



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Principal Legislative Research Analyst - Brooke Brouman

DATE: October 03, 2013

SUBJECT: Department of Juvenile Corrections

IDAPA 05.01.02 - Rules & Standards for Secure Juvenile Detention Centers (Docket No. 05-0102-1301)
- **Proposed**

The Department of Juvenile Corrections submits notice of proposed rulemaking. The Department states that the rule changes clarify Prison Rape Elimination Act (PREA) standards and the relationship between detention standards and PREA standards. The proposed rule changes are as follows:

- (1) Defines "Prison Rape Elimination Act (PREA)";
- (2) Revises staff ratios at secure juvenile facilities;
- (3) Requires the agency to conduct criminal background records checks at least every five years of current employees, contractors and volunteers who may have contact with residents;
- (4) Revises the training and orientation plan for new direct care staff;
- (5) Revises requirements relating to the classification, retention and maintenance of juvenile detention records;
- (6) Revises multiple provisions relating to prohibited contact and PREA compliance;
- (7) Sets forth additional requirements relating to personal searches of juvenile offenders;
- (8) Requires facilities to provide residents with access to outside victim advocates for emotional support services related to sexual abuse;
- (9) Requires records of participation in programs and services be kept in daily shift logs or program records; and
- (10) Sets forth an additional requirement relating to newly constructed or renovated juvenile detention centers.

The Department states that negotiated rulemaking was not conducted because the juvenile detention centers in Idaho are familiar with the changes being proposed through discussions and committee work.

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The Department's proposed rule is authorized pursuant to the provisions of Section 20-504, Idaho Code.

cc: Idaho Department of Juvenile Corrections
Sharon Harrigfeld, Director