
From: Pete Judy [pjudy@mariposacounty.org]
Sent: Wednesday, April 04, 2018 3:27 PM
To: Michelle Ochoa Castañeda
Subject: RE: Mariposa County PRA (1709)

Greetings,

I telephoned and left a message regarding your PRA request for MARIPOSA County. In summary I noted most of the following:

- Mariposa County does not operate a full service juvenile hall. Our facility is referred to in the W&I Code as a special purpose facility. We have 2 rooms with 2 beds in each. Rated capacity for 4 youth. As such it can only hold youth up to 96 hours because we do not have a school program.
- Mariposa County has not detained a youth overnight in the facility within the last 18 months. We can go months without the need to detain a youth.
- It has been a number of years since we have had more than one detainee at a time detained in our facility.
- We have never used room confinement as a punishment since the facility was opened in the 1990's. Youth are not confined to their room except during sleeping hours. We meet or exceed all the requirements for physical activities. We are exempt from providing school. On the rare occasions when we have had a minor detained briefly during a school day, the youth are allowed to sit in the day room read, play cards with staff, watch TV or visit with their parents.
- In the last 10 years we have had only one incident where staff had to put hands on a minor because he was throwing and kicking furniture. Staff deescalated the situation within a few minutes. The youth was not put on room confinement.
- We have never deployed chemical agents on a youth in our facility
- We do not issue nor use tasers
- For the most part we contract with other counties that have full service juvenile halls when we have a youth in need of detention. According to my chiefs association you have requested PRA's from all California counties. Mariposa County youth detained in another county facility would need to follow the rules of that facility.
- Currently the contract facility Mariposa uses most is Tuolumne County.

Hopefully you find the information helpful. I do not believe we have any of the requested documents you seek that will be helpful to you. Please feel free to contact me if you have questions or are in need of Mariposa County policy and procedures related to our special purpose juvenile hall.

Best Regards,
Pete Judy
Chief Probation Officer
County of Mariposa
209-742-1286

From: Michelle Ochoa Castañeda [mailto:MOchoa@ACLUSOCAL.ORG]
Sent: Monday, April 02, 2018 8:00 AM
To: Pete Judy
Subject: Mariposa County PRA (1709)

To Whom It May Concern:
Attached please find our request for Public Records Act Request.

In Solidarity
Michelle Ochoa Castañeda
Senior Paralegal
ACLU of Southern California
Orange County Office
(o) 714.450.3962 x106
Pronouns: She/Her/Hers

"If there is no justice for the people, let there be no peace for the government." ~Emiliano Zapata

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CHAPTER 6: DETENTION, CLASSIFICATION AND SEPARATION

Section 6.0: General Detention Policy

Source: Title 15, Section 1350 and 1355; W&I Code 627, 628, 602, 707, 750, 777, 602; Penal Code Section 403

The Detention Policy provides the basic guidelines for the admission of youth to the Juvenile Hall. As a general policy, all youth who are referred, with the appropriate documentation, will be admitted to the Juvenile Hall on a temporary basis. Youth accepted for temporary detention are required to undergo a screening process by an intake officer to determine whether continued detention is necessary.

Facility staff shall comply with the written policies and procedures for the admittance of youth. There shall be designated staff responsible for the intake process. Youth shall only be received from law enforcement officers, Probation Officers or other authorized persons.

Section 6.1: Criteria for Detention

Source: Welfare and Institutions Code Section 628

All youth brought to Juvenile Hall by law enforcement officers, Probation Officers, or other authorized persons, with the intent of having the youth detained pending a Juvenile Court hearing or the filing of a petition, must be screened to determine if the WIC 602 offense is appropriate for booking.

A. Inappropriate offenses include, but are not limited to:

- HS 11357(b) - Possession of marijuana less than 28.5grams
- HS 11357(e) -Possession of marijuana on school grounds less than 28.5 grams
- HS 11360(b) -Selling, transporting or giving away marijuana less than 28.5 grams
- HS 11364 -Instruments for injecting or smoking controlled substances
- WIC 601
- WIC 300
- PC 647(f), when a responsible parent is available
- Non-violent misdemeanors
- Possession of alcohol
- Traffic infractions

B. Suitability for Detention

The basis for detention must be clearly established from the nature of the charges brought against the youth and the circumstances of those charges.

Reasons for detaining youth:

- The youth is in need of proper and effective parental care or control and has no parent, legal guardian or responsible relative willing or capable of exercising that care or control.
- The youth is destitute or is not provided with the necessities of life or not provided with a home or dwelling.
- The youth is provided with a home which is unfit by reason of neglect, cruelty, depravity or physical abuse by parents, legal guardian or care givers.

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- Detention is necessary for the protection of the youth or protection of the person or property of another.
 - The youth is likely to flee the jurisdiction of the court.
 - The youth has violated an order of the court.
 - The youth is physically dangerous to the public, due to a mental or physical deficiency, disorder or abnormality.
- C. All youth booked in the Juvenile Hall shall be accompanied by a juvenile crime report number, Warrant for Arrest or Court Order affidavit of commitment or detention.

WIC 601 Youth:Pursuant to WIC Section 207, Subdivision (a), “No youth shall be detained in any jail, lockup, juvenile hall or other secure facility who is taken into custody solely upon the grounds that he or she is a person described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that grounds, except as provided in subdivision (b). If any such youth, other than the youth described in subdivision (b), is detained, he or she shall be detained in a sheltered-care facility or crisis resolution home [Hutton House] as provided for in Section 654, or in a non-secure facility provided for in Subdivision (a), (b), (c), or (d) of Section 727.”

Pursuant to WIC Section 207, Subdivision (b), a youth taken into custody upon the grounds that they are a person described in Section 601, or adjudged to be ward of the juvenile court solely upon that grounds, may be held in a secure facility, in any of the following circumstances:

- For up to 12 hours for the purpose of determining if there are any outstanding holds or warrants and if there is cause to believe holds or warrants exist.
- For up to 24 hours in order to locate the youth’s parents or legal guardian, as soon as possible, to arrange the return of the youth to their parents or legal guardian.
- For up to 72 hours to locate the youth’s parents or legal guardian who reside out of state, when there is difficulty locating parents or guardians or difficulty locating the resources necessary to provide for the return of the youth to their parents or legal guardian within 24 hours.
- Youth detained pursuant to subdivision (b) may not come in contact with youth detained pursuant to Section 602.
- A record will be kept of each youth booked under subdivision (b) of the place, the length of time of the detention and the reason why the detention was necessary. Staff will complete the CSA Status Offender Detention Report for each status offender. Place a copy in the 601 folder and give the original to the superintendent. This information will be reported to CSA on monthly basis.

Seriousness of the Offense

Decision regarding the detention of a youth often requires personal judgment and discretion. Youth booked on offenses considered serious and that require detention shall not be released (unless authorized by the court or the Superintendent).

WIC 707(b) Offenses:A youth over the age of 14 who is arrested for any offense listed in section 707(b) of the Welfare and Institutions Code shall not be released unless by Court order or notification by the District Attorney that charges will not be filed. The following are WIC 707(b) offenses:

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- Murder.
- Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- Robbery.
- Rape with force, violence or threat of great bodily harm.
- Sodomy by force, violence, duress, menace or threat of great bodily harm.
- A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
- Oral copulation by force, violence, duress, menace or threat of great bodily harm.
- An offense specified in subdivision (a) of Section 289 of the Penal Code.
- Kidnapping for ransom.
- Kidnapping for purposes of robbery.
- Kidnapping with bodily harm.
- Attempted murder.
- Assault with a firearm or destructive device.
- Assault by any means of force likely to produce great bodily injury.
- Discharge of a firearm into an inhabited or occupied building.
- An offense described in Section 1203.09 of the Penal Code.
- An offense described in Section 12022.5 or 12022.53 of the Penal Code.
- A felony offense in which the youth personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
- A felony offense described in Section 136.1 or 137 of the Penal Code.
- Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
- Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- Torture as described in Sections 206 and 206.1 of the Penal Code.
- Aggravated mayhem, as described in Section 205 of the Penal Code.
- Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
- Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.
- Kidnapping as punishable in Section 209.5 of the Penal Code.
- The offense described in subdivision (c) of Section 26100 of the Penal Code.
- The offense described in Section 18745 of the Penal Code.
- Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

Felony Charges: Youth booked on felony charges shall not be released, unless approved by the Intake Officer or on-call Deputy Probation Officer.

