall participate in a minimum of 40 hours of facility-specific orientation prior to assuming youth supervision duties. The orientation shall include orientation specific to their duties, including but not limited to (15 CCR 1322; 15 CCR 1324):

- Individual and group supervision techniques.

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Member Orientation

- Regulations and policies relating to discipline and basic rights of youths pursuant to law and the provisions of Title 15 CCR.
- Basic health, sanitation, and safety measures.
- Suicide prevention and response to suicide attempts.
- The Use of Force, Chemical Agents Training, and Restraints policies, with review of de-escalation techniques and mechanical restraints.
- Emergency procedures.
- Crisis intervention and referrals to mental health services (15 CCR 1437).
- Documentation.
- Fire and life-safety training.
- Trauma-informed approaches, as defined in 15 CCR 1302, that reflect respectful and humane engagement with youths, culturally relevant approaches, and responsivity to the language and literacy needs of youths. This should include review of policies that address trauma (e.g., the Case Management, Youth Rights-Protection from Abuse, and Counseling Services policies).
- Routine security measures.

300.4 MEMBER ACKNOWLEDGEMENTS

Agency personnel assigned to provide the new member orientation will ensure that each new member is given copies of work rules and regulations, agency ethics, and any other agency documents for which the member will be held accountable.

A staff member will collect a signature page from the member, acknowledging receipt, review, and understanding of the documents, which shall be retained in the member's personnel file in accordance with established records retention schedules.

Continuing Education and Professional Development

301.1 PURPOSE AND SCOPE

This policy supports the continuing education and professional development of agency personnel at all levels.

301.2 POLICY

It is the policy of the San Benito County Juvenile Hall to encourage members to participate in continuing education and professional development opportunities whenever practicable.

The Agency encourages all personnel to participate in formal education on a continuing basis.

301.3 OBJECTIVES

The objective for continuing education and professional development is for all members to enhance their knowledge and skills to their fullest potential.

Members who engage in furthering their education in conjunction with skills-based training make for well-rounded members who can better serve the mission of the Agency and the community.

Supervisors should accommodate, to the extent feasible and as schedules permit, requests by personnel for shift adjustments and available leave time to assist personnel with their continuing education and professional development efforts.

301.4 REQUIRED TRAINING

With the exception of any year that a staff member is participating in a core training course, all staff members shall complete the applicable annual required training specified in Section 184 of Title 15 CCR.

Custody Training Officer

302.1 PURPOSE AND SCOPE

The San Benito County Juvenile Hall training officer (TO) program is intended to provide a standardized program to facilitate the juvenile institution officer's transition from the academic setting to the actual performance of general juvenile hall duties. The training program will be conducted during a new officer's initial 40 hours of service.

302.2 POLICY

It is the policy of this agency to assign all new juvenile institution officers to a structured juvenile hall TO program that is designed to prepare the new juvenile institution officer to perform in a detention assignment and to provide training on all skills needed to operate in a safe, productive, and professional manner.

302.3 TRAINING OFFICER

The TO is an experienced juvenile institution officer trained in the art and science of supervising, training, and evaluating entry-level juvenile institution officers in applying their previously acquired knowledge and skills.

302.3.1 SELECTION PROCESS

TOs will be selected based on certain requirements, including:

- (a) A desire to perform the training mission.
- (b) At least one year as juvenile institution officer.
- (c) A demonstrated ability to be a positive role model.

302.4 TRAINING OFFICER RESPONSIBILITIES

The TOs shall be responsible for signing off on all completed topics contained in the training manual, noting the methods of learning, and evaluating the performance of the assigned trainee.

302.5 THE JUVENILE HALL SUPERVISOR

The Juvenile Hall Supervisor's responsibilities include:

- (a) Assigning trainees to TOs.
- (b) Conducting TO meetings.
- (c) Maintaining, updating, and confirming the accuracy of the training manual.
- (d) Issuing the training manual to each trainee.
- (e) Monitoring individual TO performance.
- (f) Monitoring the overall TO program.
- (g) Developing ongoing training for TOs.

Training

303.1 PURPOSE AND SCOPE

This policy establishes training requirements and guidelines for juvenile institution officers, support personnel, supervisors, and managers. The policy addresses the training program and the probationary evaluation.

303.2 POLICY

It is the policy of this agency to assign all new juvenile institution officers to a structured juvenile hall training program designed to prepare the new juvenile institution officer to perform in a detention assignment in a safe, productive, and professional manner.

303.3 TRAINING OBJECTIVES

The objectives of the training program are to:

- (a) Improve the competency of staff at all levels.
- (b) Ensure that staff can carry out the mission of the Agency through a thoroughly demonstrated knowledge of agency policies and procedures.
- (c) Increase the technical expertise and overall effectiveness of personnel.
- (d) Provide for continued professional development of agency personnel.

303.4 MINIMUM TRAINING REQUIREMENTS

Youth supervision staff members, full- or part-time, shall successfully complete the Juvenile Corrections Officer Core Course as described in 15 CCR 176 within one year from the date of assignment and prior to assuming sole supervision of youths (15 CCR 1322). Annual and advanced training shall be completed in accordance with Section 184 of Title 15 CCR.

Staff members shall successfully complete training pursuant to Penal Code § 830 et seq. prior to exercising peace officer powers (15 CCR 1322).

Juvenile Institution Officers assigned to work in the facility prior to completing their core required training may do so only under the direct supervision of a fully trained member (15 CCR 1322).

See Procedure Manual on Introduction Procedures for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 300.1 INTRODUCTION PROCEDURES](#)

303.5 TRAINING PROGRAM PHASES

The training program is designed to build on the conceptual foundation taught in the basic academy training module, whereupon the theoretical knowledge gained can be molded into a practical skill set. The training program consists of the five phases described below (15 CCR 1324).

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Training

303.5.1 FIRST PHASE - FACILITY ORIENTATION

Prior to assuming any responsibilities, the trainee will be assigned to a Training Officer (TO). The TO will, at a minimum (15 CCR 1322):

- (a) Brief the trainee on the purpose and scope of, and the trainee's responsibilities during, the training program.
- (b) Explain the evaluation system and acquaint the trainee with the rating forms that will be used.
- (c) Explain the supervision duties, scope of decisions the trainee will make, and persons to contact for decisions beyond the trainee's responsibility.
- (d) Provide the trainee with any required equipment or materials.
- (e) Tour the entire facility and support services with the trainee.
- (f) Introduce the trainee to the Assistant Chief Probation Officer and key supervisory, administrative, and support personnel, and to the trainee's supervisor.

303.5.2 SECOND PHASE - INITIAL TRAINING

During the 40 hours of initial training and prior to assuming responsibility for the supervision of youths, the trainee will be exposed to the many duties at each post by observing the TO demonstrate how each task is to be performed. The TO should provide instruction to the trainee and encourage the trainee to ask questions.

The training shall include the following:

- (a) Chain of command—Administrative structure
- (b) Position responsibilities, decision-making parameters
- (c) Staffing patterns
- (d) Security measures and safety precautions
- (e) Use of force, OCs and restraints and response. (Upon course completion)
- (f) Emergency procedures, equipment, vehicle use
- (g) Written documentation, location of forms, completion of forms
- (h) Communications—methods, use of equipment
- (i) General facility and program operations
- (j) General employee information—who to contact for completion of timesheets and location of policy manuals.
- (k) Employee conduct, dress code, professional ethics
- (l) Ethical Responsibilities

Time should be made available during this phase to allow the trainee to study policies and procedures, directives, post orders, and any other materials deemed necessary by the TO.

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The TO will monitor the trainee's progress by asking questions and administering tests on the materials and demonstrations provided to the trainee.

The performance of the trainee will be evaluated and recorded daily by the TO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the TO.

303.5.3 THIRD PHASE - SUPERVISION OF YOUTHS WITH CLOSE SUPERVISION

After 40 hours of initial training, the TO will instruct the trainee in each required activity at each post. Once each task is demonstrated, the trainee will be directed to perform each activity under the close supervision of the TO.

The TO will provide direction as needed to the trainee during the hands-on activities.

The work performance of the trainee will be evaluated and recorded daily by the TO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the TO.

303.5.4 FOURTH PHASE - SOLE SUPERVISION OF YOUTHS WITH MONITORING

After completion of core training and during probation, the trainee will be directed to work solo in each area that training has been provided.

The solo activities of the trainee will be monitored by the TO and a supervisor.

The work performance of the trainee will be evaluated and recorded by the TO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the TO.

303.5.5 FIFTH PHASE - WORKING INDEPENDENTLY WITH SUPERVISION

Upon completion of the core training including any applicable probationary period, and provided there are no concerns about the trainee's ability, the trainee will be assigned to a shift and supervised regularly by the supervisor.

The supervisor, in consultation with the TO and the Assistant Chief Probation Officer, will make a recommendation to pass the trainee on to an assignment, continue training, or terminate the trainee.

303.6 PROBATIONARY PERIOD EVALUATION

Probationary employees will receive a written evaluation of their job skills and learning progress after six months. Prior to being permanently appointed, each probationary employee will receive a final evaluation. These evaluations shall be in writing and discussed with the employee by the employee's supervisor. The final evaluation shall be made a part of the employee's personnel record.

Chemical Agents Training

304.1 PURPOSE AND SCOPE

This policy establishes the required training for juvenile institution officers to be authorized to carry and use chemical agents.

304.2 POLICY

The Agency authorizes the use of selected chemical agents. Chemical agents are weapons used to minimize the potential for injury to juvenile institution officers, youths, and others. Chemical agents should only be used when such force reasonably appears justified and necessary.

304.3 CHEMICAL AGENT TRAINING

Only juvenile institution officers who have been trained and show adequate proficiency in the use of any chemical agent and the Use of Force Policy are authorized to carry the device.

- (a) The Training Manager shall ensure that appropriate training for all chemical agents occurs at least annually.
- (b) All initial and proficiency training for chemical agents will be documented in the juvenile institution officer's training file.
- (c) Juvenile Institution Officers failing to demonstrate continuing proficiency with chemical agents or knowledge of the Use of Force Policy will lose their authorization to carry or use the devices and will be provided remedial training. If, after two remedial training sessions, juvenile institution officer fails to demonstrate proficiency with chemical agents or knowledge of the Use of Force Policy, the juvenile institution officer may be subject to discipline.
- (d) The Training Manager shall ensure that all personnel who are authorized to use chemical agents have also been trained in the proper medical treatment of persons affected by chemical agents. Training should include the initial treatment (e.g., providing the proper solution to cleanse the affected area) and knowing when to summon medical personnel for more severe effects.
- (e) The Training Manager shall ensure that any additional state-mandated training (e.g., training addressing medical conditions that would contraindicate certain chemical agents, training on decontamination procedures) is provided (15 CCR 1357).

304.4 PROFICIENCY TESTING

The Training Manager shall ensure that all training delivered to staff should also test proficiency in order to document that the member understands the subject matter, and that proficiency training is monitored and documented by a certified weapons or tactical instructor.

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Chemical Agents Training

304.5 TRAINING RECORDS

In accordance with the Standards and Training for Corrections (STC) Program Title 15 requirements, it shall be the responsibility of the Training Manager to ensure that the following is maintained on file for all training provided by the Agency:

- A course outline or lesson plan
- A roster signed and dated by those in attendance
- The name of the person coordinating the training

The Training Manager shall ensure that copies of such training records are placed in the member's training file and retained in accordance with established records retention schedules.

304.6 REVIEW, INSPECTION, AND APPROVAL

Every chemical agent delivery device will be periodically inspected by the Assistant Chief Probation Officer or the authorized designee for a particular device.

Prison Rape Elimination Act Training

305.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

305.2 POLICY

The San Benito County Juvenile Hall endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers, and contractors are aware of their responsibilities and that staff, volunteers, contractors, and youths are aware of the policies and procedures of the facility as they relate to PREA.

305.3 MEMBER TRAINING

All staff, volunteers, and contractors who may have contact with youths shall receive agency-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and youths may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Training Manager shall be responsible for developing and administering this training, covering at a minimum (28 CFR 115.331; 28 CFR 115.332):

- (a) The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.
- (b) The dynamics of sexual abuse and sexual harassment in confinement.
- (c) The common reactions of youth sexual abuse and sexual harassment victims.
- (d) Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the facility.
- (e) Procedures for the investigation of a report of sexual abuse and/or sexual harassment.
- (f) Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- (g) An individual's right to be free from sexual abuse and sexual harassment.
- (h) The right of members and youths to be free from retaliation for reporting sexual abuse and sexual harassment.
- (i) How to detect and respond to signs of threatened and actual sexual abuse, and how to distinguish between sexual abuse and consensual sexual contact between youths.
- (j) How to communicate effectively and professionally with youths, including lesbian, gay, bisexual, transgender, intersex, and gender non-conforming youths (15 CCR 1352.5).

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Prison Rape Elimination Act Training

- (k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.
- (l) How to avoid inappropriate relationships with youths.
- (m) Relevant laws regarding the applicable age of consent.

Training shall be tailored according to the sex of the youths at the facility and the unique needs and attributes of youths in juvenile facilities. Staff should receive additional training on security measures and the separation of male and female populations in the same facility if the staff has been reassigned from a facility that houses only male or female youths.

Training should include written testing to validate knowledge and understanding of the material. The Training Manager shall document, through signature or electronic verification, that staff, volunteers, and contractors have received and understand the training. The Training Division will maintain training records on all those receiving training in accordance with procedures developed by the Training Manager.

The Training Manager shall ensure that members undergo annual refresher training that covers the agency's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.331).

305.4 SPECIALIZED MEDICAL TRAINING

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all the member training listed above, as well as training that includes (28 CFR 115.335):

- (a) Detecting and assessing signs of sexual abuse and sexual harassment.
- (b) Preserving physical evidence of sexual abuse.
- (c) Responding effectively and professionally to youth victims of sexual abuse and sexual harassment.
- (d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and mental health professionals employed by this facility conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Training Manager shall maintain documentation that the facility's health care and mental health professionals have received the training referenced above, either from this agency or elsewhere.

305.5 SPECIALIZED INVESTIGATIVE TRAINING

Specialized investigative training for members who conduct sexual abuse investigations shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interviewing youth sexual abuse victims; proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collection in confinement settings; and the criteria and

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evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.321; 28 CFR 115.334).

Health Care Orientation and Training

306.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a framework for orientation and training for qualified health care providers working in this juvenile hall.

306.2 POLICY

The Agency will develop, approve, and conduct training to maintain and improve the effectiveness of the care delivered, as well as to maintain the safety and security of the juvenile hall.

306.3 NEW HEALTH CARE PROVIDER ORIENTATION

All health care providers shall complete an orientation program prior to performing services at the juvenile hall on behalf of the Agency. At a minimum, the orientation program shall include (15 CCR 1324):

- A facility tour.
- Health Insurance Portability and Accountability Act (HIPAA) and confidentiality policies.
- Staff responsibilities.
- Youth rights and responsibilities.
- Personal safety and security.
- Emergency procedures.
- Policy, procedures, and job description resources.
- Guidelines for conduct with youths.
- Nondiscrimination policies.
- Health care delivery protocols.
- Universal precautions.
- Disposal of biohazardous waste.
- Aspects and dynamics of health services within the facility.
- Procedures for reporting lost or stolen medical supplies and equipment.
- Key control.
- Language barriers.

306.4 FACILITY-SPECIFIC TRAINING

The Training Manager should include appropriate health care providers in training and training exercises relating to facility safety and security, including but not limited to:

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- Emergency medical triage in the facility (15 CCR 1412).
- Emergency evacuation routes and procedures.
- Communication systems during facility emergencies.
- Security during facility emergencies.
- Qualified health care professional response during officer-down incidents.
- Responding to critical facility emergencies.
- Facility hostage policy and medical response tactics.
- Medical emergency transportation procedures.
- Media relations.
- Reporting requirements for suspected abuse, neglect, or exploitation.
- Prison Rape Elimination Act (PREA) compliance.

306.5 TRAINING FOR ALL MEMBERS WHO HAVE CONTACT WITH YOUTHS

All members who have contact with youths should receive training in the following before they work independently and at least every other year thereafter:

- (a) First aid, CPR, and the use of Automated External Defibrillators (AEDs) (15 CCR 1412)
- (b) Identifying withdrawal symptoms/chemical dependency and any associated need for emergency care
- (c) Recognizing life-threatening situations and the need for emergency care (e.g., stroke, allergic reaction)
- (d) Recognizing mental health issues, including indications of a suicide risk
- (e) The facility's suicide prevention plan (15 CCR 1329)
- (f) How to initiate youth care and how to process youth requests for care
- (g) Care for pregnant youths (including the Restraints Policy regarding restraint of pregnant youths)
- (h) Confidentiality and appropriate documentation of health care information
- (i) Log book and record-keeping entries (see the Daily Activity Logs and Shift Reports Policy)
- (j) Chain of custody policy and procedures

306.6 INITIAL YOUTH SCREENING

A health screening shall be conducted on each youth immediately upon admission. Health care personnel or trained child supervision staff shall perform the screening (15 CCR 1430). Members who conduct initial youth screening should be trained before they work independently and every year thereafter. The training should include:

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- (a) General health care issues, including mental health issues that are likely to be encountered (15 CCR 1437).
- (b) Facility procedures for screening.
- (c) Use of facility forms, including the purpose of each question and the observations required.
- (d) When supervisor or care liaison notification is required or appropriate.
- (e) When a person should not be accepted as a youth in the facility due to a health care issue.

306.7 SPECIAL TRAINING FOR CARE LIAISONS

Members assigned to act as care liaisons should receive special training as identified by the Wellpath (see the Health Authorities Policy). Care liaisons should be trained in:

- (a) Evaluating the initial screening of youths to ensure proper disposition and housing.
- (b) Assessing youth requests for health care and identifying the need for emergency care.
- (c) Determining available resources for youth care when regular providers may be unavailable.
- (d) Addressing persons who refuse to cooperate with the screening or do not appear able to adequately answer the questions.
- (e) Documenting and communicating health care issues.

306.8 MEDICATION

Members who deliver or administer medication should be trained as needed regarding (see the Medication Policy) (15 CCR 1438):

- (a) Security and control of medication.
- (b) Youth identification procedures.
- (c) Common side effects.
- (d) Delivery of medication and confirming ingestion.
- (e) Monitoring the youth's response to the medication.
- (f) Documentation.

306.9 TESTING

All training delivered to health care providers should include a testing component documenting an understanding of the subject material.

306.10 APPROVAL AND TRAINING RECORDS

The Training Manager, the Wellpath, and the Medical Director shall develop or approve all health care-related training.

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All training shall be documented, including names of attendees, the date of the training, the training provider, the length of the training, and the subject matter covered.

The Training Manager shall maintain training records in accordance with established records retention schedules.

Volunteers and Student Internships

307.1 PURPOSE AND SCOPE

This policy establishes guidelines for using juvenile hall volunteers, including student interns, to supplement and assist agency personnel in their duties. Trained volunteers and/or student interns are members who can augment agency personnel and help complete various tasks.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Student intern - A college, university, or graduate student gaining practical experience in the intern's field while under supervision.

Volunteer - An individual who performs a service for the Agency without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains and student interns.

307.2 POLICY

The San Benito County Juvenile Hall shall ensure that volunteers and student interns are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient agency and improve services to the community.

307.3 ELIGIBILITY

Requirements for participation as a volunteer or student intern for the Agency may include but are not limited to:

- (a) Being at least 18 years of age.
- (b) Possession of a valid driver's license if the position requires operating a vehicle.
- (c) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer or student intern work.
- (d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (e) No conviction of a misdemeanor or crime within the past 10 years, excluding traffic offenses.
- (f) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (g) Ability to meet physical requirements reasonably appropriate to the assignment.
- (h) A personal background and character suitable for a person representing the Agency, as validated by a background investigation.

The Chief Probation Officer may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

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307.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The San Benito County Juvenile Hall shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this agency.

307.4.1 RECRUITMENT

Volunteers and student interns should be recruited on a continuous and ongoing basis consistent with agency policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Agency in serving the public.

Requests for volunteers and student interns should be submitted in writing by interested agency members to the volunteer coordinator or student intern coordinator through the requester's immediate supervisor. A complete description of the duties and a requested time frame should be included in the request. All agency members should understand that the recruitment of volunteers and student interns is enhanced by creative and interesting assignments. The volunteer coordinator or student intern coordinator may withhold assignment of any volunteers or student interns until the requester is prepared to make effective use of them.

307.4.2 SELECTION

Volunteer and student intern candidates shall successfully complete this process before appointment:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator or student intern coordinator.
- (c) Successfully complete an appropriate-level background investigation.

307.4.3 APPOINTMENT

Service as a volunteer or student intern with the Agency shall begin with an official notice of acceptance or appointment by the Chief Probation Officer or the authorized designee. Notice may only be given by an authorized representative of the Agency, who will normally be the volunteer coordinator or student intern coordinator.

No volunteer or student intern should begin any assignment until the individual has been officially accepted for that position and has completed all required screening and paperwork. At the time of final acceptance, each volunteer and student intern should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Agency.

All volunteers and student interns shall receive a copy of the orientation materials and shall be required to sign a volunteer or student intern agreement. Volunteers and student interns should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the Agency.

Volunteers and student interns serve at the discretion of the Chief Probation Officer.

Volunteers and Student Internships

307.5 IDENTIFICATION

As representatives of the Agency, volunteers and student interns are responsible for presenting a professional image to the community. Volunteers and student interns shall dress appropriately for the conditions and performance of their duties. Necessary safety equipment will be provided. Identification symbols worn by volunteers and student interns shall be different and distinct from those worn by juvenile institution officers or other members of this agency.

Volunteers and student interns will be issued San Benito County Juvenile Hall identification cards, which must be carried at all times while working. The identification cards will be the standard San Benito County Juvenile Hall identification cards, except that "Volunteer" or "Student Intern" will be indicated on the cards.

307.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular agency personnel, when authorized, may also serve as volunteers. However, this agency shall not utilize the services of volunteers in such a way that it would violate employment laws or collective bargaining agreements or memorandums of understanding (e.g., juvenile institution officer participating as a volunteer for reduced or no pay). Therefore, the program coordinator should consult with the Department of Human Resources before allowing regular agency personnel to serve in a volunteer capacity (29 CFR 553.30).

307.7 PROGRAM COORDINATOR FOR VOLUNTEERS AND STUDENT INTERNS

The program coordinator for volunteers and/or student interns shall be appointed by and directly responsible to the Assistant Chief Probation Officer or the authorized designee.

The function of the program coordinator is to provide a central coordinating point for effective volunteer and/or student intern management within the Agency, and to direct and assist efforts to jointly provide more productive volunteer and student intern services. Under the general direction of the Chief Probation Officer or the authorized designee, volunteers and student interns shall report to the program coordinator and/or Duty Officer.

The program coordinator may appoint a senior volunteer or student intern or other designee to help coordinate volunteers or student interns and their activities.

The responsibilities of the program coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers and student interns.
- (b) Conducting volunteer and student intern meetings.
- (c) Maintaining records for each volunteer and student intern.
- (d) Maintaining a record of volunteer and student intern schedules and work hours.
- (e) Completing and disseminating, as appropriate, all necessary paperwork and information.

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- (f) Maintaining a liaison with other community programs that use volunteers and student interns and assisting in community-wide efforts to recognize and promote volunteering and student internships.
- (g) Maintaining volunteer and student intern orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers and student interns.

An evaluation of the overall use of volunteers and student interns will be conducted annually by the program coordinator.

307.8 DUTIES AND RESPONSIBILITIES

Volunteers and student interns assist agency personnel as needed. Assignments will usually be to augment the Administration, but volunteers and student interns may be assigned to other areas within the Agency as needed. Volunteers and student interns should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities, and the needs of the Agency.

All volunteers and student interns will be assigned to duties by the program coordinator or the authorized designee.

307.8.1 COMPLIANCE

Volunteers and student interns shall be required to adhere to all agency policies and procedures. A copy of the policies and procedures will be made available upon appointment. Volunteers and student interns shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Custody Manual refers to regular agency personnel, it shall also apply to volunteers and student interns, unless by its nature it is inapplicable.

Volunteers and student interns are required by this agency to meet agency-approved training requirements as applicable to their assignments.

307.9 TASK SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers and student interns to properly and safely perform their assigned duties. Training should correspond to the assignment as determined by the program coordinator.

Volunteers and student interns will be provided with an orientation program to acquaint them with the policies of the Agency and procedures applicable to their assignments.

Volunteers and student interns should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks. They also should receive ongoing training as deemed appropriate by their supervisors or the volunteer or student intern coordinator.

Training should reinforce to volunteers and student interns that they shall not intentionally represent themselves as, or by omission give the impression that they are, juvenile institution

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officers or other full-time members of the Agency. They shall always represent themselves as volunteers or student interns.

All volunteers and student interns shall comply with the standards of conduct and with all applicable orders and directives, whether oral or written, issued by the Agency.

307.9.1 VOLUNTEER AND STUDENT INTERN TRAINING MATERIALS

All new volunteers and student interns will be issued training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer or student intern with the San Benito County Juvenile Hall. Volunteers and student interns shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

307.9.2 STATE REQUIREMENTS

The volunteer and student intern orientation programs will include instruction on safety and security issues and nondiscrimination policies (15 CCR 1324).

307.10 SUPERVISION

Each volunteer and student intern must have a clearly identified supervisor who is responsible for the volunteer and student intern's direct management. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer or student intern and should be available for consultation and assistance.

Functional supervision of volunteers and student interns is the responsibility of the supervisor in charge of their assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers and student interns:

- (a) Take the time to introduce volunteers and student interns to members on all levels.
- (b) Ensure volunteers and student interns have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers and student interns assignments or tasks that will utilize these valuable resources.

A volunteer or student intern may be assigned as a supervisor of other volunteers or student interns, provided that the supervisor is under the direct supervision of a member of the San Benito County Juvenile Hall.

307.10.1 FITNESS FOR DUTY

No volunteers or student interns shall report for work or be at work when their judgment or physical condition has been impaired due to illness or injury, or by alcohol or drugs, whether legal or illegal.

Volunteers and student interns shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes but is not limited to:

- (a) Driver's license.
- (b) Medical condition.
- (c) Arrests.

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- (d) Criminal investigations.
- (e) All law enforcement contacts.

307.11 INFORMATION ACCESS

Volunteers and student interns should not have access to or be in the vicinity of criminal histories, investigative files, or information portals. Unless otherwise directed by a supervisor, the duties of the position, or agency policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by agency policy and supervisory personnel.

A volunteer or student intern whose assignment requires the use of, or access to, confidential information will be required to submit fingerprints to the Criminal Information Index (CII) to obtain clearance. Volunteers and student interns working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Agency. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by a volunteer or a student intern is grounds for immediate dismissal and possible criminal prosecution.

Volunteers and student interns shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Agency, or maintain that they represent the Agency in such matters without permission from the proper agency personnel.

307.12 EQUIPMENT

Any property or equipment issued by the Agency shall be for official and authorized use only. Any property or equipment issued to a volunteer or student intern shall remain the property of the Agency and shall be returned at the termination of service.

307.12.1 VEHICLE USE

Any volunteer or student intern who operates any vehicle while acting in the capacity of a volunteer or student intern shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the program coordinator.

Volunteers and student interns assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and agency-approved driver safety course.
- (b) Verification of a valid driver's license.
- (c) Verification of current vehicle insurance.

The coordinator should ensure that all volunteers and student interns receive safety briefing updates and license and insurance verification at least once a year.

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When operating agency vehicles, volunteers and student interns shall obey all rules of the road, including seat belt requirements.

Volunteers and student interns are not authorized to operate agency vehicles while using the vehicle's emergency equipment (e.g., emergency lights and siren).

307.13 DISCIPLINARY PROCEDURES/TERMINATION

If volunteers or student interns have a personnel complaint made against them or become involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers and student interns are considered at-will and may be removed from service at the discretion of the Chief Probation Officer, with or without cause. Volunteers and student interns shall have no property interest in their continued appointments. However, if volunteers or student interns are removed for alleged misconduct, they will be afforded an opportunity solely to clear their name through a hearing, which shall be limited to a single appearance before the Chief Probation Officer or the authorized designee.

Volunteers and student interns may resign from service with the Agency at any time. It is requested that a volunteer or student intern who intends to resign provides advance notice and a reason for the decision.

307.13.1 EXIT INTERVIEWS

The program coordinator should conduct exit interviews when possible. These interviews should ascertain why the volunteers or student interns are leaving the position and should solicit their suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Agency.

Briefing Training

308.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the juvenile institution officer's assigned shift. Briefing training provides an opportunity for an important exchange of information between members and supervisors.

308.2 POLICY

Briefing is intended to facilitate the accurate flow of information to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

308.3 BRIEFING

Briefing training covers a wide range of topics selected by the management/supervisory and training staff.

The supervisor conducting briefing training is responsible for preparing the materials necessary for constructive training. Supervisors may delegate this responsibility to a subordinate juvenile institution officer in their absence or for training purposes. The briefing training will be based on a structured program to provide topics related to but not limited to:

- Juvenile Hall policies and procedures.
- Departmental directives not yet established into policy.
- Reviewing recent incidents for training purposes.
- In preparation or response to an unusual occurrence.
- Statutory requirements or court orders.
- Operation of new equipment, including computer software.
- Notifying the staff of changes in schedules and assignments.
- Any trauma concerns regarding the wellbeing of detained youth.
- Any other topic as determined by the Chief Probation Officer or the authorized designee.

308.4 COMPUTER-BASED TRAINING OPTIONS

The Lexipol Daily Training Bulletins (DTBs) are a web-based system that provides training on the San Benito County Juvenile Hall Custody Manual and other important topics. Generally, 20 training bulletins are available each month. However, the number of DTBs may be adjusted by the Training Manager.

Personnel assigned to participate in DTBs should only use the passwords and login names assigned to them by the Training Manager. Personnel should not share their passwords with others and should frequently change their passwords to protect the security of the system. After

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each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Agency.

Members assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisors. Members should not allow uncompleted DTBs to build up. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-active computer, members shall only take DTBs as part of their on-duty assignments as there will be no authorization for taking or viewing DTBs while off-duty.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

Training Plan

309.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a training plan that will provide for the professional growth and continued development of facility personnel, and to forecast annual funding needs for future training. By doing so, the Agency will ensure its personnel possess the knowledge and skills necessary to professionally manage the youth population.

309.2 POLICY

The Training Manager shall conduct an annual training needs assessment to determine the training needs of all members based on state laws, regulations, certification requirements, and continued professional training requirements.

A training plan shall be based on the assessment. It is the responsibility of the Training Manager to develop, maintain, review, and update the training plan annually.

The annual training plan should be presented to the management staff for review. The approved training plan should include the annual funding requirements forecast by the Training Manager. The Training Manager should coordinate with the budgeting office to develop a funding source for all mandatory training.

The Chief Probation Officer or the authorized designee shall have final approval of the training plan and the budget to ensure that the training to be delivered is fiscally responsible and meets the mission of the Agency.

The Training Manager will execute the training plan on behalf of the Chief Probation Officer.

309.3 TRAINING MANAGER

A qualified individual shall be appointed by the Chief Probation Officer or the authorized designee to serve as the Training Manager, who shall report to the Chief Probation Officer or the authorized designee.

Full-time members who are assigned to be trainers shall receive specialized instruction, which at a minimum shall include a train-the-trainers course.

The Training Manager is responsible for developing an annual training plan. The plan should ensure that members meet all state law and certification requirements, any specialty training required for specialty assignments, and all continued professional training requirements. The plan should include a process to review course content and quality, typically by way of attendee feedback and/or a course audit by the training staff.

309.4 TRAINING RECORDS

An individual training file shall be maintained by the Training Manager or the authorized designee for each member. Training files shall contain records of all training and education (original

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or photocopies of available certificates, transcripts, diplomas, and other documentation) for all members.

The maintenance of the training records shall be in sufficient detail as to comply with any outside audit requirements (28 CFR 115.334).

It shall be the responsibility of the involved members to provide their immediate supervisor or the Training Manager with evidence of completed training or education in a timely manner.

The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

Training records shall contain:

- Name of the member.
- Date of hire.
- Education and training background (education and training received prior to hire).
- Type of training received.
- Date the training was received and successfully completed.
- Title of the training and name of the provider.
- Test scores or training benchmarks.

The Training Manager shall also be responsible for documenting the waivers of the training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing.

309.5 COURSE CERTIFICATION/QUALITY ASSURANCE

Training courses should be subject to a quality assurance process that, at a minimum, provides:

- A complete description of the course, including the number of training hours achieved.
- A curriculum including job-related topics and content and performance objectives.

Training should not only include the minimum number of hours required annually, but also instruction specific to tasks performed by members in the facility. Courses should include a testing component that shows a measurable transfer of knowledge and a mastery of topics.

309.5.1 COURSE RECORDS

It is the responsibility of the Training Manager to ensure that the following is maintained on file for all training provided by the Agency:

- The course outline or lesson plan
- A roster signed and dated by those in attendance
- The name of the person coordinating the training
- The credentials of the instructors/trainers

Training Plan

309.6 TRAINING COMMITTEE

The Training Manager should establish a training committee that will assist with identifying training needs for the Agency. The training committee should be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs.

The training committee should review certain incidents to determine whether training would likely improve future outcomes or would reduce or prevent the recurrence of an incident. Specific incidents the training committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The training committee should convene regularly, as determined by the Training Manager, to review the identified incidents. The committee should determine by consensus whether a training need exists and then submit a written recommendation to the Training Manager. The recommendation should not identify specific facts of any incident, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Training Manager will consider the recommendation of the committee and determine what training should be addressed, taking into consideration the mission of the Agency and available resources.

309.7 INDIVIDUAL RESPONSIBILITY

All members assigned to attend training should attend as scheduled, unless excused by their immediate supervisors or the Training Manager.

- (a) Excused absences from mandatory training should be limited to:
 1. Court appearances.
 2. Authorized vacation.
 3. Sick leave.
 4. Physical limitations preventing the member's participation.
 5. Emergency situations.
- (b) When a member is unable to attend mandatory training, that member shall:
 1. Notify the member's supervisor as soon as possible, but no later than one hour prior to the start of training.
 2. Document the absence in a memorandum to the supervisor.

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3. Arrange through the supervisor and the Training Manager to attend the required training on an alternate date.
- (c) All training programs, whether in-house or outside the facility, are considered on-duty work assignments and the following should apply:
1. Uniform or business casual attire is required unless otherwise indicated.
 2. Members should participate during training.
 3. Members shall display a professional demeanor.
 4. Members shall adhere to the Drug- and Alcohol-Free Workplace Policy.
 5. Jeans may be worn only with the prior approval of the Chief Probation Officer.

Support Personnel Orientation and Training

310.1 PURPOSE AND SCOPE

The Agency has developed an orientation and training program for support and contractor personnel, whether full- or part-time, to increase competency in their assigned tasks and to help ensure that all support personnel understand the issues that are unique to their positions as they relate to this facility (15 CCR 1324).

310.2 POLICY

It is the policy of the San Benito County Juvenile Hall to establish minimum training guidelines for support and contract personnel.

310.3 TRAINING MANAGER RESPONSIBILITIES

The Training Manager is responsible for coordinating training and will ensure that the training and orientation given to all support or contract personnel is properly documented and placed in the worker's training file. At a minimum, the record should contain the name of the individual, the assignment, the date that the orientation and training was presented, the orientation outline indicating the subject material, and the name of the instructor. To the extent applicable, copies of tests and passing scores should also be included as a part of the record.

310.3.1 STATE REQUIREMENTS

The support and contractor personnel orientation programs will include instruction on safety and security issues and nondiscrimination policies (15 CCR 1324).

310.4 PART-TIME PERSONNEL

Support personnel working part-time, including contractors, shall receive formal orientation and training commensurate with the scope of their work assignments, as determined by the Assistant Chief Probation Officer, before assignment to duties within the juvenile hall. At a minimum the orientation and training should include:

- Safety and security.
- Facility regulations.
- Facility operations.
- Guidelines for conduct with youths.
- Youth and adolescent behavior.

Support and contract personnel who fail to successfully complete all required training shall not be permitted to work in the secure portions of the facility.

Support Personnel Orientation and Training

310.5 PERSONNEL WITH MINIMAL CONTACT WITH YOUTHS

Support personnel, including contractors, whose positions involve minimal contact with youths shall receive orientation and training commensurate with the scope of their work.

Minimal youth contact is defined as tasks that do not involve the supervision of youths, youth discipline, or specific tasks that involve custody and control of youths. Orientation and training topics shall include but are not limited to:

- Safety and security.
- Custody policies and procedures.
- Emergency procedures.
- Job-specific training.
- Zero-tolerance policy and the identification, response, and reporting requirements of sexual abuse, Prison Rape Elimination Act (PREA) compliance, and harassment.
- Reporting requirements for suspected abuse, neglect, or exploitation.

310.6 PERSONNEL WITH REGULAR YOUTH CONTACT

Support personnel, including contractors, whose positions involve regular or daily youth contact shall receive orientation and training commensurate with the scope of their work.

Regular youth contact is defined as tasks that involve the direct provision of services to youths (e.g., custody assistants, vocational supervisors, teachers, food services, chaplain) but that do not involve the supervision of youths in the areas of discipline and control. Orientation and training topics shall include but are not limited to:

- Safety and security.
- Emergency procedures.
- Staff responsibilities.
- Guidelines for conduct with youths.
- Aspects and dynamics of the custody environment.
- Restricted movement and access according to job function.
- Supervision of youths.
- Suicide awareness and dynamics (15 CCR 1329).
- Use of force.
- Youth rules and regulations.
- Youth rights and responsibilities.
- Youth and adolescent behavior.
- CPR and first aid.

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Support Personnel Orientation and Training

- Zero-tolerance policy and the identification, response, and reporting requirements of sexual abuse, PREA compliance, and harassment.
- Reporting requirements for suspected abuse, neglect, or exploitation.

Chapter 4 - Emergency Planning

Facility Emergencies

400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a plan to appropriately respond to emergencies within the facility and to ensure all affected personnel receive timely training regarding emergency response. This policy is intended to protect the community, members, visitors, youths, and all others who enter the juvenile hall, while allowing the facility to fulfill its primary purpose (15 CCR 1327).

Facility emergencies related to fire will be addressed in the Fire Safety Policy.

400.2 POLICY

It is the policy of this agency to have emergency response plans in place to quickly and effectively respond to and minimize the severity of any emergency within the facility.

400.3 PROCEDURE

The Chief Probation Officer or the authorized designee shall develop, publish, and review emergency response plans that address (15 CCR 1327):

- (a) Escapes.
- (b) Disturbances/riots.
- (c) Hostages.
- (d) Civil disturbances.
- (e) Natural disasters.
- (f) Periodic testing of emergency equipment.
- (g) Mass arrests.
- (h) Emergency evacuation of the facility (see the Emergency Evacuation Policy) (15 CCR 1325).
- (i) Active shooter and terrorist attack.
- (j) Other emergencies as needs are identified.

The facility emergency response plans are intended to provide the members with current methods, guidelines, and training for minimizing the number and severity of emergency events that may threaten the security of the facility or compromise the safety of members, youths, or the community.

The emergency response plans are intended to provide information on specific assignments and tasks for members. Where appropriate, the emergency response plans will include persons and emergency departments to be notified.

The emergency response plans should include procedures for continuing to house youths in the facility, the identification of alternative facilities outside the boundaries of the disaster or threat

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and the potential capacity of those facilities, youth transportation options, and contact information for allied agencies.

The emergency response plans shall be made available to all members and contractors working in the facility as needed. Confidential policies and procedures that relate to the security of the facility may be kept in a separate manual (15 CCR 1327).

See Procedures Manual on Emergency Procedures for further information.

- **EMERGENCY PROCEDURES**

400.3.1 EMERGENCY SUSPENSION OF REQUIREMENTS

The Chief Probation Officer or the authorized designee shall authorize only those regulations directly affected by the emergency to be suspended. When a suspension occurs for longer than three days, the Chief Probation Officer or the authorized designee shall notify the Board of State and Community Corrections in writing. In no event shall a suspension continue for more than 15 days without the approval of the chairperson of the board for a time specified by the chairperson (15 CCR 1311).

400.4 LOCKDOWN

Upon detecting any significant incident that threatens the security of the facility, such as a riot or hostage situation, members shall immediately notify Operations Room and the Duty Officer. The Duty Officer, or in the Duty Officer's absence, Operations Room, may determine whether to order a partial or full lockdown of the facility and shall notify the Chief Probation Officer or the authorized designee as soon as practicable.

If a lockdown is ordered, all youths will be directed back to their housing areas. All youths in transit within the facility will either be escorted back to their housing areas or to another secure location. The Duty Officer should instruct members not directly involved in the lockdown to escort any visitors and nonessential contractors out of the facility.

A head count shall be immediately conducted for all youths, visitors, contractors, and members. The Duty Officer shall be immediately notified of the status of the head count. If any person is unaccounted for, the Duty Officer shall direct an immediate search of the facility and notify the Chief Probation Officer or the authorized designee as soon as practicable.

Lockdown should not be used as a form of punishment. It is only intended to facilitate order.

400.5 HUNGER STRIKE

Upon being made aware that one or more youths is engaging in a hunger strike, the member will notify the Duty Officer, who will notify the Chief Probation Officer or the authorized designee. The Chief Probation Officer or the authorized designee should evaluate the basis for the strike and seek an appropriate resolution.

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The Chief Probation Officer or the authorized designee shall notify the youth's parent/guardian, the youth's probation officer, the local authority having supervisory jurisdiction, and the youth's case worker of the incident and periodically provide updates on the status of the youth.

400.5.1 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

The Chief Probation Officer or the authorized designee should notify the Medical Director to review, coordinate, and document any medical actions taken, based on protocols and/or at the direction of qualified health care professionals, in response to a hunger strike.

Qualified health care professionals should monitor the health of any youth involved in a hunger strike and make recommendations to the Chief Probation Officer or the supervisory staff responsible for oversight of the incident.

If a youth is engaging in a hunger strike due to a mental condition, the appropriate medical protocols for mental health will be followed.

400.5.2 RESPONSE TO HUNGER STRIKES

Beginning at the line staff level, a resolution to grievances should be sought at the lowest level. The Youth Grievances Policy shall guide staff on resolving youth grievances.

If the hunger strike remains unresolved, the Chief Probation Officer or the authorized designee may direct the appropriate member to observe the room area, including trash containers, of the youths involved for evidence of food items and of food hoarding.

400.5.3 LEGAL GUIDANCE

If attempts to resolve the grievance are unsuccessful or not reasonably possible, the Chief Probation Officer should consider consulting with legal resources as appropriate to develop other steps to resolve the issues.

400.6 RESPONSE TO DISTURBANCES

Members should attempt to minimize the disruption to normal facility operations caused by a disturbance by attempting to isolate and contain the disturbance to the extent possible. Members should immediately notify the Chief Probation Officer through the chain of command of the incident.

400.6.1 NOTIFICATIONS

The Duty Officer should notify the Chief Probation Officer or the authorized designee of the disturbance as soon as practicable.

The Chief Probation Officer or the authorized designee should notify the involved youth's parent/guardian, the youth's probation officer, the local authority having supervisory jurisdiction, and the youth's case worker as soon as practicable.

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400.6.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

If medical action reasonably appears necessary, the Chief Probation Officer or the authorized designee should notify the appropriate qualified health care professionals to review, coordinate, and document medical actions based on protocols and/or at the direction of the Medical Director.

400.6.3 REPORTING

The Chief Probation Officer or the authorized designee shall order that an incident report be completed with the details of the disturbance no later than the end of the shift (15 CCR 1362). If appropriate, a crime report shall be initiated and prosecution sought.

400.7 RIOTS

Riots occur when youths forcibly and/or violently take control or attempt to take control of any area within the juvenile hall.

Members should make reasonable attempts to prevent youth-on-youth violence but should take measures to avoid aggravating the problem and making the situation worse.

400.7.1 RESPONSE TO RIOTS

Once the area of the disturbance is secured and isolated from other areas of the facility, time is generally on the side of staff. If possible, the process of quelling the disturbance should slow down so members can develop response plans, ensure there are adequate facility personnel to effectively take the required actions, and ensure that responding members are appropriately equipped with protective gear.

Members should evaluate their response given the totality of circumstances in any situation, but generally should not enter the space where a riot is occurring until sufficient members are present to safely suppress the riot. Nothing in this policy shall prohibit any member from assisting other members who are being assaulted.

Other housing units must be secured, with sufficient members remaining at their posts to continue to supervise the unaffected units.

If members are unable to contain, control, and resolve the riot, a request for assistance should be made to the appropriate law enforcement agency (see the Mutual Aid section in this policy). The request should be made by the Chief Probation Officer or the authorized designee. When the riot has been suppressed, all involved members must immediately return to their assigned posts and normal operations should resume.

All youths who have participated in a riot shall be separated and secured as soon as practicable. If necessary, injured youths shall receive a medical evaluation and treatment. If an injured youth is medically cleared to remain in the juvenile hall, the youth will be reclassified and moved to appropriate housing.

400.7.2 QUALIFIED HEALTH CARE PROFESSIONAL RESPONSE

If necessary, a supervisor or the authorized designee should notify the qualified health care professionals and identify a staging area for medical emergency responders and for medical triage.

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The Medical Director or the authorized designee should be included in developing the response plan as it relates to the potential for a medical response, medical triage and treatment activities, and the safety and security of medical personnel during the incident.

400.7.3 NOTIFICATIONS

As soon as practicable, the Duty Officer or a responsible staff member shall notify the Chief Probation Officer or the authorized designee.

The Chief Probation Officer or the authorized designee shall notify the involved youth's parent/guardian, the youth's probation officer, the local authority having supervisory jurisdiction, and the youth's case worker.

400.7.4 REPORTING

The Chief Probation Officer or the authorized designee shall order that a report be written detailing the incident by the end of the shift (15 CCR 1362).

400.8 HOSTAGES

The Agency does not recognize the taking of hostages as a reason to relinquish control of the juvenile hall. All members, youths, visitors, and contractors shall be informed of the "no hostage" policy prior to entering the facility for the first time and shall sign an acknowledgement, which the facility shall retain.

It is the policy of the San Benito County Juvenile Hall to use all available resources reasonably necessary to bring about a successful end to a hostage situation.

400.8.1 RESPONSE TO HOSTAGE INCIDENT

Operations Room should immediately be notified at the earliest sign of a hostage incident. Operations Room shall notify the Chief Probation Officer through the chain of command as soon as practicable.

The Chief Probation Officer or the authorized designee shall make every effort to ensure that the hostage incident remains confined to the smallest area possible. All door controls accessible to the youth shall be disabled. Emergency exits that lead outside the secure perimeter shall be guarded.

400.8.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

At the direction of the Duty Officer or the authorized designee, the qualified health care professionals should be notified in order to identify a location and form a logistical plan for medical triage. The location also shall serve as a medical staging area for other medical emergency responders.

400.8.3 HOSTAGE RESCUE

Communications with the hostage-taker should be established as soon as practicable. Hostage-taker demands for members to open doors will not be met. A hostage rescue team should be immediately summoned, and the established protocols for resolving the situation shall be

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implemented. The Chief Probation Officer or the authorized designee should be consulted regarding decisions faced by the hostage rescue team.

400.8.4 REPORTING

Following the conclusion of a hostage incident, the Chief Probation Officer or the authorized designee shall order that an incident report be completed by the end of the shift (15 CCR 1362).

400.9 ESCAPES

Upon being made aware that an escape may have occurred or did occur, the member should immediately notify Operations Room. Operations Room should notify the Chief Probation Officer through the chain of command as soon as practicable.

Once the escape is verified and immediate actions have been taken inside the facility (e.g., lockdown), the Duty Officer should ensure that all local law enforcement agencies are notified.

400.9.1 YOUTH COUNTS

As soon as the facility is fully locked down, a full youth head count should be taken.

All youths who are outside of the secure perimeter of the facility (e.g., court, work details) should be located and identified. The identity of any missing youth should be disclosed, and the youth's facility record should be accessed by the Chief Probation Officer or the authorized designee.

400.9.2 SEARCH

Concurrent with the lockdown, the area surrounding the facility should be searched for the escapee. Areas where a youth may be hiding or may have discarded clothing should be searched first. Any witnesses should be interviewed.

The Duty Officer will develop a flyer with the youth's name, description, latest picture, classification status, and charges, and supply it to members and local law enforcement. Local law enforcement should also be given the youth's last known address and a list of associates.

400.9.3 REPORTING

Following the conclusion of an attempted escape or an escape, the Chief Probation Officer or the authorized designee shall order that an incident report be completed by the end of the shift. The incident report should focus on events and physical plant weaknesses that contributed to the escape (15 CCR 1362). The Assistant Chief Probation Officer should review the reports, interview involved parties, and develop action plans to minimize the risk of future occurrences.

400.10 CIVIL DISTURBANCES OUTSIDE OF THE DETENTION FACILITY

Upon being notified that juvenile hall space will be needed in response to a civil disturbance involving mass arrests, the Duty Officer should notify the Chief Probation Officer or the authorized designee.

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400.11 DEBRIEFING

All responding members, including medical responders, shall be debriefed, as determined by the Chief Probation Officer or the authorized designee, on serious facility emergencies as soon as practicable after the conclusion of the incident. The members shall examine the incident from the perspective of what worked, what actions were less than optimal, and how the response to a future incident might be improved.

If appropriate, the details of the incident will be used to develop a training course for responding to facility disturbances. The goal of any debriefing process is continuous improvement. The debriefing should be focused on the incident, an improved response, and systemic changes that may be required. A moderator should ensure that no individual or group involved in the response is publicly ridiculed.

400.12 EMERGENCY HOUSING OF YOUTHS

The Chief Probation Officer or the authorized designee shall develop a plan on the emergency housing of youths in the event of a full or partial evacuation of the facility. The plan will address when youths should be housed in place, identification of alternate facilities and the potential capacity of those facilities, youth transportation options, and contact information for allied agencies. This plan shall be reviewed at least annually and revised if necessary.

400.12.1 MUTUAL AID

The magnitude and anticipated duration of a facility emergency may necessitate interagency cooperation and coordination. The Assistant Chief Probation Officer should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated for the safe keeping and transportation of youths during the facility emergency and evacuation process (see the Emergency Evacuation Policy). For a large-scale emergency response, see the Emergency Plan and Emergency Staffing policies.

When another agency requests assistance from this agency, the Duty Officer may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this agency.

When mutual aid assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

400.13 REVIEW OF EMERGENCY PROCEDURES

The Assistant Chief Probation Officer should ensure that there is a review of emergency procedures at least annually (15 CCR 1324; 15 CCR 1327). This review should be documented within 10 days of the review for approval. This review should also include the signatures or initials of the members responsible for the review. At a minimum, the review shall include:

- Assignment of members to specific tasks in emergency situations.

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- Instructions for using the alarm systems and signals.
- Systems for the notification of appropriate persons outside of the facility.
- Information on the location and use of emergency equipment in the facility.
- Specification of evacuation routes and procedures.

400.14 TRAINING

Members shall be trained at least annually on this policy (15 CCR 1327). This facility will provide emergency preparedness training as part of orientation training for all members assigned to the facility and for those who may be required to respond to the facility in an emergency (15 CCR 1324). Members shall also receive refresher training at least annually in the emergency response plans. The Training Manager is responsible for developing and delivering appropriate initial training and annual refresher training.

Emergency planning training should occur in the form of classroom instruction (or roll call training), mock practical exercises, and drills. Each type of emergency covered in the emergency response plan must be included in the training.

A lesson plan, a staff training sign-up sheet with the dates and times training should be provided, and proof of competency (testing) for each participant should be maintained by the Training Manager.

The Training Manager shall forward an annual report to the Chief Probation Officer or the authorized designee on the status of emergency response plan training. Any training deficiencies identified in this report should be rectified within 90 days of the report.

The facility emergency plan and all training shall be documented by the Training Manager and retained in accordance with established records retention schedules.

Emergency Staffing

401.1 PURPOSE AND SCOPE

The facility must operate as a safe and secure environment at all times, regardless of staffing levels. Contingency plans must be made in advance for any staffing emergency or planned job action, regardless of the length of the staffing deficit.

The purpose of this policy is to establish roles and responsibilities for creating and implementing emergency staffing plans, providing emergency staffing training to supervisory and management personnel, and identifying an updated schedule and distribution list for the plan, as identified by the Chief Probation Officer or the authorized designee.

401.2 POLICY

It is the policy of this agency to continue to operate a safe and secure facility in the event of a staffing emergency. Staffing emergencies that could negatively affect the good order of the facility may include but are not limited to an outbreak of infectious disease, a work stoppage or strike by selected members, a natural disaster, or another disruption. The Chief Probation Officer or the authorized designee shall be responsible for ensuring that an appropriate emergency staffing plan exists.

401.3 EMERGENCY STAFFING

In the event the Chief Probation Officer or the authorized designee becomes aware that a staffing emergency exists or may occur, staff members who are present may be ordered to remain at their posts. Plans should include measures to achieve minimum staffing for the facility within four hours of a staffing emergency and may include the following operational adjustments:

- The facility may go on lockdown. Minimum activities, including visiting, exercise, and other programs, will be suspended only if necessary. Meals, cleaning, medical services, court transportation, and attorney visits will continue. The suspension of other activities will be assessed by the Chief Probation Officer or the authorized designee on a case-by-case basis.
- Supervisory and management personnel may have time off canceled or rescheduled during a staffing emergency.
- Core trained staff from other areas of the Agency who have custody experience may fill vacancies in the facility.
- Assistance from allied agencies may be requested to help management and supervisors in safely staffing the facility.
- Contracting with surrounding facilities may be necessary if adequate staffing cannot be obtained to safely operate the facility.
- In the event of a health-related staffing emergency, the Medical Director and medical staff shall be notified.

Emergency Staffing

401.4 LEGAL ASSISTANCE

When the Chief Probation Officer or the authorized designee becomes aware that a work stoppage is planned or has occurred, legal counsel should be consulted for assistance in preparing the necessary legal action to either prevent the work stoppage or to cause it to cease. Immediate contact with the members' representatives may also be necessary to prevent or conclude the job action.

401.5 TRAINING

The Chief Probation Officer or the authorized designee should be responsible for:

- (a) Establishing a distribution list for the contingency plan.
- (b) Establishing a periodic review and update of the plan.
- (c) Ensuring that all supervisors and managers are periodically trained on the plan.
- (d) Ensuring that all supervisors and managers are provided a copy of the plan and/or a means to access it in the event of an emergency.
- (e) Documenting and maintaining training records for each supervisor and manager and ensuring that those personnel periodically receive appropriate update training on the plan.

Fire Safety

402.1 PURPOSE AND SCOPE

The threat of fire and toxic smoke in the facility represents a significant risk to the safety and security of the community, the staff, youths, volunteers, contractors, and visitors. The purpose of this policy is to clearly identify and conform to applicable federal, state, and/or local fire safety codes, and to establish a process for creating, disseminating, and training all individuals in the facility on the emergency plans for fire safety and evacuation (15 CCR 1323; 15 CCR 1324; 15 CCR 1325; 15 CCR 1327).

402.2 POLICY

It is the policy of this agency that fire prevention strategies are a high priority.

The Chief Probation Officer or the authorized designee shall ensure that a fire alarm and a detection and suppression system, as required by law, are installed, maintained, and periodically tested. Any variance, exception, or equivalency issues must be approved by the fire jurisdiction authorities and must not constitute a serious life-safety threat to the occupants of the facility.

402.2.1 FIRE CODES

The Agency shall comply with all federal, state, and local fire codes.

402.2.2 FIRE PREVENTION RESPONSIBILITY

All staff who work in the facility are responsible for the prevention of fires. They should be trained and given the tools to carry out the tasks necessary to reduce the risk of fire.

402.3 FIRE SUPPRESSION PRE-PLANNING

The Chief Probation Officer or the authorized designee shall, in consultation with the State Fire Marshal or the local fire department that has jurisdiction over the facility, develop a plan for responding to a fire. The plan shall include but is not limited to (15 CCR 1325):

- (a) A fire suppression pre-plan by the local fire department, to be included as part of this policy.
- (b) Fire prevention, safety inspection plans, and record retention schedules developed by designated staff or as required by law.
- (c) Documented monthly fire inspections by facility staff (all orders to correct and all proofs of correction should be maintained for at least two years or as otherwise required by law).
- (d) An evacuation plan (see the Emergency Evacuation Policy).
- (e) Documented fire drills at least quarterly.
- (f) A written plan for the emergency housing of youths in case of fire.
- (g) A plan for the cross-training of responders and facility staff via drills, which should occur at least quarterly, if practicable.

Fire Safety

See Procedures Manual on Fire Safety Plan for further information.

- [FIRE SAFETY PLAN](#)

See Procedures Manual on Fire Suppression Pre-Plan for further information.

- [FIRE SUPPRESSION PRE-PLAN](#)

402.4 FIRE PREVENTION EQUIPMENT

All required fire alarms, sprinklers, and detection devices should be in good working order.

Should such a device become inoperative, the Chief Probation Officer or the authorized designee shall be responsible for ensuring that emergency repairs are undertaken as soon as practicable and that staff is provided with an alternative emergency fire safety and evacuation plan.

Any time any fire prevention system is inoperative and poses a serious life-safety risk, that portion of the facility shall not be inhabited by youths or staff.

402.5 FIREFIGHTING EQUIPMENT

The Chief Probation Officer or the authorized designee shall ensure that the facility has the necessary firefighting equipment (e.g., fire hoses, extinguishers) in quantities and locations as recommended by the local fire authority or other qualified entity. The locations of firefighting equipment will be shown on the facility fire plan (schematic).

While the staff is not trained as fully qualified firefighters, the Chief Probation Officer or the authorized designee will ensure that the staff is trained to initially respond to a fire with the purpose of facilitating the safety of the occupants, including evacuation if necessary.

