

## Proposed Ordinance 2023-0212 Amendment Tracker

November 7, 2023

#	1 <sup>st</sup> Page & Line #	Location	Sponsor	Amendment Description
<b>S1</b>	--	Committee packet p. 167	Balducci	<p><b>Striking Amendment</b></p> <ul style="list-style-type: none"> <li>• Add a definition for “cell” as a locked room intended for occupancy where a single youth is confined, away from other youth.</li> <li>• Change the definition of "solitary confinement" to add the word "involuntary."</li> <li>• Add additional modifications to the definitions of circumstances that do not constitute solitary confinement and add a limit of 4 hours in any 24-hour period and that this 4-hour limit applies to “one or a combination of reasons” defined as not being solitary confinement.</li> <li>• Add that solitary confinement may not be used due to lack of staffing.</li> <li>• Add a 2-hour time limit for a required medical assessment of a juvenile in solitary confinement.</li> <li>• Allow required evaluations to be conducted by a medical or mental health professional.</li> <li>• Require that medical or mental health professionals assist in planning for reintegration.</li> <li>• Change the time for a medical or mental health check for a youth voluntarily separated from others from 6 hours to 4 hours.</li> <li>• Add a new Code section with a requirement for ongoing independent monitoring.</li> </ul>
<b>1 to S1</b>	Pg. 7 Line 142	Supplemental packet	Dembowski	<p><b>Attorney fees</b></p> <p>The amendment would allow that if there is a civil action brought by a person alleging to have been injured by a violation of this chapter, the person is entitled to recover litigation fees if they are the prevailing party.</p>
<b>2 to S1</b>	Pg. 7 Line 147	Supplemental packet	Dembowski	<p><b>“Shall” vs “Should”</b></p> <p>The amendment would state that DAJD’s policy provisions related to solitary confinement “shall” rather than “should” include the language in the subsections of Section 2 of the ordinance. These include preventative measures, limits on the duration of solitary confinement, requirement for review of solitary confinement by supervisors, assessment requirements, juvenile access to education, programming, and ordinary necessities, and check-in procedures.</p>
<b>T1</b>	Title	Committee packet p. 181	Balducci	<p><b>Conform to Amendment S1</b></p> <p>This title amendment would conform to Amendment S1 by adding in a reference to the new Code section requiring ongoing independent monitoring that is included in S1.</p>

November 7, 2023

**1**  
to S1

Attorney fees

[mbourguignon]

Sponsor: Dembowski

Proposed No.: 2023-0212

1 **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE**

2 **2023-0212, VERSION 1**

3 On page 7, line 142, after "or due to lack of staffing." insert "In a civil action brought by  
4 a person alleging to have been injured by a violation of this chapter, if the person is the  
5 prevailing party, the person shall be entitled to recover reasonable litigation fees,  
6 including attorneys' fees, and costs."

7

8 **EFFECT prepared by *Mary Bourguignon*:**

9 **The amendment would allow that if there is a civil action brought by a person**  
10 **alleging to have been injured by a violation of this chapter, the person is entitled to**  
11 **recover litigation fees if they are the prevailing party.**

November 7, 2023

**2**  
to S1

“shall” vs “should”

[mbourguignon]                                      Sponsor:              Dembowski  
   Proposed No.:     2023-0212

1    **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE**

2    **2023-0212, VERSION 1**

3    On page 7, line 147, after "Initiative, and" strike "should" and insert: "~~((should)) shall~~"

4

5    **EFFECT prepared by *Mary Bourguignon*:**

6    **The amendment would state that in determining the policies and procedures for**  
7    **solitary confinement, DAJD shall ensure consistency with nationally accepted best**  
8    **practices, which are those established by the Juvenile Detention Alternatives**  
9    **Initiative and shall include**” rather than “should include” the list of actions in  
10    **Section 2 of the ordinance. This list includes preventative measures, limits on the**  
11    **duration of solitary confinement, requirement for review of solitary confinement by**  
12    **supervisors, assessment requirements, juvenile access to education, programming,**  
13    **and ordinary necessities, and check-in procedures.**