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Youth on Probation: Youth presently on Probation shall not be released without authorization from the youth's Probation Officer, Intake Officer, Superintendent, Assistant Chief Probation Officer or their designee such as the on-call Deputy Probation Officer.

Violence/Weapons: Youth shall not be released who are booked for misdemeanor crimes of violence or when weapons are involved without authorization from the Intake Officer, Superintendent, Assistant Chief Probation Officer or their designee, such as the on-call Deputy Probation Officer.

Driving Under Influence: Felony drunk drivers shall not be released without authorization from the Intake Officer, Superintendent, Assistant Chief Probation Officer or their designee, such as the on-call Deputy Probation Officer.

Warrants and Detention Orders: Youth entering the juvenile hall on the basis of an outstanding Juvenile Arrest Warrant issued by the Juvenile Court shall be detained pending a hearing before the Juvenile Court. The exception would be a release authorized by a supervisor or higher ranking officers. These youth may be released on a Promise to Appear. Youth arrested on a WIC 300 warrant shall not be detained in the juvenile hall.

Civil Disturbances: In cases where a riot or major disturbance is in progress, youth arrested in the incident shall be transported to the juvenile hall by law enforcement and held until the disturbance has been abated. Each booking shall then be reviewed for possible release in accordance with the general detention policy. Any deviation from this rule must be approved by the Intake Officer or other authorized person.

Absence With Out Leave (AWOL) and Escapes: Any probation youth brought to the juvenile hall who is AWOL from a placement or an escapee from placement shall be detained pending a Juvenile Court Hearing. The youth may be released back to placement upon clearance from the Placement Officer or as authorized by the Intake Officer or his/her designee.

Booking Determination after Hours

Upon detaining a juvenile after Department hours (5.00 p.m. to 8.00 a.m. and weekends), the arresting officer shall contact the on-call Deputy Probation Officer (DPO) and provide information that will allow the DPO to determine if booking the youth is appropriate. This determination can be done via the telephone.

Detention decisions made after the regular office hours of the Probation Department by the on-call DPO will be based on the completion of the Detention Risk Assessment Instrument (DRAI). The on-call DPO may perform their investigation into the need to detain a youth in juvenile hall by telephone, only if the officer can acquire the necessary information by telephone to establish the imminent risk to the youth, victim, and the community; and need for detention. The DPO's investigation shall include reviewing departmental records located in the current case management system.

The decision to detain will be made based upon the results of the DRAI. The on-call DPO shall not detain any youth who do not score a 10 or higher on the risk assessment, unless they can legitimize the imminent risk supporting detention.

The on-call DPO will complete the DRAI and upload the completed DRAI into the department's case management system. If the on-call DPO must respond to the juvenile hall to complete the DRAI, the on-call DPO shall contact an on-call Probation Corrections Officer to respond to the facility to supervise the youth during the Officer's detention investigation.

Booking Determination during the Probation Department's Business Hours

If a youth is detained during normal work hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) and the arresting officer believes booking the youth is appropriate, the arresting officer shall transport the youth to the juvenile facility. If the arresting officer has concerns about the youth's medical fitness, he or she shall transport the youth to the emergency room at John C. Fremont Hospital to be medically cleared prior to transporting the youth to the juvenile facility.

During the regular work week schedule of Monday through Friday, 8:00 a.m. to 5:00p.m., the initial determination to detain or release a youth from juvenile hall will made by the Facility Manager. If the Facility Manager is not available, the detention decision will be the responsibility of the staff person available based on the following order:

1. Juvenile Deputy Probation Officer
2. On-Duty Deputy Probation Officer.

The decision to detain a youth in juvenile hall will be based on the score of the DRAI. The DPO shall not detain a youth who does not score a 10 or higher on the risk assessment tool, unless the officer can legitimize the imminent risk supporting the need for detention. The person making the decision for the need to detain will complete the DRAI and upload the completed DRAI into the youth's file located in the department's case management system.

The decision to detain a youth in juvenile hall must be made by the end of the workday, on the day the youth is booked into the facility. The officer in charge will complete an investigation to establish the imminent risk to the youth, victim, and the community in order to determine the need for continued detention.

Medical Clearance of Youth Prior to Booking

Youth referred to the juvenile hall that are sick, injured or under the influence, shall receive medical attention and clearance prior to being admitted. The arresting officer shall be directed to take youth requiring medical attention to John C. Fremont Emergency Room for medical clearance. Probation staff SHALL NOT take custody of a youth for booking who is believed to be under the influence or in need of medical attention.

Initial Intake Booking Tasks

Upon acceptance of youth, the Probation Corrections Officer shall pat down the youth before handcuffs are removed and while the arresting officer is present. In most cases, the arresting officer will have already conducted a pat down for the presence of weapon(s) only. An institution pat down is for all contraband not allowed in the juvenile hall. Remove handcuffs only when the safety and security of the institution is not compromised.

Have youth remove items from the pockets of their clothing; belts; jewelry, including tongue rings and other body piercing jewelry; shoes and socks. Visually inspect mouth for drugs, tongue/lip rings, etc. If illegal items are found, such as drugs, weapons, etc., immediately turn it over to the arresting officer. Have youth sit down at table.

Probation Corrections Officers shall complete the medical/mental health assessment sheet before the arresting officer leaves. If the youth has to be medically cleared, it is the arresting officer's responsibility to transport youth to the emergency room and stay with youth until cleared for booking. Once youth has been cleared for booking, continue with the booking procedures.

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Have the arresting officer complete the middle section of the booking sheet and document the following information:

1. Booking charge(s) and severity of offense;
2. Name of arresting officer and agency;
3. Arresting agency report number;
4. Check box if Miranda rights were administered;
5. Concise probable cause statement of offense(s);
6. Victim information;
7. Indicate if parent was notified of arrest. Arresting Officer is responsible for parent notification;
8. Arresting officer must also sign the booking sheet.

If a youth has invoked their Miranda rights during the arresting officer's investigation, the youth is still required to answer all questions not related to the commitment offense or alleged crime.

The detention factors section of the booking sheet shall be completed by the Facility Manager or designated person. This person will complete the DRAI to determine if the youth should be detained or released. If the DRAI score is rated at a 10 or higher, the youth shall be detained.

When the decision to detain has been made, the Probation Corrections Officer will complete the youth's property log. List all clothing and valuables (wallet, money, watch, jewelry, etc.) and put items in a marked envelope with youth's name and booking number. Have the youth review the log and sign it. Explain to youth that their property will be returned when they are released.

The PCO will explain the Juvenile Hall rules and have youth sign the form, acknowledging that youth understands the rules. Briefly explain the behavior expectations and basic program procedures, meals, medical requests, phone call, visiting, etc. Staff will also explain to youth the use of OC/pepper spray. Staff will also complete the medical/mental health/PREA assessment at time of booking.

Probation Corrections Officers shall direct youth into the juvenile hall shower/bathroom area. Explain to youth that a partially unclothed body search is a visual search only and is necessary to protect the safety and security of the institution. Direct the youth to remove all clothing, but underclothes, and visually check for contraband (drugs, weapons, etc.). Have youth get into the shower, behind the shower curtain, and remove remainder of clothing. Direct youth to put all clothes in clothes basket provided, and after shower, change into juvenile clothes.

Note: Only same sex searches shall be conducted. Partially unclothed body searches shall only be conducted on WIC 602 youth, not WIC 601 youth (i.e. runaways). Partially unclothed body searches are only conducted on youth who are being booked and detained in juvenile hall.

Photograph and fingerprint (if applicable) youth. Enter booking information and photograph into Case Management system.

Note: Photograph, fingerprint and all Case Management information can be conducted the following day if the youth is booked in late at night or if the safety and security of the institution is compromised.

Secure youth in his/her room and prepare a meal/snack if necessary.

Provide (e-mail) a copy of the Booking Sheet to the Chief Probation Officer, Asst. Chief Probation Officer, Facility Manager, and Revenue and recovery.

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Clearly identify any prescription medications that the youth must take in the log book and complete the medication chart and place in youth's folder.

