

YOUTH SERVICES POLICY

Title: Leisure and Recreation Activities	Type: C. Field Operations Sub Type: 1. General Number: C.1.12
Page 1 of 5	
References: Copyright Act of 1976, Public Law No. 94-553, 90 STAT. 2591; 17 USC 110; ACA Standards 2-CO-5C-01 (Administration of Correctional Agencies); 4-JCF-4B-10, 4-JCF-5G-01, 4-JCF-5G-02, 4-JCF-5G-03, 4-JCF-5G-04, 4-JCF-5G-05 and 4-JCF-5G-06 (Performance-Based Standards for Juvenile Correctional Facilities); YS Policy Nos. B.2.7 "LAMOD Program and Youth Stage Procedures" and B.9.1 "Youth Welfare Fund (YWF)"	
STATUS: Approved	
Approved By: <i>William A. Sommers, Deputy Secretary</i>	Date of Approval: 02/01/2021

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish guidelines regarding leisure and recreational activities, television programming, and travel related to recreational activities for youth housed in a YS secure care facility.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Regional Directors and Facility Directors.

Due to the size of the secure care facilities, the Undersecretary/designee is responsible for ensuring that a "Public Performance Site License" (see attachment) is obtained to show rented movies or films.

Facility Directors are responsible for ensuring that staffing is adequate for proper recreation and security supervision of youth during activities, and implementing and maintaining compliance with this policy.

IV. DEFINITIONS:

Public Performance Site License – A site-based license that allows a facility to exhibit copyrighted entertainment movies licensed for “Home Use Only” in a specific public setting.

Unit Management Team – A team of individuals consisting of social services and juvenile justice staff, working as a team assigned to a particular housing unit in order to promote the rehabilitative needs of the youth, to promote cooperation among the staff and youth, to develop further agreed upon norms and expectations of the youth, to oversee the safety and security in the unit and to facilitate groups.

Youth Welfare Fund (YWF) - Abandoned property in the form of legal tender, self-generated funds earned through fundraising, donations and interest income earned from the investment of youth money maintained by the DPS&C - Corrections Offender Banking Section (refer to YS Policy No. B.9.1).

V. POLICY:

It is the Deputy Secretary's policy that youth be afforded appropriate and adequate leisure and recreational activities. Recreational and leisure activities shall be supervised by designated staff and planned for the purpose of maintaining good morale, improving physical fitness and well being, teaching new leisure-time skills and preventing idleness. In addition, YS promotes activities for participation by youth in community services and youth volunteer programs when feasible. Such activities can instill a sense of community pride in staff and youth, as well as provide appropriate and varied leisure time activities.

A “Public Performance Site License” for video performance shall be obtained by YS Central Office. This license is required to allow secure care facilities to show rented or purchased movies or films for recreational leisure activities. No such license is required to show movies or films for educational or training purposes. No films taped or dubbed from other tapes and/or pay television shall be shown due to copyright laws.

Each Facility Director shall develop Standard Operating Procedures (SOPs) pertaining to youth related leisure and recreational activities inclusive of inter-facility travel related activities and television programming. The Facility Director shall be responsible for establishing guidelines for leisure and recreational activities appropriate to the needs of the youth.

VI. DAILY RECREATIONAL ACTIVITIES/STRUCTURED RECREATIONAL PROGRAM:

- A. A minimum of one (1) hour per day of physical/outdoor exercise for large muscle development and one (1) hour per day of structured leisure activities shall be provided each youth, weather permitting, unless contra-indicated for medical or safety reasons. A contingency plan shall be developed for physical exercise in the event of inclement weather.
- B. Adequate outdoor/indoor recreational equipment and activities shall be available in each housing unit and shall include equipment and activities for special needs youth, when applicable.
- C. The recreational program shall include a wide variety of physical activities, physical skill building to help maintain lifetime health and fitness, encouragement of youth to self-monitor and set personal fitness goals, as well as expressed interests of the youth and a means to individualize the intensity of activities and measure individual improvement.
- D. The outdoor exercise and leisure activity shall be documented in the housing unit logbook in accordance with the daily schedule of activities.
- E. Youth shall be permitted to shower after any strenuous exercise.

VII. TRAVEL-RELATED RECREATIONAL ACTIVITIES:

- A. No state funds shall be used to pay the cost of inter-facility youth travel associated with recreational activities.
- B. Facility Directors may utilize the Youth Welfare Funds (YWF) for cost associated with such travel. (Refer to YS Policy No. B.9.1)
- C. Costs for such travel may be estimated based upon the average hourly rate for Juvenile Justice Specialist (JJS) and other direct care staff, state rate for mileage or other applicable factors.
- D. Facility Directors shall ensure that financial records relating to such travel are appropriately documented and maintained.
- E. Individual youth participation in community services, volunteer programs and restorative justice projects shall be documented by the youth's Case Manager in JETS in a Weekly Contact Progress Note.

