**Section 2602.50 Admission Procedures**

a) Posting of Rights

A Notice of Rights, in Spanish and English, available from the Office of Detention and Audit Services, shall be conspicuously posted in all areas, other than detention rooms, where youth are held in custody.

b) Legal Authority for Detention

The staff member accepting youth for detention must determine that each is being detained under proper legal authority, as provided by court order or written authorization from a court services staff member designated to screen detention referrals from law enforcement. Court services staff members, including juvenile probation officers, can screen a youth for detention referrals but cannot impose the sentence.

c) Identity

Identity of the youth being admitted must be verified. A photograph of the youth shall be taken upon admission and kept as a part of the youth's personal record.

d) Injuries

Any seriously injured, seriously ill, intoxicated or unconscious youth must not be admitted to the detention facility until a medical examination has been conducted by a licensed physician. A written record of diagnosis, treatment, and medication prescribed shall accompany the youth if detention admission is approved by the examining licensed physician.

e) Parental Notification

Detention staff shall notify the parents, guardian or other legal custodian of the youth's admission within one hour after arrival. The date, time of the call and name of person contacted shall be recorded and included in the youth's personal record.

f) Search

A thorough search of the youth's person shall be performed by a staff member to assure against the introduction of weapons, contraband or body pests. Following admission, a strip search may be administered only when there is individualized, reasonable suspicion.

1) The search shall be performed in an area that ensures privacy and dignity of the individual. The individual shall not be exposed to the view of others not specifically involved in the process;

2) Searches shall be conducted by a person of the same gender (transgender youth shall be allowed to choose the gender of the staff who will conduct the search);

3) All personal clothing shall be carefully searched for contraband; and

4) The probing of body cavities may not be done except where there is reasonable suspicion to believe that the youth is carrying contraband there, and searches may only be conducted by medically trained persons (e.g., physician, physician assistant, registered nurse, licensed practical nurse, paramedic) in a private location and under sanitary conditions.

g) Personal Property

There shall be a written policy regarding personal property taken from youth. The policy shall ensure that:

1) Personal property taken from youth shall be listed and described in the presence of the youth and a receipt issued;

2) The receipt must show the signatures of the admitting staff member and the youth, with the original filed in the youth's personal record file and the duplicate given to the youth;

3) All personal property of the youth shall be securely stored until release, discharge or transfer occurs, unless the youth approves, in writing, the release of the property to a designated person;

4) Personal property released to a third party must have the youth's signature approval and the signature receipt of the third party;

5) Contraband items, officially confiscated or disposed of, shall be shown on the inventory and the youth's signature shall be obtained along with the signature of the staff member;

6) Items of personal property subsequently added shall be recorded on the inventory and the youth's signature shall be obtained along with the signature of the staff member; and

7) Personal clothing shall be laundered or dry cleaned, as appropriate, before storage and made ready for a youth's court appearance, release or approved use during the detention period.

h) Medical Screening

1) A medical screening shall be performed as part of the admission process either by a qualified medical professional or a staff member who has been trained by medical staff to perform initial screening. Screening shall document questions and responses related to:

A) Current physical, mental, and dental health status or complaints including gynecological issues or pregnancy;

B) Recent injuries or physical trauma;

C) Allergies or special health requirements including special diets;

D) Current sexually transmitted infections and symptoms of infectious or communicable diseases, including tuberculosis;

E) Recent drug or alcohol use and withdrawal symptoms;

F) Current medications needed; and

G) Names of current health care providers in the community.

2) The screener shall observe the youth for:

A) Signs of trauma or physical injuries;

B) Skin conditions including bruising, lesions, infestation, rash or needle marks;

C) Physical disabilities including mobility, hearing or vision problems; and

D) Signs of intellectual, developmental or learning disabilities.

3) Serious injuries or signs of trauma at admission shall be photographed in color.

A) The admitting staff member shall observe the youth for any obvious injuries or illnesses requiring immediate emergency medical care, rashes, unusual cough, high temperature, body pests and general mental status. The officer shall determine by questioning whether the youth has medical conditions such as dependence on drugs or alcohol, diabetes, epilepsy, past treatment for mental disorders or allergies; whether the youth is on medication; and if female, whether the youth is pregnant. The person performing the examination shall be trained to identify medical and mental problems.