Intake Shower

Youth shall not be physically forced to shower. Youth will be showered upon booking and issued the following items:

1. Clean and serviceable clothing (underwear, tee shirt, sock's, pants, sweatshirt (seasonal) and shoes.
2. Clean and serviceable bedding (two sheets, two blankets, one pillowcase, one mattress, and one pillow).
3. Necessary toilet articles

Program Expectations

Following a shower and issuance of clothing, the youth will be given instructions regarding: facility rules, grievance procedure, daily schedules and program expectations. When youth complete their booking calls, youth will then be escorted to his/her assigned room and given bedding. The youth will remain in the room for a period not to exceed two hours, while staff completes all necessary tasks and paperwork. This period of time in the room allows the youth a period of time to adjust to his or her new environment.

Fingerprints and Photographs

Staff shall complete the fingerprinting of youth as soon as it is practical. All youth will be photographed at time of booking. The photograph shall be attached to the booking form and uploaded into the case management system.

Section 6.2: Operating Procedures for Detained Foreign Nationals

It is the policy of the Mariposa County Juvenile Detention Facility to comply with all United States treaty obligations on consular notification and access. Notification will be the responsibility of the Facility Manager or Probation Officer making the detention decision.

Definitions

Arrest or detention: Any arrest, detention, or other commitment to custody which results in a foreign national being incarcerated for more than two hours triggers consular notification requirements. A brief traffic stop or an arrest resulting in a citation for a misdemeanor and release at the scene does not trigger such requirements. On the other hand, requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight. The longer a detention continues, the more likely it is that consular notification requirements are triggered.

Foreign National: Any person who is not a U.S. citizen; same as "alien." Aliens who are lawful permanent residents in the United States and who have a resident alien registration card ("green card") are foreign nationals. So are undocumented or "illegal".

Consular Officer of Consul: A foreign official authorized by the Department of State to provide assistance to the foreign government's citizens in the United States. Different from "counsel," which is an attorney authorized to provide legal advice. Consuls are not authorized to practice law.

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Diplomat: A foreign official at the country's embassy in Washington, D.C., assigned to represent the country. Diplomats may also perform consular functions, and should be treated the same as a consular officer.

“Mandatory” Notification: Consular notification procedures that apply when you arrest or detain a foreign national from any of the 57 countries that have agreed to special rules with the United States. For such a foreign national, you must notify the consular officer regardless of whether the national requests or wants you to do so. The “mandatory” list of these 57 countries is located in the Juvenile Detention Facility's Policy and Procedures manual or at www.travel.state.gov/consularnotification.

“Upon request” Notification: Consular notification procedures that apply when you arrest or detain a foreign national from any country not on the “mandatory” list.

Consular Notification Procedures

Obligation for notification is triggered at time of booking. The notification process will begin at the time the arrested foreign national is booked into the detention facility. The booking officer who processes the foreign national is responsible for implementing the notification process. Once it has been determined that the youth is a foreign national, the officer is to notify the Facility Manager immediately.

Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport the foreign national travels. Absent citizenship documentation or other evidence to the contrary, accept the foreign national's own statement as to his or her nationality.

Determine whether or not the youth's country is a mandatory notification (“list”) country. If the foreign national's country is not on the list of “mandatory notification” countries, he or she is from an “upon request” country.

For foreign nationals whose country is on the list for mandatory notifications, follow these procedures:

1. Notify the nearest consulate of the foreign national's country via fax immediately or as soon as reasonably possible, and in no case longer than the end of the booking shift. Notify the consulate even if the foreign national does not want notification. Contact information for consulates is also available at www.travel.state.gov/cjconsularnotification.
2. Never tell the consular officer that the foreign national has requested asylum. If the consular officer insists on information that the foreign national does not want disclosed, contact your supervisor or the Department of State at (202) 647-4415.
3. Inform the foreign national that you notified his or her consulate. You may use the sample statement, available in several languages, at www.travel.state.gov/consularnotification.
4. Make a note of the completed notification in the case file and keep the fax and fax confirmation sheet.

For foreign nations whose country is not on the list for mandatory notifications, follow these procedures:

1. As soon after the arrest as reasonably possible, but no later than booking, inform the foreign national that he or she may have his or her consular officers notified of the arrest or detention. Use the statement provided by the department. The English version of the statement is located in the juvenile hall file cabinet. Statements in other languages are available at www.travel.state.gov/consularnotification.

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2. Make a note of the foreign national's decision in the case file.
3. If the foreign national requests notification, notify the nearest consulate of the foreign national's country as soon as reasonably possible, but no later than 72 hours after arrest. Contact information for consulates is in the juvenile hall file cabinet and can be located at www.travel.state.gov/consularnotification.
4. Never tell the consular officer that the foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, contact your supervisor or Department of State at (202) 647-4415.
5. Make a note of the completed notification in the case file and keep the fax and fax confirmation sheet.

Facility Access and Visitation Privileges of Consular Officers

Give consular officers and diplomats visiting a detained foreign national the same access privileges as attorneys visiting a client. Consular officers and diplomats are required to adhere to the same visitation guideline, rules, and regulations as attorneys.

Consular officers and diplomats must have proper identification to gain facility access. They should be carrying identification cards issued by the Department of State. If you have reason to doubt the authenticity of the identification card, call the Department at (202) 647-1985 or after hours at (571) 345-3146 or (866) 217-2089.

Documentation and Recordkeeping

Document the consular notification and/or offer of notification in the department's case management system on the foreign national's booking note screen.

Make the consular notification by fax if possible, and by telephone if not. Place a copy of the fax and fax confirmation receipt in the foreign national's file and upload a copy of notification documents into the booking section of the department's case management system. Use the fax sheet available in the juvenile hall file cabinet. A sample fax sheet is also available at www.travel.state.gov/consularnotification.

If notification must be made by telephone, note the name and location of the consulate notified, the name of the person to whom you gave the information, and the date and time of notification. Make an audio recording of the telephone call if possible and preserve it.

For foreign nationals from "upon request" countries, make a notation that you told the national that he or she may have the consulate notified, and note the national's response in the booking note section of the department's case management system. Indicate the date and time of your offer and the national's response. Use the statement form provided and located in the juvenile hall file cabinet. Notification Statements in other languages are available at www.travel.state.gov/consularnotification.

For foreign nationals from mandatory notification ("list") countries, make a notation in the booking note section of the department's case management system that you told the national that you notified the consulate. Use the statement form provided and located in the juvenile hall file cabinet.

Print the note screen and include it in the paperwork for the foreign national's records file.

The supervisor will be responsible for ensuring the proper notations are made in the record.

Death, Serious Injury or Illness of a Foreign National

Mariposa County Juvenile Detention Facility will be subject to the guideline outlined in the Standard Operation Procedures of consular notification for foreign nationals.

In addition to the above procedures, when a foreign national dies, is seriously injured or becomes seriously ill, notify the nearest consulate of his or her country immediately or as soon as reasonably possible. Make sure notification by fax if possible, and by telephone if not. Use the fax sheet available and located in the juvenile hall file cabinet. Additional forms are located at www.travel.state.gov/consularnotification.

Document this notification in the incident report, and place a copy of the fax and the fax confirmation receipt in the foreign national's file and upload copies of these documents into the booking section of the department's case management system.

Section 6.3: Release Procedures for Detained Youth

Source: Title 15, Section 1351

Facility staff shall verify the identity of youth prior to release from custody; notify parent/guardian of youth's intended release; and ensure that youth's property and medication is returned to youth upon release.

Facility staff will comply with the following procedures prior to youth's release from custody:

1. Verification of identity/release papers;
2. Return of personal clothing and valuables;
3. Notification of release to youth's parent or guardian

The following procedures shall be used when releasing a youth from the custody of juvenile hall:

1. Staff shall verify the identity of responsible legal guardian, parent, or other person accepting custody of youth;
2. The youth will be responsible for removing all items from his room prior to being released;
3. The youth's quarters will be inspected for damage prior to the release of youth;
4. Youth will be placed into the assigned room where he/she will receive his/her personal clothing to put on (Items such as belts, shoes, and jackets shall be returned to the youth when they are leaving the facility); and
5. A signature from the youth must be obtained to verify the return of property and correspondence.
6. The Probation Correction Officer or Deputy Probation Officer shall ensure that whenever a youth is sentenced in court, and ordered to serve more than 30 days in any contracted juvenile correctional facility, when applicable, an application for Medi-Cal will be submitted on behalf of the youth to ensure that the youth maintains their medical coverage following release from custody. (Title 15, Section 1324 j)

When releasing a youth, all property will be checked off of the Admissions report in front of the youth. All property will be returned to the youth. If the youth is being picked up by another agency, the property will be checked off in front of the youth and the transporting person, and the form will be signed by the youth.