402.6 FIRE TRAINING

The Training Manager is responsible for ensuring that within the first six months of assignment to the facility, all staff members receive training on the use of the facility's firefighting equipment sufficient to demonstrate proficiency. The staff should receive refresher training at least annually on using firefighting equipment, the fire suppression pre-plan by the local fire department, and evacuation procedures.

Each shift will have at least one wide awake designated staff member who is trained to use and maintain the facility's firefighting equipment, the fire suppression pre-plan by the local fire department, and evacuation procedures (15 CCR 1323).

402.7 INSPECTIONS

The Agency shall be inspected by an appointed staff member who is qualified to perform fire and safety inspections monthly to ensure that fire safety standards are maintained. These documented inspections will be focused on but not limited to fire prevention, staff training and proficiency, firefighting equipment availability and functionality, alarms, fire detectors, fire safety equipment, and staff familiarity with prevention and suppression techniques, suppression pre-

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planning, emergency response, fire safety equipment use, and the evacuation plan. Records from these monthly inspections shall be maintained for two years (15 CCR 1325).

The Chief Probation Officer or the authorized designee shall ensure that staff members conduct and document weekly fire and safety inspections of the facility and that all fire safety equipment is tested at least quarterly.

A staff member shall be assigned to coordinate with local or state fire officials for inspections required by Health and Safety Code § 13146.1. The result of all fire inspections and fire equipment testing shall be provided to the Chief Probation Officer or the authorized designee and maintained for at least two years.

402.7.1 FURNISHINGS

All furnishings allowed in the facility shall meet fire authority standards for fire performance characteristics. Prior to introducing any furnishing into the facility, the staff shall receive clearance from the local fire authority as to its appropriateness.

402.7.2 FLAMMABLE, TOXIC, AND CAUSTIC MATERIALS

The Chief Probation Officer or the authorized designee, in collaboration with the local environmental health expert, will review the materials introduced into the facility to ensure that flammable, toxic, and caustic materials are controlled and used safely. All such materials will be safely stored and only used by youths under close supervision by qualified staff (15 CCR 1324).

Emergency Power and Communications

403.1 PURPOSE AND SCOPE

The San Benito County Juvenile Hall facility must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding backup power and communication systems and the inspection, preventive maintenance, and testing of the systems to ensure a seamless transition in the event of a loss of power.

403.2 POLICY

It is the policy of this agency to ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.

403.3 EMERGENCY POWER

The facility shall have a sufficient emergency power source to operate communications; security and alarm systems in control centers; emergency lighting in corridors, stairwells, all youth housing areas, and security control points; and audio-visual monitoring systems.

403.3.1 PREVENTIVE MAINTENANCE

It is the responsibility of the Chief Probation Officer or the authorized designee to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, critical life/safety equipment, and communications systems. The emergency power system should have sufficient fuel to allow the facility to operate continuously for a minimum of three days, if necessary, without external resources.

The emergency power system should be inspected, tested, and maintained as necessary. If the system fails, the Assistant Chief Probation Officer or the Duty Officer should contact the designated maintenance authority or repair company to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the primary system is repaired or replaced.

403.4 SAFETY AND SECURITY

Inoperable or malfunctioning safety and/or security equipment shall be immediately repaired or replaced. If safety and/or security equipment becomes inoperable or is damaged and it is not safe to operate a secure portion of the facility, that portion should be vacated and the youths housed elsewhere. Alternately, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.

403.5 INSPECTION AND TESTING

The Chief Probation Officer or the authorized designee is responsible for scheduled testing of emergency power systems. The power system manufacturer should be contacted for the required

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testing intervals and load information. The emergency power system should be load-tested in accordance with the manufacturer's recommendations and in accordance with the California Building Code.

All emergency equipment and systems should be inspected by a qualified individual at least quarterly.

Power generators should be inspected and tested by a qualified individual at least monthly.

All testing and inspections shall be documented and the results included in a report to the Chief Probation Officer or the authorized designee.

Emergency Evacuation

404.1 PURPOSE AND SCOPE

The purpose of this policy is to promote planning and establish procedures, responsibilities, and training requirements for the staff of the San Benito County Juvenile Hall in case of fire and other emergency evacuations (15 CCR 1325; 15 CCR 1327).

404.2 POLICY

The community, staff, volunteers, contractors, and youths should have a well-researched and validated evacuation plan that can be implemented in the event any portion of this facility requires evacuating due to an emergency (e.g., fire, smoke, flood, storm). All custody staff should be knowledgeable about the evacuation plan, policy, and procedures.

404.3 EVACUATION PLAN

The San Benito County Juvenile Hall maintains an evacuation plan to be implemented in the event of a fire, natural disaster, or other emergency (15 CCR 1325; 15 CCR 1327). At a minimum, the evacuation plan shall address:

- Location of facility building and floor plans.
- Population list of youths and their location in the facility.
- Procedures for releasing youths from locked areas.
- Relocation areas to be used for housing youths in the event of a full or partial evacuation.
- Notifications and communication with local law enforcement, local and state emergency management agencies, and parents/guardians (see the Emergency Housing of Youths section in the Facility Emergencies Policy).
- Training and drill requirements for staff.
- Reporting requirements.
- Continuity of operations, including chain of command, food service alternatives, medical service provision, and alternative staffing plan.

The Chief Probation Officer or the authorized designee should ensure that the evacuation plan is maintained and updated as needed and is reviewed for accuracy at least annually by a qualified independent inspector and in coordination with the local fire authority.

A current copy of the evacuation plan shall be maintained in the Administration office and in the command area of each annex facility.

404.3.1 EXITS

All facility exits should be marked with signs that clearly indicate the direction of traffic.

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Except for temporary reasons, such as maintenance or repairs, all exits to the facility shall remain free from obstacles at all times regardless of the frequency of use. It is the duty of all staff to remove any obstructions that block, either partially or completely, staff's ability to observe or use any exit.

404.3.2 EVACUATION PLANS AND ROUTES

Plans for evacuation routes will be posted in all public areas of the facility. All custody staff will be familiar with evacuation routes for youths.

404.4 TRAINING DRILLS

The Chief Probation Officer or the authorized designee should ensure that drills of the evacuation plan are conducted at least annually, or more often if required by code, for each shift and at all facility locations. Drills will include staff and volunteers. The local fire agency may be invited to participate in one or more drills annually. Nonviolent and compliant youths may participate. Violent and/or dangerous youths or those known to be a flight risk will not be involved in the drills. During orientation and throughout their stay, youths should be informed of behavioral expectations during any drill or actual emergency.

Drills should be designed to ensure that all staff members are proficient in their duties during each type of evacuation. Each drill should be documented as to its scope and participants. Upon completion of the drill, each staff member should complete a written test to document knowledge and to show proficiency.

Chapter 5 - Youth Management

Population Management

500.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of youth population accounting that promotes the safety and security of the facility on a daily operational basis. It assembles data that enables the Agency to forecast staffing and facility growth needs into the future and plan for the associated expenditures.

500.2 POLICY

It is the policy of this facility that a youth population management system should be established and maintained to account for the admission, processing, providing services, transfer, and release of youths.

500.3 REPORTS

The Assistant Chief Probation Officer or the authorized designee is responsible for ensuring that detailed daily reports of the facility's youth population are completed and maintained by the staff. The reports shall reflect the average daily population of pre- and post-adjudicated youths with males and females listed separately. The Assistant Chief Probation Officer shall collect and submit the required population and profile survey data to the Board of State and Community Corrections within 10 working days of the end of each month. The Chief Probation Officer or the authorized designee should maintain the data in an accessible format for historical purposes and to monitor average length of stay, analyze trends, and respond to funding opportunities (see the Crowding Policy) (15 CCR 1324; 15 CCR 1342).

500.4 DATA COLLECTION

For each reporting period, the report should include but is not limited to the following:

- (a) Number of beds in general housing.
- (b) Average daily population (ADP) for:
 - 1. Felony and misdemeanor by male and female
 - 2. Pre-adjudicated and post-adjudicated by male and female
- (c) Highest one-day youth population
- (d) Number per month of:
 - 1. Total admissions
 - 2. Status offender admissions
 - 3. Probation violation admissions
- (e) Average length of stay for those released during the month, including:
 - 1. All releases
 - 2. Transfers to treatment programs/residential treatment

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3. Transfers to placements (e.g., group homes, foster homes)
 4. Other releases
- (f) Number of:
1. Youth-on-youth assaults
 2. Youth-on-staff assaults
 3. Escapes
 4. Suicide attempts
 5. Suicides
 6. In-custody deaths
 7. Youth grievances and dispositions
 8. Disciplinary reports and dispositions
- (g) One-day snapshot, on the 15th of each month, of the number of:
1. Youths awaiting adult court/certified to adult court
 2. Youths under 12 (male and female)
 3. Youths 12-13 (male and female)
 4. Youths 14-15 (male and female)
 5. Youths 16-17 (male and female)
 6. Youths over 18 (male and female)

Youth Reception

501.1 PURPOSE AND SCOPE

The San Benito County Juvenile Hall has a legal and standardized process for the reception of youths into this facility and the admittance should be conducted in a respectful, humane, trauma-informed, and culturally relevant manner. This policy establishes guidelines for security needs, the classification process, identification of medical/mental health issues, and the seizure and storage of personal property (15 CCR 1350).

501.2 POLICY

This agency shall use the following standardized procedures when receiving youths admitted into this juvenile hall. This is to ensure security within the facility and that youths are properly admitted and afforded their applicable rights.

501.3 PRE-ADMISSION SCREENING

All youths shall be screened prior to admission to ensure the youth is medically acceptable for admission (see the Youth Screening and Evaluations Policy) and that all attached paperwork is present to qualify the youth for admission. Required paperwork may include:

- (a) Custody reports.
- (b) Probable cause declarations.
- (c) Petitions/Warrants/Indictments/Interstate Compact verification for Juveniles or court orders.
- (d) Victim notification information.
- (e) Special needs related to religious practices, such as diet, clothing, and appearance (see the Religious Programs Policy).
- (f) Accommodation requests related to disabilities (see the Youths with Disabilities Policy).
- (g) Information regarding suicidal statements or actions.

Any discrepancies or missing paperwork should be resolved before accepting the youth for admission from the arresting or transporting juvenile institution officer.

Prior to accepting custody of a youth who claims to have been arrested due to a mistake of the youth's true identity or a youth who claims that identity theft led to the issuance of a petition/warrant/attachment/indictment in the youth's name, staff shall make reasonable efforts to investigate the youth's claim of identity fraud or mistake. Staff shall notify a supervisor when a youth makes a claim of mistaken identity or identity fraud.

See Procedures Manual on Notification by Law Enforcement, Weapons Storage and Intake Search for further information.

[NOTIFICATION BY LAW ENFORCEMENT, WEAPONS STORAGE, AND INTAKE SEARCH](#)

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501.3.1 IMMIGRATION DETAINERS

No youth should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of a youth who is the subject of a notification request only when permitted by the California Values Act (Government Code § 7282.5; Government Code § 7284.6).

Prior to providing notice to a federal authority regarding the pending release of a youth, authorization should be obtained from the Assistant Chief Probation Officer.

501.3.2 INTERSTATE COMPACT FOR JUVENILES

When the admission juvenile institution officer identifies a youth whose residence is in another state and the youth is wanted, the Duty Officer will notify the state's Department of Justice, Interstate Compact for Juveniles Office, which will coordinate the return/transfer of the youth to the youth's home state. The Interstate Compact for Juveniles Office will provide proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and may have absconded, escaped, or run away from supervision and control, and in doing so, endangered their own safety and/or the safety of others.

501.3.3 NOTICE TO YOUTHS

Youth in custody shall be given a copy of documentation received from ICE regarding a hold, notification, or transfer request along with information as to whether the Agency intends to comply with the request (Government Code § 7283.1).

If the Agency provides ICE with notification that a youth is being, or will be, released on a certain date, the same notification shall be provided in writing to the youth and to the youth's attorney or to one additional person whom the youth may designate (Government Code § 7283.1).

501.3.4 ICE INTERVIEWS

Before any interview between ICE personnel and an individual in custody for civil immigration violations, the Agency shall provide the youth with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the youth may decline to be interviewed or may choose to be interviewed only with the youth's attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

501.3.5 IMMIGRATION INQUIRIES PROHIBITED

Juvenile Institution Officers shall not inquire into a youth's immigration status for immigration enforcement purposes (Government Code § 7284.6).

501.4 SEARCHES BEFORE ADMISSION

All youths and their property shall be searched for contraband by the admitting juvenile institution officer before being accepted for admission (see the Searches Policy). All contraband items will be handled according to juvenile hall policy. Items of possible evidentiary value may be turned over to the arresting or transporting juvenile institution officer for processing or processed according to the

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facility's rules for handling evidence. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting juvenile institution officer before the youth is accepted for admission. A description of the items returned to the transporting juvenile institution officer shall be documented on the youth's admission record.

Strip searches shall be conducted in accordance with the Searches Policy.

See Procedures Manual on Notification by Law Enforcement, Weapons Storage and Intake Search for further information.

NOTIFICATION BY LAW ENFORCEMENT, WEAPONS STORAGE, AND INTAKE SEARCH

501.5 ADMISSION PROCESS

A unique admission number shall be obtained specific to the admission. Photographs and fingerprints shall be taken.

The admission process should include an attempt to gather a comprehensive record of each youth, including:

- Identifying information, including name and any known aliases or monikers.
- Youth's gender identity, preferred name, and preferred gender pronoun (15 CCR 1352.5).
- Current or last known address and telephone number.
- Parent or guardian information and notification information.
- Date and time of the petition/warrant/attachment/indictment.
- Date and time of admission.
- Name, rank, agency, and signature of the arresting juvenile institution officer and transporting juvenile institution officer, if different.
- Health insurance information.
- Legal authority for confinement, including specific charges, arrest petition/warrant/attachment/indictment information, and court of jurisdiction.
- Sex.
- Age.
- Date and place of birth.
- Race.
- Height and weight.
- Occupation and current or most recent employment.
- Education level, last grade completed, and last school attended.
- Preferred emergency contact, including name, address, telephone number, and relationship to youth.

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- Driver's license number and state where issued, state identification number, or passport number.
- Social Security number.
- Additional information about special custody requirements or special needs.
- Local, state, and federal criminal history records.
- Photographs, fingerprints, and notation of any marks or physical characteristics unique to the youth, such as scars, birthmarks, deformities, or tattoos.
- Medical, dental, and mental health screening records, including suicide risk (15 CCR 1329; 15 CCR 1350).
- Inventory of all personal property including clothing, jewelry, and money.
- A record of personal telephone calls made at the time of admission or the time the opportunity was provided to place calls if the calls were not made.

Inventoried items of rare or unusual value should be brought to the attention of a supervisor. The youth's signature should be obtained on the admission record and on any forms used to record money and property.

See Procedures Manual Receiving and Handling of Medications at Intake for further information.

RECEIVING AND HANDLING OF MEDICATIONS AT INTAKE

501.5.1 LEGAL BASIS FOR DETENTION

Youths admitted to the facility and the youth's parent/guardian shall be notified of the official charge for the detention or the legal basis for the confinement, in a language they understand.

501.5.2 PROHIBITIONS

The Duty Officer is responsible for ensuring only youths who can be lawfully admitted into the facility are accepted. Those generally prohibited for admission include non-offenders transported to the juvenile hall due to no fault of their own (e.g., abuse, neglect, abandonment). Some status offenders may not be accepted for admission unless their detention is pursuant to the core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) (see the Status Offenders and Non-Offenders Policy).

Youths under the age of 12 years will not be accepted into custody unless there are allegations of murder or certain sexual assaults (Welfare and Institutions Code § 602.1).

501.5.3 ESTIMATED LENGTH OF STAY

Youths admitted to the facility and the youth's parent/guardian shall be notified of the youth's estimated length of stay.

The Chief Probation Officer or the authorized designee shall develop program guidelines that include written screening criteria for inclusion and exclusion from post-dispositional programs. The procedure shall include youth advisement of the program guidelines (15 CCR 1350).

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501.5.4 MEDI-CAL ELIGIBILITY AND ENROLLMENT

The Chief Probation Officer or the authorized designee shall establish procedures for collecting Medi-Cal eligibility information and enrollment of eligible youths (15 CCR 1324).

501.5.5 FOOD UPON ARRIVAL

The Duty Officer or the authorized designee is responsible for ensuring youths are offered food upon arrival at the facility (15 CCR 1350; 15 CCR 1460).

501.6 TRANSITION FROM RECEPTION TO GENERAL POPULATION

The Duty Officer is responsible for ensuring only youths who qualify are placed into general population or housing. Those being admitted with clearance paperwork but who are not ready for placement into general population shall be monitored for risk and needs assessment under the Youth Screening and Evaluations Policy.

Youths placed into housing will be provided orientation under the Youth Orientation Policy.

501.6.1 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL

Staff shall respond promptly to medical symptoms presented by youths to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

Custody staff should remain alert to signs of drug and alcohol overdose and withdrawal, which include but are not limited to sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing, and generalized aches and pains. Any staff member who suspects that a youth may be suffering from an overdose or experiencing withdrawal symptoms shall promptly notify the supervisor, who shall ensure that the appropriate medical staff is notified (see the Youth Screening and Evaluations Policy) (15 CCR 1431).

501.6.2 YOUTH SEPARATION

Youths should be kept separate from the general population during the admission process. Newly admitted youths should be separated according to the facility's classification plan (see the Youth Classification Policy).

501.7 YOUTH PROPERTY CONTROL

All property received from youths at the time of admission shall be inventoried. A receipt should be signed by the youth and the admitting juvenile institution officer and referenced to the admitting number before the admission is completed. The original copy of the property receipt will be retained and placed in the youth's file and/or with the property (15 CCR 1350). A second copy will be presented to the youth at the time of admission.

Excess personal clothing shall be mailed to, picked up by, or transported to designated family members or to a person of the youth's choosing, or stored in containers designed for this purpose.

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501.7.1 VERIFICATION OF YOUTH'S MONEY

All money belonging to the youth and retained by the admitting juvenile institution officer shall be verified in front of the youth. When possible, the youth should initial the dollar amount on the admission sheet. All money should be placed in a separate envelope and sealed.

Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. Jewelry and other small property should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should initial across the sealed flap. Should any money be withdrawn or added to the cash envelope, the person making the change shall enter the new amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

501.7.2 PROPERTY STORAGE

All youth property should be stored in a secure storage area. Only authorized personnel may access the storage area and only to deposit or retrieve property, or to conduct duly authorized work, including maintenance and other duties as directed by the Assistant Chief Probation Officer.

501.8 TELEPHONE CALLS

Every person detained in this facility shall be entitled to at least two free phone calls within one hour of admittance unless physically impossible and no later than three hours after arrest (15 CCR 1350). The calls may be of a duration that reasonably allows the person to make necessary arrangements for matters that the person may be unable to complete as a result of being detained. The calls are not intended to be lengthy conversations, and the custody staff may use their judgment in determining the reasonable duration of the calls. If it is determined that the person is the custodial parent with responsibility for a minor child, the person shall be entitled to make such additional telephone calls as reasonably necessary to arrange care for the minor child.

Every youth shall be advised that these telephone calls include one completed call to a parent, a guardian, a person standing in loco parentis, a responsible relative, or the youth's employer, and another completed call to an attorney (Welfare and Institutions Code § 627).

501.8.1 TELEPHONE CALL PROCEDURES

The Agency will pay the cost of local calls. Long-distance calls will be paid by the youth, using calling cards or by calling collect.

Calls between the youth and the youth's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded.

501.8.2 ONGOING TELEPHONE ACCESS

Ongoing telephone access for youths who are housed at this facility will be in accordance with the Youth Telephone Access Policy.

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501.9 SHOWERING AND CLOTHING EXCHANGE

Youths should be allowed to shower before being dressed in clean juvenile hall clothing (15 CCR 1350). Showering should occur before a youth is transferred from the temporary holding area to general population housing (see the Youth Hygiene Policy).

Youth Classification

502.1 PURPOSE AND SCOPE

This policy describes the San Benito County Juvenile Hall's classification process, which is designed to identify security and health issues so that youths may be held in such a way as to foster a safe and secure facility (15 CCR 1352).

502.2 POLICY

It is the policy of this agency to properly classify youths housed in this juvenile hall according to security and health risks so that appropriate supervision, temporary holding, and housing assignments may be made.

502.3 CLASSIFICATION PLAN

The Assistant Chief Probation Officer or the authorized designee should create and maintain a classification plan to guide staff in processing youths brought into the juvenile hall. The plan should include an initial screening process, and a process for determining appropriate housing assignments (28 CFR 115.341; 28 CFR 115.342; 15 CCR 1352). The plan should include use of an objective screening instrument, procedures for deciding classification and housing assignments, intake and housing forms, and a process to ensure that all classification and housing records are maintained in each youth's permanent file. The plan should include an evaluation based on:

- Age.
- Sex.
- Physical size and stature.
- Current charges.
- Behavior during arrest or detention and admission process.
- Criminal, detention, and incarceration history.
- Level of emotional and cognitive development.
- Potential risk to safety of others or self.
- Special needs assessment for vulnerable youths.
- Behavioral or physical limitations or disabilities.
- Medical condition.
- Medical disability.
- Mental health history
- Intellectual or developmental disabilities.
- Suicidal ideation (15 CCR 1329).

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- Escape history and degree of escape risk.
- Prior assaultive or violent behavior.
- The need to be separated from other classifications of youths (e.g., violent offenders, gang affiliation, confidential informants).
- Prior sexual abusiveness.
- Whether the youth is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming (see the Prison Rape Elimination Act Policy for transgender and intersex definitions).
- Previous sexual victimization.
- The youth's own perception of vulnerability.
- Any other criteria deemed appropriate by the Chief Probation Officer or the authorized designee.
- Gender or gender identity (15 CCR 1352).

The plan should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.341).

502.4 INITIAL CLASSIFICATION

The initial classification process is intended to identify predatory, violent, and at-risk youths. It should occur early in the intake process to allow for appropriate supervision while the youth is being temporarily held in this facility and until a decision is made to place the individual into a more permanent housing assignment and orientation is provided (see the Youth Orientation Policy).

Youths should be interviewed by an intake juvenile institution officer as soon as possible in the admission process. The intake juvenile institution officer shall complete the initial classification form. The initial classification form should include a place for the intake juvenile institution officer to make a housing recommendation. This recommendation should be based on the initial classification form, an assessment of the youth's condition, and the youth's interview.

The initial classification form shall be placed in the youth's file and provided to the classification juvenile institution officer, who will, within the limits of available resources, determine the appropriate temporary housing location.

502.5 CLASSIFICATION UPON HOUSING

Once it has been determined that the youth will not be released from custody, a more in-depth classification of the youth will be conducted prior to housing assignment.

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Youth Classification

502.5.1 INTERVIEW

The comprehensive classification process begins with a review of any initial classification information obtained during the reception and admission process, and an interview by the intake juvenile institution officer. The review of initial classification documents and the questions, answers, and observations from the youth's interview and risk assessment will be documented, representing the treatment plan, security level, and housing assignment appropriate for each youth.

502.5.2 OVERRIDE

The intake juvenile institution officer has the authority to override the results when it appears necessary to assign more appropriate housing. The override capability exists to use the juvenile institution officer's training and expertise in those instances when the results are not reflective of the youth's potential security or health risk. Reasons for the override must be documented and approved by the supervisor.

502.6 REVIEWS AND APPEALS

Once a youth is classified and housed, the youth may appeal the decision of the classification juvenile institution officer. The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Assistant Chief Probation Officer or the authorized designee. The decision by the Assistant Chief Probation Officer or the authorized designee is final.

502.6.1 PERIODIC CLASSIFICATION REVIEWS

The juvenile institution officer assigned to the housing units should continually review the status of all youths who are housed in the living unit. The review should examine changes in the youth's behavior or circumstances and should either raise, lower, or maintain the classification status (15 CCR 1352).

Housing and program assignments for each transgender or intersex youth shall be reassessed at least twice each year to determine whether the youth has experienced any threats (28 CFR 115.342).

Youth risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the youth's risk of sexual victimization or abusiveness (28 CFR 115.341).

502.6.2 STAFF REQUESTED REVIEW

At any point during a youth's detention, a staff member may request a review of the youth's classification. The reason for the review, the review itself, and the outcome of the review shall be documented in the youth's permanent file. Nothing in this section shall prohibit staff from immediately moving a youth to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the youth must immediately document the action and notify the Assistant Chief Probation Officer or the authorized designee.

Youth Classification

502.7 HOUSING ASSIGNMENTS

The least restrictive housing and program settings shall be assessed for the youth's safety and placement. Housing assignments shall consider the need for single, double, or dormitory placement (15 CCR 1352). Youths should be housed based upon these criteria:

- Classification level
- Age
- Sex
- Legal status (e.g., non-adjudicated, adjudicated, current charge)
- Public safety considerations
- Need for protection or separation
- Criminal sophistication
- Maturity
- Emotional stability
- Program needs
- Medical and mental health considerations
- Any other criteria identified by the Assistant Chief Probation Officer

502.7.1 SEPARATION REQUIREMENTS

Decisions to separate youths should include consideration of positive youth development and trauma-informed care. When the objective of the separation is discipline, see the Youth Discipline Policy (15 CCR 1354).

Youths shall not be denied normal privileges during separation except when necessary to accomplish the objective of separation (15 CCR 1354).

This section does not prohibit members from placing a youth in a single-occupancy room at the youth's specific request or in accordance with Title 15 regulations regarding separation (15 CCR 1352).

There shall be a daily review of separated youths to determine if separation remains necessary, unless more frequent review is required (15 CCR 1354).

502.7.2 SEPARATION EXCEPTIONS

Youths not required to be in an infirmary for illness may be separated for health and safety issues, with the written approval of a licensed physician or nurse practitioner in accordance with 15 CCR 1354.5:

- (a) To treat and protect against the spread of communicable disease for the shortest amount of time required to reduce the risk of infection.
- (b) For required extended care after medical treatment.

Youth Classification

502.8 CLASSIFICATION SPACE ALLOCATION

The classification plan depends on the ability of the facility to physically separate different classes of youths. To ensure that allocated space meets the current population needs, the Assistant Chief Probation Officer or the authorized designee should periodically meet with representatives of the classification juvenile institution officers to discuss the fixed resources (e.g., rooms, dorms, dayrooms) (15 CCR 1352).

The Assistant Chief Probation Officer should report at least quarterly to the custody management team any space issues (see the Crowding Policy).

502.9 SINGLE-OCCUPANCY ROOMS

Single-occupancy rooms may be used to house these categories of youths:

- Maximum security
- High risk
- Medical condition or disabilities (upon consultation with medical staff and the availability of medical beds)
- Mental condition (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any youth with an elevated risk of being taken advantage of, being mistreated, or becoming a victim of sexual abuse or harassment
- Any other condition or status for single-occupancy housing

The classification supervisor shall notify the Assistant Chief Probation Officer or the authorized designee when single-occupancy rooms are not available for housing the above described youths. In such cases, a risk assessment shall be used to identify youths in the above categories who may be safely housed together.

502.10 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS

Housing, bed, program, education, and work assignments should be made in an effort to keep youths safe and free from sexual abuse.

Housing and program assignments of a transgender or an intersex youth shall include individualized consideration for the youth's health and safety and any related supervisory, management, or facility security concerns. A transgender youth's or an intersex youth's views regarding the youth's own safety shall be given serious consideration (15 CCR 1352.5).

Identification or status as lesbian, gay, bisexual, transgender, or intersex shall not be considered as an indicator of likelihood of being sexually abusive (28 CFR 115.342; 15 CCR 1352).

Lesbian, gay, bisexual, transgender, or intersex youths shall not be placed in particular housing, bed, or other assignments based on such identification or status (28 CFR 115.342).

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Staff shall consider any recommendations from the youth's health care provider. The decision to house youths in a unit that does not match their gender identity, including any reason(s), shall be documented (15 CCR 1352.5).

502.10.1 SEPARATING YOUTH FROM THE GENERAL POPULATION

No youth should be separated from the general population unless an assessment of available alternatives has been made and the classification supervisor has determined that there is no available alternative means to keep the youth and other youths safe. The basis for safety concerns and the reasons why no alternative means of separation are available shall be documented.

Youths may only be separated from the general population until an alternative means to keep all youths safe can be made.

During any period of separation, youths may not be denied daily large-muscle exercise and legally required educational programming or special education services. Separated youths should not be denied access to other programs and work opportunities as reasonably possible (28 CFR 115.342).

Separated youths shall also receive daily visits from a medical or mental health care provider (28 CFR 115.342; 15 CCR 1354).

502.11 STAFF TRAINING IN CLASSIFICATION

Members should receive training specific to youth classification before performing classification duties. Individuals not specifically trained in youth classification may perform classification duties under the immediate supervision of a trained and qualified staff member.

Youth Orientation

503.1 PURPOSE AND SCOPE

This policy provides for the orientation of youths admitted into the San Benito County Juvenile Hall. The purpose of the orientation is to inform youths of the juvenile hall routine, rules, youth rights, and services (15 CCR 1353).

503.2 POLICY

The Assistant Chief Probation Officer should provide an effective method of orienting all incoming youths that includes a handbook for youths. Provision should be made to provide accessible orientation information to all youths, including those with disabilities, limited English proficiency, or limited literacy. Both written and verbal information will be provided.

503.3 ACCESS TO ORIENTATION

The orientation should take place before youths are moved to housing and should be an ongoing process in the housing area so that the information is available to youths throughout their entire time in custody.

503.4 INITIAL ORIENTATION

To assist with the youth's transition into the custody environment, the orientation shall include the following topics, supplemented by a more detailed orientation handbook provided to each youth (15 CCR 1353):

- (a) Facility rules and disciplinary procedures
- (b) Behavior modification program
- (c) Correspondence, visiting, and telephone rules
- (d) Availability of personal care items and opportunities for personal hygiene
- (e) Youth grievance procedure, including all steps and deadlines necessary to exhaust the grievance process, the youth's right to be free of retaliation for reporting a grievance, and the name of the person or position designated to resolve the issue
- (f) Medical, dental, and mental health and counseling services available
- (g) Programs and activities
 - 1. This should include identification of any services and programs available in a language other than English.
- (h) Classification/housing assignments
- (i) Court process and access to legal services
- (j) Access to educational services
- (k) Availability of reading materials
- (l) Use of force/physical restraint

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- (m) Use of restraints and chemical agents
- (n) Age-appropriate sexual abuse and sexual harassment information, including (28 CFR 115.333):
 1. Zero-tolerance policy
 2. Prevention and intervention
 3. Instruction on how youths can avoid being victims of sexual abuse and sexual harassment through self-protection techniques
 4. Reporting sexual abuse or sexual harassment incidents, including how to report such incidents anonymously
 5. Treatment and counseling provided for victims of sexual abuse or sexual harassment
 6. Mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations and, for persons detained solely for civil immigration purposes, immigrant services agencies (28 CFR 115.353)
 7. Information regarding confidentiality, monitoring, and mandatory reporting
- (o) Contacting foreign consuls
- (p) Immigration legal services
- (q) Religious services
- (r) Emergency and evacuation procedures (e.g., fires)
- (s) Voting, including registering to vote
- (t) An approved list of items that youths are permitted to possess
- (u) Non-discrimination policy
- (v) Identification of key staff and their roles
- (w) Room confinement
- (x) How to request different housing, education, programming, and work assignments
- (y) How parents/guardians receive information regarding the youth's stay
- (z) A process to request access to Title 15 Minimum Standards for Juvenile Facilities

In addition to English, orientation information will be provided in the most commonly used languages for the youth population.

The Assistant Chief Probation Officer should consider enlisting the assistance of volunteers qualified and proficient in both English and the language in which they are providing translation assistance to translate the orientation information. Use of outside translation sources may also be considered.

Interpretive services will be provided to youths who do not speak English or any of the other languages in which the orientation information is available.

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A written and signed acknowledgement of the orientation and receipt of the handbook should be maintained in the youth's permanent file (28 CFR 115.333).

503.5 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED, AND DEAF OR HARD OF HEARING YOUTHS

Youths who cannot read, are visually impaired, or have intellectual, psychiatric, or speech disabilities or limited reading skills shall have materials read to them by a staff member or presented to them using audible recorded media (28 CFR 115.316).

Youths who are deaf or are hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the youth in understanding the information.

Case Management

504.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the Agency uses effective case management that determines program needs for each youth while the youth is detained and implements strategies to reduce recidivism by supporting the youth's successful reintegration into the community.

504.2 POLICY

It is the policy of the Agency to provide effective case management of youths while they are detained in the San Benito County Juvenile Hall.

504.3 ASSESSMENTS

Initial and periodic risks and needs assessments essential for developing individual case plans should be conducted in the youth's primary language and should include (15 CCR 1355):

- Documentation that supports appropriate program placement and also includes consideration of the health care treatment plan (15 CCR 1413).
- Facilitation of counseling services, contacts, and communication with parents/guardians, families, attorneys, clergy, probation/parole officers, and others when indicated (15 CCR 1356).
- Coordination of discharge planning to link youths and families with supportive aftercare programs and other resources to continue to meet the needs of youths and/or families after youths are released into the community (see the Discharge Plan Policy (15 CCR 1413)).

Trained agency staff should only administer assessment and screening instruments/tools designed specifically for youth populations at admission, during orientation to the facility, and during periodic reviews to collect information related to the youth's risk factors, program needs, strengths, and challenges.

Agency members shall utilize valid and reliable juvenile assessment instruments designed to address specific subject matter, including substance use, abuse, and dependency; mental health history; educational needs; vocational/employment training; work history; prior counseling and treatment experiences; behavioral health needs; trauma (e.g., physical abuse, sexual abuse); and family dynamics (e.g., strengths, needs) (15 CCR 1431).

The assessment findings shall be stored in the youth's case file and shared and coordinated with authorized recipients who have both the right to know and a need to know during case conferences to ensure proper programming placement and continuity of services consistent with the youth's individualized service plan.

504.3.1 INSTITUTIONAL PLAN

An institutional case plan, and post-adjudicated transition plan shall be developed for each youth held for at least 30 days and created within 40 days of admission. The plan should include:

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- (a) Input from family, supportive adults, youth, and the Regional Center for the Developmentally Disabled, when feasible.
- (b) A plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented.
- (c) Objectives and time frames for resolution of issues identified in the case plan, periodic evaluation of progress, and other requirements set forth in 15 CCR 1355.

504.4 CASE NOTES

Members shall document, in the youth's case file, notable behavior, including positive and negative interaction with peers, staff, and authority figures; progress toward goals and objectives outlined in the youth's treatment plan; and participation in groups, school, activities, and recreation. Documentation should occur at least every other day, and preferably daily, and also include notations of non-eventful days.

Along with documentation, staff members are responsible for reporting their observations and concerns about a youth's behavior to other staff on-duty.

504.5 COUNSELING AND CASEWORK

Any youth requesting services or believed to need counseling services shall be referred to qualified mental health staff in a timely manner (see the Mental Health Care section in the Availability and Standards of Care Policy; also see the Counseling Services Policy).

For youths in crisis, see the Counseling Services Policy.

504.6 TRAINING

The Agency may provide annual training and review of all case management policies and procedures to ensure staff remains current in their delivery of relevant programs and services.

Youth Counts

505.1 PURPOSE AND SCOPE

Youth population counts are vital to the security of the facility, the safety of the staff, and the welfare of the youths. This policy establishes guidelines for the frequency of youth counts, ensuring that all youths and their status can be accounted for at any time (15 CCR 1324).

505.2 POLICY

It is the policy of this agency to account for all youths within and under the control of this facility through scheduled and other counts as needed.

505.3 PROCEDURE

The Assistant Chief Probation Officer or the authorized designee shall be responsible for creating and maintaining a written procedure establishing the process and frequency of counts. Youth counts shall be conducted at least once every eight hours. Emergency counts may be conducted at the direction of the Duty Officer as needed. Electronic counts shall not be substituted for direct staff observation.

All counts shall be documented on the daily activity log and verified by the Duty Officer. Counts shall include all youths in custody, including those on work assignments, furlough, and education release and those who are off-site, such as the hospital or court.

Any discrepancy in the count should immediately be reported to the Assistant Chief Probation Officer and resolved prior to the release of the shift personnel responsible for the count. A formal count in which all youths are personally identified by juvenile institution officer should be conducted once a day at a time established by the Assistant Chief Probation Officer. The result of the formal count will be used to calculate the average daily population statistics for the facility.

If an escape is discovered during the youth count, the Duty Officer will initiate action to investigate the escape by promptly notifying law enforcement agencies and the Assistant Chief Probation Officer, initiating a search, and complying with other procedures as needed in accordance with the Facility Emergencies Policy.

A complete report of the incident will be prepared and provided to the Chief Probation Officer or the authorized designee as soon as practicable.

All count sheets shall be signed by the Duty Officer and forwarded to the Administrative Services Specialist. Count sheets shall be maintained for a period prescribed by statute, ordinance, or policy.

Youth Safety Checks

506.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a requirement for conducting periodic visual safety checks for all youths, and for creating and maintaining a log to document all safety checks (15 CCR 1328).

For additional requirements on safety checks, see the Room Confinement, Safety Rooms and Camera Rooms, and Suicide Prevention and Intervention policies.

506.2 POLICY

It is the policy of the San Benito County Juvenile Hall that all members shall conduct periodic safety checks on all youths at a frequency determined by the custody status of the youth, the youth's housing classification, and applicable state law.

506.3 SAFETY CHECKS

Members should adhere to the following procedures when conducting safety checks (15 CCR 1328):

- (a) Safety checks shall be conducted at least every 15 minutes on an irregular (staggered) schedule and more frequently if necessary.
 - 1. The safety checks shall be conducted during hours when youths are asleep or when youths are in their rooms, confined in holding cells, or confined to their bed in a dormitory (15 CCR 1328).
- (b) Safety checks shall be conducted on an irregular schedule so youths cannot predict when the checks will occur.
- (c) Safety checks should be conducted by direct visual observation and include observation of skin, breathing, and movement to confirm that movement is not of a dangerous or emergency-related nature.
- (d) Cameras and monitors may supplement the required visual observation safety checks, but they shall not replace the need for direct visual observation.
- (e) Safety checks will be clearly documented on permanent logs in accordance with the Daily Activity Logs and Shift Reports Policy.
- (f) Actual times of the checks and notations should be recorded on the daily activity logs by the member who conducted the check.
- (g) Log entries shall never be made before the actual check. Log entries made in this manner do not represent factual information and are prohibited.

Safety check log entries are not required when youths are continually monitored under direct supervision during group settings such as education, programming, or recreation activity, or otherwise are within sight of staff and are not confined in holding rooms, sleeping rooms, or dorm settings (see the Supervision of Youths Policy for additional requirements on supervision).

Adult Housing

507.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the housing of adults in the facility and for preventing contact between adults and youths.

507.1.1 DEFINITIONS

Definitions related to this policy include:

Adult - A person 18 years of age or older (Welfare and Institutions Code § 602), unless the person either:

- (a) Turned 18 years of age prior to or during the period of detention and is not yet 19 years of age as set forth in Welfare and Institutions Code § 208.5.
- (b) Is under 21 years of age and has been approved to remain housed with youths until 21 years of age as set forth in Welfare and Institutions Code § 208.5.

507.2 POLICY

It is the policy of this agency to limit the housing of adults to only those times when it is necessary, and to ensure adults receive appropriate care while limiting their exposure to youths when they are at this facility.

507.3 ADULT UNIT

All adults shall be housed separately from youths. Sight and sound contact between the two groups is prohibited in the housing unit. The Agency will seek to provide accommodations and services to adults equivalent to those provided to youths. Significant departures from the services and programs available to youths should only be denied to adults with Assistant Chief Probation Officer consent.

507.4 SUPERVISION

Adults in custody should be monitored and supervised to ensure their safety and security. Supervision should include but is not limited to:

- (a) Being able to hear and respond to adult inmates.
- (b) Conducting direct visual observation safety checks of all adult inmates at least once every 15 minutes at irregular intervals. Audio/video electronic surveillance systems may supplement but shall not replace direct visual observation.
- (c) Observing the adult's movement during safety checks.
- (d) Documenting all safety checks.

507.5 REMOVAL

The Assistant Chief Probation Officer or the authorized designee should take appropriate steps to have adults removed from the facility as soon as reasonably practicable.

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507.5.1 NOTIFICATION OF RIGHT TO PETITION

Unless the juvenile court orders continued detention in the San Benito County Juvenile Hall, the Assistant Chief Probation Officer or the authorized designee should consider, when a youth turns 19 years of age, whether to maintain custody of the youth or, upon recommendation of the youth's probation officer, deliver the youth to the custody of the sheriff. The Assistant Chief Probation Officer shall only approve retaining custody of youths 19 years of age or older but under 21 years of age if the juvenile court maintains jurisdiction of the youth and if the Board of State and Community Corrections has approved the San Benito County Juvenile Hall as a suitable place for housing individuals ages 19 to 21 with others under the age of 18. Youths under 21 years of age shall be advised of their right to petition the court if housing with others under the age of 18 is denied (Welfare and Institutions Code § 208.5).

507.6 VISUAL AND AUDITORY CONTACT

Youths should have very limited visual or auditory contact with adults in custody. Any incidental or accidental visual or auditory contact should be minimal and brief. Members trained in the supervision of youths shall maintain a constant, side-by-side presence with the youth or the adult to prevent sustained contact (34 USC § 11133; 28 CFR 115.14).

507.7 RECREATION PROGRAMS

All adult inmates should be allowed reasonable recreation and programming.

Adult inmates should be provided with unstructured activities daily (e.g., watching television).

Status Offenders and Non-Offenders

508.1 PURPOSE AND SCOPE

This policy addresses status offenders and non-offenders to ensure compliance with the Juvenile Justice Delinquency Prevention Act (JJJPA) (Welfare and Institutions Code § 207; Welfare and Institutions Code § 601).

508.1.1 DEFINITIONS

Definitions related to this policy include:

Non-offender - An abused, neglected, dependent, civil detainee, or alien juvenile in the custody of the San Benito County Juvenile Hall (Welfare and Institutions Code § 300). This also includes any juvenile 11 years of age or younger being held for any reason other than those meeting the exceptions in Welfare and Institutions Code § 602.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile 12 to 17 years of age suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender (Welfare and Institutions Code § 601).

508.2 POLICY

It is the policy of the San Benito County Juvenile Hall that youths who are non-offenders or status offenders shall not be held in secure detention, and that status offenders shall not be kept at the Juvenile Hall in violation of the JJJPA.

508.3 STATUS OFFENDERS

A status offender may only be detained by the Agency upon a court order. The Chief Probation Officer or the authorized designee should ensure the validity of the court order prior to a status offender being accepted into custody (34 USC § 11133). If the youth is a ward of the court as described in the Welfare and Institutions Code § 601, legal counsel shall be consulted before the youth is admitted to ensure compliance with Welfare and Institutions Code § 213.3.

508.4 SEPARATION

The Chief Probation Officer shall ensure required separation of youths classified as status offenders and non-offenders in accordance with Welfare and Institutions Code § 206:

- (a) Separate segregated facilities may be provided in the juvenile hall or elsewhere.
- (b) The facilities required for non-offenders shall be nonsecure.

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Status Offenders and Non-Offenders

508.5 REQUIRED REPORTING

The Assistant Chief Probation Officer shall report monthly to the Board of State and Community Corrections on the appropriate form (Welfare and Institutions Code § 207). Information required shall include:

- (a) Each youth detained as described in the Welfare and Institutions Code § 601.
- (b) The place and length of time of the youth's custody.
- (c) The reasons why the detention was necessary.

508.6 NON-OFFENDERS

Non-offenders shall not be held by the Agency in any secure detention facility (34 USC § 11133).

508.6.1 EXCEPTIONS

Juveniles 11 years of age or younger may, with Assistant Chief Probation Officer approval, be held by this agency when taken into custody for any of the following offenses (Welfare and Institutions Code § 602):

- (a) Murder.
- (b) Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- (c) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- (d) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- (e) Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

The Assistant Chief Probation Officer should explore alternatives to custody in these cases that include the least restrictive alternatives that may be facilitated by behavioral health services or other alternative services (Welfare and Institutions Code § 602.1).

Staff and Youth Contact

509.1 PURPOSE AND SCOPE

Member interaction with youths in custody creates opportunities for staff to demonstrate appropriate social interaction and provide positive adult role models for youths. Interaction with youths allows for continual assessment of the safety and security of the juvenile hall and the health and welfare of the youths. However, inappropriate interaction can undermine security and order in the facility and the integrity of the supervision process.

This policy provides guidelines for appropriate and professional interaction between members and youths and is intended to promote a positive custody environment with high ethical standards of honesty, integrity, and impartiality and increase facility safety, discipline, and morale.

Violation of this policy may result in disciplinary action up to and including dismissal. Members who seek information or clarification about the interpretation of this policy are encouraged to promptly contact their supervisor (15 CCR 1324).

509.2 POLICY

The Assistant Chief Probation Officer shall ensure that youths have adequate ways to communicate with members and that the staff communicates and interacts with youths in a timely and professional manner.

509.3 GENERAL CONTACT GUIDELINES

Members are encouraged to interact with the youths under their supervision and are expected to take prompt and appropriate action to address health and safety issues discovered or brought to their attention.

All members should present a professional and command presence in their contact with youths. Members shall address youths in a civil and age-appropriate manner. Using profanity or derogatory comments, including any based on race, sex, age, personal appearance, or sexual identity, is strictly prohibited (see the Youth Nondiscrimination Policy) (15 CCR 1324).

Written communication (e.g., request forms, youth communication, grievances, rules infraction forms, disciplinary reports) should be answered in a timely manner, under the applicable policy. Such communication should be filed with the youth's records.

Members shall not dispense legal advice or opinions or recommend attorneys or other professional services to youths.

While profanity and harsh language are prohibited, the Agency recognizes the necessity for staff to give youths direction in a firm, determined, and authoritative manner to maintain proper supervision and control. Authoritative directions to youths are particularly instructive when activities or events pose a threat to the safety or security of this facility.

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Staff and Youth Contact

509.3.1 OPERATIONAL GUIDELINES

Members should not be alone with youths of the opposite sex unless no other reasonable option is available. Members should avoid situations that create the appearance of impropriety such as seclusion with a youth or inappropriate touching.

509.4 ANTI-FRATERNIZATION

Personal or other interaction not pursuant to official duties between members and current youths, youths who have been discharged within the previous year, their family members, or known associates has the potential to create conflicts of interest and security risks in the work environment.

Members shall not knowingly maintain a personal or unofficial business relationship with any persons described in this section unless written permission is received from the Assistant Chief Probation Officer.

Prohibited interactions include but are not limited to:

- (a) Communications of a sexual or romantic nature.
- (b) Salacious exchanges.
- (c) Sexual abuse, sexual assault, sexual contact, or sexual harassment.
- (d) Exchanging letters, phone calls, or other similar communications, such as texting.
- (e) Exchanging money or other items.
- (f) Extending privileges, or giving or accepting gifts, gratuities, or favors.
- (g) Bartering.
- (h) Any financial transactions.
- (i) Being present at the home of a youth for reasons other than an official visit without reporting the visit.
- (j) Providing a youth with the staff member's personal contact information, including social media accounts.

509.4.1 EXCEPTIONS

The Assistant Chief Probation Officer may grant a written exception to an otherwise prohibited relationship on a case-by-case basis based upon the totality of the circumstances. In determining whether to grant an exception, the Assistant Chief Probation Officer should consider factors including but not limited to:

- Whether a relationship existed prior to the custody of the youth.
- Whether the relationship would undermine security and order in the facility and the integrity of the supervision process.
- Whether the relationship would be detrimental to the image and efficient operation of the facility.

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- Whether the relationship would interfere with the proper discharge of, or impair impartiality and independence of judgment in, the performance of duty.

509.5 REPORTING

Members shall promptly report all attempts by youths to initiate sexual acts or any salacious conversations, and report any correspondence from a youth or former detained youth to the Assistant Chief Probation Officer or the authorized designee.

Members shall report all attempts by youths to intimidate or instill feelings of fear to their supervisor.

Members shall promptly notify their immediate supervisor in writing if:

- A family member or close associate has been admitted to the custody of the juvenile hall.
- The member is involved in a personal or family relationship with a current youth or with a youth who has been discharged within the previous year.

Limited English Proficiency Services

510.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

510.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the San Benito County Juvenile Hall, designated by the Agency, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

510.2 POLICY

It is the policy of the San Benito County Juvenile Hall to reasonably ensure that LEP individuals have meaningful access to services, programs, and activities of the San Benito County Juvenile Hall while not imposing undue burdens on its members.

The Agency will not discriminate against or deny any individual access to services, rights, or programs based on national origin or any other protected interest or right (15 CCR 1324).

510.3 LEP COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to the LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Assistant Chief Probation Officer or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

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- (a) Coordinating and implementing all aspects of the San Benito County Juvenile Hall's LEP services.
- (b) Developing procedures that enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by this agency to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of this agency in providing meaningful access to LEP individuals and, as appropriate, developing reports, developing new procedures, and recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding agency LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to agency services, programs, and activities.

510.4 FOUR-FACTOR ANALYSIS

Because members could encounter many languages, the Agency will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by agency members, or who may benefit from programs or services within the jurisdiction of this agency or a particular geographic area
- (b) The frequency with which LEP individuals are likely to come in contact with agency members, programs, or services

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- (c) The nature and importance of the contact, program, information, or service provided
- (d) The cost of providing LEP assistance and the resources available

510.5 TYPES OF LEP ASSISTANCE AVAILABLE

San Benito County Juvenile Hall members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Agency will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Agency will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may accept agency-provided LEP services at no cost, or they may provide their own.

Agency-provided LEP services may include but are not limited to the assistance methods described in this policy.

510.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will make these translated documents available to members and other appropriate individuals, as necessary.

510.7 AUDIO RECORDINGS

The Agency may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

510.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established agency procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and juvenile justice terminology and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interviews, taking statements, collecting evidence, and conveying rights or responsibilities.

When a qualified bilingual member from this agency is not available, personnel from other county departments identified by the Agency as having the requisite skills and competence may be requested.

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510.9 AUTHORIZED INTERPRETERS

Any person designated by the Agency to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language and must understand the functions of an interpreter that allow for correct and effective translation. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language
- (b) Knowledge, in both languages, of any specialized terms or concepts specific to this agency and of any specific vocabulary or phraseology used by the LEP individual
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser
- (d) Knowledge of the ethical issues involved when acting as a language conduit

510.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Agency may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this agency or personnel from other county departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this agency, and with whom the Agency has a resource-sharing or other arrangement that they will interpret according to agency guidelines.

510.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted above) and have been approved by the Agency to communicate with LEP individuals.

When qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, agency members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

510.10 CONTACT AND REPORTING

Although all juvenile justice contacts, services, and individual rights are important, this agency will utilize the four-factor analysis to prioritize service to LEP individuals so such services can be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any member of this agency is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Agency or some other identified source.

510.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The San Benito County Juvenile Hall will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

510.12 CUSTODIAL INTERROGATIONS

Miscommunication during detention interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations of LEP individuals. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

510.13 INTAKE

When gathering information during the intake process, members should remain alert to the impediments that language barriers can create. In the interest of the youth's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and intake information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that intake instructions may not be properly understood by an LEP individual.

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510.14 COMPLAINTS

The Agency shall ensure that LEP individuals who wish to file a complaint regarding members of this agency are able to do so. The Agency may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during a complaint investigation should not be members of this agency.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

510.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Agency will provide periodic training on this policy and related procedures, including how to access agency-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

510.15.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Control of Youth Movement

511.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the safe and secure movement of youths between areas within the facility.

511.2 POLICY

The staff should be vigilant in the control and movement of youths between areas within the facility. Control may be by direct or indirect visual observation. All staff should consider all youth movement as a high-risk activity. The staff should be aware of their surroundings and take steps to prevent the possession and exchange of contraband.

511.3 CONTROL OF MOVEMENT

Staff shall not allow youths to leave their assigned area or program unless they have approved activities, which may include but are not limited to the following:

- (a) Court
- (b) Receiving a visit
- (c) Movement to the dining area
- (d) Law enforcement interview
- (e) Receiving mental health services, dental, or medical care
- (f) Attending educational classes or religious services
- (g) Release
- (h) Facility emergency
- (i) Any other reason deemed appropriate by staff

511.4 MOVEMENT OF YOUTHS

Movement of one or more youths in the facility should be done upon youth identification and in an orderly manner, with youths walking in a single-file line. Staff members should have situational awareness during the movement of youths and should consider the design of the facility, areas of poor visibility, and the presence of other youths being moved. Staff members should be aware of areas where youths may have access to contraband items.

511.5 MOVEMENT SECURITY

While inside the facility, youths should be restrained during movement based on individual security classification and in accordance with the Restraints Policy.

Whenever a high-security youth cannot be restrained, the staff should increase the number of staff present to ensure the safe movement of the youth.

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Control of Youth Movement

The staff should be watchful in and around passageways and ensure that sallyport doors are secured to prevent escape.

Management of Weapons and Control Devices

512.1 PURPOSE AND SCOPE

This policy will address the availability and control of weapons, chemical agents, and control devices.

512.2 POLICY

It is the policy of the San Benito County Juvenile Hall that the presence and use of weapons in the facility will be tightly controlled and supervised to reduce the potential for injury. Staff will only carry and use weapons and control devices that they are trained and qualified to use.

512.3 FIREARMS

Firearms shall only be allowed in the secure perimeter of the facility when it is necessary to protect the safety and security of staff, youths, contractors, volunteers, or the public.

Firearms shall only be allowed inside the secure perimeter with the approval of the Assistant Chief Probation Officer or the authorized designee and under the direct supervision of a supervisor.

512.4 INVENTORY

The Assistant Chief Probation Officer should designate at least one properly trained staff member to be responsible for maintaining all chemical agents and control devices in a safe and secure manner, and to inventory and report the condition and availability of the facility's chemical agents and control devices on a monthly basis.

To facilitate the inventory, all chemical agents and control devices shall be stored in a locked and secure location. A log sheet shall be maintained in the secure location at all times, detailing the exact location of each item. The removal of any chemical agents or control device shall be documented on the log sheet, including who removed the item, the date and time of removal, and the reason for removal. An additional log entry shall be made indicating the date and time of the item's return.

The Juvenile Hall Supervisor and the Assistant Chief Probation Officer shall be immediately notified if any chemical agent or control device is determined to be missing. An immediate and thorough search of the facility shall take place to locate the item (15 CCR 1324).

512.5 REVIEW, INSPECTION, AND APPROVAL

Every control device and chemical agent will be periodically inspected for serviceability and expiration dates by the Juvenile Hall Supervisor or the instructor designated to train on the use of a particular control device or chemical agent. The Juvenile Hall Supervisor or the designated instructor is responsible for ensuring replacement of outdated or unserviceable items (15 CCR 1324).

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513.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines governing application of force, limitations on the use of force, supervisor's responsibilities, and reporting requirements for incidents involving the application of force (15 CCR 1357).

513.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force which creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Excessive force - The use of more force than is objectively reasonable under the circumstances to accomplish a lawful purpose.

Use of force - Any application of physical techniques or tactics, to include chemical agents or weapons, to another person. It is not a use of force when the youth allows others to search, escort, handcuff, or restrain the youth.

513.2 POLICY

It is the policy of the San Benito County Juvenile Hall to accomplish the Agency's functions with minimal reliance on the use of force.

513.3 USE OF FORCE

Employees may use force as reasonably appears necessary in the performance of their duties, but excessive force shall not be used. Juvenile Institution Officers must use only that amount of force that appears reasonably necessary under the circumstances in order to gain control of the youth; protect and ensure the safety of youths, staff, and others; prevent serious property damage; prevent escape; obtain compliance with facility rules and staff orders; or ensure the institution's security and good order, or for other lawful purposes.

The Agency provides tools, weapons, and training on techniques to use when responding to resistance and violent encounters. While various degrees of force exist, each juvenile institution officer is expected to use only that degree of force that is reasonable under the circumstances to successfully accomplish the legitimate and lawful purpose in accordance with this policy.

Circumstances may arise in which staff may reasonably believe it would be impractical or ineffective to use any of the standard tools, weapons, or methods provided by the Agency. Staff members may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate government purpose.

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In any review of an incident to determine whether a particular use of force conforms to this policy, the Agency will evaluate the apparent need for an application of force, the relationship between that need and the amount of force used, the threat reasonably perceived, any efforts made to temper the severity of a forceful response, and the extent of any injury to the youth.

Prior to resorting to the use of force, staff should, when practicable, attempt verbal persuasion, orders, or other tactics to avoid or mitigate the need for forceful action (15 CCR 1357).

Force shall never be used as punishment, retaliation, discipline, or treatment (15 CCR 1357).

Medical checks will be performed by a qualified health care professional on all youths who have been subjected to force as soon as practicable regardless of apparent injury. If no qualified health care professional is available, the shall be transported to the designated health care facility.

Nothing in this policy is intended to require that force options be used in a particular order. However, the force option used must be objectively reasonable under the circumstances to accomplish a lawful objective.

513.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether juvenile institution officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to juvenile institution officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the juvenile institution officer at the time.
- (c) Juvenile Institution Officer/youth factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of juvenile institution officers available versus youths).
- (d) The conduct of the involved members (Penal Code § 835a).
- (e) The effects of drugs or alcohol on the youth.
- (f) Youth's apparent mental state or capacity (Penal Code § 835a).
- (g) The youth's apparent ability to understand and comply with juvenile institution officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the youth has been effectively restrained and the youth's ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible methods to resolve the situation without using force, including de-escalation (Penal Code § 835a).
- (k) The seriousness of the suspected offense or reason for contact with the youth.
- (l) Training and experience of the juvenile institution officer.

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- (m) Potential for injury to juvenile institution officers, youths, and others.
- (n) Whether the youth appears to be resisting or is attacking the juvenile institution officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the youth or a prompt resolution of the situation to maintain or restore order.
- (q) Whether the conduct of the youth being confronted no longer reasonably appears to pose an imminent threat to the juvenile institution officer or others.
- (r) Awareness of the youth's propensity for violence.
- (s) The feasibility of giving the youth a warning prior to using force.
- (t) Any other exigent circumstances.

