



Eric Milstead  
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 - Ryan Bush

**DATE:** September 10, 2015

**SUBJECT:** Department of Juvenile Corrections

IDAPA 05.01.02 - Rules and Standards for Secure Juvenile Detention Centers - Proposed Rule (Docket No. 05-0102-1501)

IDAPA 05.02.01 - Rules for Residential Treatment Providers - Proposed Rule (Docket No. 05-0201-1501)

IDAPA 05.02.02 - Rules for Staff Secure Providers - Proposed Rule (Docket No. 05-0202-1501)

IDAPA 05.02.03 - Rules for Reintegration Providers - Proposed Rule (Docket No. 05-0203-1501)

**(1) 05.01.02 - Rules and Standards for Secure Juvenile Detention Centers (Docket No. 05-0102-1501)**

The Idaho Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.01.02 - Rules and Standards for Secure Juvenile Detention Centers. The Department states that this rule change was vetted by its Standards Committee and is made in an effort to provide better clarity. Specifically, this rulemaking accomplishes the following:

- (1) Makes minor stylistic changes;
- (2) Revises certain orientation training and ongoing training requirements for direct care staff;
- (3) Removes records of deposits and withdrawals from a juvenile's detention record;
- (4) Revises security inspections by removing the requirement of monthly inspections in favor of written policy and procedures that require timely notification of deficiencies; and
- (5) Removes from a center's written policy and procedures the requirement of an emergency evacuation plan and use of a hospital emergency room.

The Department states that negotiated rulemaking was not conducted because the rule change is only to increase clarity and strike outdated provisions. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in sections 20-504 and 20-504A, Idaho Code.

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**(2) 05.02.01 - Rules for Residential Treatment Providers (Docket No. 05-0201-1501)**

The Idaho Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.01 - Rules for Residential Treatment Providers. The proposed rule change revises the definition of body cavity search to clarify that such a search be performed by a medical health professional and clarifies that employees are prohibited from transporting juveniles in their personal vehicles.

The Department states that negotiated rulemaking was not conducted because the rule change is only to increase clarity and decrease duplicative efforts. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in sections 20-504 and 20-504A, Idaho Code.

**(3) 05.02.02 - Rules for Staff Secure Providers (Docket No. 05-0202-1501)**

The Idaho Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.02 - Rules for Staff Secure Providers. The proposed rule change revises the definition of body cavity search to clarify that such a search be performed by a medical health professional; to provide that an unclothed body cavity search be conducted with the medical health professional and another adult of the same gender as the juvenile in the room; and to provide that a body cavity search be conducted in a medical facility outside of a residential treatment provider.

The Department states that negotiated rulemaking was not conducted because the rule change is only to increase clarity and decrease duplicative efforts. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in sections 20-504 and 20-504A, Idaho Code.

**(4) 05.02.03 - Rules for Reintegration Providers (Docket No. 05-0203-1501)**

The Idaho Department of Juvenile Corrections submits notice of proposed rulemaking at IDAPA 05.02.03 - Rules for Reintegration Providers. The proposed rule change revises the definition of body cavity search to clarify that such a search be performed by a medical health professional; to provide that an unclothed body cavity search be conducted with the medical health professional and another adult of the same gender as the juvenile in the room; and to provide that a body cavity search be conducted in a medical facility outside of a residential treatment provider.

The Department states that negotiated rulemaking was not conducted because the rule change is only to increase clarity and decrease duplicative efforts. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Department in sections 20-504 and 20-504A, Idaho Code.

cc: Department of Juvenile Corrections  
Sharon Harrigfeld