Upon accepting the youth, the responsible party shall be given any medications or paperwork necessary.

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Once the youth is released, staff shall document youth's departure and the name of the receiving adult in the unit logbook.

Section 6.4: Classification of Detained Youth

Source: Title 15, Section 1352

Within the meaning of the regulations, this section does not apply. This facility is a Special Purpose Juvenile Hall with only two cells, containing two beds in each. In most instances, only one youth is in custody at a time.

Staff will attempt to identify and recognize special security, medical or mental health needs of youth who are received or detained at Mariposa County Juvenile Hall. Youth in custody requiring special housing placement due to special needs or circumstances shall be transported to a full service juvenile detention facility, if the youth cannot be safely maintained in this facility.

The procedures for determining the appropriate housing of youth in this facility shall include the following:

1. The safety of the youth, other youth, facility staff, and the public, by placing youth in the appropriate, least restrictive housing and program settings. Housing assignments shall consider the need for single or double room assignment; and
2. Youth shall be evaluated upon admittance to the facility; evaluation factors shall include, but are not limited to: age, maturity, sophistication, emotional stability, program needs, legal status, public safety considerations, medical/mental health considerations and sex of the youth; and
3. Facility staff shall not separate youth from the general population or assign youth to a single occupancy room based solely on the youth's actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status.

If staff identify concerns about housing youth in this facility, staff will advise the Facility Manager, Assistant Chief Probation Officer, Chief Probation or Deputy Probation Officer, who will determine if the youth needs to be transported to another facility.

Youth with special security, medical, mental health or other needs may be detained in this facility, with administrative approval. Staff shall comply with the following criteria for ensuring the safety of all youth detained in this facility.

Staff shall use the following criteria to identify youth who need to be on a Suicide Watch:

1. Youth has evidence of recent attempts of suicide (cuts on wrists, etc.);
2. Youth is in a state of emotional distress (uncontrollable crying, hysterical, exhibiting signs of depression);
3. Youth is talking about harming self, direct or implied;
4. Youth admits to recent prior attempts;
5. Information obtained from law enforcement, parent, mental health, probation or medical staff;
6. Seriousness of offense (murder, etc.);

Staff shall comply with the following procedures for youth classified on Suicide Watch:

1. Staff shall complete room checks on youth every 3 to 5 minutes or less to ensure their safety;
2. Staff shall conduct an unclothed body search on youth, twice per shift;

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3. Staff shall search youth's quarters at least once per shift.

Staff shall use the following criteria identify youth as a Sex Offender. Youth classified as a Sex Offender will never be left unattended with other youth.

1. Youth has been involved in some form of sex crime;
2. Youth has demonstrated a behavior problem when housed with other youth;
3. Youth is serving a room confinement for poor conduct while housed at Juvenile Hall;
4. Youth has reached his eighteenth birthday.

Staff shall use the following criteria to identify youth in need of a Single Cell Status. This status of youth will never be left unattended with other youth.

1. Youth admits to Same Gender Preference.
2. Youth has a history of Same Gender Preference.

Staff shall use the following criteria for identify youth in need of Medical Isolation. This status of youth will never be in contact with other youth. These youth will remain in their assigned room. Staff will practice all Universal Precautions.

1. Youth has some medical problems observed during the intake process (unknown type of rash on body, or other medical condition that may be contagious);
2. Youth reports to staff that he/she is ill and there is reason to believe that the illness is contagious;
3. Youth is placed on bed rest for medical condition.

Staff shall use the following criteria to identify youth requiring Program Restriction. These youth will be given one hour per day of recreation time. This will be accomplished with no other youth present.

1. Youth has known enemies housed in the hall;
2. Youth cannot display appropriate behavior in the presence of other youth;
3. Youth is placed on Program Restriction as a disciplinary action.

Staff shall use the following criteria to identify youth as a Suicide Alert. This differs from Suicide Watch status, as this is a status that will remind staff that youth may have some mental health issues surfacing, and step up supervision is required, but does not justify "A" status.

1. Youth has past suicidal tendencies, but appears to be in remission.
2. Youth who has recently stopped psychotropic medications?
3. Youth who receives significant "bad news" while in custody (death in family, so forth).

Staff shall use the following criteria for identify youth as a Security Risk. These youth will be transported and escorted in full restraints. Special consideration will require two staff be present any time the youth is out of their room. The Facility Manager will determine the two staff rule.

1. Seriousness of youth's offense (all W&I Code 707 offenses);
2. Youth is considered an escape risk;
3. Youth has been involved in assaultive behavior while in custody;
4. Youth is recommended for or will be placed at California Youth Authority;
5. Youth is on a DJJ parole hold or held on a warrant from another jurisdiction;
6. Youth has made threats of escape, assaults upon others, or has demonstrated conduct that would justify the security risk status;

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7. Youth continues to engage in verbal and physical altercations with other youth or staff in the facility;
8. Youth is unable to follow the behavior modification program without incidents;
9. Youth is consistently earning disciplinary room time for poor behavior and being uncooperative with staff;
10. Youth demonstrates unwillingness to participate in regular programs or school.

Youth detained under W&I Code 601, may be held in the Mariposa County Juvenile Detention Facility under the following circumstances. No youth may be permitted, under any circumstances, to be within sight or sound of youth detained under W&I Code 602.

1. For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the youth when the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist;
2. For up to 24 hours after having been taken into custody in order to locate the youth's parents or guardian, as soon as possible, and to arrange the return of the youth to his or her parent or guardian;
3. For up to 24 hours after having been taken into custody, in order to locate the youth's parent/guardian and arrange the return of the youth to their parent/guardian, when parent/guardian is a resident outside the State of California; except that the period may be extended to no more than 72 hours when the return of the youth cannot reasonably be accomplished within 24 hours due to the distance of the parent/guardian from the county of custody, difficulty in locating the parent/guardian, or difficulty in locating resources necessary to provide for the return of the youth.

Youth who have been identified to fall under any of the above special security, medical, mental health or other needs statuses will be reviewed by the supervising staff daily and the Assistant Chief Probation Officer within the 72 hour requirement. These may be updated or removed to properly identify the youth's status while at the facility.

Any staff member can upgrade a youth's status, but only the Facility Manager can downgrade a youth's status. The standard for upgrading a youth's status will be "reasonable cause", and the staff member will be required to justify the increase of status.

This process of review will not exceed a 48-hour period from the referral of an increase in restriction or special incident that may have transpired.

Section 6.5: Orientation for Detained Youth

Source: Title 15, Section 1353

All youth who are booked for detention in this facility shall receive orientation information about this facility after the booking process has been completed.

Staff will utilize the following procedures to orient a youth to the facility prior to placement in a living area. Both written and verbal information shall be provided to youth. Provisions shall be made to provide information to youth who are impaired, illiterate, or do not speak English.

The youth's orientation to the facility shall include the following:

1. Informing the youth about facility rules and disciplinary procedures; and
2. Explaining the grievance procedures to the youth; and
3. Allowing youth to have access to legal services; and

4. Allowing youth to have access to health care services; and
5. Classifying youth to appropriate housing assignments; and
6. Staff shall provide youth with items of personal care and an opportunity for personal hygiene; and
7. Youth shall have use of correspondence material, visiting privileges, and telephone; and
8. Staff shall explain the availability of reading materials, programs, and activities; and
9. Staff shall explain the facility's use of restraints and chemical agents; and
10. Staff shall explain the facility's policy on the use of force; and
11. Staff shall explain the emergency and evacuation procedures.
12. Staff shall provide information on the juvenile court process

Section 6.6: Separation of Youth

Source: Title 15, Section 1354

It is the policy of this facility that youth will only be separated from the general population for reasons that include, but are not limited to, the following:

1. Medical and mental health conditions;
2. Assaultive behavior;
3. Disciplinary consequences;
4. Protective custody
5. Court ordered separation

Youth who are separated, shall not be denied normal privileges available at the facility, except when necessary to accomplish the objectives of separation. The status of youth placed on separation and/or special programming will be reviewed by the Facility Manager with 24 hours.