513.3.2 DUTY TO INTERCEDE

Any juvenile institution officer present and observing another staff member using force that is clearly not within this policy is expected, when reasonable to do so, to intercede to prevent the use of such force as soon as practicable and in all cases report the use promptly to a supervisor (15 CCR 1357).

513.3.3 HEALTH CARE

The Assistant Chief Probation Officer should include the Medical Director in developing policies and procedures related to the use of force.

A youth who has been the subject of a use of force should be seen by medical and mental health staff, even in cases where no emergency care appears necessary (15 CCR 1357).

513.3.4 LIMITATIONS

Any immediate means of overcoming resistance and controlling the threat of imminent harm to any person including the youth should only be applied when deemed reasonable and necessary (15 CCR 1302; 15 CCR 1357).

513.4 USE OF CHEMICAL AGENTS

Chemical agents shall only be used in the juvenile hall as authorized by the Assistant Chief Probation Officer or the authorized designee and in accordance with the Agency's Chemical Agents Training Policy. Oleoresin capsicum (OC) spray should not be used in areas where youths are assigned to respiratory isolation or on any youth who is under control with or without restraints.

Agency-approved OC spray or foam may be possessed and used only by staff members who have received agency-authorized training in its use.

Youths who have been affected by chemical agents should be promptly provided with the proper solution to decontaminate the affected areas.

If the youth refuses to decontaminate, such a refusal shall be documented. If a youth has been exposed in the youth's room and not removed from the room where the exposure occurred, in-room decontamination shall be afforded to the youth, including:

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- (a) Appropriate staff advising the youth how to decontaminate in the youth's room.
- (b) Clean clothing if the youth's clothing was contaminated.
- (c) Monitoring of the in-room youth as much as practicable, but at least every 15 minutes, for a period of not less than 45 minutes, by a designated staff.

Youths who have been exposed to chemical agents should not be left unattended until it reasonably appears the youth is fully decontaminated or no longer suffering any effects of the chemical agent (15 CCR 1357).

513.4.1 LIMITATIONS

Chemical agents should only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible (15 CCR 1357).

513.4.2 FACILITY MANAGER RESPONSIBILITIES

The Assistant Chief Probation Officer will develop procedures for the use of chemical agents, including methods for decontamination, notification to parents/guardians, and documentation. The Assistant Chief Probation Officer shall identify the approved types, sizes, and methods of deployment of chemical agents (15 CCR 1357).

513.5 IMMEDIATE AND CALCULATED USE OF FORCE

An immediate use of force occurs when force is used to respond without delay to a situation or circumstance that constitutes an imminent threat to security or safety. For example, the immediate or unplanned use of force by staff may be necessary to stop a youth from inflicting life-threatening self-injuries or to stop an assault on any other person, including other youths. The destruction of government property may require the immediate use of force by staff in some circumstances. A verbal warning should be given before an immediate use of force unless the circumstances preclude it.

If there is no need for immediate action, staff should attempt to resolve the situation through voluntary compliance or, if it reasonably appears necessary, the calculated use of force. A calculated use of force is called for when a youth's presence or conduct poses a threat to safety or security and the youth is in an area that can be controlled or isolated, or when time and circumstances permit advance planning, staffing, and organization.

The assistance of available non-custodial staff (e.g., psychologists, counselors) should be considered when attempting to resolve a situation without confrontation.

A supervisor or duty officer shall be present in any situation involving the calculated use of force. The supervisor or duty officer shall notify the Assistant Chief Probation Officer or the authorized designee for approval and consultation prior to any calculated use of force action.

513.5.1 CONFRONTATION AVOIDANCE PROCEDURES

Prior to any calculated use of force, the supervisor shall confer with the appropriate persons to gather pertinent information about the youth and the immediate situation. Based on the

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supervisor's assessment of the available information, the supervisor should direct staff to attempt to obtain the youth's voluntary cooperation and consider other available options before determining whether force is necessary.

The supervisor should consider including the following persons and resources in the process:

- (a) Mental Health Specialist
- (b) Qualified Health Care Professional
- (c) Any other relevant resources

Regardless of whether discussions with any of the above resources are accomplished by telephone or in person, the purpose is to gather information to assist in developing a plan of action, such as the youth's medical/mental history (e.g., asthma or other breathing related illness, hypoglycemia, diabetes), any recent incident reports, or situations that may be contributing to the youth's present condition (e.g., pending criminal prosecution or sentencing, recent death of a loved one, divorce). The assessment should include discussions with staff members who are familiar with the youth's background, criminal charges, and present status. This may provide insight into the cause of the youth's immediate agitation. It also may identify other staff members who have a rapport with the youth and could possibly resolve the incident peacefully, without the use of force.

If force is determined to be necessary and other means of gaining control of a youth are deemed inappropriate or ineffective, then the use of force team technique should be used to control the youth and to apply restraints, if required.

Consideration should also be given to preventing exposure to communicable diseases in calculated use of force situations, and to ensuring that medical services personnel are available.

513.6 REPORTING THE USE OF FORCE

Every staff use of force is an incident that shall be reported on the appropriate report form (15 CCR 1362). Any staff member who uses force and any staff directly observing the incident shall make a verbal report to a supervisor as soon as practicable and shall submit the appropriate documentation prior to going off-duty, unless directed otherwise by a supervisor.

The documentation will reflect the actions and responses of each staff member participating in the incident, as witnessed by the reporting staff member.

The report should include (15 CCR 1357):

- (a) A clear, detailed description of the incident, including any application of weapons or restraints.
- (b) The identity of all individuals involved in the incident (e.g., youths, staff, others) to include any individuals consulted.
- (c) The specific reasons for the application of force.
- (d) The threat as perceived by the staff involved.

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- (e) Efforts made to temper the severity of a forceful response, and if there were none, the reasons why.
- (f) Description of any injuries to anyone involved in the incident, including the result of any medical checks that show the presence or absence of injury.
- (g) Documentation regarding the use of force including chemical agents (e.g., type of chemical agents deployed, decontamination procedures, notification to medical staff and parents/guardians) (15 CCR 1357).

A video recording should be utilized for all calculated use of force incidents and should include the introduction of all staff participating in the process. The recording and documentation will be part of the investigation package. The supervisor should ensure the recording is properly processed for retention and a copy is forwarded with the report to the Assistant Chief Probation Officer.

The supervisor responsible for gathering the reports may allow a reasonable delay in preparation of a report in consideration of the immediate psychological and/or physical condition of the involved juvenile institution officer.

Absent supervisor approval, written reports on the use of force should be submitted by the end of the shift (15 CCR 1362).

513.6.1 REQUIRED NOTIFICATIONS

Supervisors should ensure that a written report of all use of force incidents that resulted in an injury, a serious threat of injury, or death is prepared and submitted to the Assistant Chief Probation Officer by the end of the shift (15 CCR 1362).

In addition to the notification of medical and mental health staff, the Assistant Chief Probation Officer should ensure the parent or legal guardian of the youth is informed of any use of force, including the use of chemical agents (15 CCR 1357).

513.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported use of force, the supervisor is expected to (15 CCR 1357):

- (a) Obtain the basic facts from the involved juvenile institution officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) In cases involving the use of deadly force or when serious injury has resulted, obtain an oral statement from the employee. The statement should be restricted to concerns of anything that may present an ongoing threat to the security of the facility or public safety.
- (c) Take appropriate measures to address safety concerns, document the essence of the oral statement in writing, and submit it to the Duty Officer.
- (d) Ensure that the appropriate investigative authority is notified, if needed.

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- (e) Ensure that any parties involved in a use of force situation are examined by medical staff, regardless of whether any injuries are reported or detectable, and afforded medical treatment as appropriate.
- (f) Separately obtain a recorded interview with all youths upon whom force was used. If this interview is conducted without the person having voluntarily waived *Miranda* rights, the supervisor should ensure the following in the event a report is submitted to a prosecuting authority:
 - 1. The fact that a recorded interview was conducted by a supervisor and retained for the use of force review should be clearly documented.
 - 2. The content of the interview should not be summarized or included in any related reports submitted to the prosecuting authority.
- (g) The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (h) Once any initial medical assessment or first aid has been completed, ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas. These photographs should be retained until all potential civil litigation has expired.
- (i) Identify any witnesses not already included in related reports.
- (j) Review and approve all related reports.

If the supervisor determines that any application of force was not within policy, the supervisor should detail those findings in a separate report. If there is an injury or complaint of an injury, the supervisor should also prepare a risk management report and should submit all reports to the Assistant Chief Probation Officer.

In the event that the supervisor believes the incident may give rise to civil litigation, a separate claim form should be completed and routed to the appropriate channels.

In the event that a supervisor is unable to respond to the scene of an incident involving a reported use of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

If a youth has made an allegation of an unnecessary or excessive use of force, the interview should be video-recorded and shall be documented on the appropriate report form.

513.7.1 GRIEVANCES

Supervisors responding to, or reviewing, a reported use of force should provide the involved youth a grievance form and explain the process as needed (15 CCR 1357). Grievances alleging excessive force should be referred to the Assistant Chief Probation Officer, as appropriate.

513.8 USE OF DEADLY FORCE

If an objectively reasonable juvenile institution officer would consider it safe and feasible to do so under the totality of the circumstances, juvenile institution officers should evaluate the use of

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other reasonably available resources and techniques when determining whether to use deadly force (Penal Code § 835a).

A juvenile institution officer may use deadly force to protect the juvenile institution officer or others from what the juvenile institution officer reasonably believes is an imminent threat of death or serious bodily injury to the juvenile institution officer or another person (Penal Code § 835a).

Juvenile Institution Officers shall not use deadly force against a youth based on the danger that the youth poses to themselves, if an objectively reasonable juvenile institution officer would believe the youth does not pose an imminent threat of death or serious bodily injury to the juvenile institution officer or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable juvenile institution officer in the same situation would believe that a youth has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the juvenile institution officer or another person. A juvenile institution officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

513.8.1 USE OF DEADLY FORCE - REPORTING

An employee who intentionally or accidentally uses deadly force, whether on- or off-duty, shall ensure that a supervisor is notified of the incident without delay.

The supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical, and security measures are initiated.

The Supervisor or Duty Officer shall promptly notify the Assistant Chief Probation Officer of any incident involving a staff member employing deadly force, or any incident where a death or serious bodily injury may have been caused by a staff member.

513.9 USE OF FORCE REVIEW

The Supervisor or Duty Officer shall review all related reports of use of force incidents occurring on the Supervisor’s or Duty Officer’s command. The review is to determine whether the use of force complied with policy, procedure, and applicable law, and to determine if follow-up action or investigation is necessary. The Supervisor or Duty Officer should also ensure that a review packet containing a copy of all pertinent reports and materials is prepared and forwarded to the Assistant Chief Probation Officer (15 CCR 1357).

513.9.1 TRAUMA MITIGATION

Juvenile Hall Supervisors should also make recommendations for mitigating the effects of trauma that may have been experienced by staff and/or youths involved as appropriate (15 CCR 1357).

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513.10 TRAINING

The Assistant Chief Probation Officer shall work with the Training Manager to ensure legal and facility training mandates are met. This training shall include the following (15 CCR 1322; 15 CCR 1357):

- (a) Use of force
- (b) Weapons training
- (c) Self-defense
- (d) Confrontation avoidance procedures:
 - 1. Communication techniques
 - 2. De-escalation techniques
 - 3. Communicating and interacting with the mentally ill
 - 4. Communicating and interacting with juveniles
 - 5. Application of restraints
- (e) Forced room extraction techniques
- (f) Use of force team techniques
- (g) General restraint training (soft and hard restraints)
- (h) Reporting procedures
- (i) Any additional state-mandated training (e.g., medical conditions that would affect the application of force, instruction on constitutional limitations) (15 CCR 1357)
- (j) Options when a particular use of force is ineffective
- (k) Specific use of force options that may or may not be used in the facility

513.10.1 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the juvenile institution officer's training file.
- (c) Juvenile Institution Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be restricted from carrying the control device until demonstrating proficiency. If juvenile institution officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the juvenile institution officer may be subject to discipline.

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513.10.2 PERIODIC TRAINING

Supervisors should conduct and document periodic briefings concerning this policy and the storage and use of weapons and control devices. Any test sheets or documentation of performance should be forwarded to the Training Manager to be included in the employee's training record.

Restraints

514.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application of, supervisory oversight of, and restrictions on the use of restraints on youths detained in this juvenile hall (15 CCR 1358).

This policy does not apply to the use of electrical restraints.

514.1.1 DEFINITIONS

Definitions related to this policy include:

Restraints - Any device designed to restrict a person's bodily movement. Examples include handcuffs, leather restraints, and leg irons (15 CCR 1358).

514.2 POLICY

It is the policy of this agency that the use of restraints should be reserved only for situations where they are reasonably necessary, and that they should be used safely.

514.3 GENERAL REQUIREMENTS

The following apply to the use of restraints (15 CCR 1358):

- (a) Restraints shall only be applied by members trained and authorized to use them, and in a manner consistent with their training.
- (b) Restraints used should be only those approved by the Agency and should not have been altered from their original design.
- (c) Restraints shall be used only to prevent self-injury or injury to others, serious property damage, or escape.
 1. The danger to themselves or others should be immediate.
- (d) A supervisor shall be notified as soon as practicable when restraints are used, or before they are applied if time allows. A supervisor should monitor the situation until the restraints are removed.
 1. The Assistant Chief Probation Officer or the authorized designee shall also be notified as soon as practicable when restraints are applied, or before they are applied if time allows.
 2. The Assistant Chief Probation Officer or the authorized designee shall approve the use, and continued use, of any restraints hourly.
 3. The Assistant Chief Probation Officer may delegate authority for the decision to place a youth in restraints or allow a youth to continue in restraints to a physician.
- (e) Restraints shall generally be used as a last resort.
- (f) Use of restraints shall be discontinued as soon as practicable when it is reasonably believed the need for them no longer exists.

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- (g) Restraints shall never be used to inflict pain, punishment, discipline, retaliation, harassment, compliance, or intimidation, or as a substitute for treatment.
- (h) Plastic cuffs should be used only in unusual situations where handcuffs are not available.
- (i) A supervisor should be notified of any restraints that are faulty or malfunctioning.
- (j) Members shall conduct constant visual supervision of a restrained youth. Members should also:
 - 1. Have the youth medically evaluated as soon as practicable, but within two hours. The youth shall be medically cleared for continued restraint use every three hours.
 - 2. Have the youth evaluated by a mental health professional as soon as practicable, but within four hours if the youth is still restrained.
- (k) Restrained youths shall be protected from other youths, held in an area designated for restrained youths, and not left alone with other youths.
- (l) Youths should not be restrained to any fixed object, such as room furnishings or fixtures, nor shall their hands and feet be bound together behind the back (hogtying).
- (m) Restrained youths shall have access to water, meals, and toilet facilities when they can be reasonably accommodated.

More frequent checks and further authorizations are required in other special circumstances covered under this policy. Exceptions to the above reporting and authorization requirements are covered below in Transportation Restraints.

514.4 SPECIFIC DUTIES OF THE FACILITY MANAGER

The Assistant Chief Probation Officer should include the Medical Director and the person assigned to direct mental health care in developing policies and procedures related to the use of restraints (15 CCR 1358).

The procedures should require an individual assessment of the need to apply restraints for movement or transportation within the Juvenile Hall and should include consideration of less-restrictive alternatives, the youth's medical or mental health conditions (if known), and trauma-informed approaches (15 CCR 1358.5).

514.5 TRANSPORTATION RESTRAINTS

The following applies to the use of restraints for the standard transportation or movement of youths (see the Control of [Youth] Movement and Transportation of [Youths] Outside the Secure Facility policies) (15 CCR 1358.5):

- (a) Restraints may be used when moving a youth from point to point within a secure facility, but restraints should be removed upon arrival. (Restraints will not be used on pregnant youths except as indicated below in Pregnant Youths.)

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- (b) Restraints should be used when transporting a youth in a vehicle, but they should not be attached to anything in the vehicle or to another youth. Restraints shall only be used under the following circumstances (Welfare and Institutions Code § 210.6):
 - 1. A juvenile institution officer of the Agency, in consultation with the transporting agency, has determined that restraints are necessary to prevent escape or an injury to the youth or another.
 - 2. The least restrictive form of restraint is used based on the facts.
 - 3. Juvenile Institution Officers shall document the reason why a particular restraint device was selected and the circumstances leading to its application.

514.6 SUBSTANTIALLY RESTRICTIVE RESTRAINTS

The following apply to restraint applications that prevent a youth from standing upright and walking (e.g., four-point restraint, a stiff nylon or polyurethane blanket, nylon or polyurethane wrap) (15 CCR 1358):

- (a) Use should be restricted to those times when a youth is showing self-injurious behavior, and only when other less restrictive interventions or other forms of restraint reasonably appear to be inappropriate or ineffective.
- (b) Prior Assistant Chief Probation Officer authorization is required for this level of restraint.
- (c) The restraints should be applied out of sight of other youths.
- (d) Restrained youths should be near health care professionals or specially trained staff with supervisory responsibilities specific to the oversight of youths under these restraints.
- (e) Any application for longer than one hour requires a written recommendation from a health care professional or a mental health provider.
- (f) Any application for longer than two hours should be treated as a behavioral health crisis and shall result in an immediate referral to a mental health provider or a mental health facility for further assessment and possible treatment.
- (g) No application should exceed three hours in a 24-hour period, either all at once or collectively.
- (h) Constant visual supervision of the youth shall be maintained (may be from behind a window as long as clear audio contact is maintained, but observation should not be by video).
- (i) Youths should be allowed five minutes at every 30-minute interval to move and stretch their arms and legs.
- (j) Restraints should not interfere with regularly prescribed medications, unless otherwise ordered by a physician.
- (k) A properly trained person should assess and document the youth's circulation, positioning, and breathing at least every 10 minutes.
- (l) Any key required for release should be kept readily available.

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- (m) CPR-trained and equipped members should be available for immediate response.

514.7 DOCUMENTATION

All use of restraints other than those consistent with approved transportation protocol should be fully documented, including:

- (a) The name of the youth.
- (b) The member who applied the restraints.
- (c) The reason for the application.
- (d) The date, time, and duration of the restraint.
- (e) Any less-intrusive interventions that were tried and proved unsuccessful in managing the behavior.
- (f) The type of restraint.
- (g) The location of the restraint.
- (h) Whether any injury was involved, and a description of any injuries.
- (i) The mental health evaluation and prescription for restraint, if applicable.
- (j) Observations of the youth's behavior.
 - 1. These shall be logged at least every 15 minutes.
- (k) Any staff or health care provider interventions or unusual events.
 - 1. These shall be logged within 15 minutes of the intervention or event.
- (l) The date and time of safety checks.
- (m) The name and title of persons authorizing the restraints.
- (n) Reasons for continued restraint, documented at least every hour (15 CCR 1358).

Supervisors should review each documented use of restraints and evaluate whether policy was followed and whether training issues were raised.

514.8 ACQUISITION AND MAINTENANCE OF RESTRAINTS

The Assistant Chief Probation Officer's authorized designee is responsible for:

- (a) Verifying that only professionally manufactured restraints are acquired for use.
- (b) Inspecting all restraints.
- (c) Documenting all inspections.
- (d) Repairing or replacing faulty or malfunctioning restraints.
- (e) Maintaining restraints according to manufacturer's guidelines.

Restraints

514.9 PREGNANT YOUTHS

Restraints will not be used on youths who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the youth, the staff, or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

Youths who are known to be pregnant will not be handcuffed behind their backs, or placed in waist restraints, or leg restraints (15 CCR 1417; Penal Code § 3407; Penal Code § 6030).

514.9.1 YOUTHS IN LABOR

No youth who is in labor, delivery, or recovery from a birth shall be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (15 CCR 1417; Penal Code § 3407; Penal Code § 6030).

No youth who is in labor, delivering, or recovering from a birth shall be restrained except when all of the following exist (15 CCR 1417; Penal Code § 6030):

- (a) There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the youth, the staff of this juvenile hall, the medical facility, other youths, or the public.
- (b) A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.
- (c) There is no objection from the treating medical care provider.
- (d) The restraints used are the least restrictive type and are used in the least restrictive manner.

Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary (15 CCR 1417; Welfare and Institutions Code § 222).

The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification, and the underlying extraordinary circumstances.

514.10 TRAINING

The Training Manager should facilitate initial and ongoing training on the use of restraints, to include (15 CCR 1358):

- (a) Proper use of restraints that members are assigned to use.
- (b) Prohibitions regarding placing restraints around a youth's neck or applying them in a way that is likely to cause undue physical discomfort or restrict blood flow or breathing (e.g., hogtying).
- (c) Risks associated with restraints and restraint methods.
- (d) Verifying proper application after restraints are placed on a youth and responding to complaints of pain or discomfort.

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- (e) Specialized training for those who may restrain a youth in a way that prevents standing upright and walking.
- (f) A review of this policy.
- (g) Required authorizations for different types of restraints.
- (h) Medical conditions that would affect the application of force.
- (i) Approved restraint devices.
- (j) Signs or symptoms that should result in immediate referral to medical or mental health staff.
- (k) Availability of cardiopulmonary resuscitation equipment.
- (l) How to provide for the exercising of a restrained youth's arms and legs.

Searches

515.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the U.S. Constitution. Searches shall be conducted in a manner that preserves the privacy and dignity of the youth being searched (15 CCR 1360).

The introduction of contraband, intoxicants, or weapons into the San Benito County Juvenile Hall facility poses a serious risk to the safety and security of staff, youths, volunteers, contractors, and the public. Any item that is not available to all youths may be used as currency by those who possess the item and allow them to have control over other youths. Any item that may be used to disengage a lock, other electronic security devices, or the physical plant itself seriously jeopardizes the safety and security of this juvenile hall. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of youths and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from a youth.

515.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Anything unauthorized for youths to possess, or anything youths are authorized to possess, but in an unauthorized manner or quantity.

Modified strip search - A search that requires a youth to remove or rearrange some of the youth's clothing. It does not include a visual inspection of the breasts, buttocks, or genitalia of the youth but may include a thorough tactile search of the youth's partially unclothed body. This also includes searching the youth's clothing once it has been removed.

Pat-down search - The normal type of search used by juvenile institution officers within this facility to check others, including youths, for weapons or contraband. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the juvenile institution officer, the youth, or other youths.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a youth, and the vagina of a female youth.

Strip search - A search that requires a youth to remove or rearrange some or all of the youth's clothing to permit a visual inspection of the youth's underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring a youth while the youth is showering or changing clothes and the youth's underclothing, buttocks, genitalia, or female breasts are visible to the monitoring member.

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515.2 POLICY

It is the policy of this agency to ensure the safety of staff, youths, and visitors by conducting effective and appropriate searches of youths and areas within the facility in accordance with applicable laws.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

515.3 PAT-DOWN SEARCHES

Pat-down searches will be performed on all youths upon entering the secure admission area of the facility. At a minimum, the juvenile institution officers should conduct pat-down searches in circumstances that include:

- (a) When youths leave their housing units to participate in activities elsewhere in the facility and when they return.
- (b) During physical plant searches of entire housing units.
- (c) When youths come into contact with other youths housed outside of their housing units, such as on work details or while attending school.
- (d) Any time the juvenile institution officer believes the youths may have contraband on their persons.

Except in emergencies, male juvenile institution officers may not pat down female youths and female juvenile institution officers may not pat down male youths. Absent the availability of a same-sex juvenile institution officer, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (28 CFR 115.315; 15 CCR 1360).

515.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES, AND PHYSICAL BODY CAVITY SEARCHES

Juvenile Institution Officers will generally consider the reason for the search, the scope, intrusion, manner, and location of the search, and will utilize the least invasive search method to meet the need for the search.

515.4.1 STRIP SEARCHES AND MODIFIED STRIP SEARCHES

Strip searches shall be conducted as follows:

- (a) No youth shall be subjected to a modified strip search or strip search unless there is reasonable suspicion based on specific and articulable facts to believe the youth has a health condition requiring immediate medical attention or is concealing a weapon or contraband (Penal Code § 4030; Penal Code § 4031). Factors to be considered in determining reasonable suspicion include but are not limited to:
 1. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

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2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
 3. Custody history (e.g., past possession of contraband while in custody, assaults on staff, escape attempts).
 4. The person's actions or demeanor, such as a refusal to submit to a pat-down search.
 5. Criminal history (e.g., level of experience in a detention setting, including convictions for escape, possession of drugs or weapons, crimes of violence, being a fugitive or detainee for any of those offenses).
 6. An alert by a metal detector or drug detection device.
 7. Other reliable information that the person possesses drugs, weapons, or contraband.
- (b) Except in the case of a medical emergency, no modified strip search or strip search of a youth shall be conducted without prior written authorization from the Duty Officer (Penal Code § 4030).
- (c) The juvenile institution officer conducting the modified strip search or strip search shall (15 CCR 1360):
1. Document the name and sex of the person subjected to the strip search.
 2. Document the facts that led to the decision to perform a strip search of the youth.
 3. Document the reasons less intrusive methods of searching were not used or were insufficient.
 4. Document the supervisor's approval.
 5. Document the time, date, and location of the search.
 6. Document the names, sex, and roles of any staff present.
 7. Itemize in writing all contraband and weapons discovered by the search.
 8. Process all contraband and weapons in accordance with the Agency's current evidence procedures.
 9. If appropriate, complete a crime report and/or disciplinary report.
 10. Ensure the documentation is placed in the youth's file. A copy of the written authorization shall be retained and made available to the youth or the youth's authorized representative upon request (Penal Code § 4030).

515.4.2 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be completed as follows:

- (a) No person shall be subjected to a physical body cavity search without approval of the Assistant Chief Probation Officer or the authorized designee, and only with the issuance of a search warrant. A copy of any search warrant and the results of the

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physical body cavity search shall be included with the related reports and made available, upon request, to the youth or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (b) Only a physician may conduct a physical body cavity search. Except in exigent circumstances, only a physician who is not responsible for providing ongoing care to the youth may conduct the search (Penal Code § 4031).
- (c) Except for the physician conducting the search, persons present must be of the same sex as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present (Penal Code § 4030; Penal Code § 4031).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the youth.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Assistant Chief Probation Officer's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date, and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex, and roles of any staff present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Completed documentation should be placed in the youth's file. A copy of the written authorization shall be retained and made available to the youth or the youth's authorized representative upon request (Penal Code § 4030).
- (g) All contraband and weapons should be processed in accordance with the Agency's current evidence procedures.
- (h) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

515.4.3 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in a private area so that the search cannot be observed by persons not participating in the search (Penal Code § 4031).

Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted by juvenile institution officers of the same sex as the youth being searched (Penal Code § 4030; Penal Code § 4031). Any cross-gender modified strip searches and cross-gender strip searches shall be documented (28 CFR 115.315; 15 CCR 1360).

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Whenever possible, a second staff member of the same sex should be present during the search for security purposes and to witness the discovery of evidence.

The juvenile institution officer conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched (Penal Code § 4030; Penal Code § 4031). These areas may be touched through the clothing during a modified strip search.

- (a) The searching juvenile institution officer will instruct the youth to:
 1. Remove clothing.
 2. Raise both arms above the head and turn 360 degrees.
 3. Bend forward and run both hands through the hair.
 4. Turn the head first to the left and then to the right so the searching juvenile institution officer can inspect the youth's ear orifices.
 5. Open the mouth and run a finger over the upper and lower gum areas, then raise the tongue so the juvenile institution officer can inspect the interior of the youth's mouth. Remove dentures and any dental appliances if applicable.
 6. Turn around and raise one foot first, then the other, so the juvenile institution officer can check the bottom of each foot.
 7. For a visual cavity search, turn around, bend forward, and spread the buttocks if necessary to view the anus.
- (b) At the completion of the search, the youth should be instructed to dress in either the youth's street clothes or juvenile hall-supplied clothing, as appropriate.

The searching juvenile institution officer may consider whether the youth has a history of physical or sexual abuse and, when reasonable to do so, consider having the search conducted by a qualified health care professional.

515.4.4 BODY SCANNER SEARCH

When a scanner is reasonably available, a body scan should be performed on all youths upon entering the secure booking area of the juvenile hall. If a body scanner is used, members (Penal Code § 4030):

- (a) Within sight of a visual display of a body scanner depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask female youths if they are pregnant prior to a body scan and should not knowingly use a body scanner on a female youth who is pregnant.

The body scanner should generally be used whenever reasonably practicable in place of a modified strip search, strip search, or body cavity search of a youth in housing unless one of those searches is reasonably necessary after the scan.

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515.5 TRANSGENDER SEARCHES

Juvenile Institution Officers shall not search or physically examine a transgender or intersex youth for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions)(15 CCR 1352.5). If genital status is unknown, it may be determined during conversations with the youth, by reviewing medical records, or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.315).

When it is reasonably practicable and safe to do so, staff should consider the youth's preference regarding the gender of the staff member who conducts the search (15 CCR 1352.5).

515.6 CONTRABAND SEARCHES

The staff shall always be alert to the possible presence of contraband and shall take immediate action to seize the contraband when practicable. There are several types of searches that contribute to contraband control and maintaining a safe and secure environment.

515.7 HOUSING UNIT SEARCHES

Housing unit searches shall occur as directed by a supervisor or a duty officer if a supervisor is not available. These searches should include all living spaces occupied by youths. Housing unit searches should be scheduled in a manner that does not create a pattern where the youths can predict such searches. During a housing unit search:

- (a) All youths shall vacate their living areas and be searched by staff.
- (b) Youths should be escorted to a separate holding area, such as the recreation yard.
- (c) Staff shall search the living areas of the youths, including bedding, personal storage areas, bunks, and other areas with youth access.
- (d) Any weapons or contraband located shall be processed in accordance with the current evidence procedures.
- (e) The staff shall attempt to identify the youth who possessed the contraband and file appropriate youth discipline and/or crime reports.
- (f) Any alcoholic beverage possessed by youths shall be seized and the appropriate youth disciplined and/or criminal charges filed.
- (g) Any authorized item found in excess of the limited quantity (e.g., food items, newspapers) shall be seized and discarded.

At the conclusion of the housing unit search, closely supervised youth workers should clean the unit. All authorized youth personal property shall be respected, and living areas should be returned to an orderly condition.

515.8 PHYSICAL PLANT SEARCHES

The following areas of this juvenile hall shall be periodically searched for contraband:

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- (a) Exercise yards shall be searched for contraband prior to and after each youth group occupies the yard.
- (b) Holding rooms shall be searched prior to and after each youth occupies the room.
- (c) Program areas, such as classrooms and multipurpose rooms, shall be searched after each use by a youth or youth group.
- (d) Laundry areas shall be searched before and after each youth group occupies the area.
- (e) Youth visiting and public areas shall be frequently inspected for contraband.
- (f) The facility perimeter shall be searched at least once each day for contraband.

515.8.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist juvenile institution officers in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol, and weapons, will be allowed within the secure perimeter of the facility. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the facility.

Canines will generally be used to assist juvenile institution officers in general physical plant or living area searches. Contact between youths and canines should be kept to a minimum (see the Canines Policy).

515.9 CRIMINAL EVIDENCE SEARCHES

The Assistant Chief Probation Officer or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime.

Any evidence collected in connection with an alleged crime shall be reported, documented, and stored to protect it from contamination, loss, or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

515.10 TRAINING

The Training Manager shall provide for training for staff in how to conduct pat-down searches, modified strip searches, and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex youths (28 CFR 115.315).

Canines

516.1 PURPOSE AND SCOPE

The canine program aids staff in locating contraband and maintaining the security of this facility. This policy outlines requirements of the program, its staff, and the expectations of the Agency.

516.2 POLICY

The San Benito County Juvenile Hall is committed to ensuring its facilities are free from contraband and drugs and to maintaining facility security. This is done by employing trained canine teams to help detect drugs and other contraband, in accordance with all applicable laws, regulations, and agency policies and procedures.

516.3 GUIDELINES FOR THE USE OF CANINES

Canines may assist staff in conducting searches for contraband. At no time may a canine be used to demean, punish, or psychologically torment youths. Contact between canines and youths should be minimal. Canines should not be used to search individuals. Canines may be used for:

- Searching youth housing units, including dorms, during a housing unit search, as described in the Searches Policy.
- Physical plant searches, as described in the Searches Policy.
- Searching unoccupied intake/booking areas.
- Searching unoccupied transportation vehicles before and after youth use.
- Conducting perimeter patrol, building searches, and area searches.

516.3.1 WARNINGS AND ANNOUNCEMENTS

When a canine is used to conduct a contraband or drug search, all youths and staff shall relocate to a designated area separate from the area to be searched to ensure the safety of youths and staff.

The canine handler shall not conduct a search of any area until all youths have been relocated and the search has been approved by the Assistant Chief Probation Officer.

516.3.2 REPORTING CANINE USE, BITES, AND INJURIES

Whenever the use of the canine results in a bite or any injury, an incident report shall be completed. The injured party should receive required medical attention as soon as possible.

Photographs should be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained with the incident report until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

Discharge Plan

517.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for developing plans to discharge youths to ensure a smooth transition to their homes and communities.

517.2 POLICY

It is the policy of this agency that all youths prior to their discharge shall be provided a release packet containing an individualized discharge plan and information on applicable community resources.

517.3 DISCHARGE PLANNING

Discharge planning is a dynamic process, not an event. Planning shall begin at admission and continue throughout the length of stay at this juvenile hall.

Appropriate agency staff shall meet face-to-face with the youth on a routine basis to review, update, and revise the discharge plan as needed.

A qualified agency staff member or designated personnel will oversee the discharge planning process, including (15 CCR 1324):

- (a) Identifying and consulting with parents/guardians responsible for the youth upon discharge.
- (b) Creating a written discharge plan utilizing the agency-approved youth risk/needs assessment, case/progress notes, education evaluations, medical, and mental health evaluations to determine needs at the time of release (15 CCR 1413; 15 CCR 1438; 15 CCR 1437).
- (c) Making recommendations for further treatment, educational services, or other transitional services to prepare the youth for discharge.
- (d) Identifying sex offender registration requirements and treatment/counseling services/requirements needed upon release.
- (e) Reviewing victim's notification requirements.
- (f) Identifying aftercare services available to youths and coordinating educational services, including transferring educational courses and transcripts to the appropriate school district.
- (g) Notifying parents/guardians of the date and time of release.
- (h) Identifying supervision agencies (e.g., probation, parole).
- (i) Arranging for a limited supply of medication and prescription (15 CCR 1437; 15 CCR 1439).
- (j) Taking appropriate actions to ensure the treatment needs of the youth are provided and accessible and the safety interest of the public is best served.

Discharge Plan

- (k) Documenting any additional referrals or community resources needed.

For youths being released who reside in another state, see the Interstate Compact content in the Release Procedure section of the Release Policy.

517.4 COMMUNITY RESOURCES

The information packet with community resources should contain, at a minimum, the contact information for the following organizations and resources:

- Community health centers/family services organizations
- Employment centers/one-stop-career centers
- Registry office to obtain an identification card (e.g., DMV)
- Substance abuse and mental health providers (15 CCR 1431)
- Education/General Education Development (GED) agencies
- Temporary and transitional housing resources
- Other community-based resources (e.g., substance abuse counseling)

Subject to the approval of the Chief Probation Officer or the authorized designee, the staff or community providers may offer classes within the facility that are related to these community services.

Transportation of Youths Outside the Secure Facility

518.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of youths outside this juvenile hall and to ensure that the staff assigned to transportation duties is qualified and adequately trained.

This policy also provides guidelines for the San Benito County Juvenile Hall to ensure compliance with the Interstate Compact for Juveniles (ICJ) when conducting the interstate movement of youths and providing supervision and safe return of youths to another state.

518.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide safe, secure, and humane transportation for all youths and other persons as required by law.

During an interstate movement, this agency shall provide supervision and secure transportation of youths to the appropriate airport departure terminal, bus terminal, or train station and oversee the boarding process.

518.3 PROCEDURES

Only staff members who have completed agency-approved training on youth transportation should be assigned youth transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the vehicle being operated.

Any member who transports a youth outside the secure confines of this facility is responsible for:

- (a) Obtaining all necessary paperwork for the youth being transported (e.g., medical/dental records, commitment documents).
- (b) Submitting a completed transportation plan to the transportation supervisor. Items that should be addressed in the plan include:
 1. Type of restraints to be used on the youth being transported (Welfare and Institutions Code § 210.6).
 2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security of the community in mind.
 3. Emergency response procedures in the event of a collision, the breakdown of a transportation vehicle, or some other unforeseen event.
 4. Site verification, unloading and reloading instructions, and parking rules at the destination.
- (c) Ensuring that all youths are thoroughly searched and appropriate restraints are properly applied.

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1. Youths who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (see the Restraints Policy).
- (d) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.
- (e) Thoroughly searching the transporting vehicle for contraband before any youth is placed inside, and again after removing the youth from the transporting vehicle.
- (f) Ensuring youths leave all property and reading materials in their housing unit, except for authorized legal material.
- (g) Managing special conditions (e.g., suicidal youths, youths wearing spit hoods) that may require closer observations or visual monitoring.
 1. Members should advise a supervisor at the receiving facility of any circumstances the member reasonably believes could lead to potential safety concerns or medical risks (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred before or during transportation (see the Suicide Prevention and Intervention and Release, Transfers, and Continued Care policies) (15 CCR 1329).
- (h) Keeping the vehicle locked except when boarding or unloading youths.
- (i) Notifying Operations Room upon departure and arrival at each destination of:
 1. The transport team/vehicle identifiers.
 2. The number of youths by gender.
 3. The destination.

518.3.1 PROHIBITIONS

When transporting youths, members should not:

- (a) Transport youths with adults.
- (b) Transport youths together who have known hostilities toward each other, such as mutual combatants or rival gang members.
- (c) Leave the vehicle unattended with a youth inside.
- (d) Handcuff a youth to any part of a vehicle.
- (e) Stop to conduct any personal activities.
- (f) Respond to calls or engage in other activities except in exigent circumstances.
- (g) Transport a youth in a vehicle not equipped to safely transport a youth, except in an emergency. A properly equipped vehicle should be requested.
- (h) Drive in a manner intentionally designed to punish or make youths uncomfortable, including allowing unreasonable environmental factors (e.g., loud or objectionable music, excessive heat or cooling).

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Transportation of Youths Outside the Secure Facility

518.3.2 TRANSPORTATION LOGS

Youth transportation logs shall be developed by the Assistant Chief Probation Officer or the authorized designee and be used to log all youth transportation. The logs shall include:

- Name and identification number of the youth.
- Date and start/stop time of the transport.
- Location where the youth was transported.
- Name and identification number of the transporting juvenile institution officer.
- Circumstances of any unusual events associated with the transportation.

The logs shall be retained by the facility in accordance with established records retention schedules.

518.4 OFFICE OF INTERSTATE COMPACT FOR JUVENILES

The ICJ is a contract between the states that regulates juveniles who are under court supervision or who have run away from home and left their state of residence. States ratifying the compact are bound by federal law to observe the terms of the agreement (see the Youth Reception Policy).

This agency shall coordinate through the Department of Juvenile Justice Interstate Compact for Juveniles Office (Office), in compliance with the Interstate Commission for Juveniles, the Office's coordination of movement of youths to and from sending and receiving states. The receiving state should coordinate and assume financial responsibility for all transportation arrangements for youths that include airlines, trains, and other means of ground transportation.

518.4.1 ICJ PROCEDURES

The Duty Officer or the authorized designee shall:

- (a) Comply with all arrangements coordinated by the ICJ.
- (b) Acknowledge notification of the arrangements.
- (c) Provide safe and secure transportation of youths according to the ICJ.
- (d) Provide a documentation packet that includes a completed Out-of-State Transportation Checklist.
- (e) Notify the Transportation Security Administration (TSA) at the airport of the date and time of arrival.
- (f) Prior to departure, prepare a discharge packet and include the following:
 1. Copy of the face/fact sheet
 2. Youth's picture
 3. Copy of all court orders
 4. Copy of warrant/order to produce
 5. Copy of other legal documentation from both states
 6. Copy of travel information (e.g., flight itinerary, bus schedule, train schedule)

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7. Airport, bus station, or train station security information/contact
 8. Out-of-State Transportation Checklist, completed by social worker
 9. Out-of-State Transportation Officer Summary
 10. Receiving agency contact information
- (g) When transporting a male youth, there must be at least one male transportation juvenile institution officer present. When transporting a female youth, there must be at least one female transportation juvenile institution officer present. There are no exceptions. The transportation juvenile institution officers will each sign for the discharge packet.
- (h) Prior to departure from the facility, the Duty Officer or the authorized designee should meet with the transportation juvenile institution officers and review all directions or special instructions concerning the transportation duty.
- (i) Youths shall not to be given any information regarding their travel arrangements or port of departure.
- (j) Transportation juvenile institution officers assigned to transportation duty must have agency identification as well as their valid driver's license. The Duty Officer or the authorized designee on duty shall verify that transportation juvenile institution officers have the proper identification in their possession prior to leaving the unit.
- (k) Youths shall be transported and restrained according to the Restraints Policy.
- (l) Upon arrival at the airport, the transporting juvenile institution officers will request airport security personnel, or the law enforcement escort, to escort the transportation juvenile institution officers and the youth to the departure gate.
- (m) The transporting juvenile institution officers will accompany the youth, without restraining devices, through airport security to the appropriate departure gate.
- (n) Once in the boarding area, one of the transportation juvenile institution officers will provide identification to the gate attendant and request to board the plane last.
- (o) After the youth boards the plane, the transporting juvenile institution officers will remain in the boarding area until the plane departs.
- (p) If at any time the transporting juvenile institution officers are instructed by an outside agency to deviate from the standard operating procedures, the transporting juvenile institution officers shall immediately contact the facility Duty Officer or the authorized designee.
- (q) The Duty Officer or the authorized designee will contact the OICS to confirm the departure of the youth or inform them of any deviation from the original interstate compact agreement.

518.5 TRAINING

The Training Manager shall ensure that all employees charged with youth transportation duties receive training appropriate for the assignment.

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Transportation of Youths Outside the Secure Facility

Documentation of all training presented shall be retained in the employee's training file in accordance with established records retention schedules.

Release

519.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the release of youths to ensure they are not released in error (15 CCR 1351).

519.2 POLICY

It will be the policy of the San Benito County Juvenile Hall to provide for the timely, efficient, and legal release of youths.

519.3 RELEASE PROCEDURE

If possible, youths who are ordered released by the court will be released at staggered times to avoid congestion in the release area.

The Duty Officer or release juvenile institution officer shall sign and date the release paperwork on the same day the youth is to be released.

Youths shall not be released or moved during youth count, change of shift, or at any time that would pose a potential safety threat or disrupt the orderly operation of the facility.

All youths must be positively identified by the staff prior to being released from the facility. Youth identities should be verified using intake records bearing the youth's name, photograph, and a facility identification number or a single digit fingerprint match system, if available.

Before any youth may be released, the following conditions must be met (15 CCR 1351):

- (a) The identity of the youth is verified.
- (b) All required paperwork for release is present. The staff shall review the active youth file to verify the validity of the documents authorizing the release. The file should also be reviewed for other release-related or pending matters, including:
 1. Any pending arrangements for follow-up, such as medications needed, appointments, or referral to community or social resources.
 2. Unresolved grievances, damage claims, or lost property.
- (c) All youths should be cleared by a qualified medical and mental health staff member prior to release.
- (d) All personal property shall be returned to the youth during the release process. The youth must acknowledge receiving the property by signed receipt. Any discrepancies shall be promptly reported to the Duty Officer.
- (e) All facility property must be returned by the youth. Any missing or damaged facility property should be documented and promptly reported to the Duty Officer. The youth shall remain in custody until the Duty Officer determines whether additional criminal charges should be filed against the youth for the damage.

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- (f) A forwarding address for the youth should be on file and verified with the youth for return of mail.
- (g) Youths on probation or parole should be directed by the staff to report to the probation or parole office immediately upon release. The parole authorities having jurisdiction shall be notified of the youth's expected release date and time (15 CCR 1324).
- (h) Notify the Department of Juvenile Justice, Interstate Compact for Juveniles Office (Office) of the youth's pending release if the youth was held pursuant to the agreement with the Office. Interstate movement and transportation for a youth returning to the youth's state of residence shall be coordinated by the Office.
- (i) Confirm the identity of the person to whom the youth is being released.
- (j) Release any medication to the person to whom the youth is being released.
- (k) Obtain a signature or other documentation confirming receipt of the youth.
- (l) Notify the youth's parent/guardian if the parent/guardian is not the person to whom the youth is being released.
- (m) Notify the facility's medical and mental health units of the release (15 CCR 1408; 15 CCR 1437).
- (n) Notify the facility's school registrar of the release.

The housing sheet, release log, and daily census log shall be updated after the youth's release. The Duty Officer shall ensure all release documents are complete and properly signed by the youth and the staff where required.

519.4 FURLOUGH RELEASES

The Assistant Chief Probation Officer shall develop and implement written policies and procedures for the furlough of youths from custody. The Release Procedure in this policy shall apply (15 CCR 1351).

519.5 POST-DISPOSITION YOUTH

The Assistant Chief Probation Officer shall develop and implement policies and procedures for post-dispositional youth that coordinates transitional and reentry services including but not limited to medical and behavioral health (e.g., substance abuse, psychological distress), education, probation supervision, and community-based services (15 CCR 1302; 15 CCR 1351; 15 CCR 1355).

519.6 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer a youth to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The youth has been convicted of an offense as identified in Government Code § 7282.5(a).

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- (c) The youth is a current registrant on the California Sex and Arson Registry.
- (d) The youth is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

Over-Detention and Inadvertent Releases

520.1 PURPOSE AND SCOPE

This policy provides guidance to staff and management if over-detention or inadvertent release occurs.

520.1.1 DEFINITIONS

Definitions related to this policy include:

Inadvertent release - Any instance of a youth being mistakenly released.

Over-detention - Any instance of a youth being mistakenly detained beyond the scheduled release date.

520.2 POLICY

It is the policy of this agency to reasonably ensure that over-detention and inadvertent releases do not occur. This agency shall promptly review and address allegations of over-detention and inadvertent release.

520.3 INADVERTENT RELEASE

Whenever an inadvertent release is discovered, the custody staff member making the discovery shall immediately notify the Duty Officer. The notification shall be documented in the daily activity log. The parent/guardian, probation personnel, and any agency having jurisdiction shall be immediately notified. Local law enforcement also shall be contacted.

520.3.1 INADVERTENT RELEASE INVESTIGATION

In the case of an inadvertent release, the Duty Officer should immediately notify the Chief Probation Officer or the authorized designee and ensure a report is completed.

The Duty Officer should direct the Administrative Services Specialist to immediately investigate to determine the cause of the inadvertent release.

The Duty Officer will coordinate a response based upon the seriousness of the threat the youth may pose to the community. The threat assessment should be based upon the youth's criminal history and the reason the youth is in custody, among other factors.

An appropriate evaluation of the circumstances shall be made to determine whether the inadvertent release should be classified as an escape.

520.3.2 RETURNING THE YOUTH TO CUSTODY

When the youth is located and returned to the facility, the appropriate notifications should be made as soon as possible.

Over-Detention and Inadvertent Releases

520.4 OVER-DETENTION

Any custody staff member who discovers or receives information of an over-detention, or a complaint from a youth regarding over-detention (which could be discovered through a grievance), should immediately notify the Duty Officer (see the Youth Grievances Policy).

The Duty Officer should direct the juvenile hall staff to immediately investigate to determine the correct release date of the youth and to report the findings to the Chief Probation Officer or the authorized designee.

Youths who are found to be over-detained shall be processed for immediate release in accordance with the Release Policy. The youth's parent/guardian, probation personnel, the juvenile court, and any other agency with jurisdiction shall be immediately contacted by the Chief Probation Officer or the authorized designee. The Chief Probation Officer or the authorized designee shall ensure that an entry is made to the daily activity log and a report is completed.

520.4.1 OVER-DETENTION GRIEVANCES

Any custody staff member who receives information or a complaint from youth regarding over-detention should immediately notify the Duty Officer (see the Youth Grievances Policy) and assist the youth with completing a grievance form. The staff member should forward the form directly to the Duty Officer as soon as practicable.

The Duty Officer receiving a grievance regarding an over-detention should direct the Administrative Services Specialist to immediately investigate to determine the correct release date of the youth and to report the findings to the Duty Officer.

If the Duty Officer decides not to release the youth, the Duty Officer should ensure the youth receives a grievance hearing as soon as practicable but within 24 hours of the grievance submission. The hearing documentation should reflect efforts made to investigate the allegation (see the Youth Grievances Policy).

Biological Samples

521.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from youths required by California law to provide a biological sample to the San Benito County Juvenile Hall as a result of being adjudicated for certain offenses (15 CCR 1363). This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

521.2 POLICY

The San Benito County Juvenile Hall will assist in the expeditious collection of required biological samples from youths in accordance with the laws of this state.

521.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

Youths who are in the custody of the San Benito County Juvenile Hall and who have a previous adjudication for a felony offense, including an adjudication for an equivalent out of state offense, must submit a biological sample (Penal Code 296.1).

521.4 PROCEDURE

When a youth is required to provide a biological sample, a trained staff member shall attempt to obtain the sample in accordance with this policy.

521.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the youth is required to provide a sample pursuant to Penal Code § 296.1.
 1. Verification includes querying the youth's criminal history record for a DNA collection flag or, during regular business hours, contacting the California Department of Justice (DOJ) designated laboratory to determine whether a biological sample has been previously collected from the youth. There is no need to obtain a biological sample if one has been previously obtained.
- (b) Arrange for a witness to be present during the collection of the sample.
- (c) Use the collection kit designated by the California DOJ to perform the collection and take steps to avoid cross-contamination.
 1. Collection should occur at intake, during the reception process, or as soon as administratively practicable (Penal Code § 296.1).
- (d) Document in the youth's file that the sample was taken.
- (e) Forward the sample to the California DOJ as soon as practicable.

Biological Samples

521.5 USE OF FORCE TO OBTAIN SAMPLES

If a youth refuses to cooperate with the sample collection process, Juvenile Institution Officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order. Methods to consider when seeking voluntary compliance include contacting (15 CCR 1363):

- (a) The youth's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the youth for failure to comply or to otherwise bring the refusal before a judge (Penal Code § 298.1).
- (c) The judge at the youth's next court appearance.
- (d) The youth's attorney, parent/guardian, or custodian.
- (e) A supervisor who may be able to authorize disciplinary actions to compel compliance, if any such actions are available.

The Shift Supervisor shall review and approve any use of force. The supervisor shall be present to supervise and document the use of force. Any refusal to submit a sample and the steps taken in an attempt to obtain voluntary compliance should be documented in the youth's file.

521.5.1 VIDEO RECORDING

A video recording shall be made any time force is used to obtain a biological sample (15 CCR 1363). The recording shall be directed at the cell extraction event and should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the youth's file, if any, and shall be retained by the Agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a court proceeding, the recording shall be retained administratively in accordance with the Agency's established records retention schedule.

521.5.2 DOCUMENTATION RELATED TO FORCE

The Duty Officer shall prepare prior written authorization for the use of any force (Penal Code § 298.1). The written authorization shall include information that the youth was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

Efforts to secure voluntary compliance shall be documented and shall include an advisement of the legal obligation to provide the biological sample, and the consequences of refusal (15 CCR 1363).

521.6 BLOOD SAMPLES

A blood sample should only be obtained under this policy when (Penal Code § 295; Penal Code § 298):

- (a) The California DOJ requests a blood sample and the subject consents.
- (b) A court orders a blood sample following a refusal.

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298).

Reporting In-Custody Deaths

522.1 PURPOSE AND SCOPE

This policy provides direction on how in-custody deaths shall be reported.

522.2 POLICY

It is the policy of this agency to follow state and local guidelines for reporting in-custody deaths.

522.3 MANDATORY REPORTING

All in-custody deaths shall be reported as required (15 CCR 1362).

If the decedent is a boarder for another agency, the Assistant Chief Probation Officer shall notify that agency so it can assume responsibility for the notification of the decedent's family.

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the youth's name, identification number, date and time of death, and the attending physician's name.

The Assistant Chief Probation Officer or the authorized designee shall notify the Juvenile Court and any other court of jurisdiction and ensure notification to the youth's parent/guardian, or person standing in loco parentis (15 CCR 1341).

The Assistant Chief Probation Officer shall report, in writing, to the California Attorney General, within 10 days after the death, all facts known concerning the death. The Assistant Chief Probation Officer shall also provide to the California Board of State and Community Corrections a copy of the report submitted to the California Attorney General within 10 calendar days after the death. The Assistant Chief Probation Officer shall also report the death to the Bureau of Justice Statistics in accordance with the Death in Custody Reporting Act.

522.4 PROCEDURE

Upon determining that a death of any youth has occurred while in the custody of this agency, the Chief Probation Officer is responsible for ensuring that all appropriate investigative authorities, including the Sheriff/Coroner, are notified without delay and all written reports are completed (15 CCR 1341).

The Chief Probation Officer shall also promptly ensure any other notifications required by policy or direction are made. The Assistant Chief Probation Officer shall observe all pertinent laws and allow appropriate investigating and reviewing agencies full access to all facts surrounding the death.

The Agency shall establish policies and procedures for the investigation and/or review of any in-custody death (see the In-Custody Death Reviews Policy).

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The decedent's personal belongings shall be disposed of in a responsible and legal manner. All property and records shall be retained according to established records retention schedules.

The individual designated by the decedent shall be notified of all pertinent information as required by law.

During an investigation or review, all inquiries regarding the death shall be referred to the Public Affairs Officer. Juvenile Institution Officers shall not make a public comment.

522.5 IN-CUSTODY DEATH INITIAL REVIEW

The Chief Probation Officer or the authorized designee is responsible for coordinating all aspects of the incident. The Chief Probation Officer or the authorized designee will ensure that the Administrative Services Specialist is provided with enough information to meet the reporting requirements.

The Chief Probation Officer should identify the appropriate investigative and reviewing team qualified to conduct the administrative review of the in-custody death. The initial internal review should be conducted no later than 72 hours after the incident. The final administrative review shall be conducted in accordance with the In-Custody Death Reviews Policy.

In-Custody Death Reviews

523.1 PURPOSE AND SCOPE

This policy provides direction on how in-custody deaths shall be reviewed to help avoid future preventable deaths.

523.1.1 DEFINITIONS

Definitions related to this policy include:

In-custody death - The death of any youth, for whatever reason (natural causes, suicide, homicide, accident), who is in custody at any facility of this agency or is attending an in-custody court appearance.

Internal review (also known as **administrative review**) - An assessment of whether a facility's standards, training, and supervision are adequate, and whether changes should be made.

Provider mortality review - An assessment of the medical care, including mental health care, provided to a youth who later died in custody. It should analyze the care provided, or care that should have been provided to prevent the death. A medical provider mortality review should address areas where improvements can be made.

Psychological autopsy- Can be performed for suicide deaths to illuminate the various stressors that could have contributed to the suicide. It is usually conducted by a psychologist or other qualified mental health professional.

523.2 POLICY

It is the policy of this agency to follow state and local statutes, regulations, and guidelines for reviewing in-custody deaths in order to avoid preventable deaths in the future.

523.3 MANDATORY REVIEWS

All in-custody deaths shall be reviewed as required by federal and state statutes and regulations (see the Reporting In-Custody Deaths Policy).

The Wellpath, in cooperation with the Assistant Chief Probation Officer, shall develop written policy and procedures to assure that there is a medical and operational review of every in-custody death (see the In-Custody Death Review Section in this policy) (15 CCR 1341).

523.4 IN-CUSTODY DEATH REVIEW

In conducting a death review, the Chief Probation Officer or the authorized designee should immediately collect all relevant information, including but not limited to:

- (a) Intake records.
- (b) Medical/mental health records.
- (c) Youth requests, complaints, and grievances.
- (d) Visitor logs.

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- (e) Phone calls and any other electronic communications.
- (f) Inspection logs, notes, and corrective actions.
- (g) Safety check logs.
- (h) Daily activity logs and shift reports.
- (i) Program attendance logs.
- (j) Classification records.
- (k) Use of force and restraints reports.
- (l) Staff rosters.
- (m) Staff statements or interviews (e.g., incident reports).
- (n) Witness statements or interviews.
- (o) Video footage.
- (p) Youth records.
- (q) Court records.
- (r) Information about criminal charges (more relevant for death by suicide).
- (s) Toxicology report.
- (t) Sheriff/Coroner reports, including the autopsy report.
- (u) Any other relevant records, reports, or interviews.

These materials should be well-organized with a written factual overview of the relevant events in the timeline leading up to the death and the response in the timeframe after the death. The overview should be prepared with the expectation that the material will be reviewed by the Chief Probation Officer, outside agencies, lawyers, policy makers, and state court and federal court judges. In the case of suicide, this material should be provided to the medical or mental health professional who will be preparing the psychological autopsy.

Notification should be sent to all relevant individuals instructing them to preserve all records related to the decedent's detention.

523.5 IN-CUSTODY DEATH REVIEW TEAM

The Chief Probation Officer is responsible for establishing a team of qualified staff to conduct an internal review of every in-custody death. The review team can include (15 CCR 1341):

- (a) Chief Probation Officer or the authorized designee.
- (b) Legal counsel for the juvenile hall.
- (c) District Attorney.
- (d) Investigative staff.
- (e) Medical Director, qualified medical/mental health care professionals, supervisors, or other staff who are relevant to the incident.

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- (f) Assistant Chief Probation Officer investigators.
- (g) Local law enforcement.
- (h) Child welfare agency representative.
- (i) Members of security staff.

The in-custody death review should be initiated immediately, though it may take time to obtain all the relevant information for proper analysis (see the Reporting In-Custody Deaths Policy). The mortality review should be completed within 30 days. Depending on the nature of the death, the administrative review and/or psychological autopsy may take longer than 30 days to complete; however, every effort should be made to complete the review in a timely manner so necessary improvements can be implemented as soon as possible.