B) The admitting staff member shall contact the parents, guardian or other responsible person, at the time of the first visit, to obtain the medical history of the youth, including current medication and Medicaid/insurance information. Current prescription medication shall be continued without interruption unless a qualified medical professional determines in consultation with the prescribing physician, youth, and family that continuation is not indicated.

C) A mental health screening, including a complete evaluation of risk for suicide must be performed by a mental health practitioner or staff member who has been trained by a mental health practitioner.

D) Any youth showing signs of or reporting physical or mental distress, drug or alcohol abuse shall be referred to health care personnel immediately.

4) PREA Assessment

A) Within 72 hours after the youth's arrival at the facility and periodically throughout a youth's confinement, the agency shall obtain and use information about each youth's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.

B) Assessments shall be conducted using an objective screening instrument.

C) At a minimum, the agency shall attempt to ascertain information about:

i) Prior sexual victimization or abusiveness;

ii) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender or intersex, and whether the youth may therefore be vulnerable to sexual abuse;

iii) Current charges and offense history;

iv) Age;

v) Level of emotional and cognitive development;

vi) Physical size and stature;

vii) Mental illness or mental disabilities;

viii) Intellectual or developmental disabilities;

ix) Physical disabilities;

x) The youth's own perception of vulnerability; and

xi) Any other specific information about individual youths that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

D) This information shall be ascertained through conversations with the youth during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records and other relevant documentation from the youth's files.

E) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the youth's detriment by staff or other residents. (See Section 341 of PREA.)

i) Placement of Youth in Housing, Bed, Program, Education and Work Assignments – PREA

1) The agency shall use all information obtained pursuant to Section 341 of PREA and subsequently to make housing, bed, program, education and work assignments for youth with the goal of keeping all youth safe and free from sexual abuse.

2) Youth may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged. During any period of isolation, agencies shall not deny youth daily large-muscle exercise and any legally required educational programming or special education services. Youth in isolation shall receive daily visits from a medical or mental health care clinician. Youth shall also have access to other programs and work opportunities to the extent possible.

3) Lesbian, gay, bisexual, transgender or intersex youth shall not be placed in particular housing, bed or other assignments solely on the basis of the identification or status, nor shall agencies consider lesbian, gay, bisexual, transgender or intersex identification or status as an indicator of likelihood of being sexually abusive.

4) In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the youth's health and safety, and whether the placement would present management or security problems.

5) Placement and programming assignments for each transgender or intersex youth shall be reassessed at least twice each year to review any threats to safety experienced by the resident.

6) A transgender or intersex youth's own views with respect to their own safety shall be given serious consideration.

7) Transgender and intersex youth shall be given the opportunity to shower separately from other residents.

8) If a resident is isolated pursuant to subsection (i)(2), the facility shall clearly document:

A) The basis for the facility's concern for the youth' safety; and

B) The reason why no alternative means of separation can be arranged.

9) Every 30 days, the facility shall afford each resident described in subsection (i)(8) of this Section a review to determine whether there is a continuing need for separation from the general population. (See Section 342 of PREA.)

j) Medication

Any medication in the possession of a youth at admission shall be labeled for identification and withheld until a medical doctor determines the disposition. This determination shall be made at the earliest possible time, but in no instance shall it exceed eight hours after admission or within the time interval specified for administration of the medication on the prescription container, whichever is less.

k) Personal Record Information

A record for each youth shall be established at admission and maintained throughout the period of detention in accordance with the records requirements set forth in Section 2602.40.

l) Showers

All youth must shower or bathe when admitted, unless otherwise advised by medical staff in individual cases.

m) Factors for Placement

The youth shall be assigned to suitable quarters. (See Section 2602.70.)

n) Items of Issue

Youth shall be issued clean bedding, towel, necessary clothing, soap, toothbrush and dentifrice. Youth shall also be issued clothing.