Section 6.7: Transgender (LGBT) Youth

Source: Prison Rape Elimination Act 28 C.F. R. Part 115

Purpose

The purpose of this policy is to establish operational practices that reinforce the Probation Department's commitment to respect the dignity of all youth including transgender and gender non-conforming youth, creates a safe environment for all youth, and ensures that all youth have equal access to all available services, care and treatment.

Policy

It shall be the policy of the Mariposa County Probation Department's Juvenile Division and Detention Facility to maintain and promote an organization that provides the highest quality of services to youth regardless of actual or perceived sexual orientation or gender identity.

Lesbian, Gay, Bisexual and Transgender (LGBT) youth under the supervision of the Juvenile Divisions of the Probation Department shall receive fair and equal treatment, without bias and in a professional and confidential manner based on principles of sound professional practice.

Employees, volunteers and contractors that offer services to youth shall not discriminate or harass any youth in their care based on the youth's actual or perceived sexual orientation or gender identity.

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Probation Department employees shall protect youth from discrimination, physical and sexual harassment by other youth, based on a youth's actual or perceived sexual orientation or gender identity.

The Probation Department will take reasonable steps within its control to meet the diverse needs of all youth and provide an environment in which all individuals are treated with respect and dignity, regardless of sexual orientation or identity.

Definitions and Abbreviations

LGBT: Common acronym for Lesbian, Gay, Bisexual, and Transgender. This term is often used to refer to individuals whose sexual orientation is not heterosexual or whose gender identity is non-conforming.

Lesbian: A woman whose emotional, romantic, and sexual attractions are primarily for other women.

Gay: A person whose emotional, romantic, and sexual attractions are primarily for individuals of the same sex, typically in reference to men.

Bisexual: A person who is emotionally, romantically, and sexually attracted to both men and women.

Transgender: An umbrella term that can be used to describe people whose gender expression is non-conforming and/or whose gender identity is different from their assigned sex at birth. This term can include transsexuals, gender queers, cross-dressers, and other whose gender expression varies from general norms.

Queer: Historically used as a derogatory term, *queer* has been widely reclaimed, especially by younger LGBT people, as a positive social and political identity. It is sometimes used as an umbrella term for all LGTB people.

Questioning: Refers to the active process in which a person explores her/his own sexual orientation, and/or gender identity, and questions the cultural assumptions that they are heterosexual and/or gender conforming.

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 a disorder of sex development.

Gender Non-Conforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

Single Room Only (SRO): SRO status is housing classification for juveniles signifying they are not to be housed in the same sleeping room with other juveniles. Separation reasons may include vulnerability to victimization; sexually aggressive behaviors; other specific information about individual residents that may indicate heightened needs for supervision/safety precautions; or to ensure privacy for transgender youth to dress and perform bodily functions without residents of the opposite gender viewing them.

Confidentiality

Employees of the Mariposa County Probation Department, or employees and volunteers of any agency providing services on behalf of Juvenile Justice youth and their families, shall not disclose a youth's sexual orientation or gender identity to other youth or to outside parties, individuals, or agencies, including health care or social service providers, or a youth's parent/legal guardians or

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other family members without the youth's permission, unless such disclosure is necessary to comply with state or federal law. Further, a youth shall not be compelled by any staff, provider agency or volunteer to disclose youth's sexual orientation or gender identity to anyone.

Employees shall explain to youth the extent and limits of their ability to keep information about their sexual orientation or gender identity confidential. If staff is not in a position to keep information that a youth discloses confidential, such as information relating to safety issues or needed for appropriate service referrals, they shall inform the youth that such information may need to be shared and why.

Probation staff inside and outside of secure facilities shall communicate information within the agency about a youth's sexual orientation or gender identity only if relevant to treatment, case planning and finding effective services for youth, and any disclosure shall be limited to information necessary to achieve the specific beneficial purpose.

This confidentiality restriction does not prevent staff from discussing a youth's needs or services with other staff members or when resolving a grievance.

Screening and Intake

Staff should be aware that LGBT youth are in various stages of awareness and comfort with their sexual orientation and gender identity. Youth intake interviewers shall sensitively inquire about fears the youth may have of being harassed in the facility. Intake staff will ask youth their sexual orientation and gender identity. Some youth will disclose that they are LGBT. However, no youth shall be compelled to disclose. If a youth discloses their sexual orientation or gender identity, the intake staff should talk with the youth about it in an open and non-judgmental fashion and determine if the youth has particular concerns or needs related to being LGBT.

Transgender youth may be identified during admissions based on:

1. A youth's statements that he or she is transgender, is "trapped in the wrong body," or is really a different sex than his or her birth sex;
2. A youth's request to be called by a name that is not traditionally associated with his or her birth sex;
3. Any statements in arrest reports indicating the youth is transgender or that the police were unsure of the youth's sex.

Specific policies for processing transgender youth in custody can be found in the Juvenile Hall Policy and Procedures Manual.

Housing

Probation staff shall make an individualized assessment of each transgender youth when considering housing placement. The safety and well-being of the transgender youth should be the primary concern.

Staff should consider youth's background, age, developmental status, sophistication, social skills, charges, behavioral history and other factors that might influence youth's adjustment and contribute to an overall safe and successful experience for the youth, as well as all other youth in the facility.

Transgender youth shall not automatically be housed according to their birth sex. Housing decisions for transgender youth shall be based on the youth's individualized needs and should prioritize the

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youth's emotional and physical safety while taking into account the youth's perception of where youth will be most secure.

Placement and programming assignment of transgender or intersex youth will be periodically assessed to review any threats to safety.

Youth's sexual orientation and/or gender identity is not an indicator of the likelihood of the youth being sexually abusive towards others. Staff shall not consider a resident's LGBT status as a reason to isolate or withhold programming options.

Youth shall not be prohibited from having a roommate based on a youth's actual or perceived sexual orientation.

Consistent with the facility's reasonable and necessary security policies, youth shall be provided with safety and privacy when using the shower and bathroom and when dressing and undressing. Transgender youth shall be provided the opportunity to shower at a separate time from other youth.

Youth shall be allowed to dress and present themselves in a manner consistent with their gender identity and will be permitted to groom according to their preferred gender expression regardless of housing assignment.

Privacy accommodations should not prevent transgender youth from full integration into Juvenile Hall's daily programming.

LGBT youth shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse.

Searches

All searches will be conducted in a professional and respectful manner by staff. Searches shall, to the extent possible, be performed in a way that preserves the privacy and dignity of the person being searched.

1. Transgender youth shall not be physically searched in a manner that is humiliating or degrading or for the purpose of determining the youth's physical anatomy.
2. In situations where the genital status of a youth is unknown, staff will attempt to determine the genital status through conversations with the youth or through a review conducted by medical personnel.
3. If attempts to determine the youth's genital status are unsuccessful, Juvenile Hall Administration or their designee may obtain the needed information via a broader medical examination conducted in private by a medical practitioner.

It is Juvenile Hall's general policy that staff of the same sex as the youth are to conduct searches except under exigent circumstances, or when performed by a medical professional.

Should a transgender youth request that either a male or female staff conduct a search (pat and/or strip search), the request shall be forwarded to the Facility Manager to consider alternate arrangements in conducting the search. The request, resolution with rationalization for said decision, and outcome, including who ultimately conducted the search, will be documented in the youth's adjustment record and/or incident report as determined by the Supervisor.

Equal Access to all Available Services, Care and Treatment

In accordance with State and Federal Law, every youth has the right to live in an environment free of harassment and discrimination. The 14th amendment to the U.S. Constitution provides for equal

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protection under the law; in essence, prohibits prejudice. The amendment also introduced the legal instrument of Due Process; the right of all persons to receive the guarantees and safeguards of the law/judicial process. Treating transgender youth in an unequal manner could be a violation of their Constitutional Rights. For instance, just because a youth is transgender youth should not be isolated for youth's own protection, nor should verbal, physical, or sexual abuse of a transgender youth be ignored.