The review team shall evaluate the in-custody death to determine whether laws, regulations, and policies were followed, and whether any policies or procedures should be changed. A report shall be prepared of any findings of the review.

Chapter 6 - Youth Due Process

Youth Discipline

600.1 PURPOSE AND SCOPE

This policy addresses the application of youth rules and disciplinary sanctions for those who fail to comply. Criminal acts may be referred to the appropriate law enforcement agency.

600.2 POLICY

It is the policy of this agency to maintain written juvenile hall rules that promote acceptable behavior, safety, security, order, and discipline and to impose disciplinary sanctions in a fair and equitable manner.

600.3 DUE PROCESS

Youths who are subject to discipline as a result of rule violations shall be afforded the procedural due process required by federal and state law. All youths will be made aware of the rules of conduct for which they will be held accountable, as well as any defined penalties for rule violations. Staff will not engage in arbitrary actions against youths. All disciplinary actions will follow clearly established procedures. All disciplinary sanctions will be fairly and consistently applied.

The process for a youth accused of a major rule violation includes (15 CCR 1391):

- (a) A fair hearing in which the discovering staff member or investigating supervisor presents factual evidence supporting the rule violation and the disciplinary action.
- (b) Advance notice to the youth of the disciplinary hearing, to allow the youth time to prepare a defense.
- (c) Assignment of an impartial hearing officer.
- (d) The limited right to call witnesses and/or present evidence on the youth's behalf.
- (e) The assistance of a staff member upon request of the youth.
- (f) The appointment of a staff member to serve as an assistant or representative in cases where the youth may be incapable of self-representation.
- (g) A formal written decision that shows the evidence considered by the hearing officer, the reasons for any sanctions, and an explanation of the appeal process.
- (h) Reasonable sanctions for violating rules that relate to the severity of the violation.
- (i) The opportunity to appeal the finding.

600.3.1 YOUTH RULES AND SANCTIONS

The Assistant Chief Probation Officer is responsible for ensuring that youth rules and disciplinary sanctions are developed, distributed, reviewed annually, and revised as needed. Administration of discipline shall use trauma-informed approaches and positive behavior interventions (15 CCR 1391).

Youths cannot be held accountable for rules of which they are unaware. However, it is impossible to define every possible prohibited act or rule violation that might be encountered in a detention

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facility. Therefore, a current list of recognized infractions that are generally prohibited should be accessible to all youths. Youth rules shall be translated into the languages that are understood by the youths (see the Youth Orientation Policy).

Disciplinary procedures governing youth rule violations should address rules, minor and major violations, criminal offenses, disciplinary reports, prehearing and post-hearing disciplinary actions, prehearing and post-hearing removal from general population, and prehearing and post-hearing separation from other youths.

600.4 MINOR RULE VIOLATIONS

Juvenile Institution Officers are authorized to recommend informal discipline for minor violations.

Any staff member imposing informal discipline should document the information in the youth's case file.

A youth may request that a supervisor review the imposed sanction. The supervisor should respond to the request within a reasonable time (generally within two hours) and shall have final authority as to the imposition of informal discipline.

600.4.1 MULTIPLE MINOR RULE VIOLATIONS

Staff may initiate a major rule violation report if a youth is charged with three or more minor rule violations within a 30-day period. Copies of all minor rule violations will be attached to the major rule violation report. A staff member shall conduct a hearing according to the procedures for a major rule violation.

600.5 MAJOR RULE VIOLATIONS

Major rule violations are considered a threat to the safety, security, or efficiency of the juvenile hall, its staff members, youths, or visitors. Staff members witnessing or becoming aware of a major rule violation shall take immediate steps to stabilize and manage the situation, including notification of a supervisor as soon as practicable. The supervisor shall assess the situation and initiate any emergency action, if necessary, and notify the Duty Officer.

The staff member who learned of the rule violation shall write and submit a disciplinary report, along with all relevant evidence, to the appropriate supervisor prior to the end of the shift.

600.5.1 PREHEARING SEPARATION

Youths who are accused of a major rule violation may be removed from the general population of youths with the Duty Officer's approval, if there is a threat to safety or security of other youths, staff members, or visitors.

The Assistant Chief Probation Officer or the authorized designee shall, within four hours including weekends and holidays, review the status of any youth in prehearing separation to determine whether continued separation from the general population is appropriate (Welfare and Institutions Code § 208.3).

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600.5.2 INVESTIGATIONS

Investigations involving major rule violations should be initiated within 24 hours of the initial report and completed in sufficient time for the youth to have a disciplinary hearing and as soon as practicable when the youth has been removed from the general population. If additional time is needed, the investigating supervisor will request more time in writing from the Duty Officer. The youth will be notified in writing of the delay.

If, upon completion of the investigation, the investigating supervisor finds insufficient evidence to support a major rule violation, the investigating supervisor may discuss alternative sanctions with the Duty Officer, including handling the incident as a minor violation or recommending that charges be removed. Such alternatives shall be documented in the youth's file.

If the investigating supervisor determines that sufficient evidence exists to support a major rule violation, the investigating supervisor will act as the hearing coordinator and will be responsible for:

- Reviewing all reports for accuracy and completeness.
- Overseeing or conducting any required additional investigation.
- Determining the final charges.
- Making preliminary decisions about the appointment of a staff member to act as an assistant to the youth.
- Identifying any witnesses who may be called to the hearing.

600.5.3 NOTIFICATIONS

A youth charged with a major rule violation shall be given a written description of the incident and the rules violated before a disciplinary hearing (15 CCR 1391).

Unless waived in writing by the youth, hearings may not be held in less than 24 hours from the time of notification.

If the youth has been removed from the general population, written notice shall be given no later than two hours after the removal from the general population of youths.

600.5.4 HEARINGS

The Assistant Chief Probation Officer shall appoint at least one hearing officer to preside and conduct disciplinary hearings of major rule violations. The hearing officer should be a qualified supervisor or suitably trained designee who will have the responsibility and authority to rule on charges of youth rule violations. The hearing officer shall also have the power to impose sanctions. The hearing officer shall not investigate nor preside over any youth disciplinary hearing on cases where the hearing officer was a witness or was directly involved in the incident that generated the complaint.

Youths charged with major rule violations are entitled to be present at a hearing unless waived in writing or excluded because their behavior poses a threat to facility safety, security, and order. Staff shall inform the hearing officer when any youth is excluded or removed from a scheduled

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hearing and shall document the reasons for the exclusion or removal. A copy of the report shall be forwarded to the Assistant Chief Probation Officer.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented and forwarded to the Assistant Chief Probation Officer.

The hearing officer shall disclose to the accused youth all witnesses who will be participating in the hearing. Youths have no right to cross-examine witnesses. However, the accused youth may be permitted to suggest questions that the hearing officer, in the hearing officer's discretion, may ask.

600.5.5 EVIDENCE

Accused youths have the right to make a statement, present evidence, and call witnesses at the hearing. Requests for witnesses shall be submitted in writing by the youth no later than 12 hours before the scheduled start of the hearing. The written request must include a brief summary of what the witness is expected to say.

The hearing officer may deny the request when it is determined that allowing the witness to testify would be unduly hazardous to institutional safety or correctional goals, or when the witness's information is not relevant or would be unnecessarily duplicative or is otherwise unnecessary. The reason for denying a youth's request for witness testimony shall be documented in the hearing report. The reason for denial of any documents requested by the youth shall also be documented in the hearing record.

A witness's signed written statement may be submitted by the youth as an alternative to a live appearance. The hearing officer shall review and determine whether the statement is relevant to the charges and shall document the reason for exclusion when any written statement is not considered.

Absent a safety or security concern, all staff reports and evidence, including exculpatory evidence, obtained during the disciplinary investigation shall be made available to the accused youth prior to the hearing.

600.5.6 CONFIDENTIAL INFORMANTS

If information from any confidential informant is to be presented at the hearing, information establishing the reliability and credibility of the informant shall be provided to the hearing officer prior to the hearing. The hearing officer shall review such information to determine whether the informant is reliable and credible.

600.5.7 STAFF ASSISTANCE

Upon the request of the youth, a staff member shall assist the youth at a disciplinary hearing. A staff member shall be assigned to assist a youth who is incapable of self-representation at a disciplinary hearing due to literacy, developmental disabilities, language barriers, or mental status (15 CCR 1391). The scope of the duties of the assistant shall be commensurate with the reasons for the appointment. The assistant should be allowed sufficient time to confer with the youth to

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fulfill the assistant's obligations. In these cases, the youth does not have a right to select a person to assist in the youth's disciplinary hearing. The final decision regarding the appointment rests with the hearing officer.

Youth discipline is an administrative and not a judicial process. Youths do not have a right to an attorney in any disciplinary hearing. Additionally, disciplinary matters may be referred for criminal prosecution as there is no double jeopardy defense for an administrative process.

600.5.8 DISCIPLINARY DECISIONS

Disciplinary decisions shall be based on the preponderance of evidence presented during the disciplinary hearing.

The disciplinary process shall consider whether a youth's mental disabilities or mental illness contributed to the youth's behavior when determining what type of discipline, if any, should be imposed (28 CFR 115.378(c)).

600.5.9 REPORT OF FINDINGS

The hearing officer shall write a report regarding the decision and detailing the evidence and the reasons for the disciplinary action. A copy of the report shall be provided to the youth. All documentation related to the disciplinary process shall be retained and a copy should be placed in the youth's file.

If it is determined that the youth's charge is not sustained at the end of the disciplinary hearing, the documentation shall be removed from the youth's file but otherwise maintained in accordance with records retention requirements.

All disciplinary hearing reports and dispositions shall be reviewed by the Assistant Chief Probation Officer or the authorized designee as soon as practicable after the final disposition.

600.5.10 DISCIPLINARY APPEALS

Youths wishing to appeal the decision of the hearing officer must do so in writing within five days of the decision. All appeals will be forwarded to the Assistant Chief Probation Officer or the authorized designee for review.

Only appeals based on the following will be considered:

- (a) The disciplinary process or procedures were not followed.
- (b) There was insufficient evidence to support the hearing officer's decision.
- (c) The discipline imposed was not proportionate to the violation committed.

A final disposition shall be rendered as soon as practicable if the youth's appeal is granted, or discipline is reduced but no later than 10 days after the appeal. The decision of the review authority shall be final, and the result of the appeal shall be provided to the youth in writing.

600.6 LIMITATIONS ON DISCIPLINARY ACTIONS

The U.S. and California constitutions expressly prohibit all cruel or unusual punishment. Additionally, the following limitations exist (15 CCR 1390; 15 CCR 1391; 15 CCR 1371):

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- In no case shall any youth or group of youths be delegated the authority to punish any other youth or group of youths.
- In no case shall a safety room be used for disciplinary purposes.
- In no case shall any restraint device be used for disciplinary purposes.
- Food shall not be withheld as a disciplinary measure.
- Correspondence privileges shall not be withheld as a disciplinary measure.
- In no case shall access to the courts and/or legal counsel be suspended as a disciplinary measure.
- No youth may be deprived of the implements necessary to maintain an acceptable level of personal hygiene, including but not limited to a daily shower; access to a drinking fountain, a toilet, personal hygiene items, and clean clothing.
- Discipline may be imposed for sexual activity between youths. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced (28 CFR 115.378(g)).
- No discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent to such contact (28 CFR 115.378(e)).
- No youth may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred (28 CFR 115.378(f)).
- No confinement without an opportunity for at least one hour of exercise daily outside of the immediate living quarters may be imposed unless the Assistant Chief Probation Officer determines and documents that this opportunity will jeopardize the physical safety of the youth or others or the security of the facility.
- No youth may be subject to a substantial change in heating, lighting, or ventilation.
- No youth may be subject to restrictions on clothing, bedding, the use of hygienic facilities, or reading or writing materials as a disciplinary measure.
- Restrictions shall not be placed on a youth's living conditions.
- Restrictions shall not be placed on medical and dental care as a disciplinary measure.
- Restrictions shall not be placed on a youth's access to government officials as a disciplinary measure.
- Restrictions shall not be placed on a youth's access to grievance proceedings as a disciplinary measure.
- No youth may be prohibited from contact with the youth's parents or guardian as a disciplinary measure.
- No youth may be deprived of education, counseling, rehabilitative programming, or religious services as a disciplinary measure.

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- In no case shall any youth be subjected to corporal punishment, group punishment, or physical or psychological degradation.

Exceptions must be justified in writing and approved by the Assistant Chief Probation Officer, and must be consistent with the applicable disciplinary disposition.

The discipline of youths should promote acceptable behavior. Generally, discipline should be imposed at the least restrictive level which promotes desired behavior (15 CCR 1390).

600.7 GUIDELINES FOR DISCIPLINARY SANCTIONS

The sanctions imposed for rule violations can include counseling, loss of certain privileges or "points" associated with a rewards-based behavior management system, and restitution for damaging property. To the extent that therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for sexual abuse are available, the facility shall consider whether to require a youth being disciplined for sexual abuse to participate in such interventions as a condition of access to programming or other benefits (28 CFR 115.378(d)).

Discipline shall be commensurate with the nature and circumstances of the offense committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other youths with similar histories (28 CFR 115.378(b)).

Youths shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the youth engaged in youth-on-youth sexual abuse or following a criminal finding of guilt for youth-on-youth sexual abuse (28 CFR 115.378(a)).

The Chief Probation Officer or the authorized designee shall be responsible for developing and implementing a range of disciplinary sanctions for violations.

600.7.1 STATE LAW GUIDELINES FOR DISCIPLINARY SANCTIONS

Violations that result in a removal from the commitment program, but not a return to court, shall follow the due process provisions in this policy (15 CCR 1391).

600.8 RECORDS

A record of all rule violations and sanctions will be made and maintained in accordance with the juvenile hall's records retention schedule.

At a minimum, rule violation reports are required for rule violations. The staff member who observed or detected the rule violation or who was charged with investigating a rule violation is responsible for completing the rule violation report. The rule violation report shall include, at a minimum:

- (a) The date, time, and location of the incident.
- (b) The specific rules violated.
- (c) A written description of the incident.
- (d) The identity of known participants in the incident.
- (e) Identity of any witnesses to the incident.

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- (f) Description and disposition of any physical evidence.
- (g) Action taken by staff, including any use of force.
- (h) Name and signature of the reporting juvenile institution officer.
- (i) Date and time of the report.

The supervisor investigating the violation and preparing the prehearing details for major rule violations shall ensure that documentation in the rule violation report includes:

- Date and time that the explanation and the written copy of the complaint and appeal process were provided to the youth.
- The youth's response to the charges.
- The reasons for any sanctions.
- The identity of any staff or witnesses involved or requested by the youth.
- The findings of the hearing officer.
- The youth's appeal, if any.
- The appeal findings, if applicable.

600.9 TRAINING

The Assistant Chief Probation Officer or the authorized designee is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff and that preprinted forms are available for documenting rule violations in a consistent and thorough manner (15 CCR 1322).

The Training Manager is responsible for developing and delivering, or procuring, training for staff members who participate in the disciplinary hearing process. Training topics should include the legal significance of due process protections and the hearing officer's role in ensuring that those protections are provided (15 CCR 1322).

Room Confinement

601.1 PURPOSE AND SCOPE

This policy provides guidance on removing youths from the general population for safety and security reasons (15 CCR 1354.5).

Separation of youths for housing is addressed in the Youth Classification Policy.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Room confinement - The placement of a youth in a locked sleeping room or cell with minimal or no contact with persons other than juvenile hall staff and attorneys. Room confinement does not include confinement of a youth in a single-person room or cell for brief periods of locked room confinement necessary for required institutional operations (Welfare and Institutions Code § 208.3).

601.2 POLICY

It is the policy of the San Benito County Juvenile Hall to protect the rights and safety of youths removed from the general population of youths for safety and security reasons.

601.3 MEMBER RESPONSIBILITIES

Members assigned to monitor youths who have been removed from the general population should document any reasonably observed unusual behavior or failure to comply with facility rules.

601.4 SEPARATION FROM OTHER YOUTHS

Separation of a youth from the general population should be done only in rare situations as a short-term response to dangerous actions of that youth if the youth poses an immediate threat of self-harm or an immediate threat to the safety of youths or staff.

The placement of a youth in room confinement shall be accomplished in accordance with the following guidelines (Welfare and Institutions Code § 208.3):

- (a) Room confinement shall not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety or security of any youth or staff.
- (b) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff.
- (c) Room confinement shall not be used to the extent that it compromises the mental and physical health of the youth.

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601.4.1 INCREASED MONITORING

Safety checks of youths on room confinement should be performed by an assigned member at random intervals not to exceed 15 minutes unless more frequent checks have been required by a supervisor or health care professional.

Safety checks shall be documented in writing and shall include reasonably observed behavioral or other concerns (see the Youths Safety Checks Policy).

601.4.2 LOCATIONS AND ACCOMMODATIONS

Youths may be separated from other youths only in approved locations within the juvenile hall with appropriate accommodations.

601.4.3 MATTRESSES AND BEDDING

Youths on room confinement may have their mattress or bedding removed temporarily only if the youth is either:

- (a) Actively damaging the mattress or bedding.
- (b) Using the mattress or bedding in a manner that presents a threat to safety or security, including but not limited to obstructing a doorway or window or folding the mattress to use as a makeshift stepstool.

The reason for a mattress or bedding removal shall be documented.

Bedding items may only be withheld from youths kept separate from other youths with supervisor approval and only during non-sleeping hours.

601.4.4 MEALS

Youths on room confinement may receive meals in their rooms. The meals should meet the same nutritional guidelines as meals served to other youths in custody, unless the youth is being served a prescribed therapeutic or religious diet.

601.4.5 ROOM CONFINEMENT

Confinement duration shall be in accordance with 15 CCR 1354.5:

- (a) A youth may be held up to four hours in room confinement. After the youth has been held in room confinement for a period of four hours, staff shall do one or more of the following (Welfare and Institutions Code § 208.3):
 1. Return the youth to general population.
 2. Consult with mental health or medical staff.
 3. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.
- (b) If room confinement must be extended beyond four hours, staff shall do the following:
 1. Document the reason for room confinement and the basis for the extension, the date and time the youth was first placed in room confinement, and when the youth is eventually released from room confinement.

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2. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.
3. Obtain documented authorization by the Assistant Chief Probation Officer or the authorized designee every four hours thereafter.

Youths with Disabilities

602.1 PURPOSE AND SCOPE

This policy provides guidelines for addressing the needs and rights of youths with disabilities detained by this agency in accordance with the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (29 USC § 794).

602.1.1 DEFINITIONS

Definitions related to this policy are found in the Accessibility - ADA Compliance Policy.

602.2 POLICY

It is the policy of the San Benito County Juvenile Hall that youths with disabilities have equal access to services, programs, and activities by providing reasonable accommodations and appropriate auxiliary aids to assist with effective communications.

The San Benito County Juvenile Hall will not discriminate against youths with disabilities or deny them access to services, rights, or programs based on their disabilities (15 CCR 1324).

602.3 ADA COORDINATOR

In addition to the responsibilities identified in the Accessibility - ADA Compliance Policy, the responsibilities of the ADA coordinator include coordinating with the Assistant Chief Probation Officer and the Medical Director as appropriate to (15 CCR 1324):

- (a) Make reasonable modifications to policies, practices, and procedures as necessary to allow youths with disabilities to participate in the juvenile hall's educational, vocational, recreational, and religious programs, services, and activities.
- (b) Ensure the San Benito County Juvenile Hall is designed or adapted to reasonably accommodate youths with disabilities, including but not limited to:
 1. Providing housing areas that are equipped to meet the physical needs of youths with disabilities, such as having toilet and shower areas that allow for personal care and hygiene in a reasonably private setting (15 CCR 1413).
 2. Offering dining tables that are accessible to those in wheelchairs.
 3. Using a visual or other notification system so youths who have hearing disabilities do not miss announcements or alarms, including times for meals, recreation, and education.
- (c) Establish classification criteria to make appropriate housing assignments for youths with disabilities. For example, youths with mobility issues may require a lower bunk and accessible toilet and shower facilities.
 1. Youths should be asked if they have any accommodation requests during the intake classification process.
- (d) Establish procedures to determine at intake if auxiliary aids are necessary for effective communication, and to regularly consult with the youth and reassess whether alternative or additional aids or services are necessary for effective communication.

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1. The choice of the youth should be honored unless another effective means of communication exists (28 CFR 35.160).
 2. Notice of a youth's disability and preferred auxiliary aids should be provided to members who have contact with the youth so that effective communication may be achieved.
- (e) Assign individuals with adequate training to assist youths with disabilities with basic life functions, as needed.
 - (f) Establish procedures for restraining, transporting, and moving youths with hearing or mobility disabilities, including procedures that permit effective communication, such as handcuffing in the front so the youth can sign or leaving one hand free so the youth can write, unless legitimate safety concerns dictate otherwise.
 - (g) Establish guidelines and procedures that afford youths with disabilities equal opportunities to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment (28 CFR 115.316).
 - (h) Enlist or contract trained service personnel who have experience working with people with disabilities.
 - (i) Establish procedures for the request and review of accommodations.
 - (j) Establish guidelines for the accommodation of individuals who are deaf or hard of hearing, have common disabilities such as sight or mobility impairments and developmental disabilities, or have common medical issues such as epilepsy.

602.4 COMMUNICATIONS

Members are responsible for taking reasonable steps to ensure their communications with youths with disabilities are as effective as communications with other youths. Members should consider all information reasonably available to them when determining how to communicate with a youth with a disability including (28 CFR 35.160):

- (a) The youth's preferred method of communication.
- (b) The nature of the disability (e.g., deafness vs. hard of hearing, blindness vs. low vision).
- (c) The nature of the contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

Members should not always assume that effective communication is being achieved, and when there is any doubt, members should ask the youth to communicate back or otherwise demonstrate understanding.

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602.4.1 INCIDENTS

In an effort to ensure that the rights of youths who are deaf or have a hearing or speech impairment are protected during any formal interview or interrogation that takes place in the juvenile hall, this agency will provide interpreter services before beginning an interview or interrogation, unless exigent circumstances exist or the youth has made a clear indication that the youth understands the process and desires to proceed without an interpreter. A video remote interpreting service should be considered, where appropriate, if a live interpreter is not available.

If *Miranda* warnings are required under the circumstances, these should be provided to the youth through a qualified interpreter or by providing a written *Miranda* warning card.

To ensure that communications during criminal investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

602.4.2 INTERPRETERS

When an interpreter is necessary for effective communication (28 CFR 35.160):

- (a) A youth with a disability will not be required to provide an interpreter.
- (b) Except in an emergency involving an imminent threat to the safety or welfare of any person and when there is no interpreter reasonably available, members shall not use another youth as an interpreter.
- (c) Members should not rely on any adult other than a qualified interpreter unless the youth agrees and specifically requests assistance from the adult and reliance on that adult is appropriate under the circumstances.

602.4.3 STAFF

Except for members hired or contracted specifically to serve as qualified sign language interpreters, members should not serve as sign language interpreters except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no other interpreter reasonably available (28 CFR 35.160).

602.5 ACCOMMODATION REQUESTS

Members should assist a youth with a disability by accommodating the youth consistent with any guidelines related to the youth's disability. If there are no current guidelines in place, members receiving a request for accommodation of a disability should direct the youth to provide the request in writing or assist the youth in doing so. The written request should be brought to the on-duty supervisor as soon as practicable, but during the member's current shift.

Generally, requests should be accommodated if the accommodation would not raise a safety concern or affect the orderly function of the juvenile hall. The formal written request should still be submitted to the on-duty supervisor.

Requests for accommodation should be reviewed by a supervisor as soon as practicable, but within 24 hours of the request being made. The reviewing supervisor should evaluate the request and, if approved, notify the Assistant Chief Probation Officer, ADA coordinator, and any other

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staff as necessary to meet the accommodation. The supervisor should make a record of the accommodation in the youth's file.

A supervisor who does not grant the accommodation, either in part or in full, should forward the request to the Assistant Chief Probation Officer and the ADA coordinator within 48 hours of the request being made. The Assistant Chief Probation Officer, assisted by the ADA coordinator and/or legal counsel, should make a decision regarding the request within five days of the request being made.

602.6 TRAINING

The ADA coordinator should work with the Training Manager to provide periodic training on such topics as:

- (a) Policies, procedures, forms, and available resources for youths with disabilities.
- (b) Working effectively with interpreters, telephone interpretive services, and related equipment.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

602.7 DOCUMENTATION

Members should document all requests for accommodations or auxiliary aids and their action taken in response to each request, including denials.

If the youth's preference of auxiliary aid is not honored, the reason why another method of communication was used should be included.

Youth Access to Courts and Counsel

603.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the constitutional rights of youths to access the courts and legal counsel, while holding youths accountable to the rules and regulations that govern conduct in this facility (15 CCR 1324).

603.2 POLICY

It is the policy of this agency that all youths will have access to the courts and the ability to consult with legal counsel.

603.3 YOUTH ACCESS

Staff should not unreasonably interfere with youths' attempts to seek counsel, and where appropriate should assist youths with making confidential contact with attorneys and authorized representatives.

Access to courts and legal counsel may occur through court-appointed counsel, attorney, or legal assistant visits, telephone conversations, or written communication. To facilitate access, this facility will minimally provide:

- Confidential attorney visiting areas that allow the attorney and the youth to share legal documents.
- Telephones that enable confidential attorney-client calls.
- Reasonable access to legal materials.

The Assistant Chief Probation Officer shall be responsible for ensuring that information regarding access to courts and legal counsel and requesting legal materials or legal assistance is included in the youth handbook that is provided during youth orientation (15 CCR 1377).

603.4 CONFIDENTIALITY

All communication between youths and their attorneys is confidential, including telephone conversations, written communication, and video conferencing. The content of written attorney-client communication will not be reviewed or censored, but the documents may be inspected for contraband (see the Youth Mail Policy).

603.5 YOUTH REQUEST FOR ASSISTANCE

Written materials addressing how a youth can access local attorneys and key legal documents shall be available in each housing unit. Staff shall provide these materials to any youth upon request. However, staff shall not provide legal advice or assist any youth in completing any legal document.

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603.6 VISITATION RELATED TO LEGAL DEFENSE

Visits with youths that are related to legal defense, including attorneys, paralegals, and investigators, will be permitted only in the areas designated for legal visitation to ensure confidentiality (15 CCR 1377). Contact visits may be approved by the Assistant Chief Probation Officer for special circumstances.

- (a) Visits shall be of a reasonable length of time to discourage any allegation that the defense of the youth was hindered due to the length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order, and discipline of this facility. The permissible time for visitation should be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service, or other required activities.
- (b) Only materials brought to this facility by an approved legal assistant shall be allowed.
- (c) All materials shall be subject to security inspections by the staff and shall be routed through the Duty Officer for logging and distribution.

603.7 MAIL

Legal mail shall be handled in accordance with the Youth Mail Policy.

Foreign Nationals and Diplomats

604.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to certain youths who are family members of individuals assigned to foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to consular notifications that should occur when a foreign national is in custody.

604.2 POLICY

The San Benito County Juvenile Hall will treat youths who are family members of foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Agency will investigate all claims of immunity and accept custody of the youth when appropriate.

The San Benito County Juvenile Hall will also honor the laws related to foreign nationals who are detained by making proper legal guardian and consular notifications.

604.3 DIPLOMATIC AND CONSULAR IMMUNITY

604.3.1 AVAILABILITY OF RESOURCES

The Duty Officer will ensure that current contact information for the U.S. Department of State and the U.S. Mission to the United Nations is readily available for agency members who need to verify a claim of diplomatic or consular immunity. Relevant material for law enforcement published by the U.S. Department of State Bureau of Diplomatic Security should be readily available as well.

604.3.2 ADDRESSING CLAIMS OF DIPLOMATIC OR CONSULAR IMMUNITY

When a youth who claims diplomatic or consular immunity is brought to the San Benito County Juvenile Hall, the receiving juvenile institution officer shall first inform the Duty Officer and then generally proceed as follows:

- (a) Do not accept custody of the youth from the transporting officer. The youth should not be brought inside the San Benito County Juvenile Hall unless doing so would facilitate the investigation of the claim of immunity.
- (b) Do not handcuff the youth, or, if handcuffs have been applied, remove them unless there is an articulable threat that would justify their use.
- (c) If the youth has already been accepted into custody, inform the youth that the youth will be detained until the youth's identity and immunity can be confirmed. Attempt to obtain a U.S. Department of State-issued identification card or other identification or documents that may relate to the claimed immunity.
- (d) In all cases, verify the status and level of immunity by contacting the U.S. Department of State or the U.S. Mission to the United Nations, as appropriate.

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It will be the responsibility of the Duty Officer to communicate the claim of immunity to the on-duty supervisor of the arresting agency (if not the San Benito County Juvenile Hall). The Duty Officer may assist another agency in determining the person's immunity status.

The Duty Officer is responsible for ensuring appropriate action is taken based upon information received regarding the youth's immunity status.

604.3.3 REPORTING

If the youth's immunity status has been verified, the Duty Officer should ensure a report is prepared describing the details and circumstances of any detention or custody. A copy of the report should be faxed or mailed as soon as possible to the U.S. Department of State in Washington, D.C., or to the U.S. Mission to the United Nations in New York in cases involving a member of the United Nations community.

604.4 CONSULAR NOTIFICATIONS

604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS

The Assistant Chief Probation Officer will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to agency members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing youths of rights related to consular notification should also be posted.

604.4.2 CONSULAR AND LEGAL GUARDIAN NOTIFICATION

Agency members assigned to intake shall:

- (a) If the youth is a foreign national, determine whether the youth's country is on the U.S. Department of State's mandatory notification list.
- (b) If the country is not on the list for mandatory notification, attempt to contact the youth's parent/guardian to see if the parent/guardian wants consular officers notified of the detention. If there is reason to believe the youth may be the victim of abuse or trafficking and contacting the parent/guardian or consular officers would put the youth in danger, contact the appropriate court for a determination of whether notification should be made.
- (c) If the country is not on the list for mandatory notification and the youth's parent/guardian requests that consular officers be notified, and if the Agency is unable to locate the foreign national's legal guardian within 72 hours, or the court orders notification:
 1. Notify the nearest embassy or consulate of the detainee's country of the arrest or detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
 2. Forward any communication from the detainee and/or parent/guardian to the consular officers without delay.

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- (d) If the country is on the list for mandatory notification:
1. Notify the nearest embassy or consulate of the detainee's country, without delay, of the detainee's detention by faxing the appropriate notification form. If no fax confirmation is received, a telephonic notification should be made and documented.
 2. Tell the youth and the parent/guardian that this notification has been made and inform the youth without delay that the youth may communicate with the youth's consular officers.
 3. Forward any communication from the detainee and the detainee's parent/guardian to the consular officers without delay.
 4. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation in the youth's file.

Members should never discuss anything with consulate personnel beyond the required notifications, such as whether the youth is requesting asylum. Requests for asylum should be forwarded to the Duty Officer.

Youth Rights - Protection from Abuse

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that youths are afforded a safe, healthy environment free from abuse, physical punishment, harassment, intimidation, and theft, or other loss of property (15 CCR 1324).

605.2 POLICY

It is the policy of this agency to make every reasonable effort to protect youths from abuse, physical punishment, injury, harassment, intimidation, or loss or damage to personal property by other youths or staff. Staff shall take reasonable actions to safeguard vulnerable youths from others, maintaining open communication with youths, and shall use the classification policies and procedures to make housing decisions that will provide for youth safety. Abuse of youths by staff or other youths will not be tolerated.

605.3 RESPONSIBILITY

It shall be the responsibility of all facility staff to adhere to policies, procedures, and practices to protect youths. These procedures include but are not limited to:

- Following the classification guidelines for youth housing.
- Closely supervising youth activities and interceding as needed to prevent violence, harassment, or abuse of youths.
- Using force only when necessary and to the degree that is reasonable.
- Reporting all youth injuries, investigating the cause of reported injuries, and documenting these efforts in an incident report.
- Enforcing all rules and regulations in a fair and consistent manner.
- Preventing any practice of youths conducting kangaroo courts or dispensing discipline toward any other youth.
- Conducting required safety checks of all youth housing areas (15 CCR 1328).
- Checking all safety equipment for serviceability and reporting any defective equipment to the appropriate supervisor or the Assistant Chief Probation Officer.
- Referring sick or injured youths to a qualified health care professional without unnecessary delay.
- Maintaining high standards of cleanliness throughout the juvenile hall.
- Documenting all abuse protection efforts in facility logs and incident reports as applicable.
- Accepting, documenting, and reviewing all grievances (see the Youth Grievances Policy).

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Youth Rights - Protection from Abuse

605.4 TRAINING

The Training Manager shall be responsible for developing and delivering a training curriculum to all staff on the topic of protecting youths from abuse (15 CCR 1322). A roster of attendees shall be maintained from each class. Training completion documents shall be filed in each member's training file.

Prison Rape Elimination Act

606.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse and sexual harassment (28 CFR 115.311).

606.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Sexual abuse - Any of the following acts, if the youth does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva, or anus
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)
- (e) Voyeurism (28 CFR 115.6; 15 CCR 1302)

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the youth:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above

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- Any display by staff members, contractors, or volunteers of their uncovered genitalia, buttocks, or breast in the presence of a youth

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth that are directed toward another; repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

606.2 POLICY

This agency has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This agency will take appropriate affirmative measures to protect all youths from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

606.3 PRESERVATION OF ABILITY TO PROTECT YOUTHS

The Agency shall not enter into or renew any collective bargaining agreement, memorandum of understanding, or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any youths pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.366).

606.4 PREA COORDINATOR

The Assistant Chief Probation Officer shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The PREA coordinator shall review facility policies and practices, and make appropriate compliance recommendations to the Assistant Chief Probation Officer (28 CFR 115.311).

The PREA coordinator's responsibilities shall include:

- (a) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and facility management to an incident of sexual abuse. The plan must also outline the agency's approach to identifying imminent sexual abuse toward youths and preventing and detecting such incidents (28 CFR 115.311; 28 CFR 115.365; 28 CFR 115.362).
- (b) Ensuring that within 10 days of intake, youths are provided with comprehensive, age-appropriate education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the agency's policies and procedures for responding to such incidents. The agency shall maintain documentation of youth participation in these educational sessions (28 CFR 115.333).

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- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect youths from sexual abuse. This includes maintaining the minimum required security-staff-to-youth ratios, documenting deviations from the staffing plan and the reasons for those deviations, and reviewing the staffing plan a minimum of once per year. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration (28 CFR 115.313):
1. Generally accepted juvenile detention and secure residential practices.
 2. Any judicial findings of inadequacy.
 3. Any findings of inadequacy from federal investigative agencies.
 4. Any findings of inadequacy from internal or external oversight bodies.
 5. All components of the facility's physical plant, including blind spots or areas where staff or youths may be isolated.
 6. The composition of the youth population.
 7. The number and placement of supervisory staff.
 8. Institution programs occurring on a particular shift.
 9. Any applicable state or local laws, regulations, or standards.
 10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
 11. Any other relevant factors.
- (d) Ensuring that, when designing, acquiring, expanding, or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system, or other monitoring technology, consideration is given to the agency's ability to protect youths from sexual abuse (28 CFR 115.318).
- (e) Ensuring that any contract for the confinement of youths includes the requirement to adopt and comply with the PREA standards, including obtaining incident-based and aggregated data, as required in 28 CFR 115.387. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards (28 CFR 115.312).
- (f) Making reasonable efforts to enter into agreements with community service providers to provide youths with confidential emotional support services related to sexual abuse. The facility shall provide youths with access to outside victim advocates for emotional support services related to sexual abuse by giving youths mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between youths and these organizations and agencies in as confidential a manner as possible. The facility shall inform youths, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws (28 CFR 115.353).

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- (g) Implementing a process by which youths are provided with reasonable and confidential access to their attorneys (or other legal representation), and with reasonable access to parents or legal guardians (28 CFR 115.353).
- (h) Implementing a process by which youths may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the Agency, and by which the outside entity or office is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to the Assistant Chief Probation Officer, allowing the youth anonymity (28 CFR 115.351).
- (i) Establishing a process to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this agency, using a standardized instrument and set of definitions. Upon request, the Agency shall provide all such data from the previous calendar year to the U.S. Department of Justice (DOJ) no later than June 30 (28 CFR 115.387).
 - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the U.S. DOJ.
 - 2. The data shall be aggregated at least annually.
- (j) Establishing a process to monitor the conduct and treatment of youths or staff who have reported sexual abuse, and the conduct and treatment of detainees who were reported to have suffered sexual abuse.
- (k) Ensuring that the following are published on the agency's website or by other means, if no website exists:
 - 1. Agency policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.322)
 - 2. Information on how to report sexual abuse and sexual harassment on behalf of a youth (28 CFR 115.354)
- (l) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.393).
- (m) Implementing a protocol requiring mid-level or higher-level supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment. The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations (28 CFR 115.313).
- (n) Ensuring agreements with outside investigating agencies include PREA requirements, including a requirement to keep the San Benito County Juvenile Hall informed of the progress of the investigation (28 CFR 115.371).
- (o) Ensuring the Agency conducts follow-up criminal background records checks at least once every five years on members or contractors who may have contact with youths or has in place a system for otherwise capturing such information (28 CFR 115.317).

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606.5 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Any employee, including medical and mental health staff, agency representative, volunteer, or contractor who becomes aware of an incident of sexual abuse, sexual harassment, or retaliation against youths or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.361). Staff may also privately report sexual abuse and sexual harassment of youths (e.g., report to the Assistant Chief Probation Officer) (28 CFR 115.351).

Youths may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all youth requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously, or from third parties, and shall promptly document all verbal reports. The facility shall provide youths with reasonable access to tools necessary to make a written report (28 CFR 115.351).

Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law (28 CFR 115.361).

606.5.1 REPORTING TO OTHER FACILITIES

If there is an allegation that a youth was sexually abused while confined at another facility, the Assistant Chief Probation Officer shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Assistant Chief Probation Officer shall ensure that the notification has been documented (28 CFR 115.363).

606.5.2 ADDITIONAL REPORTING REQUIREMENTS FOR YOUTH VICTIMS

Upon receiving any allegation of sexual abuse of a youth (28 CFR 115.361):

- (a) All staff shall comply with mandatory child abuse reporting laws (Penal Code § 11166).
- (b) The Assistant Chief Probation Officer or authorized designee shall report the allegation to the victim's parents or legal guardians unless the Agency is in possession of official documentation that the parents or legal guardians should not be notified.
- (c) If the victim is under the guardianship of the child welfare system, the Assistant Chief Probation Officer shall report the allegation to the victim's caseworker (instead of parents or legal guardians).
- (d) If a juvenile court retains jurisdiction over the victim, the Assistant Chief Probation Officer shall also report the allegation to the victim's attorney or other legal representative within 14 days of receiving the allegation.

606.6 RETALIATION

All youths and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.

Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged

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perpetrator to another housing area, and support services for youths or staff who fear retaliation, shall be utilized (28 CFR 115.367).

The Assistant Chief Probation Officer or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of youths or staff who report sexual abuse or sexual harassment, as well as youths who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider youth disciplinary reports, housing or program changes, negative staff performance reviews, or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Youth monitoring shall also include periodic status checks. The Assistant Chief Probation Officer should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.367).

606.7 FIRST RESPONDERS

If an allegation of youth sexual abuse is made, the first juvenile institution officer to respond shall (28 CFR 115.364):

- (a) Separate the parties.
- (b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals (28 CFR 115.382).
- (c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (d) If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating).

If the first responder is not juvenile institution officer, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify juvenile institution officer.

Should an investigation involve youths who have disabilities or who have limited English proficiency, the Agency shall not rely on youth interpreters, youth readers, or other types of youth assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise youth safety, the performance of first responder duties, or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.316).

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606.8 SEXUAL ABUSE VICTIMS

Youths who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR 115.382). Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the youth, and the public, and to prevent escape.

A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Agency shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Agency, to provide victim advocate services. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 34 USC § 12511, to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used if it is not part of the criminal justice system (such as a law enforcement agency) and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services (28 CFR 115.321).

606.9 EXAMINATION, TESTING, AND TREATMENT

Examination, testing, and treatment shall include the following:

- (a) Forensic medical examinations shall be performed as evidentiary or medically appropriate, without financial cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANE)s. If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Agency shall document its efforts to provide SAFEs or SANEs (28 CFR 115.321).
 1. Any evidentiary examination and the initial treatment of victims of sexual assault shall be conducted at a health facility separate from the Juvenile Hall that is properly equipped and staffed with personnel trained and experienced in treating victims of sexual assaults.
- (b) If requested by the victim, a victim advocate, a qualified agency staff member, or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information, and referrals (28 CFR 115.321).
- (c) Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.382).
- (d) Counseling for the treatment of sexually transmitted diseases, if appropriate, shall be provided.
- (e) Victims shall be offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections, and follow-up treatment for sexually transmitted diseases (28 CFR 115.382; 28 CFR 115.383). This shall be done in a timely manner.

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- (f) Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28 CFR 115.383). This shall be done in a timely manner.
 - (g) Victims shall be provided with follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody (28 CFR 115.383).
 - (h) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.382; 28 CFR 115.383).
 - (i) The Wellpath or mental health staff shall obtain informed consent from youths before reporting information to juvenile hall staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the youth is under the age of 18 (28 CFR 115.381).
 - (j) Sharing of medical and mental health information related to sexual victimization that occurred in an institutional setting shall be limited to medical and mental staff and juvenile hall staff to the extent necessary to inform treatment plans and security or management decisions (28 CFR 115.381).
1. Youths shall be informed at the initiation of services of the duty to report and the limits of confidentiality (28 CFR 115.361).

606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS

An administrative investigation, criminal investigation, or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.322). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed agency-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases (28 CFR 115.371).

When practicable, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to a youth's sexual orientation, sex, or gender identity. Investigators should not assume that any sexual activity among youths is consensual.

The departure of the alleged abuser or victim from the employment or control of the juvenile hall or Agency shall not provide a basis for terminating an investigation (28 CFR 115.371).

If the investigation is referred to another agency for investigation, the Agency shall request that the investigating agency follow the requirements as provided in 28 CFR 115.321 (a) through (e). The referral shall be documented. The Agency shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.371). If

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criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.371).

Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.321).

Youths alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.371).

606.10.1 INVESTIGATIVE FINDINGS

All completed written investigations shall be forwarded to the Assistant Chief Probation Officer or, if the allegations may reasonably involve the Assistant Chief Probation Officer, to the higher authority. The higher authority or the authorized designee shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of evidence (28 CFR 115.371; 28 CFR 115.372).

The staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.376).

606.10.2 REPORTING TO YOUTHS

The Assistant Chief Probation Officer or the authorized designee shall inform a victim youth in writing whether an allegation has been found to be substantiated, unsubstantiated, or unfounded. If the Agency did not conduct the investigation, the Agency shall request relevant information from the investigative agency in order to inform the youth.

If a staff member is the accused (unless the Agency has determined that the allegation is unfounded), the youth shall also be informed whenever:

- (a) The staff member is no longer assigned to the youth's unit or employed at the facility.
- (b) The Agency learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

If another youth is the accused, the alleged victim shall be notified whenever the Agency learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.

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All notifications or attempted notifications shall be documented. When notification is made while the youth is in custody, the youth shall be requested to sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.373).

606.11 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND YOUTHS

Sexual abuse and sexual harassment between staff, volunteers, or contract personnel and youths is strictly prohibited (28 CFR 115.311; 28 CFR 115.376). The fact that a youth may have initiated a relationship or sexual contact is not a defense to violating this policy.

Any incident involving allegations of staff-on-youth sexual abuse or sexual harassment shall be referred to the Assistant Chief Probation Officer for investigation.

606.11.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER

Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with youths. The contractor or volunteer shall be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.377).

606.12 SEXUAL ABUSE INCIDENT REVIEW

An incident review shall be conducted at the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded (28 CFR 115.386). The review should occur within 30 days of the conclusion of the investigation.

The review team shall include upper-level management officials and seek input from line supervisors, investigators, and qualified health care and/or mental health professionals, as appropriate:

- (a) Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect, or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.
- (d) Assess the adequacy of staffing levels in the area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- (f) Prepare a written report of the team's findings, including but not limited to determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement. The report should be submitted to the Chief Probation Officer and the PREA coordinator.

The Assistant Chief Probation Officer or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

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606.13 DATA REVIEWS

This agency shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training by:

- (a) Identifying problem areas.
- (b) Identifying corrective actions taken.
- (c) Recommending corrective actions.
- (d) Comparing current annual data and corrective actions with those from prior years.
- (e) Assessing the agency's progress in addressing sexual abuse.

The reports shall be approved by the Assistant Chief Probation Officer and made available through the agency's website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated (28 CFR 115.388).

All aggregated sexual abuse data from San Benito County Juvenile Hall facilities and private facilities with which it contracts shall be made available to the public at least annually through the agency's website. Before making aggregated sexual abuse data publicly available, the Agency shall remove all personal identifiers (28 CFR 115.389).

606.14 RECORDS

All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling shall be retained in accordance with confidentiality laws.

The Agency shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Agency, plus five years unless the abuse was committed by a youth and applicable law requires a shorter period of retention (28 CFR 115.371).

All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state, or local law requires otherwise (28 CFR 115.389).

Grooming

607.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure youth grooming standards are based upon legitimate governmental interests.

607.2 POLICY

It is the policy of this facility to allow youths choice in personal grooming, except when a legitimate government interest justifies that grooming standards be established. The Assistant Chief Probation Officer or the authorized designee shall establish youth grooming standards specific to youth classification, work status, facility safety and security, and youth health and hygiene. Any established standards should not unreasonably interfere with religious observances. Grooming standards should be identified in the youth handbook.

607.3 HAIRCUTS

Youths will be provided haircuts subject to established facility rules. If hair length, style, or condition presents a security or sanitation concern, haircuts may be mandatory. Youths who significantly alter their appearance, or who through time, development, or improved diet have significantly changed, may be required to submit to additional admission photos.

Youths shall not cut names, numbers, or other designs into their hair. Youths shall not manipulate their hair into any style, including but not limited to braids, ponytails, cornrows, or twists, that could facilitate the concealment and movement of contraband and weapons.

607.3.1 HAIR CARE SERVICES

The Assistant Chief Probation Officer or the authorized designee shall establish written procedures for youth hair care services (15 CCR 1488; 16 CCR 979; 16 CCR 980). The procedures will include schedules for hair care services and allow rescheduling for conflicts, such as court appearances.

Youths shall receive hair care services once monthly (15 CCR 1488). Staff may suspend access to hair care services if the youth appears to be at risk of self-injury or to be a danger to others or to the safety and security of the facility.

607.4 SHAVING

Youths shall have access to a razor daily unless their appearance must be maintained for reasons of identification in court. All youths shall have equal opportunity to shave their face and body hair (15 CCR 1487). Facial hair shall be clean and well groomed. Long beards may allow youths to conceal weapons or contraband. Youths may be required to trim facial hair if it poses a security or safety risk. Youths may be required to submit to new booking photographs if their appearance is significantly altered due to facial hair. Youths with facial hair who work around food shall wear appropriate facial coverings.

A youth may be denied access to razors if the youth appears to be at risk of self-injury or appears to be a danger to others, or if such access may jeopardize the safety and security of the facility.

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Youths may be restricted from significantly altering their appearance for reasons of identification in court.

607.5 NAILS

Nail clippers will be kept at the control station and will be issued to youths upon request. Youth workers must keep their nails clean and trimmed. Youths with long nails may be required to trim their nails if there is a security concern and they are admitted to general population.

607.6 PERSONAL CARE ITEMS

Youths are expected to maintain their hygiene using approved personal care items.

No youth will be denied the necessary personal care items. For sanitation and security reasons, members should not allow personal care items to be shared.

Youth Nondiscrimination

608.1 PURPOSE AND SCOPE

The constitutional rights of youths regarding discrimination are protected during incarceration. These protections extend to administrative decisions (e.g., classification, access to programs, availability of services). This policy is intended to guide the staff toward nondiscriminatory administrative decisions by defining classes protected by the 1964 Civil Rights Act, Title II of the Americans with Disabilities Act (ADA), and detailing a complaint and discrimination investigation process (15 CCR 1324).

608.2 POLICY

All decisions concerning youths housed at this facility shall be based on reasonable criteria that support the health, safety, security, and good order of the facility. This policy prohibits the staff from discriminating against youths based upon actual or perceived age, sex, race, religion, disability, national origin, sexual orientation, HIV status, or any other protected class (15 CCR 1324). It establishes a process by which the youth can report possible discrimination.

Reasonable and comparable opportunities for participation in vocational, educational, and religious programs shall be provided to all youths. Youths shall have comparable access to all services and programs regardless of sex, gender identity, and/or gender expression.

The Assistant Chief Probation Officer should periodically conduct interviews with youths and staff members to identify and resolve potential problem areas related to discrimination before they occur.

608.3 REPORTING DISCRIMINATION

Youths who wish to report an allegation of discrimination may communicate with facility management by way of the following:

- (a) Youth Grievance Form provided by the facility staff
 - 1. Youth Grievance Forms should be made freely available in the living units
- (b) Confidential correspondence addressed to the Chief Probation Officer or the authorized designee, or other government official, including the courts or legal representatives
- (c) Verbally to any supervisor or other staff member of this facility

608.3.1 HANDLING COMPLAINTS OF DISCRIMINATION

Staff shall promptly forward all written discrimination allegations by youths to the Duty Officer. If the allegation is presented verbally, the receiving staff member shall prepare an incident report identifying the circumstances prompting the allegation, the individuals involved, and any other pertinent information that would be useful to investigating the allegation.

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Unless the grievance or written complaint submitted by the youth is clearly identified as confidential and addressed to the Chief Probation Officer or the authorized designee, or other official, the Duty Officer shall review the complaint and attempt to resolve the issue. The Duty Officer shall document the circumstances of the allegation and what actions, if any, were taken to investigate or resolve the complaint. All reports of alleged discrimination shall be forwarded to the Assistant Chief Probation Officer for review and further investigation or administrative action as needed.

Administrative evaluations and response to allegations of discrimination shall be based upon objective criteria:

- (a) The youth's classification
- (b) The youth's criminal history
- (c) Current and past behavior and disciplinary history
- (d) Housing availability
- (e) The availability of programs
- (f) The ability to safely provide the requested services

608.4 DISCRIMINATION GRIEVANCE/COMPLAINT AUDITS

The Assistant Chief Probation Officer should perform an annual audit of all discrimination grievances and complaints to evaluate whether any policy or procedure changes or training are indicated. The Assistant Chief Probation Officer should record these findings in a confidential memorandum. Specific details of complaints and identifying information, such as names of the involved persons, dates, or times, are not part of this process and should not be included in the memorandum. If the audit identifies any recommended changes or content that may warrant a critical revision to this manual, the Chief Probation Officer or the authorized designee should be promptly notified.

Any training issues identified by this audit should be forwarded to the Training Manager, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

Youth Grievances

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which youths may file grievances and receive a formal review regarding the conditions of their confinement (15 CCR 1361).

609.1.1 DEFINITIONS

Definitions related to this policy include:

Conditions of confinement - Any condition of a youth's confinement in the Juvenile Hall including health care services; classification decisions; program participation; telephone, mail, or visiting procedures; food; clothing; bedding; mistreatment; and harassment or violations of the Youth Nondiscrimination Policy (15 CCR 1361).

609.2 POLICY

It is the policy of this agency that any youth may file a grievance relating to conditions of confinement.

Retaliation for use of the grievance system is prohibited.

609.3 ACCESS TO THE GRIEVANCE SYSTEM

All youths shall be provided with a grievance process for resolving complaints arising from juvenile hall matters with at least one level of appeal. There shall be no time limit on filing grievances.

Youths will receive information about the grievance procedure during the intake/orientation process. Information will also be contained in the youth handbook. Information regarding the grievance process will be provided to youths in the language they understand.

The information will include (15 CCR 1361):

- A grievance form, free access, and instructions for registering a grievance.
- Instructions for resolving the grievance at the lowest appropriate staff level.
- The appeal process to the next level of review.
- Written reasons for denial of a grievance at each level of review.
- A provision of required time frames for responses.
- A provision for resolving questions of jurisdiction within the juvenile hall.
- Consequences for abusing the grievance system.
- A provision for confidential filing or delivery to any supervisory custody staff.

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609.4 YOUTH GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the youth's file. If there is no resolution at this level, the youth may file a grievance.

A youth may help another youth prepare a grievance. Staff members may take reasonable steps to help the youth prepare a grievance if requested.

Upon receiving a completed youth grievance, the staff member shall document receipt of the grievance, gather associated paperwork and reports, and forward it to a supervisor as soon as reasonably practicable.

609.4.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Youths may request to submit the grievance directly to a supervisor, mail it directly to the Assistant Chief Probation Officer, or deposit the grievance in a locked box within their housing unit.

A parent/guardian may also mail a grievance via the United States Postal Service to the Assistant Chief Probation Officer, submit it directly to a supervisor, or deposit the grievance in a locked grievance box located in the visitation area.

609.4.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed youth grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner. The supervisor shall assign the investigation of the grievance to the manager in charge of the department or service area the youth is grieving.

Findings relating to the investigation will be forwarded to the Duty Officer. Any appeals shall be forwarded to the Assistant Chief Probation Officer as the final level of appeal.

Grievances related to health and safety issues shall be addressed as soon as practicable. A review and initial response to other grievances shall be provided to the youth within three business days (15 CCR 1361).

Resolution of grievances should occur within 10 business days, unless additional time is necessary. Youths shall be notified of any delay (15 CCR 1361).

609.4.3 APPEALS TO GRIEVANCE FINDINGS

Youths may appeal the finding of a grievance to the Assistant Chief Probation Officer as the final level of appeal within five days of receiving the findings of the original grievance. The Assistant Chief Probation Officer will review the grievance and either confirm or deny it. If the Assistant Chief Probation Officer confirms the grievance, the Assistant Chief Probation Officer will initiate corrective actions. In either case, the youth shall receive a written response to the appeal.

609.4.4 RECORDING GRIEVANCES

The Assistant Chief Probation Officer should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance along with its finding on the grievance log. Periodic reviews of the log should be made

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by the Assistant Chief Probation Officer or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the youth's official record and maintained throughout the youth's period of incarceration.

The original grievance should be retained in a file maintained by the Assistant Chief Probation Officer or the authorized designee, and shall be retained in accordance with established records retention schedules.

609.4.5 STATE REQUIREMENTS

At any level of the grievance process, the Assistant Chief Probation Officer shall ensure (15 CCR 1361):

- (a) The youth may elect to be present to explain the youth's version of the grievance to a person not directly involved in the circumstances that led to the grievance.
- (b) Provisions exist for a staff representative to assist the youth.
- (c) Provisions exist for concerns of parents/guardians, staff, or other parties to be addressed and documented within 14 days.
- (d) Youths have the option to confidentially file the grievance or to deliver the form to any youth supervision staff working in the facility.

609.5 GRIEVANCE AUDITS

The Assistant Chief Probation Officer should perform an annual audit of all youth grievances and complaints filed the previous calendar year. The Chief Probation Officer or the authorized designee should document the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times, or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Chief Probation Officer should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Training Manager, who will be responsible for ensuring all necessary and required training is scheduled and completed.

609.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.352):

- (a) Youths may submit a grievance regarding an allegation of sexual abuse at any time.
- (b) Third parties, including fellow youths, staff members, family members, attorneys, and outside advocates, are permitted to assist youths in filing such grievances and to file such grievances on behalf of youths. Staff members who receive a grievance filed by a third party, other than a parent or legal guardian, on behalf of a youth shall inquire whether the youth wishes to have the grievance processed and shall document the youth's decision, and may condition the processing of the grievance on the youth's

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- consent. Staff members who receive a grievance filed by a parent or legal guardian of a youth shall process the grievance with or without the consent of the youth.
- (c) Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.
 - (d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. The supervisor receiving the grievance shall refer the grievance to the Duty Officer for investigation. Youths and staff are not required to attempt to informally resolve grievances related to sexual abuse.
 - (e) The Duty Officer should ensure that grievances related to sexual abuse are investigated and resolved within 10 days of the initial filing, unless additional time is necessary (15 CCR 1361). If a grievance is not resolved within 90 days, the Duty Officer may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the youth shall be notified in writing and provided a date by which a decision will be made.
 - (f) At any level of the process, including the appeal, if the youth does not receive a response within the allotted time, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.
 - (g) Youths may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the youth filed the grievance in bad faith.
 - (h) The facility shall provide youths with access to forms, writing implements, computers, or other tools necessary to make a written report (28 CFR 115.351).

609.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Youths who believe they are, or any other youth is, at substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the youth and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Duty Officer, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the youth is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.352).

609.7 TRAINING

The Training Manager shall ensure that all custody staff members receive initial and periodic training regarding all aspects of this policy. All training delivered should include testing to document that the member understands the subject matter.

Youth Voting

610.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible youths the opportunity to vote during elections, pursuant to election statutes.

610.2 POLICY

The Agency will assist youths who wish to vote in an election.

610.3 PROCEDURES

Prior to each election, the Assistant Chief Probation Officer will designate juvenile institution officer to be a liaison between the Agency and the local Registrar of Voters. The designated juvenile institution officer will be responsible for assisting youths who have requested to vote. Postage shall be provided to youths who cannot afford to mail an absentee ballot.

Youths should be advised of voting methods during the youth orientation.

Chapter 7 - Medical/Mental Health

Health Authorities

700.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing collaboration between the Assistant Chief Probation Officer, Wellpath, and the Medical Director to maintain adequate health care for youths (15 CCR 1400).

700.2 POLICY

The Agency will designate a health care provider and the Medical Director, who, among other responsibilities, will develop and approve procedures to provide adequate care for youths who are being held in the juvenile hall.