1) Bedding shall consist of sheets, flame retardant mattress, blankets appropriate to the season of the year and a pillow. These items will be provided to a youth unless the youth has been placed on a mental health crisis status and the bedding poses a threat to the youth's safety as determined by a mental health professional.

2) The towel shall be cloth and of bath size.

3) Clothing, including shoes, shall be climate and weather appropriate. Clothing and other garments shall be of an appropriate size and in a state of good, usable condition. Clothing allotment shall be sufficient to allow youth to change clothes to sleep.

o) Rules and Regulations

A copy of the printed detention facility rules and regulations shall be given, explained and acknowledged by each youth at time of admission. Written documentation shall exist as to distribution, explanation and acknowledgement.

p) Admission Isolation

A youth shall be placed in general population for regular programming immediately following admission.

q) Orientation

An initial orientation shall be conducted by a detention staff member at time of admission. The orientation shall include:

1) Information pertaining to rising and retiring, meals, mail procedures, telephone privileges, visiting, correspondence, commissary, recreation and medical care;

2) Rules of conduct;

3) Disciplinary procedures and behavioral programming, including rewards and sanctions;

4) Information regarding programs (i.e., education, arts and crafts, counseling and all social services);

5) Procedures for making requests or entering complaints to staff members, judiciary or to Department personnel;

6) Orientation presentations shall be in written form and read to youth. Youth with limited English proficiency shall be given interpretive assistance.

r) Reporting of Sexual Abuse – PREA

1) The agency shall provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to the incidents.

2) The agency shall also provide at least one way for youth to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Youth detained pursuant to a judicial immigration warrant shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

3) Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.

4) The facility shall provide youth with access to tools necessary to make a written report.

5) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of youth. (See Section 351 of PREA.)

6) Exhaustion of Administrative Remedies.

An agency shall be exempt from the standards of this subsection (r)(6) if it does not have administrative procedures to address youth grievances regarding sexual abuse because the youth may proceed directly to federal court. If an agency does have administrative procedures to address youth grievances regarding sexual abuse, then the agency's procedures must meet the requirements in this subsection (r)(6).

A) Time Limits

i) The agency shall not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse;

ii) The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse;

iii) The agency shall not require a youth to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse; and

iv) Nothing in this subsection(r)(6)(B) shall restrict the agency's ability to defend against a lawsuit filed by a youth on the ground that the applicable statute of limitations has expired.

B) The agency shall ensure that:

i) A youth who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and

ii) The grievance is not referred to a staff member who is the subject of the complaint.

C) Final Decision

i) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance;

ii) Computation of the 90-day time period shall not include time consumed by residents in preparing any administrative appeal;

iii) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the youth in writing of any extension and provide a date by which a decision will be made; and

iv) At any level of the administrative process, including the final level, if the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.

D) Third Party Requests

i) Third parties, including fellow youth, staff members, family members, attorneys and outside advocates, shall be permitted to assist youth in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file requests on behalf of youth;

ii) If a third party, other than a parent or legal guardian, files a request on behalf of a youth, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process;

iii) If the youth declines to have the request processed on their behalf, the agency shall document the youth's decision;

iv) A parent or legal guardian of a youth shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of the youth. A grievance shall not be conditioned upon the youth agreeing to have the request filed on their behalf.

E) Emergency Grievance

i) The agency shall establish procedures for the filing of an emergency grievance alleging that a youth is subject to a substantial risk of imminent sexual abuse.

ii) After receiving an emergency grievance alleging a youth is subject to a substantial risk of imminent sexual abuse, the agency: shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review that immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the youth is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

F) The agency may discipline a youth for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the youth filed the grievance in bad faith. (See Section 352 of PREA.)

G) The facility shall provide a youth with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting or otherwise making accessible 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 pursuant to a judicial immigration warrant, immigrant services agencies. The facility shall enable reasonable communication between a youth and these organizations and agencies, in as confidential a manner as possible.

H) The facility shall inform the youth, prior to giving them access, of the extent that communications will be monitored and reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

I) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide a youth with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

J) The facility shall also provide a youth with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians. (See Section 353 of PREA.)

7) The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a youth. (See Section 354 of PREA.)