The Probation department has a responsibility to ensure that all youth are treated with respect and that the rights of transgender youth are upheld particularly with respect to their safety, mental health, and privacy. Staff should be professional in conducting their duties and strive to ensure that all youth have equal access to all services, care, and treatment.

Juvenile Hall has a zero tolerance for sexual abuse and sexual harassment.

1. If staff act in a discriminatory manner toward any youth, their actions could subject the County and themselves to claims of discrimination, as well as intentional or negligent infliction of emotional distress. Such conduct is a violation of Mariposa County's non-discrimination and anti-harassment or intimidation policies based on sex or gender, and the Probation Department's Administrative Policy and Procedures Manual.
2. Staff shall report incidents of sexual abuse, sexual harassment or discrimination.
3. Staff shall be subject to disciplinary sanctions, up to and including termination, for violations of agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

Employee, Volunteer and Contractor Training

In order for employees, volunteers, and contractors to have the awareness and capacity to effectively work with LGBT youth, they will be required to attend timely training on working with LGBT youth. The employee, volunteer, and contractors training shall consist of, but not be limited to, the following topics:

1. The goals and requirements of the Probation Department's Nondiscrimination Policy and Practice Guidelines regarding LGBT youth.
2. How to work with LGBT youth in a respectful and nondiscriminatory manner.
3. How to recognize, prevent and respond to harassment against LGBT youth.

Reporting

Employees, volunteers and contractors of the Mariposa County Probation Department and Juvenile Detention Facility, shall promptly and appropriately intervene when a youth physically, verbally, or sexually abuses or harasses another youth based on the youth's actual or perceived sexual orientation or gender identity.

All employees, volunteers, and contractors shall be required to report all untimely, absent or inappropriate interventions.

Youth shall be able to report violations of this policy following established grievance procedures. Grievance procedures shall protect confidentiality of youth and contain other measures to prevent retaliation. The youth may also tell the Facility Manager, Deputy Chief Probation Officer, Chief Probation Officer, medical or mental health staff, parent/guardian, or any trusted adult.

Supervisory and management staff shall treat all reports of violations of this policy seriously. The Facility Manager shall promptly and effectively respond to grievances filed by youth and shall take

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swift action according to established procedures when youth, employees, volunteers, or contractors report violations.

Section 6.8: Institutional Assessment and Plan for Detained Youth

Source: Title 15, Section 1355

This facility is a Special Purpose Juvenile Hall which holds youth for no more than 96 hours. Within the meaning of the regulations, this section does not apply.

Section 6.9: Counseling and Casework Services for Detained Youth

Source: Title 15, Section 1356

This facility shall provide appropriate counseling and casework services to all youth detained in this facility.

Staff will make every effort to address the needs of youth detained. Staff shall provide close supervision of youth and interact with youth throughout the daily activities. Facility staff shall ensure that youth have access to the following counseling and casework services:

1. Youth will receive assistance with personal problems or needs that may arise; and
2. Youth will receive assistance in requesting contact with parents, attorney, clergy, probation officer or other public official; and
3. Youth will be provided services, as appropriate, through referrals for substance abuse, family crisis and reunification, counseling, public health and mental health services.

Section 6.10: Use of Force

Source: Title 15, Section 1357

Use of force is rarely necessary in this facility. Use of force shall never be applied as punishment, discipline, treatment or for the sole purpose of gaining compliance. Physical or mechanical restraints will be used only when all other interventions have been unsuccessful.

“Force” is defined as the use of physical power to overcome resistance of another person.

The use of restraints is a necessary measure to effectively control youth in select situations. Staff may use physical force to restrain a youth who become violent or display signs of imminent violence; or to prevent injury, escape or suicide. In situations requiring restraint and control, staff may use only those techniques and devices approved by the department. When physical restraints are used, staff shall use only the minimum force necessary to control the youth; and document all prior steps taken by staff to avoid the use of restraints.

The following procedure for use of force will be used:

1. When using force, use only that force necessary to control a youth who is exhibiting threatening behavior.
2. Staff shall report all uses of force, no matter how slight, and will take affirmative action to stop any inappropriate use of such force.
3. Staff shall be provided with training in the area of “use of force,” including the training on use of less than lethal force and chemical agents.
4. In the event that physical force is used, all staff involved in the incident shall complete an incident report before the end of the shift.

5. Staff will note in the incident report, all measures taken to control youth's behavior prior to the use of force.
6. This review will include the appropriateness of staff actions and incident debriefing, medical/mental health treatment for staff and youth, and recommendation of disciplinary action for the youth.
7. The incident report packet will be left for the Superintendent or designee's review during the next business day.
8. Juvenile Hall staff is authorized to carry and use Oleoresin Capsicum (OC Pepper spray). These staff members must have completed an STC or POST certified block of instruction in the application of OC spray.
9. Only county-issued OC spray canister may be used by staff while on duty. OC spray may be used only in cases where the application of physical force would be appropriate.

Types of Force

Since youth occasionally become violent or display signs of imminent violence, it is sometimes necessary for staff to use force to prevent them from hurting themselves, staff, or others, and/or from destroying property.

1. **Immediate Use of Force.** Staff may immediately use force when the behavior constitutes an immediate, serious threat to the youth, staff, others, property, or to institution security and good order. In an immediate use of force situation, staff may respond with or without the presence or direction of a supervisor. Staff shall contact the Facility Manager as soon as possible after the incident is over to report the incident.
2. **Calculated Use of Force.** This occurs in situations where a youth is in an area that can be isolated (e.g., a locked cell) and where there is no immediate, direct threat to the youth or others. When there is time for the calculated use of force, staff must first determine if the situation can be resolved without resorting to force. Staff shall contact the Facility Manager or designee when this situation occurs.

Circumstances

Based on experience, calculated rather than immediate use of force is feasible in the majority of incidents correctional officers encounter. Staff must use common sense and good correctional judgment in each situation to determine when there is time for the calculated use of force.

The safety of persons involved is the major concern. Obviously, immediate (and unplanned) use of force by staff is required if a youth is trying to self-inflict life-threatening injuries, is attacking a staff member or another youth. If those circumstances are not present, staff should employ non-confrontational methods of persuasion to gain compliance.

Calculated use of force would be appropriate, for example, if the youth is in a cell or in an area where the door is (or can be) secured, even when a youth is verbalizing threats or brandishing a weapon, provided staff believe there is no immediate danger of the youth hurting self or others. The calculated use of force situation permits the use of other staff (e.g., Sheriff's Deputies, Deputy Probation Officers, psychologists, counselors) in attempting to resolve situations in a non-confrontational manner.

Use of Chemical Agents or Non-lethal Weapons

Correction Officers who have received the appropriate training will carry the OC spray on their duty belts while working in the juvenile hall. At the end of their shift, Correction Officers will store their

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duty belts/OC spray in the locked cabinet located in the hallway outside the facility. OC spray will be maintained annually by designated personnel.

The Correction Officers may use OC spray as a chemical agent or non-lethal weapons that have been approved by the department, only when the situation is such that the minor:

1. Is armed and/or barricaded;
2. Cannot be approached without danger to self or others;
3. It is determined that a delay in bringing the situation under control would constitute a serious hazard to the youth or others, or would result in major disturbance or serious property damage.

Qualified health personnel shall be consulted prior to staff using OC spray or non-lethal weapons, unless the circumstances are such that immediate use is necessary. Whenever possible, the youth's medical file should first be reviewed to determine whether the youth has any diseases or condition which would be dangerously affected if the chemical agent, pepper spray, or other types of force are used. This includes, but is not limited to: asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy, congestive heart failure or a pregnant minor.

If a youth has a medical condition such as a broken or sprained arm that prohibits use of force, you can place the youth in an arm bar or wrist lock using the opposite arm. Staff will try to ensure that the minor is not reinjured.