700.3 DESIGNATED HEALTH AUTHORITIES

A qualified person will be designated according to an agreement, contract, or job description as Wellpath for the facility. When the health care provider is not a physician, there shall be a designated Medical Director who shall develop policy in health care matters involving clinical judgments (15 CCR 1400).

A qualified physician will also be designated according to an agreement or job description as the juvenile hall's Medical Director. The Medical Director may also be Wellpath.

700.3.1 RESPONSIBILITIES OF THE HEALTH CARE ADMINISTRATOR

The health care provider is responsible for:

- (a) Supervising all health care provided to youths.
- (b) Working with the Medical Director and the Assistant Chief Probation Officer or the authorized designee to establish or approve procedures that are consistent with this Custody Manual chapter, reasonable standards of care, and legal standards. The procedures will address, at a minimum (15 CCR 1400; 15 CCR 1409):
 1. Youth screening at the time of admission into the juvenile hall and any associated forms (15 CCR 1430).
 2. Regular evaluations after admission (15 CCR 1432).
 3. Suicide prevention and intervention (15 CCR 1329).
 4. Receiving and evaluating youth requests for care (15 CCR 1433).
 5. Emergency care for youths (including first-aid kits and automated external defibrillators (AEDs)).
 6. Communicable/infectious diseases among the youth population (15 CCR 1410; 15 CCR 1430; 15 CCR 1432).
 7. Dietary issues specific to care (15 CCR 1462).
 8. Promotion of healthy lifestyles.
 9. Security issues related to care (15 CCR 1401).

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10. The delivery and administration of medication, including procedures so that youths who are taking prescribed medication at the time of admission continue to receive medications as necessary (15 CCR 1438; 15 CCR 1439).
 - i. Procedures should identify limitations to the length of time medication may be administered without further medical evaluation.
 11. Health-related devices that may need to remain with the youth, such as orthotics or eyeglasses (15 CCR 1436).
 12. Continued care for youths being released or transferred (15 CCR 1437; 15 CCR 1437.5).
 13. Care records and privacy (15 CCR 1406).
 14. Notification of family or guardians.
 15. Informed consent (15 CCR 1434).
 16. Use of private physicians and specialists.
 17. The process for determining when elective procedures may be approved or denied.
 18. Procedures for members to voluntarily and safely report possible health care-related events or circumstances that adversely affect youth safety or care.
 19. Procedures to implement a program wherein staff may possess and administer opioid overdose medication.
 20. Procedures to clean and sanitize infirmary care housing (15 CCR 1510).
 21. Procedures for treating victims of sexual assault and the reporting requirements when such incidents occur in the facility (see the Prison Rape Elimination Act Policy) (15 CCR 1453).
 22. Procedures for the identification and management of alcohol and other drug intoxications (15 CCR 1431).
 23. Procedures for monitoring youths who are experiencing intoxication or withdrawal, including frequency of monitoring, discontinuation, and documentation (15 CCR 1431).
- (c) Ensuring proof of licensure, certification, or registration of the juvenile hall's qualified health care professionals is maintained and consistent with community standards and the needs of the facility population (15 CCR 1404; 15 CCR 1352.5).
1. Wellpath should work with the Administration Assistant Chief Probation Officer to develop requirements for health care positions that are consistent with community standards, consider cultural and linguistic competence, and otherwise comply with 15 CCR 1404.
- (d) Ensuring that adequate space, supplies, and equipment are available for any health care services provided at the juvenile hall (15 CCR 1402), including the inspection and maintenance procedures of equipment (15 CCR 1412).
- (e) Approving the suicide prevention plan (15 CCR 1329).

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- (f) Developing a service delivery manual that is available to all health care staff and ensuring the health care manual is reviewed every two years, including documentation of the review process and the review approval signatures of the manual by the Assistant Chief Probation Officer, Wellpath, and the Medical Director (15 CCR 1409).
- (g) Ensuring staffing provides for each shift to have at least one health-trained staff member responsible for coordinating the delivery of health care services in the facility any time that qualified health care professionals are not available on-site (15 CCR 1323).
- (h) Establishing systems for coordination among health care service providers (15 CCR 1400).

700.3.2 RESPONSIBILITIES OF THE RESPONSIBLE PHYSICIAN

The Medical Director will supervise all clinical aspects of youth health care. Final clinical decisions are the sole province of the Medical Director (15 CCR 1401).

The Medical Director should:

- (a) Review clinical judgments and treatment plan recommendations made by other qualified health care professionals.
- (b) Approve all health care-related policies and procedures.
- (c) Issue standing orders as deemed appropriate.

700.4 MAINTAINING QUALITY OF YOUTH CARE

Wellpath, the Medical Director, and the Assistant Chief Probation Officer shall work cooperatively to maintain adequate youth health care. Maintenance efforts should be documented and should include (15 CCR 1403):

- (a) Quarterly meetings with the Assistant Chief Probation Officer, the Wellpath, and the Medical Director and monthly meetings of any health care staff.
- (b) A yearly audit of the juvenile hall's delivery of care, policies, and procedures.
- (c) Formalized efforts to identify and make improvements to youth care, including:
 1. A continuous quality improvement program.
 2. A clinical performance enhancement process to evaluate a provider's care.
 3. Review of youths' complaints.
- (d) An annual report and a summary of statistical data of medical, dental, mental health, and pharmaceutical services provided shall be submitted at least annually to the Assistant Chief Probation Officer (15 CCR 1403).

700.5 DESIGNATED CARE PROVIDERS (DESIGNEES)

Wellpath and the Medical Director may designate qualified health care professionals (e.g., physicians, nurses, counselors, dentists, specialists) as required in 15 CCR 1402. Wellpath is responsible for:

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- (a) Ensuring designees are properly licensed, certified, or registered, that they maintain their applicable licenses, certifications, or registrations, and that current credentials are on file and available for review (15 CCR 1404; 15 CCR 1352.5).
- (b) Limiting designees to providing care appropriate to their qualifications and licensing (15 CCR 1404; 15 CCR 1405).
- (c) Ensuring appropriate protocols and standing orders are developed, and that all protocols and standing orders are understood by designees.
- (d) Defining the extent of health care provided within the facility and delineating those services that shall be available through community providers (15 CCR 1402).
- (e) Establishing procedures for parents/guardians to authorize and arrange for medical/mental/remedial treatment when permissible (15 CCR 1402).

A designee may include an agency or entity, such as a clinic, hospital, public mental health organization, or off-site medical office.

700.6 CARE LIAISONS

The Medical Director and the Assistant Chief Probation Officer shall ensure that a member or a non-member designee is available to act as a care liaison for youths whenever there are no qualified health care professionals in the juvenile hall. Care liaison responsibilities include:

- (a) Reviewing initial screening forms.
- (b) Triaging non-emergency health care requests.
- (c) Reviewing sick call requests.
- (d) Coordinating timely health care referrals as needed (15 CCR 1430).
- (e) Assisting youths being released with follow-up health care referrals, appointments, and necessary medications.
- (f) Following other written protocol, standardized procedures, and medical orders as described as prescribed by the Medical Director (15 CCR 1405).

Youth Screening and Evaluations

701.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the screening and evaluation of youths for health care issues (15 CCR 1430).

This policy is limited to screening and evaluations. Subsequent care and treatment is addressed in the Availability and Standards of Care Policy and other related policies.

701.2 POLICY

The Agency recognizes that youths should be screened when they initially arrive at the juvenile hall and evaluated at regular intervals so all youths receive adequate health care.

701.3 YOUTHS NOT ACCEPTED INTO THE FACILITY

No youth with a reasonably identified condition that appears to require immediate medical care or another disqualifying condition identified by the Wellpath should be accepted at the facility without a written medical clearance from a qualified health care provider (15 CCR 1430).

If a youth is not accepted into the facility, the circumstances and reasons for requiring a medical clearance shall be documented.

Conditions that require a medical clearance include when a youth presents as (15 CCR 1430):

- (a) Unconscious or semi-conscious
- (b) Bleeding profusely
- (c) Severely disoriented
- (d) Known to have ingested substances, intoxicated to the extent that the youth is a threat to the youth's own safety or the safety of others, in alcohol or drug withdrawal, or otherwise in need of medical attention

701.4 INITIAL SCREENINGS

Trained staff shall perform a health care screening on each youth upon the youth's initial arrival at the juvenile hall. This includes those transferred from another facility. Findings shall be recorded on the appropriate form. The screening will include the name of the screener, date and time of the screening, and information and observations regarding (15 CCR 1430):

- (a) Current and historical medical, dental, and mental health care information, including any allergies.
- (b) Current and historical use of medication, alcohol, and drugs, including types, amounts and frequency used, method of use, date or time of last use, and history of any problems after ceasing use.
- (c) Suicide risk and mental health assessment (15 CCR 1329; 15 CCR 1350).

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1. Screening for suicide risk should include reasonable attempts to communicate with arresting or transporting juvenile institution officers and family members regarding the youth's past or present suicidal ideations or suicide attempts, if practicable.
 2. Youth who are identified to be at risk for suicide shall be referred to mental health staff consistent with the Suicide Prevention and Intervention Policy.
- (d) Pregnancy and associated issues.
- (e) Communicable disease risk assessment (15 CCR 1410).
- (f) Special needs that would significantly impair a youth's ability to adapt to the juvenile hall environment, such as a learning disability.
- (g) Other health care information as designated by the Medical Director or Wellpath.
- (h) Assessments of:
1. Behavior/conduct.
 2. Signs of impaired consciousness or other health issues (e.g., coughing, sweating, tremors, sleepiness, trouble breathing).
 3. Body deformities and body movements.
 4. Skin (e.g., injuries, rashes, needle marks, sores).
 5. Other concerns as designated by the Wellpath.
- (i) Intoxication.
1. A qualified health care professional shall conduct a medical evaluation on a youth showing signs of intoxicated behavior persisting over four hours (15 CCR 1431).
- (j) Risk of sexual abuse (15 CCR 1350.5) (see the Youth Classification and Prison Rape Elimination Act policies).
1. The Assistant Chief Probation Officer or authorized designee shall develop:
 - (a) Procedures to access and compile additional information to appropriately identify sexual abuse risk factors (e.g., medical and behavioral health screenings, court records, case files, facility behavioral records). The screening for risk of sexual abuse shall be completed within 72 hours of admittance.
 - (b) Protocols to safeguard the confidentiality of the information.

Any youth who cannot adequately answer the initial medical screening questions shall be referred to a qualified health care professional to determine whether the youth should be examined by an on-site qualified health care professional or, if one is not available, whether the youth should be transported to receive a medical clearance before acceptance into the juvenile hall.

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Youths who refuse to answer these questions should be placed under observation until the screening can be completed or until sufficient information is obtained to allow the staff to make appropriate decisions about housing and care.

Youths with an identified history of sexual victimization shall be offered a follow-up meeting with a medical or mental health provider within 14 days of intake screening (28 CFR 115.381).

Youths with an identified history of sexual perpetration shall be offered a follow-up meeting with a mental health provider within 14 days of the intake screening (28 CFR 115.381).

Initial screening forms should be forwarded to a care liaison for review.

See Procedures Manual on Suicidal Behavior for further information.

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701.4.1 SUCCESSIVE STAYS

If an adjudicated youth is identified as having previously stayed in this facility, but did not receive a health evaluation at that time, the youth shall receive an in-person health evaluation before the next scheduled commitment period or admittance (15 CCR 1430; 15 CCR 1432).

701.5 TRANSFER SCREENINGS

A qualified health care provider shall review the health record of any youth transferred into this juvenile hall within 96 hours of admission, excluding holidays (15 CCR 1432).

Youths transferred without a health record or initial screening from any other facility shall be screened when they arrive at this juvenile hall.

701.6 HEALTH EVALUATIONS

Qualified health care professionals shall complete an in-person health evaluation of each youth within 96 hours, excluding holidays, after arrival at the juvenile hall and annually thereafter if the youth is still in custody. Health evaluations should include (15 CCR 1432; 15 CCR 1430):

- (a) Review of the youth's initial screening information.
 1. Health care professionals should collect additional data to complete the youth's health history during initial screening, including family health history, history of recent trauma-exposure which may require immediate attention, current traumatic stress symptoms, or background information that reasonably appears to require additional inquiry (15 CCR 1432).
- (b) Collection of updated or additional data to complete the youth's health care and immunization history. Immunizations shall be verified and, if necessary, a program shall be started within two weeks to bring the youth's immunizations up to date.

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- (c) Medical examination.
- (d) Mental health assessment (15 CCR 1431; 15 CCR 1413).
- (e) Dental examination.
- (f) Tests to detect tuberculosis and other communicable diseases.
- (g) A record of the youth's height, weight, pulse, blood pressure, and temperature.
- (h) Other tests and physical examination as determined by the Wellpath.
- (i) Initiation of care when appropriate, as well as any associated treatment plan.
 - 1. Health care treatment plans shall address the considerations set forth in 15 CCR 1413 (e.g., youth and family participation (if applicable and available), cultural responsiveness, linguistic competence, physical and psychological safety, traumatic stress and trauma reminders).
- (j) Identification of health issues that may affect decisions regarding housing, program participation, or other conditions of confinement.
- (k) Identification of specific needs for accommodations (e.g., disabilities, gender identity).

The Medical Director should review any evaluations conducted by other qualified health care professionals.

The Medical Director may modify the health evaluation if the youth received an adequate examination within the last 12 months. In these cases, a review of the intake screening form and a face-to-face interview with the youth may be conducted when there is reason to believe that no substantial change is expected since the last full evaluation (15 CCR 1432).

Any findings that may significantly affect the health, safety, or welfare of the youth or others should be communicated to the Assistant Chief Probation Officer or the authorized designee. Health care needs that may affect housing, program participation, or other conditions of confinement shall be communicated and documented.

701.6.1 CLEARANCE FOR WORK AND PROGRAM ASSIGNMENTS

The screening and health evaluations shall include monitoring procedures for work and program assignment participation (15 CCR 1414).

Availability and Standards of Care

702.1 PURPOSE AND SCOPE

This policy will provide overall guidance for the continued care of youths who need health care.

702.2 POLICY

The Agency is committed to providing humane and age-appropriate conditions of confinement by ensuring that youths receive adequate care to meet their serious health care needs.

702.3 YOUTH ACCESS TO HEALTH CARE

Youths may access health care in the following ways (15 CCR 1411; 15 CCR 1433):

- (a) Sick call will be conducted as follows:
 1. As directed by Wellpath
 2. Scheduled so a youth's custody status (e.g., at court, work assignment, other release program) does not preclude access
- (b) Youths may request health care at any time by completing and submitting the appropriate request form. All such written requests shall be forwarded to a care liaison as soon as practicable, but always before the end of the receiving member's shift. The care liaison shall forward all requests to a qualified health care professional as appropriate.
 1. The facility shall provide opportunities for a youth to submit a confidential request for health care.
- (c) Youths may request care for an emergency medical condition in any manner, to any member. All such requests should be addressed appropriately and immediately by the member, including prompt notification of a care liaison and/or the appropriate medical care provider (15 CCR 1412).
 1. All health care requests shall be documented and retained in accordance with the Health Care Records and Confidentiality Policy.
- (d) Youths may question or complain about their care or denial of care through the grievance system. Health care-related grievances are to receive priority attention and should be forwarded to a supervisor as soon as practicable. Grievances should be promptly forwarded by the supervisor to the qualified health care professional, unless the youth is complaining about the care provided by that person.
 1. A supervisor shall be notified as soon as practicable when a youth makes a claim of being denied emergency care for an emergency medical condition.
 2. All youths' care-related complaints shall be reviewed daily by health-trained staff (15 CCR 1433).
- (e) Youths may be treated by a personal licensed physician, dentist, or mental health care provider at their own expense, with the approval of Wellpath and their parents/guardians (15 CCR 1402).

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- (f) Costs, including those related to security procedures, will not be used as justification for withholding necessary or emergency medical care.
- (g) Any staff member who becomes aware of or observes a youth who may be in need of medical care may access the sick call procedures on behalf of the youth. Any staff member who becomes aware of a youth in need of first aid or emergency care will immediately provide such care or arrange for the youth to receive care (15 CCR 1412).
- (h) Provisions shall be made to provide opportunities for both written and verbal communications for health care requests to those with disabilities, limited English proficiency, or limited literacy.

702.4 YOUTH PRIVACY

Youth information, treatments, and discussions regarding treatment should be held in private and in a manner that prevents such discussions from being observed or overheard by anyone not involved in the treatment or discussion (15 CCR 1407).

702.5 RESPONSIBILITIES

Clinical judgments involving health care are the responsibility of the health care professional qualified to make such a decision.

Members shall accept clinical judgments and not deny access to care by making, assuming, or ignoring a clinical decision.

Custody staff and qualified health care professionals should work together to coordinate security and health care needs. Qualified health care professionals and custody staff should communicate with each other about youth health care needs that may significantly impact the health, safety, or welfare of the youth or others. Information regarding ongoing treatment plans should be communicated to custody staff to the extent necessary to coordinate and cooperate in the ongoing care of the youth.

Communication between custody staff and qualified health care professionals regarding health care needs that may affect housing, program participation, or other conditions of confinement should be documented. Health care restrictions shall not limit a youth's participation in school, work assignments, exercise, or other programs (15 CCR 1413).

702.5.1 STAFF OBSERVATIONS

Staff who observe a youth with obvious signs of medical or dental needs and/or mental/behavioral health issues, including the presence of trauma-related behaviors, injury, or illness, shall inquire about the possible health issue and communicate relevant information with qualified health care professionals (15 CCR 1433).

702.6 MEDICAL CARE

The treating qualified health care professional shall develop a written treatment plan for each youth requiring ongoing treatment, including any need for off-site treatment or a specialist.

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The juvenile hall shall have first-aid kits and Automated External Defibrillators (AEDs) readily available to staff in the housing and admission areas and any other location approved by Wellpath (15 CCR 1412).

702.6.1 ELECTIVE PROCEDURES

Elective procedures will generally not be provided to youths. A determination regarding whether a procedure is elective or a component of a current, medically necessary standard of treatment will be made only by the Medical Director. Procedures that are elective may be approved by the Assistant Chief Probation Officer or the authorized designee after verification that the youth or the youth's parent/guardian will pay all associated costs (15 CCR 1402). Parent/guardian consent is required if under the age of 18.

702.6.2 PREGNANT YOUTHS

Medical care, prenatal care, postpartum care, and counseling services (mental health, social, drug and alcohol use, and religious) will be available to pregnant youths (15 CCR 1417; 15 CCR 1431).

Pregnant youths should receive prompt prenatal care, including physical examinations, nutrition guidance, childbirth, lactation, and parenting education, counseling, and provisions for follow-up care. Qualified medical professionals should develop a plan for pregnant youths that includes direct communication of medical information and transfer of medical records regarding prenatal care to the obstetrician who will be providing prenatal care and delivery.

The facility provides meals for youths with special dietary requirements (e.g., youths with allergies, pregnant youths, youths with dental problems, youths with religious beliefs that require adherence to religious dietary laws or special timing of meals).

No member shall interfere with or impede a youth's decision to have an abortion, not to have an abortion, or to place the child for adoption. In jurisdictions where youths need parental consent to obtain an abortion, medical staff should inform youths about the requirement and any alternative ways of satisfying the requirement (e.g., having the youth's attorney seek judicial permission to proceed without parental consent). If a youth chooses to have an abortion, the youth shall be requested to sign a statement acknowledging that the youth has been provided the opportunity for related counseling and chooses to have an abortion. Any financial obligations for elective abortions will be the responsibility of the youth. The juvenile hall shall provide necessary transportation and supervision for such services. Staff members who object to facilitating a youth's elective abortion (including arrangements, transportation, and security) should not be required to perform such duties.

The Assistant Chief Probation Officer or the authorized designee should work with the pregnant youth, community agencies, or other relevant persons so the child is appropriately placed after the birth. Child welfare workers may interview and counsel the youth at the juvenile hall.

Pregnant youths shall receive information regarding options for continuing the pregnancy, terminating the pregnancy, and adoption.

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The Assistant Chief Probation Officer shall develop written procedures consistent with the requirements in 15 CCR 1417, including the availability of a breast pump and procedures for storage, delivery, and disposal for lactating youths.

702.6.3 FOLLOW-UP CARE

The Medical Director or the authorized designee should review all discharge and other orders issued for youths released from an emergency room visit or hospital stay, and should issue health care orders for any ongoing in-custody care.

Wellpath should ensure that youths receive education and instruction for any self-care that may be required to meet their individual health care needs.

702.6.4 HEALTH EDUCATION

Youths should be encouraged to maintain healthy lifestyles. The juvenile hall should provide health education and wellness information through classes, audio and video presentations, brochures, and pamphlets.

The Assistant Chief Probation Officer shall develop a health education and disease prevention program that addresses the topics required by 15 CCR 1415, including medical, dental, and mental health. The program should be developed in conjunction with the Medical Director and should be updated as necessary to address current health and community priorities that meet the needs of the confined population (15 CCR 1415).

702.6.5 REPRODUCTIVE AND SEXUAL HEALTH SERVICES

The Assistant Chief Probation Officer shall develop procedures to assure that reproductive health services are available to both male and female youths. These procedures are to be made in conjunction with the Medical Director and in accordance with current public health guidelines. Such services shall include but not be limited to those prescribed by Welfare and Institutions Code § 220 through Welfare and Institutions Code § 222 (15 CCR 1416; 15 CCR 1355).

702.7 MENTAL HEALTH CARE

Members should refer any youth showing signs of mental illness or a developmental disability to a care liaison, who will arrange for an appropriate referral.

The following mental health care will be provided to youths (15 CCR 1437):

- (a) Counseling and crisis intervention
- (b) Management of acute psychiatric episodes
- (c) Stabilization and treatment of mental disorders
- (d) Medication support services
- (e) Appropriate care of youths with developmental disabilities
- (f) Behavioral health care for transgender and intersex youths by qualified health care providers (15 CCR 1352.5).

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The youth shall be referred to the local Regional Center for the Developmentally Disabled for the purposes of diagnosis and/or treatment within 24 hours of identification, excluding holidays and weekends (15 CCR 1418).

See Procedures Manual on Access to Mental Health Services: Referral for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 701.1 ACCESS TO MENTAL HEALTH SERVICES: REFERRAL](#)

702.8 DENTAL CARE

Emergency dental care will be provided to youths. Emergency dental care will be available to all youths 24 hours a day. Severe dental pain qualifies as an emergency.

Dental care that is a necessary standard of treatment will be available to all youths. Decisions as to whether dental care is a necessary standard of treatment will be made by a qualified dental care professional. Treatment shall not be limited to extractions (15 CCR 1435).

Decisions to provide dental care that is not presently a necessary standard of treatment (i.e., elective) may include consideration of the youth's expected release date and available resources. Procedures that are elective may be approved by the Assistant Chief Probation Officer or the authorized designee. The youth's parent/guardian will bear the cost.

Annual dental exams shall be provided to any youth detained for longer than one year (15 CCR 1435).

702.9 EMERGENCY CARE

Emergency health care shall be available to all youths 24 hours a day. No youth shall be deprived of care for emergency medical, mental health, or dental service due to the time of day or night. An ambulance will be provided when necessary for proper care (15 CCR 1412; 15 CCR 1433).

At least one staff member who has received basic first-aid and CPR training shall be available 24 hours a day.

702.10 FACILITY DIAGNOSTIC SERVICES

Diagnostic services provided at the juvenile hall shall be properly licensed or certified and comply with applicable state and federal requirements. Diagnostic services include X-ray or digital imaging as well as laboratory testing, such as blood or urine tests. Wellpath should ensure the applicable licenses or certifications are maintained.

Procedures and instruction manuals should be available for each type of service.

702.11 OFF-SITE CARE PROVIDERS

Wellpath should ensure written agreements are maintained with any community care providers who regularly provide health care services to youths. The agreements should require providers to deliver a summary of any treatment provided, follow-up care, and prescription medication

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recommendations, and should identify any health care needs that may affect housing, program participation, or other conditions of confinement.

702.12 TRANSPORTING YOUTHS FOR HEALTH CARE

Youths shall be safely transported to all health care appointments in accordance with the Transportation of Youths Outside the Facility Policy. When a youth is being transported outside the juvenile hall:

- (a) Transporting staff should have instructions regarding any medication or accommodation that may be necessary during transport.
- (b) Patient confidentiality should be maintained during transport.
- (c) Any health care records transported by custody staff should be sealed.
- (d) The date and time of the appointment will not be told to the youth or their family unless authorized by the Assistant Chief Probation.

702.13 EVIDENCE COLLECTION

A youth's treating or regular care provider should not assist in evidence collection for purposes of prosecution, discipline, or any other adversarial proceeding. However, evidence may be collected from a victim of sexual assault with the consent of the victim (see the Prison Rape Elimination Act Policy). Forensic medical services conducted for the purpose of reporting and prosecution shall be in accordance with 15 CCR 1452 and 15 CCR 1453.

Qualified health care professionals from this facility are prohibited from being involved in psychological evaluations for use in adversarial proceedings.

Special Medical Care For Youths

703.1 PURPOSE AND SCOPE

The purpose of this policy is to address youths who may have special medical care needs.

703.2 POLICY

It is the policy of the Agency for custody staff to work cooperatively with qualified health care professionals to ensure that youths with special medical care needs are provided adequate care.

703.3 CHRONIC DISEASE CARE

Wellpath should work with the Medical Director and the Assistant Chief Probation Officer to develop programs or procedures to assist youths with chronic diseases. Wellpath should identify the common chronic diseases at the juvenile hall and the youths who would benefit from special medical care. Wellpath should maintain a list of these youths to facilitate the implementation of any treatment plan and follow-up care.

703.4 COORDINATED CARE

Wellpath should work with the Medical Director and the Assistant Chief Probation Officer to ensure youths with special medical care needs, including physical disabilities that require medical care, receive coordinated health care (15 CCR 1431). Youths with special medical care needs should be identified so custody staff can assist as necessary with any treatment plans.

703.5 DETOXIFICATION

Youths experiencing symptoms of drug or alcohol withdrawal should be seen promptly by a qualified health care professional or transferred to an off-site emergency facility for treatment (15 CCR 1431).

Any youth showing signs of drug or alcohol withdrawal symptoms shall be placed in a protective environment and assessed. Appropriate medical responses to youths experiencing intoxication or withdrawal reactions shall occur. When it is determined that the monitoring requirements can be discontinued, initiation of substance abuse counseling for case management and referral procedures for continuation upon release shall be instituted (see the Case Management and Discharge Plan policies) (15 CCR 1431).

Pregnant youths who use alcohol or other drugs shall receive counseling services as determined by their individualized treatment plan and in accordance with the Availability and Standards of Care Policy.

703.6 SUBSTANCE ABUSE CARE

Youths should receive substance abuse education or counseling and be referred for treatment as necessary (15 CCR 1431).

Counseling Services

704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for providing counseling and crisis intervention services to youths (15 CCR 1356;15 CCR 1437).

Mental health care for youths with signs of mental illness or a developmental disability is covered in the Availability and Standards of Care Policy.

704.2 POLICY

It is the policy of this agency to provide counseling and crisis intervention services to any youth who requests services or is determined to need them.

704.3 JUVENILE HALL SUPERVISOR RESPONSIBILITIES

The Assistant Chief Probation Officer and the Juvenile Hall Supervisor are responsible for:

- (a) Developing and maintaining procedures to facilitate the availability of appropriate counseling and crisis intervention services for youths in need of such services (15 CCR 1356). Services shall include:
 1. Assistance with needs or concerns that may arise.
 2. Access to available resources to meet the youth's needs.
- (b) Developing and maintaining procedures to refer youths in need of counseling services when requested by the youth, the youth's parent/guardian, or members.
- (c) Coordinating with the Medical Director to develop and maintain procedures to document counseling or crisis intervention services provided to youths.
- (d) Coordinating with the Medical Director to develop and maintain procedures to identify personnel who will provide counseling and crisis intervention services, which should include consideration of training, qualifications, and applicable licensing requirements.
 1. Services may be provided by medical/mental health staff assigned to the facility, the chaplain or religious volunteers (see the Religious Programs Policy), juvenile institution officers assigned to the facility who have specific training and expertise in this area, or other qualified professionals.

704.4 REQUESTS AND REFERRALS

The Juvenile Hall Supervisor shall ensure that request forms are available and provided to youths who request counseling services. All youth requests for counseling shall be forwarded to the Juvenile Hall Supervisor.

A member who observes behavior in a youth that may indicate a need for counseling or crisis intervention services shall notify the Juvenile Hall Supervisor. The Juvenile Hall Supervisor shall assess the need and area of counseling and facilitate counseling services as soon as practicable,

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with consideration given to facility security, scheduling, and available resources (15 CCR 1437; 15 CCR 1437.5).

Members observing signs of suicidal thoughts or tendencies in a youth should proceed according to the Suicide Prevention and Intervention Policy (15 CCR 1329).

704.5 REQUIRED COUNSELING SERVICES

Members who reasonably believe that a youth has been a victim of sexual abuse should inform the youth of the availability of counseling as provided in the Prison Rape Elimination Act Policy and should proceed with any reporting and other applicable requirements in accordance with the Prison Rape Elimination Act Policy.

704.6 NON-CRISIS COUNSELING

The Agency shall, when reasonably practicable, make counseling services and/or case management services available to assist youths who are being released into the community.

704.7 TRAINING

Members who interact with youths should receive training on identifying behavior and other signs in youths that may indicate a need for counseling or crisis intervention services. Training should include familiarizing with all counseling programs available and the process for referring youths for counseling.

Release, Transfers, and Continued Care

705.1 PURPOSE AND SCOPE

This policy provides guidelines so the Agency may appropriately address the health issues of youths who are being released or transferred to another facility (15 CCR 1432; 15 CCR 1437).

705.2 POLICY

The Agency will assist youths in meeting their health care needs following release or transfer to another facility, as provided in this policy.

705.3 TRANSFERS

Health care information that should be transferred with a youth to a receiving facility includes, as applicable (15 CCR 1408; 15 CCR 1432):

- (a) Summaries or copies of health care records, including:
 1. Any current or recommended treatment plans.
 2. Current medications.
 3. Any known or suspected communicable diseases.
 4. Information regarding any health care issues that may affect the youth's security or ability to participate in programs.
- (b) Necessary medication and health care information shall be provided to the transporting staff, together with the precautions necessary to protect staff and youth passengers from disease transmission during transport.
- (c) Other instructions regarding the continued care of the youth, as deemed appropriate by the youth's qualified health care professionals.
- (d) Documentation that no health care record exists at the facility, when applicable.
- (e) Written health care clearance for youths transferred within the facility detention system.

Written authorization by the youth's parent/guardian is generally required for transfer of health care records outside the Agency (15 CCR 1408). If authorization cannot reasonably be obtained, the Duty Officer, after consultation with a qualified health care professional, may transfer health care information necessary for (45 CFR 164.512(k)(5)):

- The provision of health care to the youth.
- The health and safety of others, including other youths and transporting and law enforcement personnel (e.g., active tuberculosis).
- The administration and maintenance of the safety, security, and good order of the receiving facility.

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Release, Transfers, and Continued Care

705.3.1 TRANSFER OF NON-CONFIDENTIAL INFORMATION

In circumstances when the facility does not have on-site health care staff, the Assistant Chief Probation Officer shall ensure policy and procedures are developed that address forwarding non-confidential information on medications and other treatment orders prior to or at the time of transfer (15 CCR 1408).

705.3.2 TRANSFERS TO TREATMENT FACILITIES

In circumstances when psychiatric needs exceed the treatment capability of the juvenile hall, the Assistant Chief Probation Officer shall ensure provisions exist for the timely referral and transportation of the youth to a licensed mental health facility (15 CCR 1437; 15 CCR 1437.5).

705.4 RELEASES

Information on upcoming medical or mental health appointments, including the name, address, and phone number of the provider, should be provided to the youth's parent/guardian.

- (a) Communicate the importance of continuing any current medication and, when reasonably practicable, arrange for a sufficient supply of current medication to be provided to the youth's parent/guardian until the youth can be seen by a health care provider after release (15 CCR 1408).
- (b) Provide the youth with appropriate community referrals, such as health care clinics or other community health professionals.

Upon request, health care information should be transferred to physicians or receiving health care facilities in the community with appropriate written authorization as set forth in 15 CCR 1408.5.

Communicable Diseases - Youths

706.1 PURPOSE AND SCOPE

This policy provides general guidelines to minimize the risk of youths contracting and/or spreading communicable diseases, as well as guidelines for diagnosing and treating communicable diseases among the youth population.

706.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis); or when an individual is in an area that was occupied by such a person. If uncertain, the Medical Director will determine whether an incident meets the definition of an exposure.

706.2 POLICY

The San Benito County Juvenile Hall is committed to addressing the risks associated with communicable diseases among the youth population.

706.3 PROCEDURE

The Medical Director shall prepare procedures related to communicable diseases that include (15 CCR 1410):

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how youths may obtain medical attention if there is an exposure or suspected exposure.
- (c) Procedures related to mitigating the risks associated with communicable disease in the youth population. These will include but are not limited to:
 1. Proper screening of incoming youths.
 2. Appropriate testing.
 3. Investigations of suspected exposures.
 4. Appropriate medical attention and precautions to be used by staff, including separating or isolating youths appropriately (15 CCR 1430).
 5. Sanitation and youth hygiene efforts, including the sanitation of medical equipment.
 6. Control of vermin and parasites, such as mice, lice, and bedbugs.

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7. Reporting communicable diseases and suspected exposures to the proper authorities.
- (d) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Coordinating with community-based resources for follow-up treatment of youths exposed to communicable diseases (15 CCR 1410).
 3. Developing strategies for handling communicable disease outbreaks (15 CCR 1410).
 4. Coordinating with the Exposure Control Officer (ECO) and the county health officer to develop and provide appropriate health education and disease prevention programs to youths. The education program shall be updated as necessary to address current health priorities and to meet the needs of the youth population (15 CCR 1415).

The Medical Director shall work with the ECO to periodically review and update these procedures as appropriate and necessary to reflect the communicable disease priorities identified by the county health officer and recommended public health interventions (15 CCR 1410).

706.4 EXPOSURE PREVENTION AND MITIGATION

706.4.1 SUSPECTED EXPOSURE OF A YOUTH

Members who learn that a youth may have been exposed should, as soon as practicable:

- (a) Take steps to reduce exposure to other youths and begin decontamination procedures.
- (b) Use precautions related to exposure prevention as applicable to the situation (e.g., gloves, face masks).
- (c) Contact a qualified health care professional to care for the youth as needed and obtain recommendations regarding isolation or quarantine of the youth.
- (d) Notify the appropriate supervisor and the Assistant Chief Probation Officer.

706.4.2 SUPERVISOR RESPONSE AND REPORTING REQUIREMENTS

The responding supervisor shall investigate every exposure or suspected exposure of a youth as soon as reasonably practicable following notification. The supervisor shall ensure the youth receives appropriate medical assistance and that steps are taken to protect other youths and staff.

All incidents involving a suspected exposure shall be thoroughly documented.

706.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any exposed youth shall have the opportunity to have a medical evaluation immediately after an exposure, plus follow-up evaluations as necessary. Testing a person for communicable diseases

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when that person was the source of an exposure may be sought when appropriate. Source testing is the responsibility of the Medical Director.

706.5 YOUTH CONFIDENTIALITY

Any information regarding youths and possible communicable diseases shall be considered confidential health care records (see the Health Care Records and Confidentiality Policy).

Suicide Prevention and Intervention

707.1 PURPOSE AND SCOPE

This policy is intended to reduce the risk of youth suicide through risk identification and appropriate intervention (15 CCR 1329).

707.2 POLICY

The Agency will develop a suicide prevention plan to identify and monitor potentially suicidal youths and appropriately intervene.

707.3 MEMBER RESPONSIBILITIES

Any member who identifies a youth who displays suicidal signs shall immediately notify a supervisor and the appropriate medical/mental health staff as described in the Health Authorities Policy. The youth shall be personally monitored until a mental health professional approves another form of monitoring. The youth shall be provided direct visual supervision by a member until a mental health professional can be consulted regarding the level of supervision. The Assistant Chief Probation Officer or the authorized designee shall determine the supervision level of all suicidal youths in consultation with the mental health professional (15 CCR 1329).

The care liaison will assist with contacting a mental health professional and implementing precautionary steps, as provided in this policy.

707.4 SUICIDE PREVENTION PLAN

The Medical Director and the Assistant Chief Probation Officer will develop a suicide prevention plan. The plan shall address the protocols and procedures set forth in 15 CCR 1329 (e.g., training for screening, housing, documentation, facility inspections, trauma-informed approaches for treatment strategies, and other precautionary practices).

Youths identified as at risk for suicide should not be denied the opportunity to participate in facility programs, services, and activities available to other youths, unless denial is deemed necessary for the safety of the youth or the security of the facility. Any deprivation of programs, services, or activities for youths at risk for suicide shall be documented and approved by the Assistant Chief Probation Officer.

The suicide prevention plan should be developed with the Wellpath, the Assistant Chief Probation Officer, staff, treatment providers, and local public health agencies, as appropriate.

See Procedures Manual on Definition of Suicide Risk - Classification/Supervision for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 704.1 DEFINITION OF SUICIDE RISK - CLASSIFICATION/SUPERVISION](#)

See Procedures Manual on Supervision for further information.

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[San Benito County Probation Department Juvenile Hall Procedures Manual: 705.1 SUPERVISION](#)

707.5 PRECAUTIONARY STEPS

The following youths should be placed on suicide watch:

- Any youth who has expressed suicidal thoughts
- Any youth who has a recent history of self-injurious behavior
- Any youth who has attempted to commit suicide or committed an act in furtherance of suicide

Prior to placing a suicidal youth in any room, staff should carefully inspect the area for objects that may pose a threat to the youth's safety.

Physical restraints should only be used as a last resort. The decision to use or discontinue use of restraints should be made in consultation with the Duty Officer and a qualified health care professional.

If safety rooms or other temporary holding areas are not available, immediate arrangements should be made to transfer the youth to a designated medical or mental health facility.

Until the youth is evaluated by a mental health professional, the youth shall be subject to continuous direct visual observation. The Medical Director or the authorized designee will determine when the youth no longer requires continuous direct visual observation.

A youth will be removed from suicide watch when the Medical Director or a mental health professional determines the youth no longer poses a threat of self-harm, with the approval of the Assistant Chief Probation Officer. The youth shall be referred to classification for an appropriate housing assignment. The fact that the youth was on suicide watch shall be communicated to housing staff whenever and wherever a youth is assigned, throughout the youth's detention (15 CCR 1329).

See Procedures Manual on title named "Procedures/Documentation for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 703.1 PROCEDURES/DOCUMENTATION](#)

707.6 OBSERVATION LOGS

Observation logs shall be maintained and documented in at least 10-minute intervals for all youths on suicide watch. The Duty Officer and the Medical Director, or their authorized designees, must observe the youth at least once every five hours and make notations in the observation log. Each staff member who is required to observe the youth shall make notations in the observation log, including the time of observation and a brief description of the youth's behavior.

See Procedures Manual on Supervision for further information.

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707.7 DOCUMENTATION

Staff shall document, in accordance with the Safety Rooms and Camera Rooms and Daily Activity Logs and Shift Reports policies, any time a youth's suicide watch status and housing assignment changes, and the reasons for not providing clothing, personal items, and issued items as applicable.

The youth's health care record should be updated to reflect all contacts, treatment, and any other relevant information.

707.8 SUICIDE ATTEMPTS

Any suicide attempt is a medical emergency, and life-saving measures shall be initiated by a trained staff member until the staff member is relieved by a qualified health care professional, who shall initiate appropriate medical evaluation and intervention.

The Medical Director or the authorized designee should be notified when referral and transportation to an emergency room or local hospital are required.

Staff should preserve and collect evidence as necessary. The parent/guardian, court of jurisdiction, and involved probation officer shall be notified of the suicide attempt.

707.8.1 SUICIDES

All deaths resulting from suicide should be investigated and documented in accordance with the Reporting In-Custody Deaths and In-Custody Death Reviews policies (15 CCR 1329).

707.9 DEBRIEFING

Any suicide or attempted suicide requires a staff debriefing. Information will be communicated to the oncoming Duty Officer and staff to apprise them of the incident and actions taken. Such debriefing will be appropriately documented and shall be reviewed by administration, security, and the Medical Director.

Stress management debriefings for involved members and youths to discuss post-incident thoughts and reactions should be provided (15 CCR 1329).

See Procedures Manual on title named "Procedures/Documentation for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 703.1 PROCEDURES/DOCUMENTATION](#)

707.10 TRANSFER AND RELEASE

Ongoing care of suicidal youths during transfers and after release should be considered. When a youth is being transferred for observation or treatment, a staff member should complete the necessary forms, documenting the reasons why the youth is believed to be suicidal. The completed forms should accompany the released youth to the designated facility.

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When a youth with a history or risk of suicide is transferred, the transporting juvenile institution officer should ensure that the suicide threat or other danger is clearly communicated to personnel at the receiving facility (15 CCR 1329).

Youths who are at risk for suicide and are being released should be encouraged to work with local or area mental health resources and shall be provided with the appropriate contact information.

Medication

708.1 PURPOSE AND SCOPE

This policy contains guidance for medication services that are provided by this agency (15 CCR 1438; 15 CCR 1439).

708.2 POLICY

Medications shall be securely stored and delivered and administered to youths in a safe and timely manner. The Agency will never discipline a youth by use or deprivation of medication.

708.3 SECURITY AND CONTROL

The Medical Director shall establish a list of all prescription and over-the-counter (OTC) medication that is available on-site for youths, including any medication authorized to be self-administered by youths.

The Wellpath should work with the Assistant Chief Probation Officer and the Medical Director to establish procedures for the appropriate storage, access, accounting, disposal, security, and control of all medication (15 CCR 1438).

Medication, needles, and delivery carts shall be kept locked when they are not being used and shall only be accessible to authorized qualified health care professionals. Youths shall never be allowed access to these items.

Medication shall be kept in original containers or otherwise legally packaged to reveal the contents, and shall be stored in clean, temperature-controlled, ventilated areas that are appropriate for the type of medication. All other federal and state laws regarding controlled substances shall be followed.

Youths should be supervised whenever they are in areas where medications, syringes, needles, sharp instruments, or medical supplies are located.

708.4 DELIVERY AND ADMINISTRATION

The Medical Director shall ensure:

- (a) Prescription medication is delivered or administered to a youth only when ordered by a physician or other legally authorized professional.
- (b) Medication is delivered and administered by persons authorized to do so. Custody staff shall prevent youths from delivering medication from one youth to another (15 CCR 1438).
- (c) Youths admitted to the juvenile hall continue to receive their current medications as previously prescribed, unless otherwise ordered by a qualified health care professional (15 CCR 1437; 15 CCR 1438).

The authorized person delivering medication shall confirm the identification of the youth and shall stand by to ensure the youth has taken/ingested the medication (15 CCR 1438). Each

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delivery and administration shall be documented. Refusals or adverse reactions to medication shall also be documented and reported to the Medical Director or the authorized designee. Refused medication shall be returned to the medication storage area that is designated for this purpose and shall not be mixed with other stored medications. Unused medication and controlled substances shall be disposed of in accordance with applicable state and federal regulations.

The Medical Director may identify medications that may be self-administered and the appropriate procedures to be followed. The length of time allowable for the Medical Director's signature on verbal orders shall not exceed seven days (15 CCR 1438).

708.4.1 OVER THE COUNTER (OTC) MEDICATION

The Medical Director shall develop guidelines for administration of OTC medication for youths. The guidelines should include (15 CCR 1438):

- (a) Under what circumstances the youths may request medication.
- (b) An approved list of OTC medication and the related symptoms that may require administration.
- (c) A requirement that staff follow label instructions.
- (d) Training for staff to administer approved OTC medication (see the Health Care Orientation and Training Policy).

All instances of a youth obtaining OTC medication should be documented.

708.5 PHARMACEUTICAL OPERATIONS

If the juvenile hall operates a pharmacy, the Medical Director shall ensure:

- (a) The Medical Director inspects the pharmaceutical operation quarterly.
- (b) An annual report on the status of the pharmaceutical operation is prepared and provided to the Wellpath and the Assistant Chief Probation Officer (15 CCR 1438).
- (c) The pharmaceutical operation complies with all applicable laws and regulations.
- (d) Dispensed drugs are packaged in accordance with the provisions of the federal packaging laws (15 USC § 1471 et seq.) and any other applicable state and federal law.
- (e) Prescriptions are properly labeled.
- (f) Pharmaceutical waste is separated from other types of medical waste and discarded appropriately.
- (g) Current drug reference information, such as a Physician's Desk Reference (PDR) or an approved website, shall be available to staff.
- (h) Procurement and repackaging shall be done only by the Medical Director, dentist, pharmacist, or other persons authorized by law (15 CCR 1438).

Medication

708.6 INVOLUNTARY ADMINISTRATION OF MEDICATION

Medication may only be administered involuntarily to a youth in emergency circumstances when it is necessary to protect the youth or others from imminent harm and only with a physician's order (15 CCR 1437; 15 CCR 1439). The reason medication was involuntarily administered should be documented in the youth's health care record.

A court order shall be sought or legal consent shall be obtained if the Medical Director anticipates further dosage will be necessary or beneficial (15 CCR 1439).

708.6.1 PSYCHOTROPIC MEDICATION

The Medical Director shall develop guidelines for the administration of psychotropic medication that include (15 CCR 1439):

- (a) Protocols for health care providers' written and verbal orders in dosages appropriate to the youth's needs.
- (b) The length of time voluntary and involuntary medications may be ordered and administered before re-evaluation is required.
- (c) A provision that youths on psychotropic medications prescribed in the community will continue to receive the medications pending re-evaluation.
- (d) A provision that continuation of psychotropic medications will be addressed in pre-release planning and prior to the transfer to another facility or program (see the Discharge Plan and the Release, Transfers, and Continued Care policies).
- (e) A provision for regular clinical/administrative review of utilization patterns, including emergency situations.
- (f) A prohibition on administering psychotropic medication for coercion, discipline, convenience, or retaliation.

Health Care Records and Confidentiality

709.1 PURPOSE AND SCOPE

This policy is intended to provide guidance in the management of, and access to, youth health care records, thereby ensuring that such records are available to those who need them, while controlling access to protect youth privacy.

709.2 POLICY

The Agency will protect youth health care records in compliance with the law.

709.3 RECORDS TO BE KEPT

Wellpath should establish the format of health care records. Individual youth health care records shall include but are not limited to (15 CCR 1406):

- (a) Initial screening and subsequent health assessment records.
- (b) Youth requests for care or complaints about care (15 CCR 1433).
- (c) Consultation and treatment records, whether at the juvenile hall or off-site, including the names of the care providers.
- (d) Prescribed and/or delivered medication and any associated stop dates.
- (e) Limitations and disabilities of the youth.
- (f) Instructions for youth care, including what should be communicated to staff.
- (g) Special diet instructions.
- (h) Activity restrictions.
- (i) Progress notes.
- (j) Consent forms.
- (k) Authorization for release of information.
- (l) Copies of previous health records.
- (m) Immunization records.
- (n) Laboratory reports.
- (o) Dates, times, and location of treatment.
- (p) Individual treatment plan.

709.4 ACCESS TO RECORDS

Qualified health care professionals should have access to all records that may be relevant to the youth's health and treatment, including general custody records. Relevant information should be included in all mental health, medical, and dental records of the youth, including known allergies, current health problems, and medications.

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Wellpath should help develop procedures to identify which health care providers may have access to custody records and under what circumstances (15 CCR 1406).

709.5 CONFIDENTIALITY

Physician/patient confidentiality applies to the youth's health care records and to the youth's care. These records shall be maintained in a locked area apart from the youth's other records (15 CCR 1407).

Health care information obtained during screening or care shall be communicated to members only when it is necessary to protect the welfare of the youth or others, to facilitate management of the juvenile hall, or to maintain juvenile hall security and order. Members who learn of a youth's health condition incidental to their assignments shall keep that information confidential and shall not disclose that information to any unauthorized person (15 CCR 1407).

709.5.1 NON-ENGLISH TRANSLATION

Youths shall not be used to translate confidential medical information for other non-English-speaking youths (15 CCR 1407).

709.6 PRIVACY OF HEALTH CARE INFORMATION

Wellpath is responsible for all matters relating to the privacy of youth health care information.

Wellpath shall (45 CFR 164.530):

- (a) Develop a Health Insurance Portability and Accountability Act (HIPAA) compliance plan for the juvenile hall.
- (b) Resolve complaints under HIPAA.
- (c) Mitigate, to the extent practicable, any harmful effects known to the juvenile hall regarding any use or disclosure of youth health care information in violation of this policy or HIPAA regulations.
- (d) Ensure members are trained in the proper handling of youth health care information and the requirements of HIPAA and state law.
- (e) Ensure technical and physical safeguards are implemented to maintain security and confidentiality of youth health care information and to allow access only to those persons or software programs with access rights.
- (f) Establish procedures for the release and disclosure of youth health care information.

709.7 MEMBER RESPONSIBILITIES

Members shall protect the security, confidentiality, and privacy of all youth health care records in their custody at all times.

Unauthorized possession, release, or distribution of youth health care information is prohibited and may violate HIPAA and/or other applicable laws.

Members who have not received juvenile hall training on the proper handling of these records shall not access youth health care records.

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709.7.1 ELECTRONIC RECORDS

All computer workstations and servers in the juvenile hall shall require appropriate security measures, such as user identification and login passwords, to access electronic health care records (45 CFR 164.308(a)(5)).

Members with access to electronic data shall lock their workstations when they are left unattended and shall shut down their workstations when leaving for the day to prevent unauthorized access to electronic records (45 CFR 164.310; 45 CFR 164.312).

Remote access to juvenile hall computer workstations requires that appropriate security measures be provided for access (45 CFR 164.312).

Youth health care information may be transmitted electronically, provided the transmission occurs through a secure process that allows end-to-end authentication and the recipient is authorized to receive the information. Electronic transmission consists of email, file transfer protocol, internet posting, and any configurable data stream. End-to-end authentication is accomplished when the electronic referral does not leave a secure network environment and the recipient is known, or when encryption and authentication measures are used between sender and recipient, thus verifying full receipt by the recipient. Any electronic health care information traveling outside a secure network environment, via the internet, requires encryption and authentication measures (45 CFR 164.312(e)).

709.7.2 HARD COPIES

Hard copies of youth health care records shall be kept in a secured area when unattended by authorized personnel. An area is unattended when staff is physically outside the office area and unable to maintain record security. This includes but is not limited to breaks, lunch, or meetings outside the juvenile hall.

Hard copies of records should be stored in a locked area whenever practicable for ease of record retention and retrieval.

Youth health care records shall not be removed from the juvenile hall without express authorization from Wellpath.

709.8 TRAINING

Members with access to youth health care records and information shall receive training on maintaining confidentiality (45 CFR 164.530).

Informed Consent and Refusals

710.1 PURPOSE AND SCOPE

This policy addresses how medical or mental health care refusals by a youth are to be addressed and documented (15 CCR 1434).

710.2 POLICY

It is the policy of the Agency to respect the rights of youths to make informed decisions about their health care, including consenting to treatment and refusing to receive care.

710.3 CONSENT

Wellpath should establish the requirements and form of consent for health care treatment in accordance with state and federal laws. The requirements shall, at a minimum, include:

- (a) When informed consent is required (15 CCR 1434; 15 CCR 1439).
- (b) When consent should be documented in writing.
- (c) When consent may be necessary from a parent, guardian, legal custodian, next of kin, or court (Welfare and Institutions Code § 739; 15 CCR 1434).
- (d) When consent is not required and health care may be rendered against the youth's will (e.g., life-threatening conditions requiring immediate care, emergency care of patients who do not have the capacity to understand the information, certain public health matters) (15 CCR 1439).

710.4 REFUSALS

When a youth refuses health care:

- (a) The youth shall be counseled regarding the potential consequences of refusal.
- (b) The counseling and refusal shall be documented.
- (c) The youth and/or parent/guardian, legal custodian, or next of kin and the qualified health care professional should sign the refusal documentation. If the youth and/or parent/guardian refuses to sign, it should be witnessed by another staff member and/or medical personnel and noted on the refusal documentation.
- (d) The Medical Director should review each refusal and consider options to protect the youth and any other person who may be affected (e.g., members, other youths).
- (e) The refusal documentation, as well as documentation regarding the youth's mental status, shall be placed in the youth's health care record.
- (f) The youth shall not be punished for any refusal.
- (g) The refusal may be revoked at any time and does not waive the right to any future care.
- (h) A youth may refuse, verbally or in writing, non-emergency medical, dental, and mental health care (15 CCR 1434).

Aids to Impairment

711.1 PURPOSE AND SCOPE

This policy addresses how members should balance reasonable security concerns with a youth's need for an assistive or adaptive device that assists the youth in dealing with an impairment (15 CCR 1436).

711.1.1 DEFINITIONS

Definitions related to this policy include:

Assistive or adaptive device - A device used to increase, maintain, or improve functional capabilities of individuals with disabilities, including prostheses, orthoses, wheelchairs, prescription lenses, and hearing aids.

711.2 POLICY

It is the policy of the Agency that, in accordance with this policy and security and safety concerns, assistive and adaptive devices will be permitted or supplied in a timely manner when the health of a youth would otherwise be adversely affected or when such devices are necessary to reasonably accommodate a disability.

711.3 ASSISTIVE AND ADAPTIVE DEVICES

Subject to safety and security concerns, a youth should be permitted to retain assistive and adaptive devices prescribed by or recommended and fitted by a qualified health care professional. However, if the device presents a risk of bodily harm to any person, is a risk to the security of the juvenile hall, or is not used for its intended purpose, it may be removed and stored with the youth's property. Procedures for the retention, removal, and return of assistive or adaptive devices shall comply with Penal Code § 2656.

The removal of an assistive or adaptive device and any accommodations made shall be reported to the supervisor and documented in the youth's health care chart and behavior log. The device shall be returned to the youth when the risk abates. An incident report should be written at the direction of the supervisor whenever an assistive or adaptive device is removed or returned.

Within 24 hours of any removal of an assistive or adaptive device, the youth shall be examined by a qualified health care professional to determine whether the removal may be injurious to the health or safety of the youth. If the Assistant Chief Probation Officer determines that an assistive or adaptive device should not be returned because of safety or security concerns, and as a result, the health or safety of the youth is a concern, options include:

- (a) With qualified health care professional approval, modifying the device to meet the medical needs of the youth and the safety and security needs of the juvenile hall.
- (b) Providing the youth with an opportunity to petition the court for the return of the device, in accordance with local, state, and federal law.

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- (c) When all other alternatives have failed or are considered inappropriate by the Assistant Chief Probation Officer, reclassifying the youth and removing the youth from the general population.

Any assistive or adaptive devices that are brought to the juvenile hall by family members or others after the youth has been detained shall be subject to a security check. The juvenile hall shall accept no responsibility for loss of or damage to any assistive or adaptive device.

711.4 REQUESTS FOR ASSISTIVE OR ADAPTIVE DEVICES

All decisions regarding the provision of new or replacement assistive or adaptive devices shall be made on a case-by-case basis by the Medical Director or the authorized designee and reviewed for approval by the Assistant Chief Probation Officer. Considerations shall be based upon the following:

- Medical needs of the youth
- Anticipated length of custody
- Safety and security of the juvenile hall

Once an assistive or adaptive device has been approved for use by the Medical Director and the Assistant Chief Probation Officer, the approval should be entered into the youth's health care record. If the youth requires special housing, this should be communicated to custody or classification personnel as appropriate. The Medical Director or the authorized designee shall document the general condition of the device and have the youth sign in the medical record that the device was received.

Replacement batteries should be provided for approved hearing aids.

Chapter 8 - Environmental Health

Sanitation Inspections

800.1 PURPOSE AND SCOPE

The San Benito County Juvenile Hall has established a plan to promote and comply with the environmental safety and sanitation requirements established by applicable laws, ordinances, and regulations. This policy establishes a plan of housekeeping tasks and inspections required to identify and correct unsanitary or unsafe conditions or work practices in this facility (15 CCR 1510).

800.2 POLICY

It is the policy of the Agency to maintain a safe and sanitary facility. To accomplish this goal, the Agency will maintain a written plan that contains schedules and procedures for conducting weekly and monthly sanitation inspections of the facility.

800.3 RESPONSIBILITIES

The Assistant Chief Probation Officer will ensure that the safety and sanitation plan addresses, at a minimum (15 CCR 1510):

- (a) Schedules of functions (e.g., daily, weekly, monthly, or seasonal cleaning, maintenance, pest control, safety surveys).
- (b) Self-inspection checklists to identify problems and to ensure cleanliness of the facility.
- (c) Procedures, schedules, and responsibilities for coordinating annual inspections by the county health department, including how deficiencies on the inspection report are to be corrected in a timely manner.
- (d) A list of approved equipment, cleaning compounds, chemicals, and related materials used in the facility, and instructions on how to safely operate, dilute, or apply the material.
- (e) Record-keeping of self-inspection procedures, forms, and actions taken to correct deficiencies.
- (f) Training requirements for custody staff and youth workers on accident prevention and avoidance of hazards with regard to facility maintenance (15 CCR 1322).

Consideration should be given to general job descriptions and/or limitations relating to personnel or youths assigned to carrying out the plan. Specialized tasks, such as changing air filters, cleaning ducts, and facility pest control, are more appropriately handled by the Agency or by contract with private firms.

Youths engaged in sanitation duties shall do so only under the direct supervision of qualified custody staff. When youth work crews are used, additional controls should be implemented to account for all equipment and cleaning materials.

All staff shall report any unsanitary or unsafe conditions to a supervisor. Staff shall report repairs needed to the physical plant and to equipment by submitting a work order to a supervisor. Duty

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Sanitation Inspections

Officers will conduct daily cleaning inspections. The Assistant Chief Probation Officer or the authorized designee will conduct weekly safety and sanitation inspections of the facility.

