**Section 2602.40 Records**

a) Personal Record Information

A personal record file shall be established at admission and maintained for each youth throughout the period of confinement. Records shall include:

1) Name;

2) AKA and nicknames;

3) Address;

4) Age, date of birth and sex;

5) Parents, guardian or responsible person to notify in case of emergency, including address and telephone number;

6) Physical description;

7) Occupation;

8) Education level and name and address of school last attended;

9) Religion or religious affiliation;

10) Presenting offense;

11) Date and time of police custody;

12) Date and time of admission and authority;

13) Name and title of officers presenting and receiving youth, as well as law enforcement jurisdiction by name;

14) Name and telephone number of youth's attorney;

15) Dates of previous admission and releases;

16) Legal status (i.e., DCFS youth in care, adult transfer, aftercare release);

17) Medical record of health and physical condition at admission; during confinement, including treatment and medication administered; and condition at discharge. Medical records shall be kept separately, subject to court order;

18) Itemized record of youth's case, other valuables and monetary expenditures and receipts while in custody;

19) Date and time of court detention order;

20) Date of petition filing;

21) Date of adjudicatory and/or dispositional hearing, including continuances;

22) Dates of temporary absences from detention facility, authority to be absent and destination;

23) Record of visitors' names and dates of visits;

24) Record of any incidents related to the youth including injury, misconduct and discipline administered;

25) Probation officer and/or aftercare Specialist;

26) Date of release, including name of person and agency to whom released; and

27) Case number.

b) Confidential Record

All personal record and police record information is confidential and shall not be disclosed to unauthorized persons or to the public, except by order of the court. Staff members shall be provided access to personal record and police record information as required for the performance of their duties.

1) Rights of and Limitations on Record Access

A) A youth, an authorized attorney, a parent or guardian, may inspect and copy all records contained in the youth's personal record, provided:

i) The youth consents in writing to the inspection and copying of records by an authorized attorney or a parent or guardian; and

ii) That information not subject to inspection and copying may be deleted from records otherwise available to a youth or a parent or guardian.

B) Authorized personnel of the Department may inspect and copy records.

C) All requests by the youth, authorized attorneys, parents and guardians to copy or inspect file material shall be made in writing.

2) The facility shall comply with all written requests for records subject to inspection and copying within 15 days.

c) Monthly Reports and Statistics

The superintendent shall report accurate information on all detained youth to JMIS. Required information for each youth includes initials, date of birth, race, ethnicity, admission and release dates and times, admitting offense, legal status, and hearing dates. JMIS information on youth in custody should be current and shall be updated no less than monthly. The superintendent shall maintain statistical records, available for review by DJJ, including: detention screening results, admissions, releases, releases with conditions, and overrides; unusual incidents by category; use of force, and use of room confinement. The superintendent shall submit to the Office of Detention and Audit Services monthly, an accurate report of the number of youth confined during the preceding month and provide information on each in the categories indicated on the report form provided by the Office. If JMIS is updated to require additional information the superintendent shall report that additional information.

1) Monthly population reports must be submitted to the Office by the 10th day of the following month.

2) Each calendar day, including day of admission and day of release, shall be counted for calculating length of stay.

3) Duplicate copies shall be prepared. The reporting facility shall maintain the original and forward the duplicate to JMIS.

d) Extraordinary or Unusual Occurrences

1) Extraordinary or unusual occurrences shall mean:

A) Death, regardless of cause;

B) Attempted suicide;

C) Serious injury, to include accidental or self-inflicted;

D) Escape;

E) Attempted escape;

F) Fire;

G) Riot;

H) Battery on a staff member;

I) Battery on youth by a staff member;

J) Battery on youth by another youth (only if hospitalization or extensive medical treatment is required);

K) Allegations of sexual abuse and assaults – PREA;

i) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of the agency; retaliation against residents or staff who reported an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

ii) The agency shall also require all staff to comply with any applicable mandatory child abuse reporting laws.

iii) Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation and other security and management decisions.

iv) Medical and mental health practitioners shall:

• be required to report sexual abuse to designated supervisors and officials pursuant to subsection (d)(2)(K)(i) as well as to the designated State or local services agency where required by mandatory reporting laws.

• practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.

v) Reporting

• Upon receiving any allegation of sexual abuse, the facility head or designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.

• If the alleged victim is under the guardianship of the Department of Children and Family Services, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

• If a juvenile court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

vi) The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators; (See Section 361 of PREA.)

L) Occurrence of serious infectious disease or illness within the facility; and

M) Any injury, illness, mental health emergency or chronic condition that requires outside hospitalization.

2) Notification shall be made whenever possible to the Office of Detention and Audit Services within 24 hours but in no case later than 72 hours. Notification to the Administrative Office of the Illinois Courts shall be made no later than 72 hours after the extraordinary or unusual circumstance. Timely notification of any extraordinary or unusual circumstance shall be made to the youth's parent's or guardian. If the youth is under the guardianship of the Department of Children and Family Services, the notification shall be made to the youth's caseworker. If a juvenile court retains jurisdiction over the youth, notification shall be made to the youth's attorney or other legal representative of record and the court of jurisdiction.

e) Report to Court

A written report that summarizes the needs, personal and social problems, strengths and other pertinent findings as revealed in detention activities and services shall be forwarded to the probation officer and to the court upon request.

f) Fingerprinting and Photographing

A detention facility shall not transmit any fingerprint or photograph relating to a youth who has been arrested or taken into custody before the youth's 17th birthday, unless so authorized by the court in accordance with Section 1-7(B)(1) of the Juvenile Court Act.

g) Daily Population Report

A daily detention population report shall be supplied to the judge and the director of court services by the superintendent. The report shall include the name of each youth, day admitted, accumulated days of stay, assigned probation officer, date of adjudicatory hearing and any other information the judge might request to assist the control of admissions.

h) Detention Over Thirty Days

Any youth who has been detained continuously, or in the aggregate for the same offense, for more than 30 days must be brought to the attention of the chief judge and presiding judge of the juvenile court having jurisdiction in the case, the youth's parent or guardian, and youth's legal representative by the facility head.

i) Grievances

A log of all grievances shall be maintained. The log shall include the name of the youth, date the grievance was filed, nature of the grievance, the date of any appeal and the date the grievance was resolved.