Prohibited Uses of Force

Staff shall never use the following methods while attempting to control a youth in the Juvenile Hall:

1. Under no circumstances shall a chokehold be used.
2. Under no circumstances shall a "hog-tie" position be used.
3. Restraints (except for safety seat belts) shall not be used to secure a youth to any part of the transport vehicle.
4. Under no circumstances shall force or the threat of the use of force be used as punishment or as means of coercion.
5. Use of force will not be used solely because youth is not following verbal commands. As long as youth is not causing harm to themselves or others, or exhibiting threatening behavior, staff shall observe youth at all times and attempt to verbally persuade youth into compliance. Staff shall clearly document youth's noncompliant behavior and staff's actions in an incident report.
6. O.C. Spray shall not be used on any youth who has a known medical condition or is exhibiting suicidal behavior.
7. Under no circumstances will Tasers, batons/billy clubs or any other lethal weapon be used.
No lethal weapons of any kind will be allowed inside the facility.

Exceptions

Use of Force incidents shall be documented and reviewed, and if the provisions of this directive are violated, such review shall also determine if a person using sound correctional judgment would reasonably believe the situation required an exceptional response and if the actions taken were reasonable and appropriate.

If inappropriate use of force is used, staff will receive a formal write-up in their personnel file, demotion, and/or time off without pay. If staff witnesses inappropriate use of force by another staff member they must bring it to the attention of any supervisor.

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The Chief Probation Officer or designee, Facility Manager, and Deputy Probation Officer shall comprise the Team reviewing the incident on the next work day after the incident.

Youth may file a grievance if they feel that use of force was unnecessary or applied inadequately. (See Grievance Procedures posted on the dayroom wall)

Section 6.11: Use of Physical Restraints

Source: Title 15, Section 1358

It is the policy of this facility not to use physical restraints. Within the provisions of the regulations, the use of physical restraints does not apply to the use of handcuffs, shackles or other restraint devices when used to restrain youth for movement or transportation.

The department will provide initial and ongoing staff training for the proper use of physical restraints before issuing or using any restraint equipment. There shall be an administrative review procedure for the use of physical restraints in all cases.

When a youth becomes unresponsive to verbal commands and/or becomes physically aggressive toward staff or self, staff shall immediately request backup assistance from the Probation Department or Sheriff's Department. During regular Probation Department hours, staff shall contact Facility Manager or an on-duty Deputy Probation Officer for immediate assistance. After Probation Department hours, staff shall contact Sheriff's Dispatch and request assistance from the Sheriff's Department.

When physical restraints are used, consider any known medical conditions that would contraindicate certain restraint devices and/or techniques. If you question the use of physical restraints based on medical conditions, **do not use any devices until you have contacted medical or mental health personnel.**

Prior authorization for use of restraints shall be approved by the Facility Manager, Assistant Chief Probation Officer, Chief Probation Officer or On Call Deputy Probation Officer. Youth should be under the control of staff before attempting to apply mechanical restraints. At least two staff members (including responding Sheriff's Deputy or Deputy Probation Officer) shall be present when restraints are applied.

Only authorized restraint devices will be used when it appears less restrictive alternatives would be ineffective. If youth is beyond verbal control and a threat to others, only then, will physical restraint be deemed appropriate. Youth requiring physical restraints for longer than 15 minutes will be transported immediately to John C. Fremont Hospital for a medical and/or mental health evaluation.

Direct and constant visual supervision will be conducted and documented to ensure that the restraints are properly employed and to ensure the wellbeing of the youth. Restraints shall be removed immediately upon the youth regaining self-control. Written reports shall be maintained on all physical contacts and incidents where mechanical restraints were used. Medical checks on youth who have been restrained shall be given as soon as practical.

Employees observing any violation of this policy shall immediately report the violation to the Chief Probation Officer, Assistant Chief Probation Officer or Facility Manager.

Routine Applications of Physical Restraints

Mechanically restraining a youth shall be done, when deemed necessary for the safety of the youth, staff and community, under the following conditions:

1. When a youth is transported in custody or escorted, either on or off facility grounds.
2. As a temporary emergency measure when the youth's apparent emotional or mental state or past behavior suggests that the youth is likely to engage in violence or flee.

Proper Application of Handcuffs, Legcuffs and Transport Belts

Knowledge of the proper use of the physical restraint equipment is important to prevent injury to staff and youth. Staff is vulnerable to attack when applying or removing restraints.

Employees observing improper restraint application should immediately try to correct the situation, and then report the occurrence to the facility administrator or designee.

To properly apply belly chain and handcuffs, follow these steps:

1. Have the youth stand, face a wall, place their hands flat against the wall, and spread their feet. Tell them to stay in that position. Holding the waist chain between both hands. Take one end and start passing it around the youth's waist until it goes completely around to youth's back. Next, pull the chain up just under the youth's rib cage and adjust the chain so that it is snug. Insert the gold clip through the silver link. Hang onto the gold clip, the remaining chain can dangle. Now have youth place their hands with their fingers interlaced on their stomach. Have the youth turn around slowly until they face you. Recheck the tightness of the chain, if too loose adjust properly. At this point you can now insert the cuff through the gold clip.
2. The handcuff should fit between the wrist and hand.
3. The handcuff should be snug but not overly tight. A finger should fit between the cuff and wrist.
4. Ensure to double lock the handcuffs.
5. The double bars should be up, the keyholes facing up the arms.

To properly apply legcuffs, follow these steps:

1. Once the youth has the waist chain and the handcuffs on you may now apply the leg cuffs.
2. With the youth facing the wall, hands touching the wall with their hands and feet slightly spread; have the youth lift one leg back bending at the knee. Place the legcuff on with the double bars up and the keys facing away from the youth. Double lock the cuff. Repeat process for the other leg.

Prohibited Uses of Physical Restraints

Mechanical restraints shall not be placed around the neck of a youth, nor shall restraint equipment be applied in any way that inflicts physical pain or restricts blood circulation or breathing.

Youth may not be restrained to any stationary object (other than beds). The affixing of hands and feet together behind the back (hog-tying is prohibited).

Pregnant Youth

Mariposa County Juvenile Hall staff should AVOID PHYSICAL RESTRAINT of any female known to be pregnant whenever possible. However, staff may be required to restrain if there is

imminent risk of injury to youth or staff. Pregnant females shall only be handcuffed in front of the body. **All known pregnant females shall be medically cleared prior to booking.**

Under Section 222(b) of the Welfare and Institutions Code of the State of California, a pregnant female shall not be shackled by the wrists, ankles, or both during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, subject to the security needs described in this section. Pregnant youth temporarily taken to a hospital outside the facility for the purposes of childbirth shall be transported in the least restrictive way possible, consistent with the legitimate security needs of each youth. Upon arrival at the hospital, once the pregnant female has been declared by the attending physician to be in active labor, the youth shall not be shackled by the wrists, ankles, or both, unless deemed necessary for the safety and security of the youth, the staff, and the public.

Any pregnant female taken to a hospital for medical care shall be brought by two transportation staff, and shall be unrestrained during transport. Where there is concern about the security or safety of the pregnant female, the least restrictive amount of force should be used in preventing escape, harm to the resident or her baby, or to protect the community. If there is a legitimate security concern, with permission from the Superintendent or designee, staff may handcuff the resident in front. If handcuffed in front, the pregnant female must have a two-person escort to assist her with maintaining her balance. A special Incident Report documenting the rationale for the security concern shall be written by one of the transporting staff members.

Section 6.12: Use of Safety Rooms

Source: Title 15, Section 1359

This facility does not have a safety room as defined within the provisions of the regulations.

Section 6.13: Searches of Youth, Facility and Visitors

Source: Title 15, Section 1360

Searches shall be conducted to ensure the safety and security of the facility, and to provide for the safety and security of the public, visitors, youth and staff.

Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched; and shall not be conducted for harassment or as a form of discipline or punishment.

Youth shall be searched when they are admitted into the facility for booking. Staff shall never take the word of the person who transported the youth to the facility that the youth has been searched.

Staff is responsible for the safety and supervision of the youth from the moment youth are booked into the facility until the moment youth are removed from the facility. **NEVER ASSUME THE YOUTH HAS BEEN SEARCHED.** Youth shall also be searched when there is cause to believe that one or more youth in custody possess contraband.