800.4 WORK ORDERS

All reports of unsafe or unsanitary conditions, as well as repairs needed to the physical plant and equipment, shall be documented in a work order. The Assistant Chief Probation Officer will designate a staff person to receive these work orders and take action to ensure the repairs are made or action is taken (15 CCR 1510). All work and action taken will also be documented. Requests for budget resources above and beyond already budgeted maintenance items shall be reported to the Assistant Chief Probation Officer.

800.5 SAFETY DATA SHEETS

Materials and substances used in the operation and maintenance of the facility may qualify as hazardous material. Hazardous material is required to have a companion Safety Data Sheet (SDS) that is provided by the manufacturer or distributor of the material. The SDS provides vital information on individual hazardous materials and substances, including instructions on safe handling, storage, disposal, prohibited interactions, and other details relative to the specific material.

The Assistant Chief Probation Officer shall be responsible for ensuring that a written hazard communication plan is developed, implemented, and maintained at each workplace. Each area of the facility in which any hazardous material is stored or used shall maintain an SDS file in an identified location that includes (29 CFR 1910.1200(e); 15 CCR 1324):

- (a) A list of all areas where hazardous materials are stored.
- (b) A physical plant diagram and legend identifying the storage areas of the hazardous materials.
- (c) A log for identification of new or revised SDS materials.
- (d) A log for documentation of training by users of the hazardous materials.

800.5.1 SDS USE, SAFETY, AND TRAINING

All supervisors and users of SDS information must review the latest issuance from the manufacturers of the relevant substances. Staff and youths shall have ready and continuous access to the SDS for the substance they are using while working. In addition, the following shall be completed (29 CFR 1910.1200(e)):

- (a) Supervisors shall conduct training for all staff on using the SDS for the safe use, handling, and disposal of hazardous material in areas they supervise.
- (b) Upon completion of the training, staff shall sign the acknowledgement form kept with each SDS in their work area.
- (c) Staff using the SDS shall review the information as necessary to be aware of any updates and to remain familiar with the safe use, handling, and disposal of any hazardous material.

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Sanitation Inspections

800.5.2 SDS DOCUMENTATION MAINTENANCE

Changes in SDS information occur often and without general notice. Any person accepting a delivery, addition, or replacement of any hazardous material shall review the accompanying SDS. If additions or changes have occurred, the revised SDS shall be incorporated into the file and a notation shall be made in the SDS revision log.

Supervisors shall review SDS information in their work areas semiannually to determine if the information is current and that appropriate training has been completed. Upon review, a copy of the SDS file and all logs shall be forwarded to the Maintenance Supervisor or the authorized designee.

800.5.3 SDS RECORDS MASTER INDEX

The Juvenile Hall Supervisor or the authorized designee will compile a master index of all hazardous materials in the facility, including locations, along with a master file of SDS information. The Juvenile Hall Supervisor will maintain this information in the safety office (or equivalent), with a copy to the local fire department. Documentation of the semiannual reviews will be maintained in the SDS master file. The master index should also include a comprehensive, current list of emergency phone numbers (e.g., fire department, poison control center) (29 CFR 1910.1200(g)(8)).

800.5.4 CLEANING PRODUCT RIGHT TO KNOW ACT

In addition to SDS information, printable information regarding ingredients of certain products used by staff and youths shall be readily accessible and maintained in the same manner as an SDS (Labor Code § 6398.5; Health and Safety Code § 108952(f); Health and Safety Code § 108954.5(c)).

Housekeeping and Maintenance

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that the facility is kept clean, orderly, and in good repair in accordance with accepted federal, state, and local standards (15 CCR 1510).

801.2 POLICY

It is the policy of this agency to maintain a sanitation and preventive maintenance schedule to keep the facility clean and in good repair.

801.3 RESPONSIBILITIES

The Assistant Chief Probation Officer shall establish a plan for housekeeping and maintenance of the facility. The plan should include but is not limited to (15 CCR 1510):

- (a) Schedules that determine the frequency of cleaning activities on a daily, weekly, or monthly timetable, by area of the facility.
- (b) Supervision of the staff and youths to ensure proper implementation of the procedures.
- (c) Development and implementation of an overall sanitation plan (e.g., cleaning, maintenance, inspection, staff training, youth supervision) that also includes maintenance of restraint devices as addressed in the Restraints Policy (15 CCR 1510).
- (d) Development of inspection forms.
- (e) All youth responsibilities, which should be included in the youth handbook.
- (f) A process to ensure that deficiencies identified during inspections are satisfactorily corrected and documented.
- (g) Detailed processes for the procurement, storage, and inventory of cleaning supplies and equipment.
- (h) A process for the preventive maintenance of equipment and systems throughout the facility.
- (i) Staff supervision of the provision and use of cleaning tools and supplies.

Cleaning and janitorial supplies shall be nontoxic to humans. Any poisonous, caustic, or otherwise harmful substances shall be clearly labeled, kept in a locked storage area, and only used by staff.

801.3.1 JANITOR CLOSETS

At least one securely lockable janitor closet should be near or inside each housing unit. Each janitor closet should contain a mop sink and sufficient area for the storage of cleaning implements. Access to the janitor closets shall be controlled and supervised by staff. Youths should not be allowed access to the janitor closets except under direct staff supervision (24 CCR 1230.1.21).

801.4 SANITATION SCHEDULE

A daily, weekly, and monthly cleaning schedule will be established by the Juvenile Hall Supervisor. The facility staff should implement a site-specific plan for cleaning and maintenance of each area

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Housekeeping and Maintenance

of the facility (e.g., housing, laundry, trash storage, warehouse, common areas). The following recommendations include but are not limited to specific areas and items (15 CCR 1510):

- (a) Daily cleaning:
 - 1. Sweep and then wet mop the entire juvenile hall floor
 - 2. Clean all housing areas
 - 3. Empty all trash receptacles
 - 4. Clean all toilets and sinks
 - 5. Clean all showers
- (b) Weekly cleaning:
 - 1. Dust bars and window ledges
 - 2. Clean air conditioning/heating grates
 - 3. Clean mattresses (mattresses are also to be cleaned prior to being issued to a new youth)
 - 4. Pour water down floor drains to test for flow
- (c) Monthly cleaning:
 - 1. Walls
 - 2. Ceilings
 - 3. Bunk pans

All custodial staff and youth workers assigned cleaning duties shall receive instruction commensurate with their tasks, including proper cleaning techniques, the safe use of cleaning chemicals, and areas of responsibility.

801.4.1 INFIRMARY CLEANING

Medical care housing as described in Title 24, Section 13-201 shall be cleaned and sanitized according to policies and procedures as established by Wellpath (15 CCR 1510).

801.5 INSPECTION CHECKLIST

The Assistant Chief Probation Officer or the authorized designee should develop an inspection checklist that includes the cleaning and maintenance items that will be checked by supervisors on a daily, weekly, and monthly basis throughout the facility.

The inspection checklist will closely correspond to the established cleaning and maintenance schedule.

Inspection checklists shall be forwarded to the Assistant Chief Probation Officer or the authorized designee for annual review, filing, and retention as required by the established records retention schedule.

Physical Plant Compliance with Codes

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the timeline, process, and responsibilities for facility maintenance, inspections, and equipment testing in compliance with all applicable federal, state, and local building codes.

802.2 POLICY

It is the policy of this agency that all construction of the physical plant be reviewed and inspected in compliance with all applicable federal, state, and local building codes. All equipment and mechanical systems will be routinely inspected, tested, and maintained in accordance with applicable laws and regulations.

802.3 COMPLIANCE WITH CODES AND STATUTES

Plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions will comply with rules and regulations imposed by state regulatory entities governing such practices.

802.4 RESPONSIBILITIES

The Assistant Chief Probation Officer shall be responsible for establishing and monitoring the facility maintenance schedule and the inspection schedules of the Duty Officers and juvenile institution officers, and ensuring that any deficiencies discovered are corrected in a timely manner.

Copies of the local jurisdiction's applicable health and sanitation codes shall be kept in the facility by the Assistant Chief Probation Officer or the authorized designee. The Assistant Chief Probation Officer or the authorized designee is responsible for developing internal health and sanitation inspection checklists; maintaining valid licensing, sanitation certificates, and inspection reports; and documenting proof of corrective actions.

See Procedures Manual on Facility Maintenance for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 800.1 INTERIOR FACILITY MAINTENANCE AND EXTERIOR MAINTENANCE OF FACILITY AND GROUNDS](#)

802.5 PROCEDURE

All safety equipment (e.g., emergency lighting, generators) and/or an uninterruptible power source shall be tested, inspected, and documented at least quarterly (see the Emergency Power and Communications Policy).

Any remodeling or new construction shall have prior approval of the local fire, building, and health authorities. Any required plans and permits will be procured prior to the commencement of any changes to the facility in compliance with Title 24 of the California Code of Regulations and approval of the Board of State and Community Corrections (Penal Code § 6029).

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Physical Plant Compliance with Codes

Areas of the facility shall be inspected and evaluated for functionality, wear, and rodent or pest infestation in compliance with the General Industry Safety Order, including but not limited to (8 CCR 3362):

- Admissions.
- Food services.
- Youth housing.
- Medical services area.
- Classrooms.
- Activity and program areas.
- Recreational areas.
- Laundry.
- Barbershop.
- Loading dock/trash storage.
- Warehouse.
- Water systems and plumbing.
- Emergency generators.
- Fire safety equipment.
- The entire physical structure of the facility, including roof, walls, exterior doors, mechanical systems, and lighting.

802.6 PLUMBING - FLOOR DRAINS

Floor drains must be flushed weekly and all traps must contain water to prevent the escape of sewer gas. Grids and grates must be present.

Pest Control

803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish inspection, identification, and eradication processes designed to keep pests controlled in accordance with the requirements established by all applicable laws, ordinances, and regulations of the local public health entity (15 CCR 1484).

803.2 POLICY

It is the policy of this agency to control pests within the facility. The Assistant Chief Probation Officer or the authorized designee shall be responsible for developing and implementing this policy, in cooperation with the Medical Director and the local public health entity, for the sanitation and control of pests, and to establish medical protocols for treating youth clothing, personal effects, and living areas, with specific guidelines for treating infested youths.

803.3 PEST CONTROL SERVICES

The Assistant Chief Probation Officer or the authorized designee shall be responsible for procuring the services of a licensed pest control professional to inspect the facility at least monthly and to treat areas as required to ensure that pests are controlled.

803.4 PREVENTION AND CONTROL

Many infestations and infections are the result of a recently admitted youth who is pest-infested or whose property is pest-infested. Most infestations are spread by direct contact with an infected person or with infested clothing and bedding. Youths with lice or mites should be treated with approved pediculicides as soon as the infestation is identified to avoid spreading it. To reduce the chance of further transmission, separate quarters for youths undergoing treatment for lice should be used.

Because the treatment chemicals can cause allergic reactions and other negative effects, treatment should be done only when an infestation is identified and not as a matter of routine.

Clothing, bedding, and other property suspected of being infested shall either be removed from the facility or cleaned and treated by the following methods, as appropriate or as directed by the pest control provider or the Medical Director (15 CCR 1484):

- Washing in water at 140 degrees for 20 minutes
- Tumbling in a clothes dryer at 140 degrees for 20 minutes
- Dry cleaning
- Storing in sealed plastic bags for 30 days
- Treating with an insecticide specifically labeled for this purpose

Head lice and their eggs are generally found on the head hairs. There may be uncertainty about the effectiveness of some pediculicides to kill the eggs of head lice. Therefore, some products

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recommend a second treatment seven to 10 days after the first. During the interim, before the second application, eggs of head lice could hatch, and lice could be transmitted to others.

Pubic lice and their eggs are generally found on the hairs of the pubic area and adjacent hairy parts of the body, although they can occur on almost any hairy part of the body, including the hair under the arms and on the eyelashes.

Pubic lice and their eggs are generally successfully treated by the available pediculicides. However, when the eyelashes are infested with pubic lice and their eggs, a physician should perform the treatment.

Successful treatment depends on careful inspection of the youth and proper application of the appropriate product. The area used to delouse youths must be separate from the rest of the facility. All the surfaces in the treatment area must be sanitized. There must be a shower as part of the delousing area.

The supervisor shall document the date of treatment, the area treated, the pest treated, and the treatment used.

803.5 LABELING AND SECURE STORAGE OF COMPOUNDS

Containers of pest exterminating compounds shall be conspicuously labeled for identification of contents. The containers shall be securely stored separately from food and kitchenware, and shall not be accessible by youths.

Water Supply

804.1 PURPOSE AND SCOPE

The San Benito County Juvenile Hall recognizes the importance of providing the facility with safe potable water. The purpose of this policy is to establish guidelines for testing the facility's water to ensure that the water is safe to consume and that potable water is in compliance with the California Safe Drinking Water Act.

804.2 POLICY

In compliance with federal regulations regarding safety of public water systems, this facility will ensure the continued supply of safe potable water for use by youths, staff, and visitors through rigorous annual testing of water supplies (42 USC § 300f et seq.).

804.3 PROCEDURE

The Assistant Chief Probation Officer shall ensure that the facility's potable water source is tested by an independent public or private testing service at least once each year. Water quality will be certified to comply with all federal, state, and local regulations. Corrective measures shall be promptly taken if the test results fall below acceptable regulatory standards.

In the event that water testing reveals any significant hazards to the youths or staff at the facility, the Chief Probation Officer or the authorized designee and the Medical Director shall take immediate action to mitigate the problem.

The testing results, valid certificates of the sampling entity, and the testing laboratory shall be kept in accordance with established records retention schedules.

Where the facility's water supply is obtained from a private source, the source shall be properly located, constructed, and operated to protect it from contamination and pollution, and the water shall meet all current standards set by the applicable state and/or local authority regarding bacteriological, chemical, and physical tests for purity.

For facilities not served by a public or regulated private water supply, the water should be tested daily by the local authority within the facility's jurisdiction.

804.4 EMERGENCY PLAN

The Assistant Chief Probation Officer and the Medical Director shall develop a plan for the supply of potable water for drinking and cooking in the event that a man-made or natural disaster interrupts the regular water supply. The plan shall address methods for providing clean potable water for at least three days, and should have contingency plans for emergencies lasting longer than three days. The plan should also include contingencies for the use of non-potable water to flush toilets and remove effluent from the facility.

Youth Safety

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a safety program to reduce youth injuries by analyzing causes of injuries and identifying and implementing corrective measures.

805.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide a safe environment for youths confined at this facility, in accordance with all applicable laws, by establishing an effective safety program, investigating youth injuries, and taking corrective actions as necessary to reduce accidents and injury.

805.3 RESPONSIBILITIES

The Chief Probation Officer shall appoint a staff member who will be responsible for the development, implementation, and oversight of the safety program. This program will include but is not limited to (15 CCR 1510):

- A system to identify and evaluate hazards, including scheduled inspections to identify unsafe conditions.
- Analysis of youth injury reports to identify causes and to recommend corrective actions.
- Establishment of methods and procedures to promptly correct unsafe and/or unhealthful conditions and work practices.

805.4 INVESTIGATION OF REPORTED YOUTH INJURY

Whenever there is a report of serious illness, or an injury to a youth that results from accidental or intentional acts, other than an authorized use of force by custody staff, the Chief Probation Officer or the authorized designee will initiate an investigation to determine the cause of the injury and develop a plan of action whenever a deficiency is identified (15 CCR 1341). Injuries resulting from use of force incidents will be investigated and reported under the Use of Force Policy.

805.5 INVESTIGATION REPORTS

The Duty Officer shall ensure that reports relating to a youth's injury are completed and should include:

- Incident reports.
- Investigative reports.
- Health record entries.
- Any other relevant documents.

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Youth Safety

805.6 ANNUAL REVIEWS

The Chief Probation Officer or the authorized designee shall annually review all injuries involving youths to identify problem areas and document a plan of action to abate circumstances relating to youth injuries.

The plan of action should include but is not limited to:

- The area where the deficiencies have been identified.
- Strategies to abate the deficiency.
- Resources needed to correct a deficiency.
- Who is responsible for taking corrective action.
- The target completion date.

The Chief Probation Officer shall consult with County Counsel to coordinate corrective action or to seek managerial/administrative guidance for implementing corrective action.

805.7 NOTIFICATION

The Assistant Chief Probation Officer should, in cooperation with Wellpath, develop procedures for notification of a youth's serious illness or injury to the necessary parties (e.g., Juvenile Court, the parent/guardian, or person standing in loco parentis, the youth's attorney) (15 CCR 1341).

Youth Hygiene

806.1 PURPOSE AND SCOPE

This policy outlines the procedures to ensure the personal hygiene of every youth in the San Benito County Juvenile Hall is maintained. The San Benito County Juvenile Hall recognizes the importance of each youth maintaining acceptable personal hygiene practices by providing adequate bathing facilities, hair care services, and the issuance and exchange of clothing, bedding, linens, towels, and other necessary personal hygiene items.

806.2 POLICY

It is the policy of the San Benito County Juvenile Hall to maintain a high standard of hygiene in compliance with the requirements established by all state laws, ordinances, and regulations. Compliance with laws and regulations relating to good youth hygiene practice is closely linked with good sanitation practices. Therefore, the need to maintain a high level of hygiene is not only for protecting all youths, but for the safety of the detention staff, volunteers, contractors, and visitors.

806.3 RESPONSIBILITIES

The Assistant Chief Probation Officer shall ensure the basic necessities related to personal care are provided to each youth upon entry into the general population.

Linen exchange, including towels, shall occur at least weekly and shall be documented in the daily activity log. The Duty Officer shall review the daily activity log at least once per shift.

The Assistant Chief Probation Officer or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that bedding issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

806.4 STORAGE SPACE

There should be adequate and appropriate storage space for youth's bedding, linen, or clothing. The inventory of clothing, bedding, linen, and towels should exceed the maximum inmate population so that a reserve is always available (15 CCR 1483).

The facility should have clothing, bedding, personal hygiene items, cleaning supplies, and any other items required for the daily operation of the facility, including the exchange or disposal of soiled or depleted items. The assigned staff shall ensure that the storage areas are properly maintained and stocked. The Assistant Chief Probation Officer should be notified if additional storage space is needed.

806.5 BEDDING ISSUE

Upon entering a living area of the juvenile hall, every youth who is expected to remain in the facility overnight shall be issued bedding and linens, including but not limited to (15 CCR 1500):

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Youth Hygiene

- (a) Sufficient freshly laundered blankets to provide comfort under existing temperature conditions. Blankets shall be exchanged and laundered in accordance with facility operational laundry rules.
 1. One blanket or more shall be provided upon request (15 CCR 1500).
 2. Covering blankets shall be cleaned or laundered at least once a month (15 CCR 1501).
- (b) One clean, firm, nontoxic fire-retardant mattress (16 CFR 1633.1 et seq.).
 1. Mattresses will be serviceable and enclosed in an easily cleanable, nonabsorbent material and conform to the size of the bunk. Mattresses will be cleaned and disinfected when a youth is released or upon reissue.
 2. Mattresses shall meet the most recent requirements of the State Fire Marshal, the Bureau of Home Furnishings' test standard for penal mattresses, and any other legal standards at the time of purchase (15 CCR 1502).
 3. The Assistant Chief Probation Officer shall consider what mattress type is suitable for pregnant youths or youths with other medical-related needs (15 CCR 1483).
- (c) Two sheets or one sheet and a clean mattress cover.
- (d) One clean washcloth, hand towel, and bath towel.
- (e) One pillow and a pillowcase.

Linen exchange, including towels, shall occur at least weekly and shall be documented in the daily activity log (15 CCR 1501). The Duty Officer shall review the daily activity log at least once per shift.

The Assistant Chief Probation Officer or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that bedding issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

806.6 CLOTHING ISSUE

A youth admitted overnight or longer and assigned to a living unit shall be issued a set of facility clothing. Issued facility clothing shall be clean, reasonably fitted, durable, easily laundered, and in good repair (e.g., free of holes and tears) (15 CCR 1480).

The issue of clothing appropriate to the climate for youths shall include but is not limited to:

- Clean socks.
- Suitable outer garments.
- Undergarments that are freshly laundered and free of stains, including T-shirts and bras.
- Footwear.
- New, non-disposable underwear.
- Suitable clothing for pregnant youths.

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A youth who is issued a change of clothing upon admission to the facility may have the youth's personal clothing returned after laundering, at the discretion of the Assistant Chief Probation Officer.

Clothing shall be exchanged twice each week, at a minimum. All exchanges shall be documented on the daily activity log. The Duty Officer or unit supervisor shall review the daily activity log at least once per shift. T-shirts, bras, and underwear shall be exchanged daily; youths shall receive their own underwear back in the exchange (15 CCR 1482).

Additional clothing may be issued for changing weather conditions or as seasonally appropriate. A youth's personal undergarments and footwear may be substituted for the institutional undergarments and footwear, provided there is a legitimate medical necessity for the items, and they are approved by the medical staff.

Each youth assigned to a special work area shall be clothed in accordance with the requirements of the job, including any appropriate protective clothing and equipment, which shall be exchanged as frequently as the work assignment requires (15 CCR 1481).

The Assistant Chief Probation Officer or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that clothing issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

The Assistant Chief Probation Officer or the authorized designee shall ensure that the facility maintains a sufficient inventory of extra clothing to ensure each youth shall have neat and clean clothing appropriate to the season.

A youth's excess personal clothing shall be mailed, picked up by, or transported to a designated family member or stored in containers designed for such purpose. All youth personal property shall be properly identified, inventoried, and secured. Youths shall sign and receive a copy of the inventory record.

806.6.1 TRANSGENDER AND INTERSEX YOUTHS

Transgender and intersex youths shall be permitted to present themselves in a manner consistent with their gender identity. The Assistant Chief Probation Officer or the authorized designee shall ensure that the facility maintains an inventory of extra clothing sufficient to supply youths with clothing and undergarments consistent with their gender identity (15 CCR 1352.5).

806.7 LAUNDRY SERVICES

Laundry services shall be managed so daily clothing, linen, and bedding needs are met.

Clothing shall be laundered at the temperature required by local ordinance for commercial laundries, and dried completely in a mechanical dryer or other laundry method approved by the local health officer (15 CCR 1480).

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806.8 YOUTH ACCOUNTABILITY

To ensure youth accountability, youths must exchange item for item when clean clothing, bedding, and linen exchange occurs.

Prior to being placed in a housing unit, youths shall be provided with a youth handbook listing this requirement.

806.9 PERSONAL HYGIENE OF YOUTHS

Personal hygiene items, hair care services, and facilities for showers will be provided in accordance with applicable laws and regulations. This is to maintain a standard of hygiene among youths in compliance with the requirements established by state laws as part of a healthy living environment (15 CCR 1485; 15 CCR 1486).

Youths shall be given an opportunity to brush their teeth after each meal (15 CCR 1486).

Each youth held overnight shall be issued, at a minimum, the following items (15 CCR 1485):

- One bar of bath soap or equivalent
- One unbreakable comb or brush
- Toothpaste or powder
- Toothbrush
- Shaving equipment, upon request
- Toilet paper
- Materials for the special hygiene needs of females
- Deodorant
- Lotion
- Shampoo
- Post-shower conditioning hair products

The Assistant Chief Probation Officer or the authorized designee may modify this list to accommodate the use of liquid soap and shampoo dispensers (15 CCR 1485). Personal hygiene items should be appropriate for the youth's sex. Additional hygiene items shall be provided to youths upon request, as needed (15 CCR 1485).

Youths shall not be required to share personal care items or disposable razors (15 CCR 1485). Used razors are to be disposed of into approved sharps containers. Other barbering equipment capable of breaking the skin must be disinfected between individual uses, as prescribed by the California Board of Barbering and Cosmetology to meet the requirements of 16 CCR 979 and 16 CCR 980 (15 CCR 1267(c)).

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806.10 BARBER AND COSMETOLOGY SERVICES

The Assistant Chief Probation Officer or the authorized designee shall be responsible for developing and maintaining a schedule for hair care services provided to the youth population and will have written policies and procedures for accessing these services (see the Grooming Policy). The Assistant Chief Probation Officer or the authorized designee shall ensure that the rules are included in the youth handbook.

806.10.1 SCHEDULE FOR HAIR CARE SERVICES

Youths shall have the ability to receive hair care services once per month (15 CCR 1488). Records of hair care services shall be documented in the daily activity log.

Prior to being placed in a housing unit, youths will be given a youth handbook, which details how to request hair care services.

806.10.2 HAIR CARE SPACE

Due to sanitation concerns, the hair care services should be in a room designated for that purpose. The floors, walls, cabinets, countertops, and ceilings should be smooth, nonabsorbent, and easily cleanable. The room should be supplied with a hand washing sink with hot and cold water under pressure. The minimum hot water temperature must comply with local building and health department standards.

Each barbering room should have all the equipment for maintaining sanitary procedures for hair care, including approved, covered metal containers for waste, disinfectants, laundered towels, and a means of separating sanitized equipment from soiled equipment.

After each haircut, all tools that came into contact with the youth shall be cleaned and sanitized according to established guidelines and regulations (15 CCR 1488).

Regulations with detailed hair care cleaning and sanitation requirements shall be posted in a conspicuous place for use by all hair care personnel and youths. Single-use items, such as cotton pads and neck strips, shall be properly disposed of immediately after a single use.

Barbers or beauticians shall not provide hair care service to any youth when the skin of the face, neck, or scalp is inflamed, or when there is scaling, pus, or other evidence of skin eruptions, unless it is performed under the specific written authorization of the Medical Director. Any person infested with head lice shall not be given hair care service until cleared by the medical staff.

The hair care services area shall be maintained and kept clean according to the state or local board of barbering and cosmetology and the health department standards.

806.11 AVAILABILITY OF PLUMBING FIXTURES IN JUVENILE HALL

Youths confined to rooms or sleeping areas shall have access to toilets and washbasins with hot and cold running water that is temperature controlled. Access shall be available at all hours of the day and night without staff assistance.

The minimum number of plumbing fixtures provided for youths in housing units is:

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Youth Hygiene

- One sink/washbasin for every six youths (24 CCR 1230.2.2).
- One toilet to every six youths (one toilet and one urinal may be substituted for every 15 males) (24 CCR 1230.2.1).

Toilet areas should provide privacy for youths without interfering with staff's ability to supervise.

806.12 YOUTH SHOWERS

Youths will be allowed to shower upon assignment to a housing unit and daily thereafter (15 CCR 1486). There should be one shower for every six youths (24 CCR 1230.2.4). Showering facilities for youths housed at this facility shall be clean and properly maintained. Water temperature shall be periodically measured to ensure a range of 100 to 120 degrees for the safety of youths and staff. The temperature shall be recorded and maintained.

Youths shall be permitted to shower, perform bodily functions, and change clothing without non-medical staff of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks (15 CCR 1352.5). Staff of the opposite sex shall announce their presence when entering a youth housing unit.

Transgender and intersex youths shall be given the opportunity to shower separately from other youths (28 CFR 115.342; 15 CCR 1352.5).

Shower areas shall provide privacy for youths without mitigating the staff's ability to supervise (24 CCR 1230.2.4).

806.13 DELOUSING MATERIALS

Delousing materials and procedures shall be approved through consultation with the Medical Director or qualified health care professionals (see the Pest Control Policy).

Chapter 9 - Food Services

Food Services

900.1 PURPOSE AND SCOPE

The Agency recognizes the importance of providing nutritious food and services to youths to promote good health, to reduce tension in the juvenile hall, and ultimately to support the safety and security of the juvenile hall. This policy provides guidelines on the preparation of food services items and dietary considerations for youths housed in the facility (15 CCR 1460 et seq.).

900.2 POLICY

It is the policy of this agency that food services shall provide youths with a nutritionally balanced diet in accordance with federal, state, and local laws and with regulations for daily nutritional requirements, and that food services shall adhere to all sanitation and food safety requirements.

The food services operation shall be sanitary and shall meet the acceptable standards of food procurement, planning, preparation, service, storage, and sanitation in compliance with Food and Drug Administration (FDA) and United States Department of Agriculture (USDA) requirements and standards set forth in Health and Safety Code § 113700 et seq.

900.3 FOOD SERVICES MANAGER

The food services manager shall be responsible for oversight of the day-to-day management and operation of the food services area, including (15 CCR 1321; 15 CCR 1464):

- Developing, implementing, and managing a budget for food services.
- Ensuring sufficient staff is assigned, and scheduled to efficiently and safely carry out all functions of food services operations.
- Establishing, developing, and coordinating appropriate training for staff and youth workers.
- Developing a menu plan that meets all nutrition and portion requirements and can be produced within the available budget.
- Ensuring the food services operation is sanitary and meets the acceptable standards of food procurement, planning, preparation, service, storage, and sanitation in compliance with FDA and USDA requirements and standards.
- Other duties and activities as determined by the Assistant Chief Probation Officer.
- Developing a food services plan (15 CCR 1464).

900.3.1 VENDOR SERVICES

The Assistant Chief Probation Officer or the authorized designee is responsible for seeing that vendor food services, where applicable, comply with the scope and quality of services specified in the contract (see the Equipment Inventory and Supplies and the Food Services Workers' Health, Safety, and Supervision policies).

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Food Services

900.4 MENU PLANNING

All menus shall be planned, dated, and available for review at least one month in advance. Menus shall provide a variety of foods reflecting the demographics of the youth/staff population and should consider appearance, dietary allowances, flavor, nutrition, palatability, temperature, and texture. Menus shall be approved by a registered dietitian or nutritionist before being served (15 CCR 1461; 15 CCR 1463).

Any changes to the meal schedule, menu, or practices should be carefully evaluated by the food services manager in consultation with the Assistant Chief Probation Officer, dietitian, medical staff, and other professionals, and shall be recorded. All substitutions will be of equal or better nutritional value. If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet (15 CCR 1463).

Menus as planned, including changes, shall be evaluated by a registered dietitian at least annually (15 CCR 1463). Facility menus shall be evaluated at least quarterly by the food services supervisory staff to ensure adherence to established daily servings.

Copies of menus, foods purchased, annual reviews, and quarterly evaluations should be maintained by the food services manager in accordance with established records retention schedules (15 CCR 1463).

900.5 FOOD SAFETY

Temperatures in all food storage areas should be checked and recorded at the beginning of each shift. Holding temperatures for cold and hot foods shall be checked and recorded every two hours. Hot food shall be reheated to 165 degrees if it falls below 135 degrees at any time.

All reach-in or walk-in refrigerators and cold storage must maintain food temperature as outlined in the Food Storage Policy.

One sample from each meal served shall be dated and maintained under refrigeration for testing in the event of a food-borne illness outbreak (15 CCR 1464). Sample meals shall be discarded at the end of three days if no food-borne illness is reported.

Food production shall be stopped immediately if there is any sewage backup in the preparation area or if there is no warm water available for washing hands. Food production shall not resume until these conditions have been corrected.

900.6 THERAPEUTIC DIETS

The food services manager shall be responsible for ensuring that all youths who have been prescribed therapeutic diets by qualified health care professionals are provided with compliant meals. A diet manual, which includes samples of medical diets, shall be maintained in the food services areas.

More information can be found in the Prescribed Therapeutic Diets Policy.

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900.7 RELIGIOUS DIETS

The food services manager, to the extent reasonably practicable, will provide special diets for youths in compliance with the parameters of the Religious Programs Policy and the Religious Land Use and Institutionalized Persons Act (RLUIPA) (15 CCR 1372).

When religious diets are provided, they shall conform to the nutritional and caloric requirements for non-religious diets (15 CCR 1461).

900.8 FOOD SERVICES REQUIREMENTS

All reasonable efforts shall be made to protect youths from food-borne illness. Food services staff shall adhere to sanitation and food storage practices, and there shall be proper medical screening and clearance of all food handlers in accordance with the Food Services Workers' Health, Safety, and Supervision Policy and FDA and USDA requirements and standards.

Food production and services will be under staff supervision (15 CCR 1321). Food production, storage, and food-handling practices will follow the appropriate federal, state, or local sanitation laws in accordance with Health and Safety Code § 113947 (15 CCR 1464; 15 CCR 1465).

900.8.1 PREPARED FOOD

Food services staff may serve food prepared by an outside source provided that the food meets the nutritional standards contained in this policy and the Dietary Guidelines Policy (15 CCR 1321).

900.9 MEAL SERVICE PROCEDURE

Youth meals that are served in the living unit should be provided in a space that allows groups of youths to dine together, with at least of 15 square feet of space per youth. A dining area shall not contain toilets or showers in the same room without appropriate visual barriers.

Meals shall be served at least three times during each 24-hour period. At least one meal must include hot food (15 CCR 1460). Any deviation from this requirement shall be subject to the review and approval of a registered dietitian to ensure that youths receive meals that meet nutritional guidelines.

Youths must be provided at least 20 minutes of dining time for each meal. Youths on medical diets may be prescribed additional time by the Medical Director. There must be no more than 14 hours between a substantial evening meal and breakfast (15 CCR 1460). A substantial evening meal is classified as a serving of three or more menu items at one time, including a high-quality protein, such as meat, fish, eggs, or cheese. The meal shall represent no less than 20 percent of the day's total nutrition requirements. A nourishing snack shall be provided to all youths two to four hours after the evening meal (15 CCR 1460). If more than 14 hours pass between meals (or 16 hours between evening and breakfast meals), approved snacks should be provided. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers or fresh fruit and cottage cheese.

Youths who miss, or may miss, a regularly scheduled meal must be provided with a beverage and a sandwich or substitute meal (15 CCR 1460). Approved snacks should be served to youths on

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medical diets in less than the 14-hour period if prescribed by the Medical Director or registered dietitian. Youths on medical or therapeutic meals who miss their regularly scheduled meal will be provided with their prescribed meal.

As the mealtime approaches, facility staff should direct the youths to get dressed and be ready for meals. Youths should be assembled and a head count taken to verify all youths in the housing location are present. Staff should watch for signs of injury or indications of altercations, and should investigate any such signs accordingly. Staff should remain alert to the potential for altercations during youth movement and meals. Meals shall be served under the direct supervision of staff.

Youth who are on Special Program (SP) Meals Status will receive their meals in their rooms or Interview room before the group is served. Youth on SP Meals Status will receive the same portion as the rest of the group.

Staff should direct an orderly filing of youths to the dining room or assigned seating in the dayroom. Staff should identify youths who have prescribed therapeutic or authorized religious diets so those youths receive their meals accordingly.

Staff are to closely supervise youth during the meal periods. It shall be the responsibility of the juvenile institution officers to maintain order and enforce rules prohibiting excessive noise and intimidation of other youths to relinquish food during mealtime. Staff should watch for youth pressuring other youth for their food or contaminating another youth's food. Staff should watch for youth demonstrating inappropriate behaviors above and below the tables. Youth will not exchange food with one another. Youth will observe appropriate table manners and behavior.

Staff are not to criticize the food in the presence of the youth. If staff brings their own food to work, they should not eat it in front of the youth. Staff may sit and eat the provided meal with the youth only when sufficient supervision staff is present to supervise the meal.

Youth are not allowed to bring books, magazines, combs, cards, etc. into the dining areas during meals. If any food containers or utensils are missing at the end of the meal, each youth will be searched in an appropriate place and manner.

The dining room shall have an area designated for youths who have been prescribed a longer time to eat by a qualified health care professional or a dietitian, or as deemed appropriate by a supervisor.

To the extent reasonably practical, an adequate number of food services staff and correctional personnel should supervise feeding in central dining areas. If reasonably possible, the supervisor should be present (15 CCR 1321).

The Duty Officer should make every attempt to be present during meal services in central dining areas to assess the meal service process, the quality of food, and any health or security issues.

In the interest of security, sanitation, and vermin control, youths shall not be allowed to take food from the dining area to their housing areas.

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900.10 EMERGENCY MEAL SERVICE PLAN

The food services manager shall establish and maintain an emergency meal service plan for the facility (15 CCR 1464).

Such a plan should ensure that there is at least a seven-day supply of food maintained in storage for youths. In the event of an emergency that precludes the preparation of at least one hot meal per day, the Assistant Chief Probation Officer may declare an emergency suspension of standards for the period of time the emergency exists.

During an emergency suspension, the food services manager shall assign a registered dietitian to ensure that minimum nutritional and caloric requirements are met.

In the event that the youth food supply drops below that which is needed to provide meals for two days, the Assistant Chief Probation Officer or the authorized designee shall purchase food from wholesale or retail outlets to maintain at least a four-day supply during the emergency.

Depending on the severity and length of the emergency, the Chief Probation Officer should consider requesting assistance from allied agencies through mutual aid or the National Guard.

Food Services Training

901.1 PURPOSE AND SCOPE

The purpose of this policy is to implement a training program for food services workers that includes food safety, proper food-handling techniques, and personal hygiene to ensure proper handling and delivery of food and reduce the risk of potential injury and contamination of food (15 CCR 1465).

901.2 POLICY

The San Benito County Juvenile Hall ensures food services workers satisfactorily complete initial training prior to being assigned to food services.

901.3 TRAINING

The food services manager, under the direction of the Assistant Chief Probation Officer, is responsible for ensuring that a training curriculum is developed in accordance with U.S. Department of Agriculture (USDA) guidelines and implemented in the use of equipment and safety procedures for all food services personnel, including staff and contractors (15 CCR 1321; 15 CCR 1465).

The training shall include, at a minimum:

- (a) Work safety practices and use of safety equipment.
- (b) Sanitation in the facility's food services areas.
- (c) Reducing risks associated with operating machinery.
- (d) Proper use of chemicals in food services areas.
- (e) Employing safe practices.
- (f) Facility emergency procedures.

A statement describing the duties and proper time schedule should be developed for each job function in the facility's kitchen and food services operation. The food services manager, at the direction of the Assistant Chief Probation Officer, should establish an employee/kitchen worker training course, and all staff shall be trained on how to assemble, operate, clean, and sanitize kitchen equipment.

Information about the operation, cleaning, and care of equipment, including manufacturer's literature, that is suitable for use as reference material shall be kept in the food services operation area. The reference material should be used in developing training on the use of the equipment and the maintenance and cleaning procedures.

Safety and sanitation shall be the primary consideration in equipment purchase and replacement. Placement and installation of equipment must be carefully planned to facilitate cleaning, sanitizing, service, and repairs. The equipment must also meet any applicable government codes.

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Food Services Training

901.3.1 FOOD PREPARATION

In addition to kitchen equipment and safety procedures general training, the curriculum for staff and youths working in food services should include, at a minimum (15 CCR 1465):

- Proper hand-washing techniques and personal hygiene as it applies to food services work.
- Proper application and rotation of gloves when handling food.
- Proper use of protective hair coverings, such as hats or hairnets.
- Wearing clean aprons and removing aprons prior to entering toilet facilities.
- Maintaining proper cooking and holding temperatures for food.
- Proper portioning and serving of food.
- Covering coughs and sneezes to reduce the risk of food-borne illness transmission.
- Reporting illness, cuts, or sores to the custody staff in charge.
- Proper storage of all food items including refrigeration and freezing of food.

901.4 BRIEFING TRAINING

The food services manager should consider daily briefing training as a method of staff development. Short, regular, and repetitive trainings (8 to 10 minutes) at the beginning of each shift are an effective and cost-efficient way to maintain the competency of staff. A lesson plan and record of attendance should be incorporated into the briefing training. Records of all training, including training for contract workers, should be forwarded to the Training Manager and maintained in the worker's training files in accordance with established records retention schedules (15 CCR 1321; 15 CCR 1464).

Dietary Guidelines

902.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the nutritional needs of youths are met and that overall health is promoted through balanced, nutritious diets (15 CCR 1461).

902.2 POLICY

It is the policy of this agency that diets provided by this facility will meet or exceed the guidelines established in the current publication of the U.S. Department of Agriculture's Dietary Guidelines for Americans (DGA).

902.3 REVIEW OF DIETARY ALLOWANCES

The food services manager is responsible for developing the facility's menus and shall ensure that all menus served by food services comply with the DGA and U.S. Department of Agriculture (USDA) Free Lunch Program guidelines. Any deviation from the DGA or USDA guidelines shall be reviewed by the Chief Probation Officer or the authorized designee and the Medical Director.

The food services manager or the authorized designee shall ensure that the facility's menus and dietary allowances are evaluated annually by a registered dietitian, and that any changes meet the DGA and the requirements of 15 CCR 1461. A registered dietitian must approve menus before they are used (15 CCR 1463).

Menus should be evaluated at least quarterly by the food services manager or the authorized designee.

902.4 MENU CYCLE PLANNING

The food services manager or the authorized designee should plan the menus one month before their use.

Any changes to the menu must be recorded and kept until the next annual inspection. Any menu substitutions must use better or similar items (15 CCR 1463).

Menus should include dairy, vegetable, grain, and protein groups, including total dietary fat, as recommended by the DGA and USDA Free Lunch Program guidelines, specific to age and gender (15 CCR 1461).

902.5 REQUESTS FOR SPECIAL DIET

The food services manager or the authorized designee shall establish a written process for requests for special diets (e.g., vegetarian or vegan diets; see, also, the sections on religious diets in the Food Services Policy) (15 CCR 1461).

Food Services Workers' Health, Safety, and Supervision

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish basic personal health, hygiene, sanitation, and safety requirements to be followed by all food services workers and to ensure the proper supervision of food services staff (15 CCR 1464; 15 CCR 1465; 15 CCR 1467).

903.2 POLICY

The San Benito County Juvenile Hall will ensure that meals are nutritionally balanced, safe, and prepared and served in accordance with applicable health and safety laws.

903.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager is responsible for developing and implementing procedures to ensure that all meals are prepared, delivered, and served only under direct supervision by staff.

Work assignments shall be developed to ensure that sufficient food services staff is available for food service preparation. The food services manager should coordinate with the custody supervisor to ensure that sufficient custody staff is available for meal service delivery (15 CCR 1321).

The food preparation area must remain clean and sanitary. The food services manager or the authorized designee shall post daily, weekly, and monthly cleaning schedules for the equipment and food preparation area.

903.4 MEDICAL SCREENING

The food services manager shall work cooperatively with the Medical Director to develop procedures to minimize the potential for spreading contagious disease and food-borne illness. To prevent the spread of illness, the following shall be strictly observed (15 CCR 1414):

- (a) All food services workers shall have a medical examination prior to performing food services activities to screen for transmissible illnesses or diseases. The examination shall be conducted in accordance with local regulations and repeated at scheduled intervals.
- (b) Food services workers shall have education and ongoing monitoring in accordance with the standards set forth in the applicable government health and safety codes.
- (c) A supervisor shall inspect and monitor the health and cleanliness of food services workers, and remove anyone exhibiting any signs of food-transmissible disease from any food services area.
- (d) Any person working in any food services area who is diagnosed by a qualified health care professional with a contagious illness should be excluded from the food services areas until medically cleared to return to work.

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- (e) Food handlers shall wash their hands with antibacterial soap and water immediately prior to performing food services activities and after using toilet facilities.
- (f) Aprons shall be removed and secured in a clean storage area before entering the toilet facility.
- (g) Food services workers shall wear disposable plastic gloves and protective hair covering, such as a hat or a hairnet, when handling or serving food. Gloves shall be changed after each task is completed.
- (h) Vendors must submit evidence of compliance with state and local food safety regulations.
- (i) The use of tobacco products and electronic cigarettes is prohibited in any food services area.
- (j) Documentation of compliance with all the above and with any other risk-minimizing efforts implemented to reduce food transmissible disease shall be maintained in accordance with established records retention schedules.
- (k) All food services workers shall report to a supervisor any information about their health and activities in accordance with health and safety codes as they relate to diseases that are transmittable through food (e.g., open sores, runny nose, sore throat, cough, vomiting, diarrhea, fever, recent exposure to contagious diseases such as Hepatitis A or tuberculosis).

Any food services worker is prohibited from handling food or working in any food services area if the food services worker reports symptoms such as vomiting, diarrhea, jaundice, or sore throat with fever, or has a lesion containing pus, such as a boil or infected wound that is open or draining. Food services workers shall only return to work in food services areas when cleared by a qualified health care professional.

903.5 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS

The food services manager is responsible for developing and implementing a training program for youth food services that includes food safety, proper food-handling techniques, and personal hygiene. Each youth food services worker shall satisfactorily complete the initial training prior to being assigned to prepare, deliver, or serve food. Food services workers should receive periodic supplemental training as determined by the food services manager (see the Food Services Training Policy).

903.6 SUPERVISION OF FOOD PREPARATION AND DELIVERY

Only personnel authorized to work in the food preparation area will be allowed inside. The Assistant Chief Probation Officer will appoint at least one qualified staff member who will be responsible for the oversight of daily activities and ensuring food safety (15 CCR 1321). The appointed staff member must be certified by passing the American National Standards Institute food safety manager certification examination.

Food services workers should adhere to the following:

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Food Services Workers' Health, Safety, and Supervision

- Correct ingredients are used in the proper proportions.
- Food is maintained at proper temperatures.
- Food is washed and handled properly.
- Food is served using the right utensils and in the proper portion sizes.
- Utensils such as knives, cutting boards, pots, pans, trays, and food carts used in the preparation, serving, or consumption of food are properly washed and sanitized after use. Disposable utensils and dishes will not be reused.
- All utensils are securely stored under sanitary conditions when finished.

903.7 SUPERVISION OF THE FOOD SUPPLY

The risk of conflict and protest is reduced when the youth population has confidence in the safety and quality of their food. Custody staff should supervise the transport and delivery of food to the respective serving areas. Custody staff should ensure the food is protected during transportation and delivered to the right location efficiently and under the right temperatures (15 CCR 1464).

Food services staff should report any suspected breach in the safety or security of the food supply. Staff should be alert to youth behavior when serving food, and cognizant of any comments concerning perceived contamination or portioning issues. Staff should report any suspicion of youth unrest to a supervisor.

Any change to the published menu or the standard portioning should be documented and reported to the food services manager as soon as practicable.

Food Storage

904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish food storage methods that are designed to meet manufacturer's recommendations, health and safety codes, state laws, and local ordinances, and to safely preserve food, extend storage life, and reduce food waste (15 CCR 1464).

904.2 POLICY

Food and food supplies will be stored in sanitary and temperature-controlled areas in compliance with state and local health laws and standards.

904.3 DRY FOOD STORAGE

Canned items and dry food that does not need refrigeration should be stored in a clean, dry, secure storage area where temperatures are maintained between 45 and 80 degrees.

All dry items shall be stored at least 6 inches off the floor. Only full, unopened cans and containers shall be stored in the storerooms. Open containers and packages shall be appropriately stored in the working or holding areas.

New food shipments shall be placed behind existing like items and rotated using a first-in, first-out rotation method.

Personal clothing and personal items shall not be stored in food storage areas.

904.3.1 MAINTENANCE OF DRY FOOD STORAGE AREAS

Youth workers or staff should clean the storage areas at least once each day by sweeping and mopping all floors and wiping down shelves and walls. Any damaged items should be inspected for spoilage and repackaged or discarded as appropriate. Food services staff should inspect the storage areas to ensure they are clean and orderly.

904.4 REFRIGERATED AND FROZEN STORAGE

Unless health codes dictate otherwise, refrigerators must be kept between 32 and 41 degrees. Deep chill refrigerators will be set between 28 and 32 degrees for cook-chill products, dairy, and meat items, to extend shelf life. Other than the defrosting cycle, all freezers must maintain a temperature of 0 degrees or lower.

All freezer and refrigerator storage areas should have a thermometer to monitor temperature. The thermometer shall be placed in the warmest place inside the storage area. Daily temperature readings shall be recorded on the storage area checklist. Any variance outside the acceptable temperature range shall be immediately addressed.

All food must be covered and dated when stored. Storage practices shall use a first-in, first-out rotation method.

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904.4.1 STORAGE OF CLEANING SUPPLIES AND MATERIALS

Soaps, detergents, waxes, cleaning compounds, insect spray, and any other toxic or poisonous materials should be kept in a separate, locked storage area to prevent cross-contamination with food and other kitchen supplies.

904.5 WASTE MANAGEMENT

The food services manager shall develop and maintain a waste management plan that ensures the garbage is removed daily. This plan also should include methods to minimize the waste of edible food and to dispose of non-edible or waste food material without utilizing a landfill (15 CCR 1464).

Prescribed Therapeutic Diets

905.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that youths who require prescribed therapeutic diets as a result of a diagnosed medical condition are provided with nutritionally balanced therapeutic meals that are medically approved and meet nutritional and safety standards (15 CCR 1460; 15 CCR 1462).

905.2 POLICY

It is the policy of this agency to provide therapeutic diet meals as prescribed by qualified health care professionals.

905.3 PROCEDURES

The Medical Director, in consultation with the food services manager, shall (15 CCR 1462):

- (a) Develop written procedures that identify individuals who are authorized to prescribe a therapeutic diet.
- (b) The therapeutic diets utilized by this facility shall be planned, prepared, and served with consultation from a registered dietitian.
- (c) The Assistant Chief Probation Officer shall comply with any therapeutic diet prescribed for a youth.
- (d) The Assistant Chief Probation Officer and the Medical Director shall ensure that a diet manual including sample menus of therapeutic diets shall be available to both health services and food services workers. A registered dietitian shall review, and the Medical Director shall approve, the diet manual annually.

As a best practice, all therapeutic diet prescriptions should be reviewed and rewritten, if appropriate, on a quarterly basis. This is to reduce the risk of a youth developing an adverse medical condition or nutritional defect as the result of a diet that is inconsistent with the youth's current medical needs. A diet request form should be provided to youths.

Pregnant and lactating females shall be provided a balanced, nutritious diet approved by a physician (15 CCR 1417; 15 CCR 1461).

905.4 STAFF COMMUNICATION/COORDINATION

It is the responsibility of the Medical Director to compile a daily list of all youths prescribed therapeutic diets. The list should contain:

- (a) The youth's name.
- (b) The youth's identification number.
- (c) The housing location or dining location where the meals will be delivered.
- (d) The youth's therapeutic diet type.

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- (e) Special remarks or instructions.

Any time youths are assigned to a different housing area, detention staff must notify the food services personnel immediately.

905.5 PREPARATION AND DELIVERY OF MEALS

The food services manager or the authorized designee is responsible for reviewing the therapeutic diet lists prepared by Wellpath, counting the number and type of therapeutic meals to be served, and preparing the food according to the therapeutic menu designed by the registered dietitian.

Therapeutic diets may include snacks and oral supplements. Snacks and supplements should be distributed with regularly scheduled meal service or may be distributed with youth medications. Individual labels or written documents clearly identifying each meal and any included snacks should be prepared by the food services staff and should contain:

- (a) The youth's name.
- (b) The youth's identification number.
- (c) The housing location or dining location where the meals will be delivered.
- (d) The youth's therapeutic diet type.
- (e) A list of items provided for the meal.

The custody staff responsible for meal distribution shall ensure that any youth prescribed a therapeutic meal by Wellpath or the authorized designee receives the prescribed meal. Youths who receive a therapeutic meal should sign for receipt of the meal. Therapeutic meal receipts should be retained in the youth's medical record for an amount of time necessary to resolve any dispute about the receipt or composition of a prescribed meal.

Unless a therapeutic diet was prescribed with a specific end date, only Wellpath or the authorized designee may order that a therapeutic diet be discontinued.

If prescribed by Wellpath, supplemental food shall be served to youths more frequently than the regularly scheduled meals. A youth who misses a regularly scheduled meal shall receive the prescribed meal.

905.6 THERAPEUTIC MEAL RECORDS

Youths receiving prescribed therapeutic diet meals must sign a document indicating:

- (a) The youth's name.
- (b) The youth's identification number.
- (c) The dates and times of service.
- (d) The housing location or dining location where the meals will be delivered.
- (e) The youth's therapeutic diet type.
- (f) A list of items provided for the meal.

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All information regarding a therapeutic diet is part of a youth's medical record and is therefore subject to state and federal privacy laws concerning medical records.

All meal records shall be retained in accordance with established retention schedules and applicable statutory regulations.

Chapter 10 - Programs, Activities, and Education

Youth Programs and Services

1000.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the programs and services that are available and accessible to all youths. The programs and services exist to meet the individualized needs of youths or motivate youths toward positive behavior while they are in custody. The policy identifies the role and responsibilities of the Program Supervisor, who manages a range of programs and services (15 CCR 1356; 15 CCR 1371).

1000.2 POLICY

The San Benito County Juvenile Hall will make available and accessible a variety of programs and services subject to resources and security concerns. Programs and services offered to benefit youths may include faith-based services, recreational activities, library access, educational/vocational training, alcohol and drug education, and substance abuse recovery programs.

1000.3 JUVENILE HALL SUPERVISOR RESPONSIBILITIES

The Juvenile Hall Supervisor manages the youth programs and services, including:

- (a) Recruiting qualified staff with skills relevant in juvenile justice settings who can positively affect long-term outcomes through demonstrated abilities to create and sustain effective teaching and learning environments.
- (b) Researching age-appropriate and gender-specific programs.
- (c) Developing plans, budgets, and schedules and coordinating security requirements for all youth programs and services.
- (d) Developing or procuring programs and services as authorized by the Assistant Chief Probation Officer that are designed specifically for juvenile offenders and utilize a cognitive behavioral approach aimed at addressing the specific problems of the youth, such as (15 CCR 1371):
 1. Substance abuse.
 2. Education and vocational training.
 3. Improving thinking.
 4. Improving decision making.
- (e) Acting as a liaison with other service providers in the community that may offer social or educational programs (e.g., school districts, department of social services, health educators, substance abuse counselors) (15 CCR 1371).
- (f) Developing, maintaining, and providing to youths the schedule of programs and services.
- (g) Developing policies and procedures and establishing rules for youth participation in the programs and services.

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- (h) Developing and maintaining records on the number of programs and services offered, and youth attendance at each offering.
- (i) Establishing controls to verify that the content and delivery of programs and services are appropriate for the circumstances.
- (j) Accumulating data and preparing monthly and annual reports as directed by the Assistant Chief Probation Officer.
- (k) Ensuring no youths are denied access to educational and vocational programs based on disabilities or other protected class per the Civil Rights Act of 1964 and Title II of the Americans with Disabilities Act.
- (l) Ensuring that an annual record review is completed of juvenile hall programs, recreation, and exercise to ensure the program content offered is current, consistent, and relevant to the population (15 CCR 1371).
- (m) Developing or procuring youth programs to include but not be limited to trauma-focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism, as set forth in 15 CCR 1371.

1000.4 SECURITY

All programs and services offered to benefit youths shall adhere to the security and classification requirements of this juvenile hall. To the extent practicable, the Juvenile Hall Supervisor will develop individualized programs and services for youths who are housed in high-security or room confinement.

1000.5 DISCLAIMER

Youth programs are provided at the sole discretion of the San Benito County Juvenile Hall in keeping with security interests, available resources, and best practices.

Nothing in this policy is intended to confer a legal right for youths to participate in any program offered other than what is required by law or that which is medically required.

Youth Mail

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the receipt, rejection, inspection, and sending of youth mail (15 CCR 1375).

1001.2 POLICY

This agency will provide ample opportunity for youths to send and receive mail, subject to restriction only when there is a legitimate government interest.

1001.3 MAIL GENERALLY

Youths may send and receive mail without restrictions on quantity, provided it does not jeopardize the safety of members, visitors, or other youths, or pose an unreasonable disruption to the orderly operation of the facility (15 CCR 1375).

However, youths may store only a limited amount of mail in their housing area as determined by the Assistant Chief Probation Officer. Excess mail will be stored with the youth's personal property and returned when the youth is released.

1001.4 CONFIDENTIAL CORRESPONDENCE

Youths may correspond confidentially with courts, legal counsel, officials of this agency, elected officials, juvenile hall inspectors, government officials, and officers of the court (15 CCR 1375).

This juvenile hall will also accept and deliver a fax or interoffice mail from these entities.

Juvenile Hall members may inspect incoming confidential correspondence for contraband. Juvenile Hall members may inspect outgoing confidential correspondence for contraband before it is sealed. If confidential correspondence is inspected, members shall limit the inspection to a search for physical items that may be included besides the correspondence and shall not read or copy the content of the correspondence itself. All inspections shall be completed in the presence of the youth (15 CCR 1375).

1001.5 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES

Mail privileges may be suspended or restricted upon approval of the Assistant Chief Probation Officer whenever members learn that mail sent by a youth involves:

- (a) Threats of violence against any member of the government, judiciary, legal representatives, victims, or witnesses.
- (b) A threat to the security of the juvenile hall, members, or the public.

The District Attorney or County Counsel should be consulted where criminal charges are considered against a youth or there is an apparent liability risk to the Agency that relates to suspension or restriction of mail privileges.

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1001.6 PROCESSING AND INSPECTION OF MAIL BY MEMBERS

Members should process incoming and outgoing mail as expeditiously as reasonably possible. Incoming and outgoing mail should be processed within 24 hours and packages within 48 hours. Mail processing may be suspended on weekends, holidays, or during an emergency.

Assigned members should open and inspect all incoming and outgoing general mail of current youths. The incoming correspondence, other than confidential correspondence, may be read as frequently as deemed necessary to maintain security or monitor a particular problem (15 CCR 1375). Mail for youths no longer in custody should not be opened.

Outgoing general mail may not be sealed by the youth and may be read by members when

- (a) There is reason to believe the mail would:
 1. Interfere with the orderly operation of the juvenile hall.
 2. Be threatening to the recipient.
 3. Facilitate criminal activity.
- (b) The youth is on a restricted mail list.
- (c) The mail is between youths in custody.

When mail is considered inappropriate under the provisions of this policy or when a youth is sent material that is not prohibited by law but is considered contraband by the juvenile hall, the material may be returned to the sender or held in the youth's property to be given to the youth upon release.

Youths shall be notified in writing whenever their mail is held or returned to the sender. Mail logs and records, justification of censoring or rejection of mail, and copies of hold or return notices shall be maintained in the youth's file in accordance with established records retention schedules.

1001.6.1 DESIGNATION OF MEMBERS AUTHORIZED TO READ MAIL

Only members designated by the Assistant Chief Probation Officer may read incoming and outgoing non-confidential mail. These members should receive training on legitimate government interests for reading and censoring mail and related legal requirements.

1001.6.2 CENSORSHIP OF INCOMING AND OUTGOING NON-CONFIDENTIAL CORRESPONDENCE

In determining whether to censor incoming non-confidential correspondence, consideration shall be given to whether rejecting the material is rationally related to a legitimate government interest, and whether alternate means of communicating with others is available.

The impact the correspondence may have on other youths and juvenile hall members is also a factor. Reasonable alternatives should be considered, and an exaggerated response (e.g., discontinuing delivery of a magazine because of one article) should be avoided.

Outgoing non-confidential correspondence shall only be censored to further a substantial government interest, and only when it is necessary or essential to address the particular government interest. Government interests that would justify confiscation of outgoing mail include:

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- (a) Maintaining facility security.
- (b) Preventing dangerous conduct, such as an escape plan.
- (c) Preventing ongoing criminal activity, such as threats of blackmail or extortion, or other similar conduct.
- (d) Preventing harassment of those who have requested that no mail be sent to them by the youth.

Correspondence and material identified for censorship shall be delivered to the Duty Officer, who shall decide if such mail will be censored.

Notices should be sent to the sender of censored correspondence or publications, even when the sender is the editor or publisher. A single notification may be sent if the publication is received by multiple youths.

1001.6.3 DOCUMENTING REJECTED OR CENSORED CORRESPONDENCE

In each case where it is necessary to remove any item, or correspondence has been rejected or censored, a written record must be made of such action, to include:

- (a) The youth name and number.
- (b) A description of the mail.
- (c) A description of the action taken and the reason for such action.
- (d) The disposition of the item.
- (e) Signature of the juvenile institution officer.
- (f) Notification to the youth and sender (unless such notification jeopardizes any investigation or the security of the facility). The written record should document the date and method by which the youth was notified (e.g., in person, by letter).

1001.7 BOOKS, MAGAZINES, NEWSPAPERS, AND PERIODICALS

Unless otherwise in conflict with this policy and prohibited by the Assistant Chief Probation Officer, youths may purchase, receive, and read any book, newspaper, periodical, or writing accepted for distribution by the U.S. Postal Service.

Publications, magazines, and newspapers shall be accepted only if they are mailed directly from the publisher to a named youth. A local daily newspaper in general circulation shall be made available to interested youths.

1001.8 REJECTION OF MAGAZINES AND PERIODICALS

The Agency may reject magazines, periodicals, and other materials that may inhibit the reasonable safety, security, and discipline in the daily operation of this facility. Generally, books, newspapers, and magazines are accepted only if they are sent directly by the publisher. Materials that may be rejected include but are not limited to:

- Materials that advocate violence or a security breach.

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- Literature that could incite racial unrest.
- Sexually explicit material, including pornographic magazines, nude pictures, and pictures or descriptions of sexually explicit activities.
- Obscene publications or writings and mail containing information about where or how such matter may be obtained; any material that would have a tendency to incite murder, arson, riot, acts of racism, or any other form of violence; any material that would have a tendency to incite crimes against children; any material about unlawful gambling or an unlawful lottery; any material containing information on the manufacture or use of weapons, narcotics, or explosives, or any other unlawful activity.
- Material that could lead to sexual aggression or an offensive environment for youths.
- Material that could create a hostile or offensive work environment.
- Any material with content that could reasonably demonstrate a legitimate government interest in rejecting the material.

Staff shall notify the Duty Officer whenever a decision is made to reject books, magazines, or periodicals. The Assistant Chief Probation Officer or the authorized designee will make the final decision on the specific magazines, periodicals, and other materials prohibited within this facility.

Religious texts not supplied by juvenile hall-authorized entities may be accepted by the chaplain or other religious volunteer who has received training on facility rules involving contraband, and who has been approved by a supervisor to review such documents for distribution.

1001.9 FORWARDING OF MAIL

Any non-legal mail received for a former youth should be returned to the sender with a notation that the youth is not in custody. Obvious legal mail should be forwarded to the former youth's new address if it is reasonably known. Otherwise, legal mail should be returned to the sender.

1001.10 YOUTH REQUESTS FOR WRITING MATERIALS

Youths may receive the opportunity to write letters and be provided with writing materials weekly, as provided by an approved schedule established by the Assistant Chief Probation Officer. Writing materials should include (15 CCR 1375):

- (a) Postage for two letters per week.
- (b) Six sheets of writing paper.
- (c) One pencil.

Youths shall receive pre-stamped envelopes and writing paper sufficient to maintain communication with courts, legal counsel, officials of this agency, elected officials, inspectors with the Board of State and Community Corrections, government officials, and officers of the court (15 CCR 1377).

Youths should not be permitted to maintain an excess supply of writing materials without the approval of a supervisor.

Programs, Exercise, and Recreation

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures ensuring that the San Benito County Juvenile Hall facility will have sufficiently scheduled programs, exercise, and recreation periods, and sufficient space for these activities, as required by law (15 CCR 1371).

1002.1.1 DEFINITIONS

Definitions related to this policy include:

Exercise - The physical exertion of large muscle groups.

Programs - Structured programs designed to enhance socialization that provides a positive, pro-social experience to build positive youth development.

Recreation - Activities that may include table games, watching television, or socializing with other individuals.

1002.2 POLICY

It is the policy of this agency to provide youths with access to programs, exercise opportunities, and recreation activities in accordance with state laws or requirements. The intent is to minimize the time youths are in their rooms or bed area.

1002.3 RESPONSIBILITIES

Youths shall be provided the opportunity for programs, recreation, and exercise at least three hours a day during the week and five hours a day each Saturday, Sunday, or non-school day, of which one hour shall be an outdoor activity, weather permitting.

A youth's participation in programs, recreation, and exercise may be suspended only upon written finding by the Assistant Chief Probation Officer that a youth represents a threat to the safety and security of the facility.

The Assistant Chief Probation Officer or the authorized designee shall be responsible for ensuring there is sufficient secure space for programming, physical exercise, and recreation. A schedule should be developed to ensure accessibility for all youths without interfering with other daily activity requirements (meals, education, religious services, other regularly scheduled events). The recreation and exercise schedule shall be posted in the living unit (15 CCR 1371).

The Duty Officer shall use the approved daily activity log sheet to document the actual time of an activity and if a youth has declined participation.

Daily activity log sheets should be collected monthly and forwarded to the Assistant Chief Probation Officer. Log sheets shall be maintained in accordance with established records retention schedules.

There will be an annual written review of the programs, exercise, and recreation to ensure content is current, consistent, and relevant to the population.

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If the Assistant Chief Probation Officer or the authorized designee denies any youth or group of youths the programs, exercise, or recreation time period, documentation should exist that verifies that the denial is based on good cause in relation to a security need.

1002.4 ACCESS TO EXERCISE

Youths shall have an opportunity for at least one hour of large-muscle activity each day. When weather permits, the youths' exercise time shall be outdoors (15 CCR 1371).

See Procedures Manual on Activities for Residents for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 1000.1 ACTIVITIES FOR RESIDENTS](#)

1002.5 ACCESS TO RECREATION

All youths shall be provided the opportunity for at least one hour of daily access to unscheduled activities such as leisure reading, letter writing, and entertainment. Activities shall be supervised and shall include orientation, and may include coaching of youths. Televisions, newspapers, table games, and other items may also be provided to enhance recreation time (15 CCR 1371).

See Procedures Manual on Activities for Residents for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 1000.1 ACTIVITIES FOR RESIDENTS](#)

1002.6 ACCESS TO PROGRAMS

All youths shall be provided with the opportunity for at least one hour of daily programming. The program should be structured and designed to enhance socialization, and youth participation shall be monitored.

Juvenile Hall programs shall include any additional activities required under 15 CCR 1371 (e.g., trauma-focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate; prosocial intervention and activities designed to reduce recidivism).

See Procedures Manual on Activities for Residents for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 1000.1 ACTIVITIES FOR RESIDENTS](#)

1002.6.1 COMPUTER AND INTERNET ACCESS

The Assistant Chief Probation Officer may authorize providing a youth with reasonable access to computer technology and the internet so that the youth can maintain relationships with family members (Welfare and Institutions Code § 851.1; Welfare and Institutions Code § 889.1).

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Programs, Exercise, and Recreation

1002.7 SECURITY AND SUPERVISION

The staff supervising youths during programs, exercise, and recreation time shall document when each youth actively participates.

Staff shall be responsible for inspecting exercise and recreational equipment to ensure it appears safe for use. Broken equipment or equipment that is in an unsafe condition shall not be used. Youths may not use equipment without supervision. All equipment shall be accounted for before youths return to their housing unit.

The supervising staff may terminate the exercise or recreation period and escort back to the housing unit any youth who continues to act in an aggressive or disorderly manner after being ordered to stop by the staff. Whenever an exercise or recreation period is involuntarily terminated, the staff will document the incident and the rationale for terminating the exercise period. The Duty Officer will determine whether disciplinary action is warranted. The Assistant Chief Probation Officer may suspend for a period not to exceed 24 hours access to recreation and programs (15 CCR 1371).

A youth's participation in programs and recreation may only be suspended upon a written finding by the Assistant Chief Probation Officer or the authorized designee that a youth presents a threat to the safety and security of the facility.

The Assistant Chief Probation Officer or authorized designee shall document the reasons why suspension occurs (15 CCR 1371).

1002.8 EXERCISE SPACE

Exercise areas, as specified by federal, state, and/or local laws or requirements, should be sufficient to allow each youth at least one hour of exercise every day. Use of outdoor exercise is preferred, but weather conditions may require the use of covered/enclosed space. Dayroom space is not considered exercise space (24 CCR 1230.1.11).

1002.9 INABILITY TO MEET REQUIREMENTS

In the event that the youth population exceeds the ability of the facility to meet the exercise and recreation requirements, the Assistant Chief Probation Officer should notify the governing body that there is a deficiency in space for exercise, that the deficiency may violate the law and/or space requirements, and that the Assistant Chief Probation Officer requests funds to remedy the situation. The Assistant Chief Probation Officer should document all action taken to try to remedy the situation, including funding requests, population reduction requests, and all responses to those requests.

Youth Educational Services

1003.1 PURPOSE AND SCOPE

This policy provides guidelines and assigns responsibilities for establishing and maintaining an education program that complies with federal, state, and local laws and educational requirements (15 CCR 1370).

1003.2 POLICY

It is the policy of this agency to provide youths with an education program that complies with federal, state, and local educational standards.

1003.3 EDUCATION PROGRAM GOALS

It is the goal of this agency to prioritize educational services conducive to learning, provide safe and adequate conditions for learning, and provide the behavioral and social support services necessary to address individual needs. This includes the needs of youths with disabilities and communication barriers according to state and federal guidelines.

It is the goal of this agency to provide special education and related services to all youths with disabilities as required by state and federal laws.

It is the goal of this agency to create a safe, healthy facility-wide climate for education. When providing instruction, culturally responsive and trauma-informed approaches should be applied. Education staff should collaborate with the Assistant Chief Probation Officer to use technology to facilitate learning and ensure safe technology practices (15 CCR 1370).

- (a) All youths shall be treated equally, and the education program shall be free from discriminatory action. Staff shall refer to transgender, intersex, and gender-nonconforming youths by their preferred name and gender.

1003.4 EDUCATION PROGRAM COORDINATOR

The Assistant Chief Probation Officer should work in conjunction with school administrators to develop and manage the agency education program. The Education Program Coordinator shall (15 CCR 1370):

- (a) Advance an education program for youths that is consistent with state and federal educational standards and requirements (Individuals with Disabilities Education Act, 20 USC § 1400 et. seq.; Section 504 of the Rehabilitation Act of 1973, 29 USC § 701 et. seq.; the Americans with Disabilities Act, 42 USC § 12101 et. seq.).
 1. The program shall observe laws and regulations specific to youths with suspected disabilities, including child find (e.g., identifying students with disabilities entitled to special education including speech, therapy, counseling), continuum of alternative placements, and manifestation determination reviews.

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- (b) Coordinate and consult with local school board officials, state education officials, or private educational consultants for guidance and assistance on implementing an education program that is consistent with federal, state, and local requirements.
 - 1. The Assistant Chief Probation Officer shall coordinate the required annual review of each element of the education program with the Superintendent of Schools in accordance with 15 CCR 1370 and implement corrective action on any deficiencies.
- (c) Confirm that procedures are in place for the screening and placement of all youths at intake.
 - 1. The screening process should include procedures for obtaining and reviewing education records from a youth's previous placement facilities or schools at which the youth was previously registered, including grades, standardized test scores, educational assessments, discipline problems, migrant status as defined by the Education Code, and any special education plans.
 - 2. If needed, state-required or provided testing should be considered to determine the appropriate placement.
- (d) Develop and maintain procedures for identifying youths who need special education services, and coordinate with appropriate state educational agencies to ensure that special education programs satisfy state and federal standards (IDEA, Part B).
- (e) Confirm that the education program includes social, emotional, and behavioral skills development for youths with special needs as outlined by federal, state, and local education laws and regulations.
- (f) Confirm that procedures are in place to ensure that the program's educational staff are qualified.
 - 1. Procedures should include ensuring that all staff meet and maintain applicable education credentials and licensing.
- (g) Develop, in conjunction with the educational staff, procedures that address the rights of any student who has continuing difficulty completing a school day.
 - 1. Procedures should consider education program requirements for youths who are separated from the general population, have a high-risk security classification, or are on a discipline status.
- (h) Maintain education records for all youths.
- (i) Confirm that procedures are in place for the retention and forwarding of youth education records to the next educational placement facility or school where the youth is registered, along with appropriate credit for course work completed while the youth was in the care of the Agency, in compliance with local, state, and federal laws (20 U.S.C. § 1232g).
- (j) Confirm that the Agency designates adequate space for youth education.

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- (k) Develop guidelines to ensure that security concerns, availability of space, temporary confinement (based on youth classification/disruptive behaviors), classroom management, and safety are considered in the delivery of educational services.
- (l) Conduct an annual needs assessment of the education program.
- (m) Confirm that procedures are in place for identifying and addressing English learners (EL) in accordance with state and federal laws and regulations.
- (n) Coordinate with the Superintendent of Schools to develop procedures to meet the transition needs of youths, including the development of an education transition plan.
- (o) Coordinate with local post-secondary education providers to facilitate access to educational and vocational opportunities for youths with appropriate technology, when practicable.
 - 1. Take steps to make online public post-secondary academic courses and career technical programs accessible to eligible youths (Welfare and Institutions Code § 858).
- (p) Ensure that youths are provided reasonable access to computer technology and the internet for educational purposes (Welfare and Institutions Code § 851.1; Welfare and Institutions Code § 889.1).

1003.4.1 EDUCATIONAL PROGRAM ENROLLMENT REQUIREMENTS

Youths shall be enrolled in the education program as soon as practicable. An assessment shall be conducted by education staff to determine the youth's appropriate placement in core curriculum courses. A preliminary education plan shall be developed for each youth within five days of admission into the facility (15 CCR 1370).

The education staff shall request the youth's records from the youth's previous school. The youth's education plan shall be reviewed with the youth and modified, if needed, upon receipt of the education records (15 CCR 1370). Youths should be informed of the credits they need to graduate.

1003.5 COURSE OF STUDY

Youths shall be provided with a quality education program that responds to the different learning styles and abilities of students (15 CCR 1370).

The minimum school day shall be consistent with State Education Code requirements for juvenile court schools. Juvenile Hall procedures to deliver youths to their educational program shall not interfere with the time afforded for the minimum instructional day. The education staff shall document absences, time out of class, or educational instruction, both excused and unexcused (15 CCR 1370).

The course of study shall comply with the State Education Code and include but not be limited to courses required for high school graduation as well as preparation for career entry, post-secondary education, as well as information and preparation for the High School Equivalency Test for eligible youths (15 CCR 1370):

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Supplemental instruction shall be provided to youths who do not demonstrate sufficient progress towards grade level standards (15 CCR 1370).

1003.6 ADDITIONAL COURSE OFFERINGS

Youths who have obtained a high school diploma or GED equivalent may participate in college courses offered with the approval of the Education Program Coordinator. Youths may participate in vocational programs with the approval of the Education Program Coordinator. Beyond mandated education requirements, additional educational services and curriculum may be offered to youths, including but not limited to:

- (a) English as a second language (ESL).
- (b) Basic literacy.
- (c) Substance abuse and healthy lifestyles education.
- (d) Parenting courses.
- (e) Basic computer instruction.
- (f) Basic life skills.
- (g) Vocational skills such as landscaping and horticulture.
- (h) Other courses as deemed appropriate by school administrators.

1003.7 DISCIPLINE

The education program is integrated into the juvenile hall's overall positive behavioral management plan and security program. Any violations committed while participating in the education program will be handled under the Youth Discipline Policy.

Educational staff will be advised of and updated on disciplinary issues with any youth and will be notified of administrative decisions made by juvenile hall staff that may affect educational services.

The expulsion or suspension of a youth from the education program shall be undertaken only when other means of correction appear unsuccessful or when otherwise consistent with the requirements and protections of the State Education Code. Educational staff shall document other means of correction used before the suspension or expulsion (15 CCR 1370).

1003.8 SELF-STUDY PROGRAM

Self-study may be offered when it is determined to be in the best educational interest of the youth or recommended as part of a youth's Individualized Educational Program (IEP).

1003.9 CLASSROOM USE AND DESIGN

Youth classification and segregation requirements should be considered when the space for the education program is being allocated and designed (24 CCR 1230.1.12).

The Education Program Coordinator should encourage and include educators in the set-up and design of classrooms that have been identified for youth education. To the extent reasonably

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possible, in consideration of the space design and the ability to provide adequate security, teachers, education managers, and administrators should be consulted to ensure their needs are met.

In addition to the traditional classroom approach to education, the Agency should explore other educational methods as part of the education program (e.g., using computers).

1003.10 NEW CONSTRUCTION OR RENOVATION

Whenever construction of new facilities is considered, the Assistant Chief Probation Officer may include education specialists during the design phase to ensure that the needs of education providers are met with regard to security, sound levels, and educational equipment.

The Educational Program Coordinator may seek technical assistance from consultants to school districts that provide education programs in detention settings.

Youth Work Program

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines and requirements for the Youth Work Program. The Youth Work Program allows youths to improve and/or develop useful job skills, work habits, and experiences that will facilitate a successful transition back to the community (15 CCR 1373).

1004.2 POLICY

The San Benito County Juvenile Hall shall operate the Youth Work Program in accordance with all applicable federal, state, and local work safety laws, rules, and regulations, and to the extent that the operation of youth work programs do not pose a risk to the safety of the staff, other youths, or the public. This policy establishes the requirements, selection process, supervision, and training of youths prior to and after entering the facility's Youth Work Program.

1004.3 WORK CRITERIA

Work assigned to a youth shall be meaningful, constructive, and related to vocational training or increasing the youth's sense of responsibility (15 CCR 1373).

Work programs shall not be imposed as disciplinary measure (15 CCR 1373).

1004.3.1 POST-DISPOSITION YOUTH WORK REQUIREMENTS

All post-disposition youths who are physically and mentally able should work. Youths shall not be required to perform work that exceeds their physical limitations. Youths may be excused from work to maintain their participation in an educational, vocational, drug abuse treatment, or other program. The Agency will abide by all laws, ordinances, and regulations when using youths to work in the facility.

1004.3.2 PRE-ADJUDICATED AND PRE-DISPOSITION YOUTH WORK REQUIREMENTS

Pre-adjudicated and pre-disposition youths may volunteer to participate in the Youth Work Program but shall not be required to participate in work beyond maintaining the immediate living area.

1004.4 YOUTH WORKER SELECTION

The Youth Work Program coordinator shall be responsible for selecting and assigning youths to work. The coordinator should solicit input from other custody staff to assist with youth selection and assignment. Youths who have posed a threat in the past or have been charged with escape should be carefully screened for youth work projects. Staff shall take into consideration these eligibility criteria:

- (a) The youth's charges and classification are such that the youth will not pose a security risk to other youths, staff, or the public.

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- (b) The youth's capacity to perform physical tasks, including which tasks can be performed by the youth while pregnant, will match the job requirements.
- (c) The youth is able to learn the necessary work routines.
- (d) The special interests, abilities, or craft of the youth will benefit the work assignment.

Youths must be able to pass a health screening test under the policies contained in this manual, and must meet all statutory and regulatory requirements. Health screening shall be done for youths who serve meals to the youth population (15 CCR 1414).

1004.5 COMMUNITY SERVICE PROGRAM

Post-disposition youths may be assigned to public works projects with state, municipal, or local government agencies, or to community service projects, with the approval of the Chief Probation Officer and under all applicable laws and regulations.

Assigning youths to activities that benefit individuals, businesses, or other private entities that are not considered public works projects is prohibited and may violate the law.

1004.5.1 PROGRAM GUIDELINES

Any community service program is subject to the approval of the Assistant Chief Probation Officer or the authorized designee.

Any such program shall be subject to these guidelines:

- (a) The program complies with all statutes, ordinances, regulations, labor agreements, permissions, and restrictions relating to youths whenever they are assigned to public works and community service projects.
- (b) There are youths available who, as a matter of classification, are deemed eligible for participating in the community service programs. Only youths who are classified as minimum custody shall be assigned outside the secure perimeter.
- (c) The number of work opportunities available in the community will determine the availability of opportunities to participate in the community service program.
- (d) Staff assigned to manage the program should strive to develop work assignments that give youths an opportunity to develop good work habits and attitudes that can be applied to jobs obtained after release.
- (e) Victim and community input should be solicited and considered when developing community service programs.
- (f) Poor performance in the work program or violating rules may render the youth ineligible to participate in the work program. Any violation of work rules may result in disciplinary action that may include the loss of credits previously awarded for good behavior and work time. Youths who do not comply with program rules, or cannot work, will be reclassified under the policies and procedures of the San Benito County Juvenile Hall.

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1004.5.2 COMMUNITY WORK SELECTION PROCESS

Participation in any community service program is strictly voluntary. A classification process that clearly describes the criteria for program participation will be developed by the supervisor in charge of the program.

Any youth desiring to participate in the community service program must:

- (a) Submit to a screening process, including a criminal history check, to ensure that the youth's criminal history is compatible with work in non-secure areas.
- (b) Agree in writing to participate in the community service program.

Youths may be charged a fee for participating in the program to offset the cost of administration and staffing.

1004.6 SUPERVISION OF YOUTH WORKERS

Facility staff in charge of work programs or who supervise youths assigned to work crews should adhere to the following:

- (a) Youth workers should be provided with safety equipment, clothing, and footwear commensurate with the work performed. Safety equipment may include but is not limited to eye protection, gloves, hard hat or headwear, and sunscreen.
- (b) Work periods shall follow state and federal child labor laws.
- (c) Youth workers should be provided with work breaks to allow them to take care of personal needs.
- (d) Youth workers shall have access to nutritious meals and a reasonable amount of time to consume those meals during their work period.
- (e) Youths who work shifts during the early morning or late-night hours should be provided with a quiet space to allow for sleep during daytime hours.
- (f) Youth workers shall not access youth records or youth monies.
- (g) Youth workers shall not participate in the maintenance of locking systems or other security detention devices.

Youth workers shall be under the direct supervision of the facility staff at all times and shall not be supervised by other youths when they are on assignment through the Youth Work Program.

Persons who are responsible for the supervision of youths on work crews should receive training in basic areas of safety, security, and reporting procedures.

Disciplinary action for youth worker misconduct shall adhere to the Youth Discipline Policy.

1004.7 YOUTH WORKER TRAINING

Youths who are assigned to work in any area that may require the handling of any chemicals or using any equipment shall receive training from the respective agency supervisor prior to using the chemicals or equipment. Work-crew supervisors shall also train youth workers on safety practices.

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Youths should never be assigned to handle dangerous chemicals or equipment that normally requires a level of expertise and competency beyond their demonstrated ability.

1004.8 YOUTH WORKER INCENTIVES

The Assistant Chief Probation Officer is responsible for establishing an incentive program for youths assigned to the Youth Work Program. Incentives for youths may include:

- (a) Granting good time and work credits to apply to their commitment as allowed by state or local law.
- (b) Granting distinctive housing assignments, extra privileges, recreation, and special rewards, as allowed by law, regulation, and policy. Youth welfare funds may be used to offset the cost of a reward program.
- (c) Awarding certificates of achievement for successful completion of vocational, educational, and/or work programs.
- (d) When allowed by law, ordinance, and in consideration with local labor relations, giving monetary compensation for work on government projects.

Youth Telephone Access

1005.1 PURPOSE AND SCOPE

This policy establishes guidelines for permitting youths to access and use telephones (15 CCR 1376).

1005.2 POLICY

To encourage and maintain positive relationships within the family and community, the Juvenile Hall will provide access to telephones for use by youths consistent with federal and state law.

1005.3 PROCEDURE

The Assistant Chief Probation Officer or the authorized designee shall develop written procedures establishing the guidelines for access and usage. All youths will be provided a copy of the telephone usage rules as part of their youth orientation during the admission process.

Youths housed in general population will be permitted reasonable access to public telephones, if available, at scheduled times in the dayrooms for collect calls unless such access may cause an unsafe situation for the facility, members, or other youths.

The Assistant Chief Probation Officer shall ensure a notice is conspicuously posted near the phones, informing the youths that non-attorney calls may be monitored and recorded.

Youths are not permitted to receive telephone calls. Messages will only be delivered in the event of a verified emergency.

In the event of a facility emergency, or as directed by the supervisor or the Assistant Chief Probation Officer, all telephones will be turned off.

Teletypewriter/telecommunications device for the deaf (TTY/TDD) or equally effective telecommunications devices will be provided to youths who are deaf, hard of hearing, or have speech impairments to allow them equivalent telephone access.

The minimum time allowed per call should be 10 minutes, unless there are substantial reasons to justify further limitations. Reasons for denial of telephone access shall be documented and a copy placed into the youth's file. The rules governing the use of the telephone will be provided to youths during orientation and posted near the telephones.

The staff should monitor the use of public telephones to ensure youths have reasonable and equitable access and that the rules of use are observed. Any youth refusing to cooperate with the telephone rules may have the call terminated, telephone privileges suspended, and/or incur disciplinary action.

Requirements relating to the telephone use during admission are contained in the Youth Reception Policy.

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1005.4 COURT-ORDERED TELEPHONE CALLS

If a court order specifying free telephone calls is received by the facility, or a supervisor determines there is a legitimate need for a free telephone call for a specific youth, the supervisor may direct that a youth use a facility telephone at no charge. Calls placed from a facility telephone should be dialed by a staff member. The staff shall be responsible for ensuring that the youth is not calling a number that has been restricted by a court order or by request of the recipient. Such a call shall be recorded to the same extent authorized for calls that are not court ordered.

1005.5 ATTORNEY-CLIENT TELEPHONE CONSULTATION

At all times through the period of custody, youths will have non-recorded telephone access to an attorney provided to the youth at no charge to either the attorney or to the youth, in accordance with the Youth Access to Courts and Counsel Policy (15 CCR 1377).

1005.6 TELEPHONE CONTRACTS AND CHARGES

The Assistant Chief Probation Officer or the authorized designee is responsible for ensuring that rates charged to youths are similar to those charged in the general public and that youths are afforded a range of feasible calling options.

Religious Programs

1006.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of youths to exercise their religion and for evaluating accommodation requests for faith-based religious practices of youths (15 CCR 1324; 15 CCR 1372).

1006.1.1 DEFINITIONS

Definitions related to this policy include:

Compelling government interest - A method for determining the constitutionality of a policy that restricts the practice of a fundamental right. For such a policy to be valid, there must be a compelling government interest that is necessary or crucial to the mission of the Agency, as opposed to something merely preferred, that can be furthered only by the policy under review.

Least restrictive means - A standard imposed by the courts when considering the validity of policies that touch upon constitutional interests. If the Agency adopts a policy that restricts a fundamental religious liberty, it must employ the least restrictive measures possible to achieve its goal.

Religious exercise - Any exercise of religion, whether or not it is compelled by, or central to, a system of religious belief. The key is not what a faith requires but whether the practice is included in the youth's sincerely held religious beliefs.

Substantial burden - For the purposes of this policy, substantial burden means either of the following:

- A restriction or requirement imposed by the Agency that places a youth in a position of having to choose between following the precepts of the youth's religion and forfeiting benefits otherwise generally available to other youths, or having to abandon one of the precepts of the youth's religion in order to receive a benefit
- When the Agency pressures youths to substantially modify their behavior in violation of their beliefs

1006.2 POLICY

It is the policy of this agency to permit youths to engage in the lawful practices and observances of their sincerely held religious beliefs consistent with the legitimate government objectives of the facility.

1006.3 STAFF RESPONSIBILITIES

Members shall not show favoritism or preference to any religion and will not discriminate or retaliate against any youth for participating or not participating in any religion or religious practice. Youths are not required to participate in religious programs or activities.

Members shall provide youths choosing not to participate in religious programs with alternative activities outside their rooms (15 CCR 1372).

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Facility staff will not allow their personal religious beliefs to influence them in the daily management of the youth population, particularly as it relates to religious practices (15 CCR 1324).

1006.4 RELIGIOUS PROGRAMMING

The Juvenile Hall Supervisor shall be responsible for assisting the Assistant Chief Probation Officer with supervising, planning, directing, and coordinating religious programs. The Juvenile Hall Supervisor may be responsible for duties including but not limited to:

- (a) Coordinating religious services.
- (b) Maintaining a list of accepted religious practices approved by the Assistant Chief Probation Officer and ensuring the current list is available to the staff.
- (c) Reviewing requests for religious accommodations.
- (d) Providing or arranging for grief counseling for youths.
- (e) Distributing a variety of religious texts.
- (f) Developing and maintaining a liaison with a variety of religious faiths in the community.
- (g) Making reasonable efforts to enlist religious leaders from outside the community as necessary.
- (h) Seeking donations for religious programs from the community, when appropriate.
- (i) Working with youth families when requested.
- (j) Periodically surveying the facility population to assist in determining whether current resources are appropriate for the youth population.
- (k) Guiding the Chief Probation Officer or the authorized designee on issues related to religious observance.

1006.4.1 ADDITIONAL REQUIREMENTS

The Juvenile Hall Supervisor shall ensure access to religious services and/or counseling at least once each week for youths who elect to attend (15 CCR 1372).

1006.5 RELIGIOUS BELIEFS AND ACCOMMODATION REQUESTS

Youths are not required to identify or express a religious belief. Youths may designate any belief, or no belief, during the intake process and may change a designation at any time by declaring their religious beliefs in writing to the Juvenile Hall Supervisor. Youths seeking to engage in religious practices shall submit a request through the established process. Requests to engage in practices that are on the facility's list of accepted practices should be granted. Requests to engage in religious practices that are not on the approved list shall be processed as provided in this policy.

All requests for accommodation of religious practices shall be treated equally, regardless of the religion that is involved (15 CCR 1324). Equal and consistent treatment of all religions and religious beliefs shall not always require that all youths of the same religion receive the same accommodations. Requests for accommodation of religious practices shall be submitted to a supervisor. In determining whether to grant or deny a request for accommodation of a religious

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practice, the supervisor will work with the Juvenile Hall Supervisor to determine the sincerity of the youth's religious claim. Requests should be denied only if the denial or reason for denial would further a compelling interest of the facility and is the least restrictive means of furthering that compelling interest.

A supervisor who does not grant the accommodation, either in part or in full, should promptly forward the request to the Chief Probation Officer or the authorized designee, who, after consultation with legal counsel as appropriate, should make a determination regarding the request within 14 days following the youth's original request. The Chief Probation Officer or the authorized designee will respond to the requesting youth as soon as reasonably practicable.

The Chief Probation Officer or the authorized designee shall be informed of all approved accommodations. The Juvenile Hall Supervisor should make any necessary notifications to staff as necessary to meet an approved accommodation.

All youth requests for religious accommodations and related determinations shall be fully documented in the youth's record and shall include a description of the accommodation and justifications for any denials.

1006.5.1 SUSPENSION OR REVOCATION OF ACCOMMODATIONS

In an emergency or extended disruption of normal facility operations, the Assistant Chief Probation Officer may suspend any religious accommodation. The Assistant Chief Probation Officer may also revoke or modify an approved religious accommodation if the accommodated youth violates the terms or conditions under which the accommodation was granted.

1006.5.2 APPEALS OF SUSPENSION OR REVOCATION OF ACCOMMODATIONS

Youths may appeal the denial, suspension, or revocation of an accommodation through the youth appeal process.

1006.6 DIETS AND MEAL SERVICE

The Assistant Chief Probation Officer should provide youths requesting a religious diet, including fasting and/or hour of dining, a reasonable and equitable opportunity to observe their religious dietary practice. This should be done within budgetary constraints and be consistent with the security and orderly management of the facility. The Juvenile Hall Supervisor shall provide a list of youths authorized to receive religious diets to the food services manager. The food services manager shall establish a process for managing religious meal accommodations (see the Food Services and Prescribed Therapeutic Diets policies) (15 CCR 1372).

1006.7 HAIR STYLES AND GROOMING

Unless it is necessary for the health and sanitation of the facility, youths who wear head and facial hair in the observance of their religion will generally not be required to shave or cut their hair. To the extent reasonably practicable, alternative housing may be considered to accommodate the need for religious hair and grooming, while meeting the health and sanitation needs of the facility.

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Any youth whose appearance is substantially altered due to changes in facial hair or hair length may be required to submit to additional identification photographs.

1006.8 RELIGIOUS TEXTS

Religious texts should be provided to the requesting youth, if the texts available do not pose a threat to the safety, security, and orderly management of the facility.

1006.9 UNAUTHORIZED PRACTICES OR MATERIAL

The following list, which is not intended to be exhaustive, includes materials or practices that shall not be authorized:

- (a) Animal sacrifice
- (b) Language or behaviors that could reasonably be construed as presenting a threat to facility safety or security
- (c) Self-mutilation
- (d) Use, display, or possession of weapons
- (e) Self-defense or military training
- (f) Disparagement of other religions
- (g) Nudity or sexual acts
- (h) Profanity
- (i) Use of illegal substances or controlled substances without a prescription

1006.10 GROUP RELIGIOUS SERVICES

The Assistant Chief Probation Officer shall provide access to religious services and/or religious counseling at least once each week (15 CCR 1372). Group religious services may be allowed after due consideration of the youth's classification or other concerns that may adversely affect the order, safety, and security of the facility.

Attendance at religious services and/or counseling shall be voluntary (15 CCR 1372). Alternatives to attendance of group religious services may include but are not limited to:

- The provision of religious books and reading materials.
- Access to religious counselors.
- Recorded religious media (e.g., DVDs, CDs, videotapes).

1006.11 RELIGIOUS SYMBOLS AND IMPLEMENTS

Religious symbols and implements used in the exercise of religion should generally be allowed unless the symbol or implement poses a threat to the safety and security of the facility. Alternatives to the provision of religious symbols and implements may be considered when security, safety, or efficient operations may be jeopardized (e.g., substitution of a towel in lieu of a prayer rug).

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1006.12 RELIGIOUS GARMENTS AND CLOTHING

Youths who practice a religion that requires particular modes of dress, garments, or headgear, other than standard-issue clothing, should generally be accommodated subject to the need to identify youths and maintain security.

Head coverings shall be searched before being worn in the housing areas of the facility and shall be subject to random searches for contraband. Personal head coverings should be exchanged in favor of agency-supplied head coverings when available and appropriate.

Youths wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex, if they so desire. Religious garments that substantially cover the youth's head and face shall be temporarily removed during the taking of booking and identification photographs.

To the extent reasonably practicable, alternative housing may be considered to accommodate youths' need for religious attire, while meeting the security needs of the facility.

1006.13 FAITH- AND MORALS-BASED COUNSELING

The Assistant Chief Probation Officer shall be responsible for establishing a plan for youths to receive faith- and morals-based counseling from religious volunteers. Youths should be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith- and morals-based programs, and other secular volunteer programs (15 CCR 1372).

No youth shall be required to participate in any such program.

1006.14 SPACE AND EQUIPMENT FOR RELIGIOUS OBSERVANCES

The Assistant Chief Probation Officer shall ensure that there are sufficient facilities and resources for religious volunteers to serve the youth population, including providing access to areas of the facility. Space for group worship will be dictated by the availability of secure areas and the classification status of the youths to be served. All recognized religious groups should have equal access to the space, equipment, and services which the facility normally provides for religious purposes.

1006.15 COMMUNITY RESOURCES

The religious volunteers may minister a particular faith and any other similar faiths to youths and the Juvenile Hall Supervisor should also establish contacts with clergy of other faiths who can provide services to youths of other religious denominations.

Whenever the religious volunteers are unable to represent or provide faith-based services to youths, a religious leader or other volunteer from the community, credentialed by the particular faith, should be sought to help provide services. All individuals providing faith-based services should be supervised by the chaplain. All efforts to contact faith-based representatives should be documented and retained in accordance with established records retention schedules.

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Volunteers are another valuable resource that could be utilized extensively in the delivery of the religious program (see the Volunteers and Student Internships Policy). A volunteer could ensure that religious personnel who provide programming in the facility possess the required credentials and have the security clearance to enter the facility.

The Juvenile Hall Supervisor, in cooperation with the Assistant Chief Probation Officer or the authorized designee, shall develop and maintain communication with faith communities. The Juvenile Hall Supervisor shall review and coordinate with the Assistant Chief Probation Officer regarding offers to donate equipment or materials for use in the religious programs. All communication efforts and donations should be documented and retained in accordance with established records retention schedules.

Youth Visitation

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules for visitation and provide a process for youth visits and visitors.

1007.2 POLICY

It is the policy of the San Benito County Juvenile Hall to support, encourage, and allow reasonable and equitable visitation for all youth detainees. Parents/guardians shall have the right to visiting privileges unless prohibited by the court.

1007.3 PROCEDURES

The Agency shall provide adequate facilities for visiting, including appropriate space for the screening and searching of youths and visitors.

The Assistant Chief Probation Officer shall develop a written procedure and rules for visitation that should be posted at the visitors' entrance or provided to visitors upon entry. The procedures are subject to safety and security requirements and should consider:

- The facility's schedule.
- The designated secure area or space to accommodate visitors.
- Postings printed in English, Spanish, and other languages indicating fire escape routes, which should be located throughout the visiting area.
- Whether an emergency or other conditions justify a limitation on visiting privileges.
- Space to allow programming and activities to continue for youths who do not have a visitor during a scheduled visiting time.

The visiting area shall accommodate youths and visitors with disabilities. Visitors with disabilities who request special accommodations shall be referred to a supervisor. Reasonable accommodations will be granted to youths and visitors with disabilities to facilitate a visitation period.

Visitor logs and records shall be developed and maintained in accordance with established records retention schedules.

Court orders granting a special youth visitation are subject to county legal review and interpretation.

1007.3.1 VISITOR REGISTRATION AND IDENTIFICATION

All visitors must register and produce a valid state, military, tribal, or other government identification. Identification will be considered valid for 90 days after expiration, provided the visitor has renewed the ID and has proof of the renewal.

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- (a) The registration form must include the visitor's name, address, and the relationship to the youth.
- (b) A valid identification shall include:
 - 1. A photograph of the person.
 - 2. A physical description of the person.
- (c) An official visitor shall present proof of professional capacity (e.g., attorney license/ Supreme Court card, law enforcement identification, a business card/letterhead of business with the visitor's name).

Failure or refusal to provide a valid identification is reason to deny a visit.

1007.3.2 VISITATION REQUIREMENTS

A youth shall be allowed to receive visits by parents, guardians, or persons standing in place of a parent, and children of the youth, at reasonable times. Other family members, such as grandparents and siblings, and supportive adults, may be allowed to visit with the approval of the Assistant Chief Probation Officer or the authorized designee, and in conjunction with the youth's case plan or in the best interest of the youth (15 CCR 1374).

Opportunity for visitation shall be a minimum of two hours per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.

Access to technology (video visiting) may be provided as an alternative to, but not as a replacement for, in-person visiting.

1007.4 AUTHORIZATION TO SEARCH VISITORS

Individuals who enter the secure perimeter of this facility are subject to search if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency, or is attempting to bring contraband onto the facility property or into the facility. All searches shall be made in accordance with current legal statutes and case law.

1007.5 VISITING SCHEDULE

The Assistant Chief Probation Officer shall designate a person to develop a schedule for youth visitation that includes daytime, evening, and weekend hours. Each youth shall receive a copy of the visitation schedule in the youth handbook at orientation. The visiting hours will also be posted in the public area of the facility.

1007.6 DENIAL OR TERMINATION OF VISITING PRIVILEGES

The Assistant Chief Probation Officer or the authorized designee is responsible for defining, in writing, the conditions under which visits may be denied.

Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the facility or there is other good cause, including but not limited to:

- (a) The visitor appears to be under the influence of drugs and/or alcoholic beverages.

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- (b) The visitor refuses to submit to being searched.
- (c) The visitor or youth violates facility rules or posted visiting rules.
- (d) The visitor fails to supervise and maintain control of any minors accompanying the visitor into the facility.
- (e) The visitor attempts to enter this facility with contraband.
 - 1. In addition to being denied a visit, the visitor may face criminal charges.
- (f) The staff determines that the visitor's criminal history poses a safety risk.
 - 1. A visitor shall not be denied visitation solely for having a criminal history. The staff shall determine on a case-by-case basis whether the visitor's criminal history poses a safety risk (15 CCR 1374).

Any visitation that is denied or terminated early, on the reasonable grounds that the visit may endanger the security of the facility, shall have the actions and reasons documented. If visitation is withheld, the visitor should be notified as soon as reasonably possible. A copy of the documentation will be placed in the youth's file, and another copy will be forwarded to the Assistant Chief Probation Officer.

1007.7 GENERAL VISITATION RULES

All visitors and youths will be required to observe the following general rules during visitation:

- (a) Parents/guardians (a maximum of two adults at any one time) will be permitted to visit.
- (b) Children of youths will be permitted to visit (a maximum of two at any one time). If a dispute over children visiting occurs with the youth's parent/guardian, the youth will be advised to use the court for resolution.
- (c) Visitors must control minors while they are waiting to visit and during the visit.
- (d) A youth may refuse to visit with a particular individual.
- (e) Those youths who are named as restrained persons in any restraining or other valid court order shall not be allowed visits from persons who are protected by the order.
- (f) Visitors must be appropriately attired prior to entry into the visitor's area of the facility.
- (g) Inappropriate clothing, such as transparent clothing, halter tops, excessively tight or revealing clothing, hats and bandannas, or any other clothing associated with a criminal gang or otherwise deemed by the staff to be unacceptable, will not be permitted.
- (h) All visitors must have footwear.
- (i) Visitors will leave all personal items, except for car keys and identification, outside the secure area. Visitors who enter the facility with handbags, packages, or other personal items will be instructed to lock the items in a vehicle or locker or return at another time without the items. The facility is not responsible for lost or stolen items.
- (j) Food and drink are not permitted in the visitor's area.

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1007.8 SPECIAL VISITS

The Duty Officer may authorize special visitation privileges, taking into consideration the following factors (15 CCR 1374):

- The purpose of the visit
- The relationship of the visitor to the youth
- The circumstances of the visit
- Distance traveled by the visitor

Whenever a special visit is denied, an entry into the duty log will be made. The entry will include the requesting visitor's name and the reason the visit was denied.

Family therapy and professional visits should be accommodated when practicable and within the discretion of the Assistant Chief Probation Officer or the authorized designee.

1007.9 ATTORNEY AND PROFESSIONAL VISITS

Visits from attorneys and/or their representatives, investigators, and other professionals associated with the youth shall not be restricted unless the youth is exhibiting disruptive behavior and it is determined by the Assistant Chief Probation Officer or the authorized designee that allowing the visit could threaten the safety or security of the staff, other youths, visitors, or the facility (15 CCR 1374) (see the Youth Access to Courts and Counsel Policy).

Behavior Management Program

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the San Benito County Juvenile Hall's behavior management plan (BMP).

1008.2 POLICY

It is the policy of the San Benito County Juvenile Hall to make reasonable efforts to teach and reinforce appropriate behaviors through fairly and objectively applying the BMP.

1008.3 RESPONSIBILITIES

The Juvenile Hall Supervisor should designate a BMP coordinator responsible for:

- (a) Establishing a BMP that is incentive-based, with rewards and sanctions (positive and negative reinforcement) to help manage behaviors. This should include a point or other system to encourage and reward appropriate behavior.
- (b) Identifying appropriate behavior that earns rewards, such as:
 - 1. Actively participating in programming.
 - 2. Following staff directives.
 - 3. Complying with agency rules and regulations.
 - 4. Participating in daily chores.
 - 5. Maintaining room standards.
 - 6. Communicating positively.
 - 7. Behaving responsibly in school.
 - 8. Making an effort to exercise self-control, and developing self-control skills.
 - 9. Respecting other people including staff and other youths.
 - 10. Respecting property.
 - 11. Other appropriate conduct.
- (c) Identifying rewards that may be earned such as:
 - 1. Special visits.
 - 2. Later bedtime.
 - 3. Extra telephone calls.
 - 4. Additional recreational privileges.
 - 5. Board games/electronic games (computer).
 - 6. Extra TV time.
 - 7. Housing unit – single room or status housing.

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8. Food such as pizza, ice cream.
 9. Special movies and videos.
 10. Other special activities.
- (d) Identifying the types of behavior that may result in sanctions under the BMP such as:
1. Failing to maintain proper order of living area.
 2. Littering.
 3. Being out of assigned area without authorization.
 4. Not participating in a required program activity.
 5. Engaging in horseplay.
 6. Disrespecting others.
 7. Using offensive language.
 8. Irritating or harassing others.
 9. Malingering.
 10. Intimidating/bullying.
- (e) Maintaining procedures to identify when behavior may result in sanctions under the BMP, when behavior should be handled as discipline pursuant to the Youth Discipline Policy, and when behavior may result in both sanctions under the BMP and discipline.
- (f) Maintaining procedures for interventions such as behavioral contracts.
- (g) Establishing procedures for using additional strategies such as temporary immediate removal of youths from an area, mental health referrals, and individual or group counseling.
- (h) Maintaining permanent logs for each youth to track rewards, sanctions, and interventions, record progress, and identify improved behavior.
- (i) Maintaining procedures to incorporate behavioral therapies as appropriate.
- (j) Monitoring and documenting each youth's activities throughout the program.
- (k) Ensuring the orientation handbook includes information on the BMP including rules, regulations, and the grievance procedures (see the Youth Orientation Policy).

1008.4 MEMBER RESPONSIBILITIES

Staff should develop professional relationships with youths and encourage open communication in an effort to prevent inappropriate behaviors from escalating to more serious acts/actions.

Staff should be consistent, fair, and objective in the application of the BMP. Staff are responsible for:

- (a) Identifying to youths alternative appropriate behavior to avoid sanctions.

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- (b) Awarding points or other rewards consistent with the BMP when a youth engages in appropriate behavior.
- (c) Documenting in the permanent log for the youth, or forwarding documentation to the BMP coordinator for inclusion in the log:
 - 1. Observed progress and improved behavior.
 - 2. Any points or other awards used to reward appropriate behavior.
 - 3. Sanctions imposed for inappropriate behavior.
 - 4. Recommendations for additional or alternative interventions as appropriate.

1008.5 GRIEVANCES AND SUGGESTIONS

Complaints or disputes regarding the BMP or its application made by youths or their parents/guardians should be processed as provided in the Youth Grievances Policy.

Suggestions made by youths or their parents/guardians should be forwarded to the BMP coordinator for review.

Chapter 11 - Facility Design

Space and Environmental Requirements

1100.1 PURPOSE AND SCOPE

This policy describes the desired space and environmental requirements for the physical plant.

1100.2 POLICY

It is the policy of this agency to comply with federal and state laws, codes, and correctional standards in matters relating to juvenile hall space and environmental requirements. Any designs for renovations, modifications, additions, or new construction within the facility should comply with federal and state laws, codes, and applicable standards (24 CCR 1230 et seq.).

1100.3 FACILITY SECURITY AND ACCESSIBILITY

Designs for planned renovations, modifications, additions, or new construction within the Juvenile Hall should facilitate personal communication with youths and direct visual observation of all sleeping rooms, dayrooms, and recreation areas. Electronic surveillance may augment supervision of youths but shall not be a substitute for personal communication and observation. Security glazing should comply with the minimum requirements of American Society for Testing Materials, ASTM F 1233-98, for Class III glass or equivalent.

All locks, detention hardware, fixtures, furnishings, and equipment should have the proper security value for the areas in which they are used. Using padlocks in place of security locks on sleeping rooms of youth housing unit doors is generally prohibited, because unauthorized locking mechanisms may pose a significant threat to the safety and security of the facility if an emergency occurs.

The facility should avoid any surfaces, edges, fixtures, or fittings that can provide an attachment for hanging or other opportunity for self-inflicted injury.

All parts of the facility that are accessible to the public should be accessible to and usable by persons with disabilities.

1100.4 ENVIRONMENTAL REQUIREMENTS

1100.4.1 LIGHTING LEVELS

Lighting levels shall be adequate for staff and youths to perform daily activities. Night lighting levels should permit adequate illumination for supervision but should not unnecessarily interfere with the youths' ability to sleep (24 CCR 1230.2.6).

1100.4.2 NATURAL LIGHT

All youth living areas should provide exposure to natural light from an opening or window that has a view to the outside (24 CCR 1230.1.3).

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Space and Environmental Requirements

1100.4.3 NOISE LEVEL

Noise levels at night should be low to allow youths to sleep. Nothing in this policy is intended to limit or impair in any way staff's ability to monitor the juvenile hall consistent with safety, security, and good correctional practices. Noise measurements shall be documented in each housing unit at least annually by an independent expert or by a designated, trained staff member who is able to correctly document the conditions.

1100.4.4 VENTILATION

Ventilation systems, including those in toilet rooms and sleeping rooms with toilets, should be sized and calibrated to supply fresh or circulated air in accordance with federal and state laws, codes, and applicable standards.

Other than in an emergency, youths or custody staff shall not adjust or restrict the ventilation systems without the express permission of the supervisor. Any adjustments made to the ventilation system should only be allowed for the duration of the emergency or until qualified maintenance personnel can adjust or repair the ventilation system.

Air quantities shall be documented at least annually by an independent expert or by a designated trained staff member who is able to correctly document the conditions, and a report provided to the Assistant Chief Probation Officer.

1100.4.5 TEMPERATURE LEVELS

Temperature and humidity levels should be maintained at a level established by facility maintenance personnel and deemed comfortable and cost-efficient.

Temperature readings should be documented for each area of the facility weekly on the appropriate log. Staff should immediately contact facility maintenance if the temperature or humidity level becomes uncomfortable.

1100.5 LOCKED SLEEPING ROOM FURNISHINGS

Each youth housed in this facility should be provided with:

- A sleeping surface and mattress in accordance with federal and state laws, codes, and applicable standards.
- A writing surface and a seat.
- A storage area for clothing and personal belongings.
- A toilet, washbasin, and drinking fountain, as individual fixtures or as a combination unit (24 CCR 1230.1.6).
- A door that swings outward or slides laterally, with an observation window that allows staff to see the youth.

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1100.6 DAYROOMS

Dayrooms should be situated adjacent to sleeping rooms and should be able to accommodate a variety of activities. There should be access to toilets, washbasins, drinking fountains, and showers (see the Availability of Plumbing Fixtures section in the Youth Hygiene Policy).

1100.6.1 DAYROOM REQUIREMENTS

Dayrooms shall be equipped pursuant to the requirements of 24 CCR 1230.1.10.

1100.7 RECEPTION/INTAKE AREA

Each facility should have space designed for the reception of youths pending admission to the facility. This space should provide access to showers, a secure vault or storage space for youth valuables, a telephone for youth use, and hot and cold running water for staff use (24 CCR 1230.1.1).

Crowding

1101.1 PURPOSE AND SCOPE

One of the determining factors in maintaining a safe and secure juvenile hall is to limit the youth population to the number of beds constructed in each youth classification level. Occasionally, emergencies occur that will require the juvenile hall to exceed its Board Rated Capacity (BRC). This policy establishes the approved bed capacity of the facility, addresses temporary population excess, and provides a plan for gathering statistics and projecting long-term space needs via a facility needs assessment.

1101.2 POLICY

It is the policy of the San Benito County Juvenile Hall to manage the youth population to the extent reasonably possible to avoid exceeding the facility's BRC.

1101.3 RESPONSIBILITIES

The Chief Probation Officer is responsible for ensuring that the facility has enough housing units in an appropriate configuration so that youths can be separated according to the facility's classification plan.

In the event of an emergency that causes the facility to be populated beyond the approved bed capacity, every reasonable effort should be made to reduce the youth population to the BRC as soon as reasonably practicable. The Agency will take affirmative action to address excess population. If the youth population remains over capacity or continues to increase, a crowding committee should be formed to examine methods to ensure that the facility population is reduced and remains within the approved bed capacity.

When a living unit exceeds rated capacity for more than 15 calendar days in a month, the Assistant Chief Probation Officer shall submit a crowding report to the Board of State and Community Corrections (15 CCR 1343).

1101.4 FACILITY NEEDS ASSESSMENT

In the event that the juvenile hall maintains an average 80 percent occupancy rate consistently for one year, the Agency should initiate a facility needs assessment. The assessment initiates a systematic process that is designed to identify a variety of operational issues and program needs and may indicate when expansion or replacement of the facility is warranted.

1101.5 DAILY YOUTH POPULATION REPORT

The Assistant Chief Probation Officer or the authorized designee is responsible for ensuring that detailed daily logs of the facility's youth population are completed and maintained by the staff. A daily youth population report summarizing this information shall be distributed to the Chief Probation Officer or the authorized designee (see the Population Management Policy) (15 CCR 1324).

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Crowding

1101.5.1 REQUIRED REPORTING

The Assistant Chief Probation Officer shall submit the required population and profile survey reports to the Board within 10 working days after the end of each reporting period, in a format to be provided by the Board of State and Community Corrections (15 CCR 1342).

Chapter 12 - Personnel

Recruitment and Selection

1200.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the San Benito County Juvenile Hall and that are promulgated and maintained by the Department of Human Resources.

1200.2 POLICY

In accordance with applicable federal, state, and local law, the San Benito County Juvenile Hall provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1200.3 RECRUITMENT

The Assistant Chief Probation Officer should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Assistant Chief Probation Officer shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Assistant Chief Probation Officer should strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of the candidate's status in the recruiting process.

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1200.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

1200.4.1 VETERAN PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1200.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the San Benito County Juvenile Hall (Government Code § 1031; 15 CCR 131).

1200.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and Investigative Consumer Reporting Agencies Act (ICRAA) (15 USC § 1681d; Civil Code § 1786.16).

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1200.5.2 STATE NOTICES

Criminal background information, whether directly from criminal offender record information (CORI) or provided by a third party, may have restrictions on its access, use, security, and release. The Chief Probation Officer or the authorized designee shall establish procedures to ensure compliance with any applicable requirements, including security requirements (Government Code § 12952).

1200.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Agency shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Assistant Chief Probation Officer should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Agency fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Agency should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1200.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1200.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1200.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior

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- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1200.6.1 MANDATORY DISQUALIFICATION

No person shall be hired who has (28 CFR 115.317):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 USC § 1997).
- (b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Agency shall ask all candidates who may have contact with youths to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

1200.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards established by the Agency and required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community (Government Code § 1029; Government Code § 1031; 15 CCR 131).

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1200.7.1 STANDARDS FOR JUVENILE INSTITUTION OFFICERS

Candidates shall meet the minimum standards established by California law, including those provided in Penal Code § 830; Government Code § 1029; Government Code § 1031; 15 CCR 131; and 15 CCR 1320:

- (a) Free of any felony convictions

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- (b) Citizen of the United States or permanent resident who is eligible for, and has applied for U.S. citizenship
- (c) At least 18 years of age
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers

Candidates must also satisfy the Standards and Training for Corrections (STC) minimum selection requirements (15 CCR 131; 15 CCR 1320).

1200.8 PROBATIONARY PERIODS

The Assistant Chief Probation Officer should coordinate with the Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Performance Evaluations

1201.1 PURPOSE AND SCOPE

This policy provides guidelines for the San Benito County Juvenile Hall performance evaluation system.

1201.2 POLICY

The San Benito County Juvenile Hall shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide to recognize good work and the development of a process for improvement.

The Agency evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or other protected class or status.

1201.3 TYPES OF EVALUATIONS

The Agency shall use these types of evaluations:

Regular - An evaluation completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Department of Human Resources or, minimally, on the anniversary of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and fewer than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and the Assistant Chief Probation Officer or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1201.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - The employee's work performance is consistently superior to the standards required for the position.

Exceeds Job Standards - The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

Meets Job Standards - Work performance consistently meets the standards of performance for the position.

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Improvement Needed - The employee's work performance does not consistently meet the standards of performance for position. Serious and sustained effort is needed to improve performance.

Unacceptable - The employee's work performance is inadequate and inferior to the standards of performance required for the position. Performance at this level cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

1201.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

1201.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as practicable in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

1201.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

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Those employees who are required to successfully complete a probationary period should be evaluated at least once in a six month period. If a probationary employee is demonstrating significant deficiencies they may have evaluations quarterly.

1201.6 EVALUATION INTERVIEW

When the supervisor has completed the evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

1201.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the county harassment and discrimination policies and the San Benito County Juvenile Hall Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1201.7 APPEAL

An employee who disagrees with the evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Assistant Chief Probation Officer or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

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1201.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the Assistant Chief Probation Officer or the authorized designee. The Assistant Chief Probation Officer or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The Assistant Chief Probation Officer or the authorized designee should evaluate the supervisor on the quality of ratings given.

1201.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Agency in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the county Department of Human Resources.

Standards of Conduct

1202.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Benito County Juvenile Hall and are expected of all agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

1202.2 POLICY

The continued employment or appointment of every member of this agency shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

1202.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

1202.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

1202.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to the member's immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

1202.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty (15 CCR 1324).

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

1202.4.1 PRISON RAPE ELIMINATION ACT DISCLOSURE

Members have a continuing affirmative duty to notify the Assistant Chief Probation Officer in writing if they have (28 CFR 115.317):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

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1202.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient agency service.