Staff will routinely conduct two types of searches:

- a) Cursory search
- b) Pat-down search

Cursory Search

A cursory search is an initial evaluation of the youth, noticing youth's activity and any guarded or unusual movements from the moment the youth is presented to you. Staff will learn how to make

these observations without the youth's knowledge and appearing to set the youth at ease on intake. Staff will note the condition and position of any clothing and visible personal belongings (hat, gloves, bags, etc.) and mentally keep track of these items whereabouts throughout the intake process.

Pat-down Search

A pat-down search is conducted while the youth is clothed. The search requires the searcher to move over the entire body, pressing the clothing in an attempt to detect contraband and/or weapons. A Pat-Down search may also involve the use of a hand held metal detector (wand).

A pat-down search will enable a staff member to eliminate any possibility that the youth has brought any contraband into the facility. If contraband is located during the search, it should be placed in a plastic bag and logged on the intake sheet. If contraband is located during the search, staff shall notify the Facility Manager or the Probation Officer immediately, as the contraband may be evidence involved with the arrest, and the youth may be booked with additional charges.

If a female staff is on duty when a male is brought in for detention, she may ask the transport officer or request that a Deputy Sheriff assist and/or standby during the search. If a male staff is on duty when a female youth is brought in for detention, he may ask the transport officer or request that a Deputy Sheriff assist and/or standby during the search.

A clothed body search (pat down) is the only authorized search to be conducted by facility staff. Searches are permitted for the following reasons:

1. Pat down and visual searches shall be conducted of individuals and the facility on a regular, random and routine basis.
2. Searches may be conducted for visitors on the basis of probable cause or limited administration searches to ensure security and sound operation of the facility.
3. All youth should be searched every time they enter the institution from the community or after visiting with outside persons within the institution, and those youth also returning from court or from another facility.
4. A search of a visitor's vehicle, package, purse, pockets, and other belongings, while on the premises, as well as "pat downs" of a visitor's outer clothing, is permissible. If the visitor declines to be searched, this is a cause to deny the visit. *Notice of that policy should be posted for visitor's information.*
5. Facility searches include both youth and their personal property within the facility.

Staff working with youth of the opposite sex shall be sensitive to the feelings of youth who are observed showering, dressing, using a toilet, submitting urine samples or being subjected to searches.

Strip Search (Unclothed Body Search)

Staff shall NEVER conduct a strip search without the prior written authorization of the Facility Manager, Assistant Chief Probation Officer or the Chief Probation Officer. The authorization shall include the specific articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor. Strip searches should only be conducted on youth booked on a felony offense.

A strip search requires the removal of youth's clothing to permit visual inspection of the entire body; including breasts, buttocks, and genitalia of the youth. An inspection of the underclothes and outer

clothing will be performed by physically searching each item. Unclothed Body Searches will be conducted with the youth's privacy in mind.

Visual body cavity search requires a search warrant and can only be conducted by medical personnel. **Under no circumstances is institutional staff to conduct physical searches of the body cavities of any youth. This type of search is prohibited.**

All body searches, including "pat downs", should be conducted by staff of the same sex as the youth being searched, except under emergency circumstances. Opposite sex searches shall be done in the presence of another staff member.

Facility Searches

Searches shall be conducted to assure the safety and security of youth and staff. Searches also aid in maintaining an environment free of items which are not specifically permitted within the Juvenile Hall. All searches shall be of regular, random and routine in performance. Room searches will be conducted:

1. Once a day at unannounced times and dates; and
2. Upon suspicion of any contraband; and
3. Prior to housing a youth in the room; and
4. Upon release of a youth.

Section 6.14: Youth Grievance Procedures

Source: Title 15, Section 1361

Staff shall ensure that youth are aware of the facility's grievance procedures, have access to the grievance forms and respond to all grievances in a timely manner. Youth will also be advised that they can file a confidential grievance with the Facility Manager or any Probation Department Supervisor.

Occasionally, youth will have unresolved complaints about their care within the facility. Grievances shall be in writing and shall receive a prompt hearing and response. It is the responsibility of the facility staff to assure that all youth are aware of the grievance procedure. Grievance forms are located in the dayroom. The youth should have free access to these forms.

Staff shall make every effort to settle grievances at the lowest level possible. This procedure will define the highest level of appeal within the institution.

Youth will be advised that no retaliatory action shall be taken by staff or administration against any youth using the grievance procedure. Most complaints by institutionalized youth can be resolved informally by staff. However, youth who are not satisfied with their circumstances or care, can seek review of the situation through the grievance procedure, which is an avenue of due process. This procedure gives the youth the opportunity to learn to resolve problems in a socially acceptable manner, without recourse to violent or other acting-out behavior. It also serves as a venting tool to allow youth an appropriate way to vent their frustrations.

Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be addressed and documented in accordance with written policies and procedures within a specified timeframe.

Informal Review of Grievance

Informal discussion and resolution at the unit level by staff and youth will be attempted. Staff will review and respond to the grievance prior to the end of the shift. If the resolution of the problem is not satisfactory to the youth at this level, staff will forward the grievance to the Facility Manager.

Formal Review of Grievance

The Facility Manager will review and counsel the youth concerning possible solutions to the grievance within one work day of date of grievance. The youth will be given the time to present their side of the incident. If a solution cannot be reached, a written statement shall be documented on the grievance form by the Facility Manager. The formal grievance procedure will include, but is not limited to the following:

1. A system to inform each youth that a grievance procedure exists, that forms are available to initiate that procedure, and of the steps that must be taken to use that procedure.
2. Provisions for hearing and responding to grievances within specific time limits.
3. Provisions for the youth to be present and explain his version of the grievance.
4. Provisions for a staff representative or designee approved by the facility administrator to assist the youth (when youth is incapable of handling the issues due to low cognitive ability and so forth).
5. Youth may request a third party, who is not directly involved in the circumstances which led to the grievance, to be present while the youth explains his/her version of the grievance;
6. A written response to a grievance which includes the reasons for the decision.
7. A system of administrative review of all unresolved grievances.
8. A retention system for completed grievances.
9. The youth shall attempt to resolve the grievance with the staff involved, prior to going to the next step.

Final Review of Grievance

Youth will be given an opportunity to request further review of the incident by the Chief Probation Officer. The Chief Probation Officer will review and authorize any further action within two work days of grievance date. Youth will receive a written decision based on the Chief Probation Officer's findings.

Section 6.15: Incident Reports

Source: Title 15, Section 1362

A written report of all incidents which result in physical harm, serious threat of physical harm or death of an employee, youth or other person shall be maintained. Incident reports shall be completed by the staff and submitted to the Facility Manager by the end of the shift.

Staff should make every effort to utilize verbal commands to control an out-of-control youth. Staying alert and observing the youth's body language, comments and interactions with others will help staff be proactive in preventing or minimizing incidents from occurring within the facility.

Whenever discipline is needed and utilized by staff, it is very important to follow-up with the youth to work through the nature of the problem so that corrective action will prevent another incident from occurring. When dealing with hostility and potentially violent behavior, which goes hand in hand with the detention experience, it is philosophically sound to concentrate staff efforts to minimize hazards.

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Any time youth's behavior becomes problematic, staff should confront the behavior in a manner that is most likely to de-escalate the situation. Attempt to talk to the youth and get them to explain what is wrong. Provide options that are available within the facility that might cause the youth to redirect and engage in more positive behavior. The primary responsibility of facility staff is to keep the youth calm and compliant with facility rules for everyone's safety.

If a youth escapes from the facility while in custody, notify Mariposa County Sheriff's Dispatch (911 or 966-3615) and give the following information about the youth:

1. Youths name
2. Direction taken and exact time the runaway occurred.
3. Physical description, height, weight, hair, eyes, marks, scars, tattoos.
4. Description of clothing.
5. Youths home address.

In the event of an escape, call the Facility Manager, on-call Deputy Probation Officer, Assistant Chief Probation Officer or Chief Probation Officer. Complete an Incident Report and document the incident in the computer log. Make sure to note the exact times and the names of the people contacted. If there are other youth in custody do not leave the Hall. Staff's first responsibility is to the facility and to the youth that are left in custody.

Section 6.16: Use of Reasonable Force to Collect DNA Samples

Source: Title 15, Section 1363

Within the provisions of the regulations, it is the policy of this facility that force is never used to collect DNA specimens, samples or impressions.