See Procedures Manual on Member Discipline for further information.

[San Benito County Probation Department Juvenile Hall Procedures Manual: 1200.1 MEMBER DISCIPLINE](#)

1202.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in agency or county manuals
- (b) Disobedience of any legal directive or order issued by any agency member of a higher rank
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations

1202.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the San Benito County Juvenile Hall in any way that could reasonably be perceived as an attempt to gain influence or authority for non-agency business or activity
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted)
- (d) Acceptance of fees, gifts, or money contrary to the rules of this agency and/or laws of the state
- (e) Offer or acceptance of a bribe or gratuity
- (f) Misappropriation or misuse of public funds, property, personnel, or services
- (g) Any other failure to abide by the standards of ethical conduct (15 CCR 1324)

1202.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, or any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful (15 CCR 1324)

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1202.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact with other members, volunteers, contractors, or youths
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a youth or with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this agency

1202.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval
- (b) Unexcused or unauthorized absence or tardiness
- (c) Excessive absenteeism or abuse of leave privileges
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse

1202.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency
- (b) Disclosing to any unauthorized person any active investigation, youth, or critical incident information
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Chief Probation Officer or the authorized designee
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose

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- (e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records

1202.5.7 EFFICIENCY

- (a) Neglect of duty
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work
- (d) Unauthorized sleeping during on-duty time or assignments
- (e) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion

1202.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any agency record, public record, book, paper, or document
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this agency or its members
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency, and discipline of this agency or that would tend to discredit any of its members
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on agency premises

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2. At any work site, while on-duty or while in uniform, or while using any agency equipment or system
 3. Gambling activity undertaken as part of juvenile institution officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition
- (g) Improper political activity including:
1. Unauthorized attendance while on-duty at official legislative or political sessions
 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on agency property, except as expressly authorized by county policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer
- (h) Engaging in political activities during assigned working hours except as expressly authorized by county policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer
- (i) Any act on- or off-duty that brings discredit to this agency

1202.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the part of the member or on the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another
- (e) Engaging in horseplay that reasonably could result in injury or property damage
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this agency or the county
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency
- (i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness
- (j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of agency property or the property of another person

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- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or memorandum of understanding or contract, including fraud in securing the appointment or hire
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action
- (m) Allowing contraband articles, including but not limited to weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco in any detention facility
- (n) Receiving from a youth any articles to deliver outside the facility
- (o) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this agency or its members

1202.5.10 SAFETY

- (a) Failure to observe or violating agency safety standards or safe working practices
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid)
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform duties
- (d) Unsafe firearm or other dangerous weapon handling, including loading or unloading firearms in an unsafe manner, either on- or off-duty
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment
- (g) Any personal action contributing to a preventable traffic collision
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours

1202.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site

Discriminatory Harassment

1203.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent agency members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law (Government Code § 12940(k); 2 CCR 11023).

1203.2 POLICY

The San Benito County Juvenile Hall is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Agency will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Agency will take preventive, corrective, and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Agency may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

1203.3 DEFINITIONS

Definitions related to this policy include:

1203.3.1 DISCRIMINATION

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or agency equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to agency policy and to a work environment that is free of discrimination.

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1203.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice.

Retaliation will not be tolerated.

1203.3.3 SEXUAL HARASSMENT

The Agency prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

1203.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with county or agency rules or regulations, or any other appropriate work-related communication between supervisor and member.

1203.4 RESPONSIBILITIES

This policy applies to all agency personnel. All members shall follow the intent of these guidelines in a manner that reflects agency policy, professional standards, and the best interest of the Agency and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager.

Complaints may also be filed with the Chief Probation Officer, the Human Resources Analyst, or the County Administrative Officer.

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Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

1203.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief Probation Officer, the Human Resources Analyst, the County Administrative Officer, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

1203.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that the supervisor's subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief Probation Officer or Human Resources Analyst in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

1203.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing, or retaliatory.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Agency and professional juvenile hall standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or managerial responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

1203.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Agency that all complaints of discrimination, retaliation or harassment shall be fully documented, and promptly and thoroughly investigated.

1203.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

1203.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief Probation Officer, Human Resources Analyst, or the County Administrative Officer.

1203.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply

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to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

1203.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief Probation Officer. The outcome of all reports shall be:

- (a) Approved by the Chief Probation Officer, the County Administrative Officer, or the Human Resources Analyst, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the agency's established records retention schedules.

1203.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

1203.7 WORKING CONDITIONS

The Chief Probation Officer or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other county employees who are similarly tasked (2 CCR 11034).

1203.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Agency (15 CCR 1324).

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

1203.8.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

1. Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
2. All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
3. All employees shall receive refresher training every two years thereafter.

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If the required training is to be provided by DFEH online training courses, the Training Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

1203.8.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

1203.8.3 REQUIRED POSTERS

The Agency shall display the required posters regarding discrimination, harassment, and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Grievances

1204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the San Benito County Juvenile Hall grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1204.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The collective bargaining agreement or memorandum of understanding
- This Custody Manual
- Agency rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy

Specifically outside the category of grievances are complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background, and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any agency employee that, if true, would constitute a violation of agency policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1204.2 POLICY

It is the policy of this agency to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

1204.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement or memorandum of understanding, if an employee believes that the employee has a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Chief Probation Officer.

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- (c) If the employee and the Chief Probation Officer are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the Chief Probation Officer and provide a copy to the employee's immediate supervisor.
 - 2. Include in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case).
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules, or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (d) The supervisor shall provide the employee with a signed acknowledgement of the grievance that shall include the date and time of receipt.
- (e) The Chief Probation Officer and the Department of Human Resources should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing, and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the Department of Human Resources is considered final.

1204.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration Juvenile Hall for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the County Administrative Officer.

1204.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Chief Probation Officer in the memorandum.

1204.6 GRIEVANCE AUDITS

The Training Manager should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The Training Manager should record these findings in a confidential memorandum to the Chief Probation Officer without including any identifying information about any individual grievance.

Anti-Retaliation

1205.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines should supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member under any federal law, provision of the U.S. Constitution, state and local law, ordinance, or collective bargaining agreement or memorandum of understanding.

1205.2 POLICY

The San Benito County Juvenile Hall has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1205.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

Anti-Retaliation

1205.4 COMPLAINTS OF RETALIATION

Any member who feels the member has been retaliated against in violation of this policy should promptly report the matter to any supervisor, any command staff member, the Chief Probation Officer, or the county Human Resources Analyst.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member are part of the investigative process.

1205.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief Probation Officer via the chain of command, and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1205.6 COMMAND STAFF RESPONSIBILITIES

The Chief Probation Officer should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1205.7 WHISTLEBLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Assistant Chief Probation Officer for investigation pursuant to the Personnel Complaints Policy.

1205.7.1 DISPLAY OF WHISTLEBLOWER LAWS

The Agency shall display a notice to members regarding their rights and responsibilities under the whistleblower laws, including the whistleblower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1205.8 RECORDS RETENTION AND RELEASE

The Administrative Services Specialist shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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1205.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

1206.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the San Benito County Juvenile Hall.

1206.2 POLICY

The San Benito County Juvenile Hall requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Agency.

1206.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California laws prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

1206.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Outstanding warrants and felony convictions also place restrictions on the ability of juvenile institution officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805).

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

1206.5 REPORTING

All members shall immediately notify their supervisors in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members shall immediately notify their supervisors in writing if they become the subject of a domestic violence-related order or any court order that prevents the member from possessing a firearm or requires suspension.

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Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing the duties of the member's position may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at the member's own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Drug- and Alcohol-Free Workplace

1207.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1207.2 POLICY

It is the policy of the Agency to provide a drug- and alcohol-free workplace for all members.

1207.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on agency time can endanger the health and safety of agency members, and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Duty Officer or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1207.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1207.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1207.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on agency premises or on agency time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

Drug- and Alcohol-Free Workplace

1207.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1207.6 WORK RESTRICTIONS

If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from the member's physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that the member is safely transported away from the Agency.

1207.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training).
- (c) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1207.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1207.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.

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- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1207.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Agency will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1207.9 CONFIDENTIALITY

The Agency recognizes the confidentiality and privacy due its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1208.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the county personnel manual or applicable collective bargaining agreement or memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave related to domestic violence, sexual assault, stalking, or for organ or bone marrow donor procedures (Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1208.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide eligible employees with a sick-leave benefit.

1208.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1208.4 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever practicable, provide the Agency with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1208.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1208.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 1. Negatively affected the member's performance or ability to complete assigned duties.
 2. Negatively affected agency operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1208.7 REQUIRED NOTICES

The Human Resources Analyst shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

Communicable Diseases - Members

1209.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of contracting and/or spreading communicable diseases.

1209.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the San Benito County Juvenile Hall. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1209.2 POLICY

The San Benito County Juvenile Hall is committed to providing a safe work environment for its members. Members should know that they are ultimately responsible for their own health and safety.

1209.3 EXPOSURE CONTROL OFFICER

The Chief Probation Officer will assign a person as the Exposure Control Officer (ECO). The ECO shall develop, assisted by the Wellpath, an exposure control plan that includes (8 CCR 5193):

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how members may obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that agency members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Procedures to ensure youths are not assigned activities where it is reasonably anticipated that they may experience an exposure.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates, including (8 CCR 5193):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates, including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Receiving notifications from medical personnel regarding youths who have been exposed to or infected with a communicable disease and making notifications to members who have or may have contact with the youths (Health and Safety Code § 121070).
 5. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 6. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 7. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
 8. Establishing procedures to ensure that notification is made to the county health officer, and to the Medical Director of a receiving facility, when a youth who is known or suspected to have tuberculosis is transferred to another facility (15 CCR 1408).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other agency members to fulfill the role when the designated officer liaison is not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Agency website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Health and Safety Administration (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall periodically review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1209.4 EXPOSURE PREVENTION AND MITIGATION

1209.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (8 CCR 5193):

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- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or agency vehicle, as applicable.
- (b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1209.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1209.5 POST-EXPOSURE

1209.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall (8 CCR 5193):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other exposed skin with soap and water, flush mucous membranes with water).
- (b) Obtain appropriate medical attention.
- (c) Notify a supervisor as soon as practicable.

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1209.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of the source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply. See the Occupational Disease and Work-Related Injury Reporting and Illness and Injury Prevention policies.

1209.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary. The ECO should request a written opinion/evaluation from a treating health care professional that contains only this information (8 CCR 5193):

- (a) Whether the member has been informed of the results of the evaluation
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment

No other information should be requested or accepted by the ECO.

1209.5.4 COUNSELING

The Agency shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1209.6 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be sought when desired by the exposed member, or when otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the Assistant Chief Probation Officer to ensure testing is sought.

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Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (c) Requesting test results or information provided by the source individual pursuant to Health and Safety Code § 121070.
- (d) Taking reasonable steps to immediately contact the county health officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the county health officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, by obtaining a search warrant for the purpose of HIV testing the source individual when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and/or consult legal counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

1209.7 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law).

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1209.8 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting the member's potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1210.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in San Benito County Juvenile Hall facilities or vehicles (15 CCR 1511).

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1210.2 POLICY

The San Benito County Juvenile Hall recognizes that tobacco use is a health risk and that smoking and tobacco use can be offensive to others. Smoking and tobacco use also present an unprofessional image for the Agency and its members. Therefore, smoking and tobacco use are prohibited in all agency facilities, buildings, and vehicles, and as further outlined in this policy. This prohibition applies to members, youths, and visitors.

1210.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members are prohibited any time members are in public view representing the Agency.

It shall be the responsibility of each member to ensure that no person under the member's supervision smokes or uses any tobacco product inside county facilities and vehicles.

1210.3.1 SMOKE-FREE ENVIRONMENT

The Assistant Chief Probation Officer shall ensure that laws prohibiting smoking are enforced in the facility, during work details, and during program attendance, and that youths are not exposed to second-hand smoke while in custody at the San Benito County Juvenile Hall (15 CCR 1511).

1210.4 ADDITIONAL PROHIBITIONS

Smoking and use of other tobacco products is not permitted inside agency buildings or any agency vehicle, or any other county building (Labor Code § 6404.5).

No person shall smoke or use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building, including any agency buildings or a building on the campuses of the University of California, California State University, and the California community colleges, whether present for training or any other purpose (Government Code § 7596 et seq.).

Personnel Complaints

1211.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the San Benito County Juvenile Hall. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1211.2 POLICY

The San Benito County Juvenile Hall takes seriously all complaints regarding the service provided by the Agency and the conduct of its members.

The Agency will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local laws; municipal and county rules; and the requirements of any collective bargaining agreement or memorandum of understanding.

It is also the policy of this agency to ensure that the community can report misconduct without concern for reprisal or retaliation.

1211.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate agency policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Agency.

1211.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Duty Officer is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Assistant Chief Probation Officer, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Assistant Chief Probation Officer, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1211.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any agency member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1211.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1211.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the agency facility and be accessible through the agency's website. Forms may also be available at other county facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1211.4.2 ACCEPTANCE

All complaints will be courteously accepted by any agency member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the statement at the time it is filed with the Agency (Penal Code § 832.7).

1211.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Agency shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1211.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Assistant Chief Probation Officer should audit the log and send an audit report to the Chief Probation Officer or the authorized designee.

1211.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1211.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief Probation Officer or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Duty Officer of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Chief Probation Officer, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Agency receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Duty Officer.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Duty Officer and the Chief Probation Officer are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Duty Officer for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Duty Officer, who will determine whether to contact the complainant or assign the complaint for investigation.

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- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainants are generally conducted during reasonable hours.

1211.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or the Assistant Chief Probation Officer, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, the member shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the San Benito County Juvenile Hall or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation, the name, rank, and command of the juvenile institution officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

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2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any juvenile institution officer solely because the juvenile institution officer has been placed on a prosecutor's *Brady* list or the name of the juvenile institution officer may otherwise be subject to disclosure pursuant to *Brady v Maryland*. However, an investigation may be based on the underlying acts or omissions for which the juvenile institution officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v Maryland* (Government Code § 3305.5).

1211.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

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1211.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve agency members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5, that the actions of juvenile institution officer were found to violate law or agency policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1211.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1211.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1211.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant, or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

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1211.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1211.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Agency, the Chief Probation Officer or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any agency badge, identification, assigned weapons, and any other agency equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

1211.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief Probation Officer shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The San Benito County Juvenile Hall may release information concerning the arrest or detention of any member, including juvenile institution officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1211.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief Probation Officer through the chain of command. Each level of command should review the report and include comments in writing before forwarding the report. The Chief Probation Officer may accept or modify any classification or recommendation for disciplinary action.

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1211.10.1 ASSISTANT CHIEF PROBATION OFFICER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Assistant Chief Probation Officer of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Assistant Chief Probation Officer may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief Probation Officer, the Assistant Chief Probation Officer may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief Probation Officer, the Assistant Chief Probation Officer shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1211.10.2 CHIEF PROBATION OFFICER RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief Probation Officer shall review the recommendation and all accompanying materials. The Chief Probation Officer may modify any recommendation and/or may return the file to the assigned investigator for further investigation or action.

Once the Chief Probation Officer is satisfied that no further investigation or action is required by staff, the Chief Probation Officer shall determine the discipline, if any, that should be imposed. If disciplinary action is proposed, the Chief Probation Officer shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief Probation Officer shall also provide the member with:

- (a) Access to the materials considered by the Chief Probation Officer in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief Probation Officer within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief Probation Officer may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation shall be recorded by the Agency. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed the member's response, or if the member has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to the recommended discipline. The Chief Probation Officer shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the

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discipline. Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

1211.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief Probation Officer or the authorized designee /shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1211.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1211.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief Probation Officer after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the Chief Probation Officer to consider.
- (d) In the event that the Chief Probation Officer elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief Probation Officer on the limited issues of information raised in any subsequent materials.

1211.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1211.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement or memorandum of understanding and/or personnel rules.

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In the event of punitive action against a member covered by POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that juvenile institution officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1211.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to any of the procedures set out in this policy or any right to appeal. However, any probationary juvenile institution officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief Probation Officer or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief Probation Officer shall be final.

When an individual has been absent for more than a week or when additional time to review the individual is considered appropriate, the probationary period may be extended at the discretion of the Chief Probation Officer.

1211.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Seat Belts

1212.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts. This policy will apply to all members operating or riding in agency vehicles.

1212.2 POLICY

It is the policy of the San Benito County Juvenile Hall that members use seat belts to reduce the possibility of death or injury in a motor vehicle collision.

1212.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this agency while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Agency, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the Agency member or the public. Members must be prepared to justify any deviation from this requirement.

1212.4 INOPERABLE SEAT BELTS

Agency vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Agency vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief Probation Officer.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1212.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

Personnel Records

1213.1 PURPOSE AND SCOPE

This policy governs the maintenance of and access to personnel records. Personnel records include any file maintained under an individual member's name.

1213.2 POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1213.3 AGENCY FILE

The Agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).
 - 2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the agency file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not

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be deemed insubordination nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1213.4 JUVENILE HALL FILE

Juvenile Hall files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Juvenile Hall file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1213.5 TRAINING FILES

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) It shall be the responsibility of the involved member to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1213.6 ASSISTANT CHIEF PROBATION OFFICER FILE

Internal affairs files shall be maintained under the exclusive control of the Assistant Chief Probation Officer in conjunction with the office of the Chief Probation Officer. Access to these files may only be approved by the Chief Probation Officer or the Assistant Chief Probation Officer.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's agency file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of civilian complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in

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other than a sustained finding may not be used by the agency to adversely affect an employee's career (Penal Code § 832.5).

Investigations files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

1213.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to medical leaves of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.
- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present, or potential psychological or physical limitations.

1213.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Administrative Officer, County Counsel, or other attorneys or representatives of the county in connection with official business.

1213.9 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Administrative Services Specialist or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made promptly, consistent with applicable law. Often, this may require assistance of available legal counsel.

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All requests for disclosure that result in access to a member's personnel file shall be logged in the corresponding file.

1213.9.1 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES

Members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former employee should work with counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.317).

1213.9.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (see the Records Retention and Release Policy) (Penal Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this agency may be guilty of a misdemeanor (Penal Code § 146e).

The Agency may release any factual information about a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. Disclosing such information shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1213.10 MEMBER ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief Probation Officer through the chain of command. The Agency shall remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Agency shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline
- (b) Confidential portions of internal affairs files that have not been sustained against the member
- (c) Criminal investigations involving the member
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document

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- (f) Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for agency planning purposes
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy
- (h) Records relevant to any other pending claim between the Agency and the member that may be discovered in a judicial proceeding

1213.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention shall be obtained through the chain of command from the agency.
- (c) If, in the opinion of the agency, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1213.12 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS/DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of juvenile institution officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Administrative Services Specialist should work as appropriate with the Chief Probation Officer or the Assistant Chief Probation Officer in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.

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- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against juvenile institution officer in connection with an incident, or whether the juvenile institution officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by juvenile institution officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by juvenile institution officer.
- (b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the agency or oversight agency regarding:
 1. A juvenile institution officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 2. Dishonesty of juvenile institution officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another juvenile institution officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple juvenile institution officers, the agency shall not release information about allegations of misconduct or the analysis or disposition of an investigation of juvenile institution officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the juvenile institution officer. However, factual information about the action of the juvenile institution officer during an incident or the statements of juvenile institution officer shall be released if the statements are relevant to a sustained finding of a qualified allegation against another juvenile institution officer that is subject to release (Penal Code § 832.7(b)(4)).

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1213.12.1 REDACTION

The Administrative Services Specialist, in consultation with the Chief Probation Officer or the authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of juvenile institution officers
- (b) Information that would compromise the anonymity of complainants and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the juvenile institution officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

1213.12.2 DELAY OF RELEASE

Unless otherwise directed by the Chief Probation Officer, the Administrative Services Specialist should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
 1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against juvenile institution officer or against someone other than juvenile institution officer who used the force.
- (b) Filed criminal charges
 1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
 1. Disclosure may be delayed until whichever occurs later:

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- (a) There is a determination from the investigation whether the use of force violated law or agency policy, but no longer than 180 days after the date of the agency's discovery of the use of force or allegation of use of force
- (b) Thirty days after the close of any criminal investigation related to the juvenile institution officer's use of force

1213.12.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Administrative Services Specialist shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - (a) When the criminal proceeding is against someone other than juvenile institution officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Agency must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by juvenile institution officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Agency may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

Fitness for Duty

1214.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Agency and the community. The purpose of this policy is to ensure that all members of this agency remain fit for duty and able to perform their job functions.

1214.2 POLICY

The San Benito County Juvenile Hall strives to provide a safe and productive work environment and ensure that all members of this agency can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Agency may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1214.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this agency to maintain physical stamina and psychological stability, sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members must be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. If a member believes another member cannot perform the member's duties, such observations and/or belief shall be promptly reported to a supervisor.

1214.4 SUPERVISOR RESPONSIBILITIES

A supervisor observing a member, or receiving a report of a member, who is perceived as being unable to safely perform the member's duties due to a physical, emotional, or mental condition, shall take prompt and appropriate action to resolve the situation.

- (a) Whenever reasonably feasible, the supervisor shall attempt to ascertain the reason or source of the problem. A preliminary evaluation should be made to determine the member's level of inability to perform the member's duties.
- (b) In the event the member appears to need immediate medical or mental health treatment, all reasonable efforts should be made to provide such care.
- (c) The member's Shift Supervisor or the Assistant Chief Probation Officer should determine whether the member should be temporarily relieved of duty.
- (d) The Chief Probation Officer shall be promptly notified in the event that any member is relieved of duty.

Members relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

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1214.5 NON-WORK-RELATED CONDITIONS

Any member suffering from a non-work-related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off to obtain medical treatment or other reasonable relief from symptoms. If the condition is a serious health condition of the member or a qualified family member, the member's supervisor should facilitate the member's contact with the appropriate person to initiate the leave process under the Family and Medical Leave Act.

1214.6 DUTY STATUS

Any member suffering from a work-related condition that warrants temporary relief from duty shall comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Duty Officer or supervisor, and with the concurrence of the Assistant Chief Probation Officer, any member whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the member, and until the following may be completed:

- (a) A preliminary determination indicates that the member's conduct appears to comply with policy and to be appropriate for the circumstances.
- (b) The member has had the opportunity to receive necessary counseling and any necessary or required psychological or medical clearance to return to full duty.

1214.7 FITNESS-FOR-DUTY EVALUATIONS

Whenever circumstances reasonably indicate that a member may be unfit for duty, or following an officer-involved shooting or in-custody death incident, the Chief Probation Officer, in cooperation with the Department of Human Resources, may order the member to undergo a physical and/or psychological examination to determine the level of the member's fitness for duty. The order shall indicate the date, time, and place for the examination.

The examining physician or therapist will provide the Agency with a report indicating whether the member is fit for duty. If the member is not fit for duty, the report should list any functional limitations that restrict the member's ability to perform the job duties. If the member places the member's condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information relevant to such proceedings (Civil Code § 56.10(c)(8)).

To facilitate the examination of any member, the Agency will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

All reports and evaluations submitted by the treating physician or therapist shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures. Any failure to comply with such an order and any failure

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to cooperate with the practitioner, including signing of releases, may be deemed insubordination and shall be subject to discipline, including termination.

Once a member has been deemed fit for duty by the examining physician or therapist, the member will be notified to resume the member's duties.

1214.8 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have at least eight hours off between shifts. Supervisors should consider reasonable rest periods and may deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1214.9 APPEALS

Members disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Meal Periods and Breaks

1215.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1215.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide meal periods and breaks to members of this agency in accordance with the applicable collective bargaining agreement or memorandum of understanding and the county personnel manual.

1215.3 MEAL PERIODS

Juvenile Institution Officers shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Juvenile Institution Officers shall request clearance from the supervisor prior to taking a meal period.

The time spent for the meal period shall not exceed the authorized time allowed.

1215.4 BREAKS

Each member is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of a member's shift unless approved by a supervisor.

Members normally assigned to the juvenile hall shall remain at the facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

Lactation Breaks

1216.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

1216.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1216.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify Operations Room, or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt agency operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1216.4 PRIVATE LOCATION

The Agency will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1216.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Agency shall clearly label it as such and shall remove it when the member's shift ends.

1216.6 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code §1033).

Payroll Records

1217.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of agency members eligible for the payment of wages.

1217.2 POLICY

The San Benito County Juvenile Hall maintains timely and accurate payroll records.

1217.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1217.4 TIME REQUIREMENTS

Members eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the county payroll procedures.

1217.5 RECORDS

The Administrative Services Specialist shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

1218.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1218.2 POLICY

The San Benito County Juvenile Hall will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1218.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1218.4 REQUESTS FOR OVERTIME COMPENSATION

1218.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work more than 16 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the agency-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or by the next calendar day.

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1218.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of agency resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the Juvenile Hall Supervisor for final approval.
 - (a) After the Juvenile Hall Supervisor has authorized compensation, the request shall be submitted to Administration as soon as practicable.

Supervisors may not authorize or approve their own overtime.

1218.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1218.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case, or court trial, and the amount of time for which overtime compensation is requested varies among the juvenile institution officers, the Duty Officer, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1218.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt agency operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 before its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on agency-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Outside Employment and Outside Overtime

1219.1 PURPOSE AND SCOPE

This policy provides guidelines for agency members who seek to engage in authorized outside employment or outside overtime.

1219.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this agency for another employer, organization, or individual not affiliated directly with this agency when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

Outside overtime - Duties or services performed by members of this agency for a private organization, entity, or individual, that are requested and scheduled directly through the Agency. Member compensation, benefits, and costs for such outside services are reimbursed to the Agency.

1219.2 POLICY

Members of the San Benito County Juvenile Hall shall obtain written approval from the Chief Probation Officer or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief Probation Officer in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

1219.3 OUTSIDE EMPLOYMENT

1219.3.1 REQUEST AND APPROVAL

Members must submit a letter requesting approval for outside employment to their immediate supervisors. The letter will then be forwarded through the chain of command to the Chief Probation Officer for consideration.

If approved, the member will be provided with a copy of the approved request. Unless otherwise indicated in writing, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request at the start of each calendar year.

1219.3.2 DENIAL

Any member whose request for outside employment has been denied shall be provided with a written notification of the reason at the time of the denial (Penal Code § 70(e)(3)).

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1219.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension (Penal Code § 70(e)(3)).

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with the authorization of the member's supervisor.
- (b) When a member's conduct or outside employment conflicts with agency policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Agency or county.

1219.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief Probation Officer within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, the member may file a grievance as provided in the Grievances Policy.

1219.4 REQUIREMENTS

1219.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Agency reserves the right to deny any request for outside employment that involves (Government Code § 1126):

- (a) Using agency time, facilities, equipment, or supplies.
- (b) Using the San Benito County Juvenile Hall badge, uniform, or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for performing duties or services that the member would be required or expected to render in the course or hours of the member's employment or appointment, or as a part of the member's regular duties.
- (d) Performing duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other member of this agency.
- (e) Demands upon the member's time that would render the performance of the member's duties for this agency deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Agency.

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1219.4.2 SECURITY AND PEACE OFFICER OUTSIDE EMPLOYMENT

No member of this agency may engage in any outside employment as a peace officer, private security guard, private investigator, or other similar private security position (Penal Code § 70).

1219.4.3 AGENCY RESOURCES

Members are prohibited from using any agency equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using a position with this agency to gain access to official records or databases of this agency or other agencies.

1219.4.4 REVIEW OF FINANCIAL RECORDS

Members approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126).

Prior to approving outside employment, the Agency may request that a member provide the member's personal financial records for review if the agency determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the Agency obtains information that a financial conflict of interest exists, the Agency may request that the member provide the member's personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

1219.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates the outside employment, the member shall promptly submit written notification of such termination to the Chief Probation Officer through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief Probation Officer any material changes in outside employment, including any change in the number of hours, type of duties, or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1219.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief Probation Officer regarding whether such employment should continue.

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In the event that the Chief Probation Officer determines that the outside employment should be discontinued, or if the member fails to promptly notify the member's supervisor of the member's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the county's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as required of an on-duty member.
- (c) The member's failure to make timely notice of the member's intention to the supervisor.

When the member returns to full duty with the San Benito County Juvenile Hall, a written request may be submitted to the Chief Probation Officer to approve the outside employment request.

1219.5 OUTSIDE OVERTIME

1219.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity, or individual seeking special services (e.g., security, traffic control) from members of this agency must submit a written request to the Chief Probation Officer before the desired service. Such services will be assigned, monitored, and compensated through the Agency as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute will not be approved.
- (b) The requester will be required to enter into an agreement that includes indemnification with the Agency prior to approval.
- (c) The requester will be required to reimburse the Agency for the members' compensation, benefits, and costs (e.g., court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the Agency uniform and carry agency identification.
 - 2. The member shall be subject to the rules and regulations of this agency.
 - 3. Compensation for such approved outside overtime shall follow normal overtime procedures (see the Overtime Compensation Policy).
 - 4. Outside overtime shall not be subject to the collective bargaining process.
- (e) Outside overtime shall be assigned at the discretion of the Chief Probation Officer or the authorized designee.

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1219.5.2 ARREST AND REPORTING PROCEDURE

Any juvenile institution officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent completing such reports shall be considered part of the outside overtime assignment.

Occupational Disease and Work-Related Injury Reporting

1220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, mental health issues, and work-related injuries.

1220.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any injury, disease, or mental health issue arising out of the member's employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212.15).

1220.2 POLICY

The San Benito County Juvenile Hall will address work-related injuries and occupational diseases appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1220.3 RESPONSIBILITIES

1220.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1220.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related county-wide injury- or disease-reporting protocol shall also be followed.

Supervisors shall determine whether the Illness and Injury Prevention Policy applies and take additional action as required.

1220.3.3 ASSISTANT CHIEF PROBATION OFFICER RESPONSIBILITIES

The Assistant Chief Probation Officer who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the county's risk management entity and the Chief Probation Officer to ensure any required Division of Occupational Safety and Health (Cal/OSHA) reporting is made as required in the disease and injury prevention plan identified in the Illness and Injury Prevention Policy.

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Occupational Disease and Work-Related Injury Reporting

1220.3.4 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Agency shall be filed in the member's confidential medical file.

1220.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Assistant Chief Probation Officer through the chain of command and a copy sent to the Chief Probation Officer .

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that the member desired no medical attention at the time of the report. Signing the report does not preclude the member's ability to later seek medical attention.

1220.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury caused by another person and is subsequently contacted by that person or that person's agent, insurance company, or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to the member's supervisor as soon as possible.

1220.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief Probation Officer with written notice of the proposed terms of such settlement. Never shall the member accept a settlement without first providing written notice to the Chief Probation Officer. Such notice permits the county to determine whether the offered settlement will affect any claim the county may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the county's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1221.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the San Benito County Juvenile Hall.

Requirements for agency uniforms and civilian attire are addressed in the Uniform and Non-Uniform Attire and Civilian Attire policies.

1221.2 POLICY

San Benito County Juvenile Hall members shall maintain their personal hygiene and appearance to project a professional image appropriate for this agency and for their assignments. Agency personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Agency.

1221.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief Probation Officer has granted an exception.

1221.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., physical disability, cultural) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief Probation Officer.

1221.4 APPEARANCE

1221.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the agency member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

1221.4.2 TATTOOS

While on-duty or representing the San Benito County Juvenile Hall in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Agency in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit

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or advocate discrimination against sex, race, religion, ethnicity, national origin, sexual orientation, age, physical or mental disability, medical condition, or marital status; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1221.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the San Benito County Juvenile Hall in any official capacity, that deviates from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

1221.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and not medically required is prohibited while on-duty or while representing the San Benito County Juvenile Hall in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

1221.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and are not medically required are prohibited while on-duty or while representing the San Benito County Juvenile Hall in any official capacity.

1221.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

1221.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of agency members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1221.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief Probation Officer should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniform and Non-Uniform Attire

1222.1 PURPOSE AND SCOPE

This policy provides guidelines for San Benito County Juvenile Hall-authorized uniforms and attire. The purpose of this policy is to ensure that uniformed members will be readily identifiable through the proper use and wearing of agency uniforms, and that the appearance of members who wear uniform or non-uniform attire reflects favorably on the Agency.

This policy addresses the wearing and maintenance of agency uniforms, accessories, insignia, patches, and badges; the requirements for members who wear non-uniform attire; and the authorized use of optional equipment and accessories by members of the Agency.

Other related topics are addressed in the Badges, Patches, and Identification and Personal Appearance Standards policies.

1222.2 POLICY

The San Benito County Juvenile Hall will provide uniforms to all members who are required to wear them in the quantity and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Agency may provide other agency members with uniforms at the direction of the Chief Probation Officer.

All uniforms and equipment issued to agency members shall be returned to the Agency upon termination or resignation.

1222.3 UNIFORMS

The Chief Probation Officer or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear agency-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and ready for immediate use. Uniforms shall be neat and clean.
- (b) Juvenile Institution Officers in a non-uniformed assignment shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed duty.
- (c) Uniforms shall be worn in compliance with any applicable agency specifications.
- (d) Members shall wear only the uniforms specified for their job duties and assignments.
- (e) Non-uniformed attire shall not be worn with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official agency functions or events, while in transit to or from work, or when authorized by the Chief Probation Officer or the authorized designee.

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1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while off-duty.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of agency-issued uniforms.
- (h) All supervisors will periodically inspect members under their commands to ensure conformance to this policy.

1222.3.1 MOURNING BAND

Uniformed members shall wear a black mourning band across the agency badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief Probation Officer. These mourning periods will be observed:

- (a) A juvenile institution officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (b) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (c) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (d) As directed by the Chief Probation Officer.

1222.4 NON-UNIFORM ATTIRE

There are job duties and assignments within the Agency that do not require a uniform because recognition and authority are not essential to their functions.

- (a) Non-uniform attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative, and support positions shall wear business-appropriate clothing that is conservative in style (see the Civilian Attire Policy for additional guidance).
- (c) Variations from this policy are allowed at the discretion of the Chief Probation Officer or the authorized designee when the member's assignment or task is not conducive to wearing such clothing.
- (d) No item of non-uniform attire that would adversely affect the reputation of the San Benito County Juvenile Hall or the morale of the members may be worn while on-duty.
- (e) These items shall not be worn while on-duty or when representing the Agency in any official capacity:
 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 2. T-shirt alone or exposed undergarments
 3. Swimsuits, tank tops, tube tops, or halter tops
 4. Sweatshirts, sweatpants, or similar exercise clothing

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5. Spandex-type pants or transparent clothing
6. Shorts
7. Open-toed shoes
8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

1222.5 OPTIONAL EQUIPMENT

Items allowed by the San Benito County Juvenile Hall but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Agency.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

1222.6 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Agency members may not wear any uniform item, accessory, or attachment unless specifically authorized by the Chief Probation Officer or the authorized designee.

Agency members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief Probation Officer or the authorized designee.

Conflict of Interest

1223.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices by the San Benito County Juvenile Hall.

1223.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict, in which it reasonably appears that a member's action, inaction, or decisions are or may be influenced by a personal or business relationship.

1223.2 POLICY

Members of the San Benito County Juvenile Hall are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of agency members and the public, and to maintain the trust of the public and agency members.

1223.3 PROHIBITIONS

The Agency prohibits the following types of personal or business relationships among members (Government Code § 12940):

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Agency will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Agency, however, reserves the right to transfer or reassign any member to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

1223.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

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Whenever any member is placed in circumstances that would require the member to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify the member's uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify Dispatch to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1223.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise learning of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches, and Identification

1224.1 PURPOSE AND SCOPE

The San Benito County Juvenile Hall (SBCJH) badge, patch, and identification card, as well as the likeness of these items and the name of the Agency, are property of the Agency. Their use shall be restricted as set forth in this policy.

1224.2 POLICY

The San Benito County Juvenile Hall issues each member appropriate identification, which may include a badge, patch and/or identification card, depending on the member's position within the Agency.

1224.3 MEMBER RESPONSIBILITIES

Members of the San Benito County Juvenile Hall will use the SBCJH badge, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The SBCJH badge, patch, and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Agency members shall not:

- (a) Display or use the SBCJH badge, patch, or identification card for personal gain or benefit.
- (b) Loan the SBCJH badge, patch, or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the SBCJH badge, patch, or identification card, or the likeness thereof, or the San Benito County Juvenile Hall name, for personal or private reasons, including but not limited to letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites.

1224.4 LOST BADGE, PATCH, OR IDENTIFICATION

Agency members shall promptly notify their supervisors whenever their SBCJH badges, patches, or identification cards are lost, damaged, or are otherwise removed from their control.

1224.5 BADGES

The Chief Probation Officer shall determine the number and form of badges authorized for use by agency members.

Only badges issued by this agency may be used, displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1224.5.1 RETIREE BADGES

The Chief Probation Officer may establish rules for allowing honorably retired members to keep their badges in some form or possess a retirement badge upon retirement.

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1224.5.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the SBCJH badge shall not be used for any purpose without the express authorization of the Chief Probation Officer and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the SBCJH badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the San Benito County Juvenile Hall. The following modification shall be included:
 1. Any text identifying the San Benito County Juvenile Hall is replaced with the name of the employee group.
 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1224.6 PATCHES

The Chief Probation Officer shall determine the form of patches authorized for use by the Agency.

Only patches issued by this agency may be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief Probation Officer, may request additional patches, at their own expense.

1224.7 IDENTIFICATION CARDS

All members will be issued an official SBCJH identification card bearing the member's name, full-face photograph, member identification number, member's signature, and signature of the Chief Probation Officer or the official seal of the Agency. All members shall be in possession of their agency-issued identification cards at all times while on-duty or in agency facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Agency, members shall display their agency-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Juvenile Institution Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Assistant Chief Probation Officers.

Temporary Modified-Duty Assignments

1225.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, county rules, or current collective bargaining agreements or memorandum of understandings. For example, nothing in this policy affects the obligation of the Agency to engage in a good-faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability protected under federal or state law.

1225.2 POLICY

Subject to operational considerations, the San Benito County Juvenile Hall may identify temporary modified-duty assignments for employees with an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Agency with a productive employee during the temporary period.

1225.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the San Benito County Juvenile Hall shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined case-by-case, consistent with the operational needs of the Agency. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1225.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to the Assistant Chief Probation Officer or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Requests for a modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Chief Probation Officer or the authorized designee based on the needs of the Agency and the limitations of the employee. The Chief Probation Officer or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

1225.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate agency operations and the employee's medical appointments, as mutually agreed upon with the Assistant Chief Probation Officer.

1225.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Assistant Chief Probation Officer that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

1225.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include but are not limited to:

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- (a) Periodically apprising the Assistant Chief Probation Officer of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Assistant Chief Probation Officer and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1225.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Agency may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1225.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other employee with a temporary disability (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1225.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the county's personnel rules and regulations regarding family and medical care leave.

1225.8 PROBATIONARY EMPLOYEES

Probationary employees assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1225.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Speech, Expression, and Social Networking

1226.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and to provide guidelines for the regulation and balancing of member speech and expression with the legitimate needs of the Agency and the confidentiality of youths in the care and custody of the Agency.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression protected or privileged under law. This includes speech and expression protected under state or federal constitutions and labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1226.2 POLICY

Members of public entities occupy a trusted position in the community, and their statements have the potential to contravene the policies and performance of this agency. Due to the nature of the work and influence associated with the corrections profession, it is necessary that members of this agency be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the San Benito County Juvenile Hall will carefully balance the individual member's rights against the agency's needs and interests when exercising reasonable control over its members' speech and expression.

1226.3 SAFETY

Members should consider carefully the implications of their speech or any other form of expression when using the internet. Some speech and expression may negatively affect the safety of San Benito County Juvenile Hall members. Posting personal information in a public forum can reveal a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member or a member's family or associates. Examples of information that could reasonably be expected to compromise safety include:

- Disclosing the address or contact information of a fellow juvenile institution officer member.

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- Otherwise disclosing where another juvenile institution officer can be located off-duty.

1226.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the agency's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit, on a matter of public concern):

- (a) Speech, expression, or communication that would in any way compromise the confidentiality of the identity of youths or their families.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Agency or its members.
- (c) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Agency and tends to compromise or damage the mission, function, reputation, or professionalism of the Agency or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (d) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (e) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the juvenile hall. For example, a statement on a blog that provides specific details on how and when custody transportations are made could reasonably be foreseen as potentially jeopardizing employees and youths by informing criminals of details that could facilitate an escape or attempted escape.
- (f) Speech or expression contrary to this agency's Code of Ethics (15 CCR 1324).
- (g) Use or disclosure, through whatever means, of any information, photograph, or video or other recording obtained or accessible because of employment with the juvenile hall for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.
- (h) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses, or images of agency logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Agency on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.

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- (i) Accessing websites for non-authorized purposes, or use of any personal communication device, game device, or media device, whether personally or agency-owned, for personal purposes while on-duty, except in these circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not disrupt the work environment.

Members must take reasonable and prompt action to remove any content, including content posted by others, that violates this policy from any web page or website maintained by the employee (e.g., social or personal website).

1226.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not, unless specifically authorized by the Chief Probation Officer, represent the San Benito County Juvenile Hall or identify themselves in any way that could be reasonably perceived as representing the San Benito County Juvenile Hall in order to:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or motion picture, film, video, or public broadcast, or on any website.

And when it can reasonably be construed that an employee, acting in the employee's individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this agency, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Agency.

Members retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

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1226.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy regarding emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Instagram) that is accessed, transmitted, received, or reviewed on any agency technology system (see the Information Technology Use Policy for additional guidance).

The Agency shall not require a member to disclose a personal username or password for accessing a personal social media account or to open a personal social website; however, the Agency may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1226.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Agency.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in performing the member's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

Illness and Injury Prevention

1227.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the San Benito County Juvenile Hall, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Custody Manual. This policy does not supersede but supplements any related county-wide safety efforts.

1227.2 POLICY

The San Benito County Juvenile Hall is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injury. The Agency will establish and maintain an illness and injury prevention plan and will provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the Agency to comply with all laws and regulations related to occupational safety.

1227.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Assistant Chief Probation Officer is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Agency to meet applicable standards.

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- (f) Establishing a process to ensure illnesses and injuries are reported as required under 8 CCR 342.

1227.4 ADMINISTRATION ASSISTANT CHIEF PROBATION OFFICER RESPONSIBILITIES

The responsibilities of the Administration Assistant Chief Probation Officer include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures (15 CCR 1322; 15 CCR 1324).
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring agency compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144)
 - (b) Bloodborne pathogens (8 CCR 5193)
 - (c) Aerosol transmissible diseases (8 CCR 5199)
 - (d) Heat illness (8 CCR 3395)
 - (e) Personal Protective Equipment (PPE) (8 CCR 3380) (see the Personal Protective Equipment Policy)
 - (f) Emergency Action Plan (8 CCR 3220)
 - (g) Fire Prevention Plan (8 CCR 3221)
 - (h) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

1227.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Assistant Chief Probation Officer.
- (e) Notifying the Assistant Chief Probation Officer when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been conducted.
 - 5. Workplace conditions warrant an inspection.

1227.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Assistant Chief Probation Officer via the chain of command.

The Assistant Chief Probation Officer will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1227.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Assistant Chief Probation Officer shall ensure that the appropriate documentation is completed for each inspection.

1227.7.1 EQUIPMENT

Members are charged with daily inspections of their assigned areas and of their PPE as described in the Sanitation Inspections and Daily Activity Logs and Shift Reports policies. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1227.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1227.9 TRAINING

The Assistant Chief Probation Officer should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members regarding hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Agency is made aware of a new or previously unrecognized hazard.

1227.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1227.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

1228.1 PURPOSE AND SCOPE

The purpose of this policy is to guide members of the San Benito County Juvenile Hall in the event of the death of a member occurs in the line of duty and to direct the Agency in providing proper support for the member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1228.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing agency-related functions while on- or off-duty, or a civilian member during the course of performing the sworn member's assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. Determining who is a survivor for purposes of this policy should be done case-by-case given the individual's relationship with the member and whether the individual was designated by the deceased member.

1228.2 POLICY

It is the policy of the San Benito County Juvenile Hall to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this agency to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1228.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Assistant Chief Probation Officer and Dispatch.
 1. Communication of information about the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Affairs Officer section of this policy).
- (b) The Assistant Chief Probation Officer should ensure that notifications are made in a timely manner.
- (c) If the member has been transported to the hospital, the Assistant Chief Probation Officer or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to

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relieve the temporary Hospital Liaison) and the Agency Liaison as soon as practicable (see the Notifying Survivors section and the Agency Liaison and Hospital Liaison subsections in this policy).

1228.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief Probation Officer or the authorized designee should select at least two members to notify survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and considering factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in agency vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Agency Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, and the time and location of notification. This information should be forwarded to the Agency Liaison.
- (m) Inform the Chief Probation Officer or the authorized designee once survivor notifications have been made so that other San Benito County Juvenile Hall members may be apprised that survivor notifications are complete.

1228.4.1 OUT-OF-AREA NOTIFICATIONS

The Agency Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Agency Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the agency member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Agency Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Agency to pay travel expenses without the authorization of the Chief Probation Officer.

1228.5 NOTIFYING AGENCY MEMBERS

Supervisors or members designated by the Chief Probation Officer are responsible for notifying agency members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio or facility intercom systems.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Agency regarding the deceased member or the incident.

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1228.6 LIAISONS AND COORDINATORS

The Chief Probation Officer or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Agency Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available agency resources. The Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1228.6.1 AGENCY LIAISON

The Agency Liaison should be of sufficient rank (e.g., Assistant Chief Probation Officer) to effectively coordinate agency resources, and should serve as a facilitator between the deceased member's survivors and the Agency. The Agency Liaison reports directly to the Chief Probation Officer. The Agency Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that agency members are reminded of information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1228.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Agency members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or San Benito County Juvenile Hall members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting the Hospital Liaison's actions at the conclusion of the duties.

1228.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term agency contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Assistant Chief Probation Officer. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations.
- (b) Communicating with the Agency Liaison regarding security measures for the family residence, as needed.
- (c) If requested by the survivors, assisting with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Assisting with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Agency and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of agency-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the agency's Public Affairs Officer to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations according to their wishes (see the Public Affairs Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to agency activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Agency to facilitate communications necessary to the assignment.

1228.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief Probation Officer or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members and survivors affected by a line-of-duty death. The responsibilities of the CISM coordinator include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of agency responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors know of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

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1228.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Agency Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Agency, including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
- (d) Briefing the Chief Probation Officer and command staff about funeral arrangements.
- (e) Assigning juvenile institution officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using agency vehicles and drivers.

1228.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Agency Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many San Benito County Juvenile Hall members can attend funeral services as possible.

1228.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

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- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by agency associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for receiving public donations.
- (g) Providing survivors with a summary of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1228.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief Probation Officer and the Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for receiving public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

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1228.7 PUBLIC AFFAIRS OFFICER

In the event of a line-of-duty death, the agency's Public Affairs Officer should be the agency's contact point for the media. The Public Affairs Officer should coordinate with the Agency Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that agency members are instructed to direct any media inquiries to the Public Affairs Officer.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the agency and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to agency members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for recording memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the Public Affairs Officer should request that the media withhold the information from release until proper notification can be made to survivors. The Public Affairs Officer should ensure that media are notified when survivor notifications have been made.

1228.8 INVESTIGATION OF THE INCIDENT

The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should have no investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved agency members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

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1228.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief Probation Officer may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1228.10 NON-LINE-OF-DUTY DEATH

The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.

Leave Benefits

1229.1 PURPOSE AND SCOPE

This policy provides general guidance regarding agency employee leave benefits.

Guidance on the use and processing of sick leave is detailed in the Sick Leave Policy and in the county personnel manual or applicable collective bargaining agreement or memorandum of understanding.

1229.2 POLICY

It is the policy of the San Benito County Juvenile Hall to provide eligible employees with the leave benefits described in the county personnel manual and any collective bargaining agreement or memorandum of understanding.

1229.3 LEAVE COORDINATOR

The Chief Probation Officer should appoint a member as leave coordinator to manage employee leaves in cooperation with the county Department of Human Resources.

1229.4 LEAVE BENEFITS

Leave benefits may include but are not limited to:

- Administrative leaves for jury duty, bereavement, sabbatical, military duty, training, and other temporary leaves.
- Holiday leave.
- Vacation.
- Family medical leave.
- Maternity leave.
- Small necessities leave.

Vehicle Safety

1230.1 PURPOSE AND SCOPE

It is the policy of this agency to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Agency utilizes agency-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that agency-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term “agency-owned” as used in this section also refers to any vehicle leased or rented by the Agency.

1230.2 POLICY

The San Benito County Juvenile Hall provides vehicles for official business use.

1230.3 USE AND SECURITY OF AGENCY VEHICLES

All staff members who operate agency-owned or leased vehicles must comply with all state laws and must possess a valid driver’s license endorsed for the type of vehicle operated.

A list of individuals authorized to drive agency vehicles shall be maintained by the Assistant Chief Probation Officer or designee. The list shall be updated annually to ensure that only qualified personnel who are in possession of a current and appropriately endorsed driver’s license are on the list.

1230.3.1 USE OF SEAT BELTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints (see the Seat Belts Policy). Youths shall be secured and transported under the Restraints and Transportation of Youths Outside the Facility policies.

1230.3.2 VEHICLE SECURITY

Agency vehicles will be locked and the keys will be secured when not in use. The staff will make every effort to ensure that the vehicles are parked in a secure location.

Under no circumstances will youths be allowed to operate a vehicle or have any vehicle keys. Youth workers assigned to clean vehicles must be closely supervised by staff.

Losing any vehicle key shall be promptly reported, in writing, to the on-duty supervisor.

1230.3.3 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated unless transporting children as written elsewhere in the Seat Belts Policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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1230.4 VEHICLE INSPECTIONS

All agency-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such vehicle may have any expectation of privacy regarding the vehicle or any of its contents, regardless of who owns the contents.

1230.5 VEHICLE SAFETY REPAIRS

Anyone authorized to drive agency vehicles is responsible for assisting in maintaining the vehicles so that they are properly equipped, maintained, and refueled, and present a clean appearance.

Anyone authorized to drive agency vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Vehicles deemed unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The Assistant Chief Probation Officer or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

All vehicles owned, leased, or used by this agency shall be inspected annually by a qualified individual. Inspection reports will be forwarded to and maintained by the Assistant Chief Probation Officer.

1230.6 USE OF PERSONAL VEHICLES

The use of personal vehicles for official business must be approved by the Assistant Chief Probation Officer. The Assistant Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. A copy of the insurance card shall be retained in facility files. All policies and procedures applicable to facility vehicles shall apply to the personal vehicle while it is being used for official business.

1230.7 COLLISION DAMAGE, ABUSE, AND MISUSE

When a leased or agency-owned vehicle is involved in a traffic collision, the involved member shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The member shall complete this agency's vehicle collision form.

When a traffic collision involves a leased or agency-owned vehicle or when a member of this agency is an involved driver in a traffic collision that occurs in this jurisdiction, and the traffic collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned to handle the investigation. If the member is incapable of completing this agency's vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in memorandum

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format and forwarded to the Duty Officer. An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

1230.8 TOLL ROAD USE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

Commuting or returning to the Agency after an emergency does not qualify for this exemption; personnel using agency-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, all members operating agency-owned vehicles on toll roads shall adhere to the following:

- (a) Members operating agency-owned vehicles for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge.
- (b) Members may submit for reimbursement from the Agency for any toll fees.
- (c) Members driving agency-owned vehicles through a toll plaza or booth during a response to an emergency shall draft a memo to their supervisors within five working days, explaining the circumstances.

Brady Information

1231.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

1231.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the San Benito County Juvenile Hall that is both favorable and material to the current prosecution or defense.

1231.2 POLICY

The San Benito County Juvenile Hall will conduct fair and impartial investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the San Benito County Juvenile Hall will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Agency will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

1231.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Juvenile Institution Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If juvenile institution officer learns of potentially incriminating or exculpatory information any time after submission of a case, the juvenile institution officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or protected personnel files), the juvenile institution officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If juvenile institution officer is unsure, the juvenile institution officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the agency case file.

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1231.4 BRADY PROCESS

The Chief Probation Officer shall select a member of the Agency to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Assistant Chief Probation Officer or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the County Counsel's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 1. Updating this list whenever potential *Brady* information concerning any agency member becomes known to the Agency or is placed into a personnel or internal affairs file.

1231.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure should apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and agency member whose file is related to the motion shall be notified of the potential presence of *Brady* information. A *Pitchess* motion pursuant to Evidence Code § 1043 may be required.
- (b) The prosecuting attorney or County Counsel should be requested to file a motion in order to initiate an in camera review by the court.
 1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor. Any member who is the subject of such a motion should be notified in writing as soon as reasonably practicable when a motion has been filed.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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1231.6 INVESTIGATING BRADY ISSUES

If the Agency receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

1231.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

1231.8 TRAINING

Agency personnel should receive periodic training on the requirements of this policy.

Personal Protective Equipment

1232.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Agency as well as the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable diseases, as those issues are addressed in the Body Armor and Communicable Diseases - Members policies.

1232.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Respiratory PPE - Any device worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide or toxic gases, or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

1232.2 POLICY

The San Benito County Juvenile Hall endeavors to protect members by supplying certain PPE to members as provided in this policy.

1232.3 JUVENILE INSTITUTION OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

1232.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

1232.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

1232.6 HEAD AND BODY PROTECTION

Members who perform room extractions should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg, and groin protection should be provided as required by any collective bargaining agreement or memorandum of understanding.

1232.7 RESPIRATORY PROTECTION

The Administration Assistant Chief Probation Officer is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

1232.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., extraction team member, crime scene investigator, search team member).

Respiratory PPE may be worn when authorized by an Incident Commander (IC), who will determine the type and level of protection appropriate at an incident based upon an evaluation of the hazards present.

An IC is responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the IC shall re-evaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the IC reasonably believes (8 CCR 5144):

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- (a) It is necessary for the member to wash the member's face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member must replace the respirator, filter, cartridge, or canister.

1232.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been tested for use with that respiratory equipment.
- (c) Perform a user seal check per agency-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

1232.7.3 GAS MASK

Full-face air-purifying respirators, commonly called gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

An IC may order the use of gas masks in situations where the use of a SCBA is unnecessary. These incidents may include areas where tear gas has or will be used. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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1232.7.4 SELF-CONTAINED BREATHING APPARATUS

An IC may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

- (a) Entering the hot zone of a hazardous materials (HAZMAT) incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by an IC.

1232.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

1232.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

1232.8 RECORDS

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the agency records retention schedule and 8 CCR 5144.

1232.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Civilian Attire

1233.1 PURPOSE AND SCOPE

This policy provides requirements for attire for San Benito County Juvenile Hall civilian members.

1233.2 POLICY

San Benito County Juvenile Hall members who are not required to wear agency-issued clothing items, insignia, or other distinguishing attire in performance of their assigned duties shall dress in a manner that projects a positive professional image while on-duty.

1233.3 PROFESSIONAL ATTIRE

Civilian agency members shall maintain in their manner of dress, personal grooming, and hygiene the highest professional standards as outlined in the Uniform and Non-Uniform Attire and the Personal Appearance Standards policies.

Professional attire will be worn daily when conducting official business, attending training, or participating in agency-sponsored activities. Members shall refrain from wearing clothing that detracts from the agency's mission and public image, regardless of work setting.

1233.4 ALTERNATIVE ATTIRE

Alternative attire may be worn when members have supervisory approval and participate in work-related activities involving physical labor, such as recreation supervision, training exercises, and computer set-ups. Each juvenile hall should maintain a list of staff specifically authorized to wear alternative attire.

1233.5 LOGOS

Items bearing the agency logo will not be worn when performing duties of other employment as described in the Outside Employment and Outside Overtime Policy.

1233.6 EXCEPTIONS

Any exceptions or accommodations to the Uniform and Non-Uniform Attire and Personal Appearance Standards policies (e.g., for medical, religious, or other reasons) shall be addressed by the Chief Probation Officer.

Subpoenas and Court Appearances

1234.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court. It will allow the San Benito County Juvenile Hall to cover any related work absences and keep the Agency informed about relevant legal matters.

1234.2 POLICY

San Benito County Juvenile Hall members will respond appropriately to all subpoenas and any other court-ordered appearances.

1234.3 SUBPOENAS

Only agency members authorized to receive a subpoena on behalf of this agency or any of its members may do so. This may be accomplished by personal service to the juvenile institution officer or by delivery of two copies of the subpoena to the juvenile institution officer's supervisor or other authorized agency agent (Government Code § 68097.1; Penal Code § 1328).

The party that issues a civil subpoena to juvenile institution officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named juvenile institution officer within sufficient time for the named juvenile institution officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named juvenile institution officer within sufficient time for the named juvenile institution officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328).

1234.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

- (a) Any civil case where the county or one of its members, as a result of the member's official capacity, is a party.

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- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of the member's association with the San Benito County Juvenile Hall.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Benito County Juvenile Hall.

The supervisor will then notify the Chief Probation Officer and the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

1234.3.2 CIVIL SUBPOENA

The Agency will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The San Benito County Juvenile Hall should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

1234.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

1234.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

1234.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Agency.

If a member on standby changes location during the day, the member shall notify the designated agency member of how the member can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

1234.6 COURTROOM PROTOCOL

When appearing in court, members shall:

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- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the agency uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

1234.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

1234.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

- (a) Notify the Property and Evidence Room promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Disposition of Evidence Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate

1234.7 OVERTIME APPEARANCES

When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

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Attachments

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Receiving Screening Form 20190530.pdf

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Department Organizational Chart Revised 02-14-20.pdf

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