VIII. TELEVISION PROGRAMMING:

- A. Facility Directors may utilize local television programming, cablevision services, satellite dishes, videotape and DVD rentals and sales or other appropriate means to provide basic and educational television in accordance with state and federal laws and regulations. (Refer to Section V. of this policy for information about the "Public Performance Site License".)
- B. Television viewing shall only be utilized for treatment, programmatic and educational purposes; however, the Group Leader may decide to use it for special events or free time activities that promote the treatment process.

Television may be restricted if the youth group is exhibiting inappropriate behavior. (Refer to the LAMOD Staff Manual, which is an attachment to YS Policy No. B.2.7.)

- C. Programming for cablevision/satellite services must be available in such a manner as to exclude premium movie channels, music video channels and other expanded service programs which are not authorized.
1. Examples of basic channels allowed without restriction (not all inclusive due to variations in channels available):
 - Local television station(s);
 - Educational channels (Louisiana Public Broadcasting, The Learning Channel, The Discovery Channel, The History Channel, National Geographic, etc.);
 - Cable News Network;
 - ESPN;
 - WTBS;
 - WGN;
 - USA;
 - TNT;
 - Nickelodeon;
 - Independent Television; and
 - OLN.
 2. Examples of expanded basic, music video, and premium channels not allowed (not all inclusive due to variations in channels available):
 - Home Box Office (HBO);
 - Cinemax;
 - Encore;
 - Starz;

- Pay Per View;
 - The Playboy Channel;
 - FLIX;
 - Music Video Channels (MTV, TNN, CMT, etc.);
 - Shopping Channels (QVC, Home Shopping Network, etc.);
 - Bravo; and
 - Fuse.
- D. Programs rated "R" or "X" are not allowed. This includes television, movies, broadcasts, music videos, CDs, DVDs and other forms of programming. Television videos/DVDs rated "R" or "X" are not allowed.
- E. Game systems videos/DVDs rated "T" (Teen), "M" (Mature), "AO" (Adults Only) or "RP" (Rating Pending) are not allowed.
- F. Facility Directors shall provide for periodic review and monitoring of television programming to upgrade or delete services as appropriate, as well as periodic review and monitoring of game systems videos/DVD ratings for appropriateness.

X. QUALITY ASSURANCE:

Facility Directors/designees shall monitor compliance with the stipulations of this policy and ensure that all activity is in compliance with the procedures set forth.

Previous Regulation/Policy Number: C.1.12

Previous Effective Date: 01/08/2020

Attachments/References: 2020-2021 Public Performance Licensing Agreement

SWANK MOTION PICTURES, INC. PUBLIC PERFORMANCE LICENSING AGREEMENT FOR CORRECTIONAL INSTITUTIONS

This AGREEMENT is made on this 13th day of May, 2020, between STATE OF LOUISIANA - DEPARTMENT OF YOUTH SERVICES("Licensee" herein) and SWANK MOTION PICTURES, INC. ("Swank" herein), a Missouri corporation.

1. Subject Matter and Term of Agreement

A. Swank is an authorized distributor of copyrighted motion pictures ("DVDs" herein) for non-theatrical public performances. Swank desires to license Licensee for public performance exhibition. Licensee desires to exhibit movies licensed from Swank on the terms and conditions set forth herein.

B. The term of this Agreement shall commence on July 1, 2020 and continue through June 30, 2021, after which day it shall expire unless renewed or renegotiated by mutual agreement of the parties.

2. License

Producers listed are those supplying titles at the time of this printing.

During the term of this contract, Swank shall license Licensee for public performance in its facility on the terms and conditions set forth herein. New facilities added during the term of this contract will require an amendment agreed to in writing by both parties. During the contract period, Licensee may exhibit DVD for showings only at its location(s) listed in Exhibit A. Licensee shall be entitled to choose from Swank's current and future list of available movies for public performance purposes which includes titles distributed by Paramount Pictures, Warner Bros, Bleecker Street, Fine Line Features, Lorimar Productions, New Line Cinema, Picturehouse, RKO Films, The Ladd Company, Turner Pictures, Warner Independent Pictures, Warner Premier, A24 Films, STX Entertainment, MGM/UA, American International, Orion, United Artists, Lions Gate Films, Trimark, Sony Pictures, Columbia Pictures, Epic Productions, Tristar Pictures, Triumph Films, Paramount Vantage, NBC Universal Pictures, Polygram, Focus Features, Gramercy, October Films, USA Films, Summit Entertainment, Lantern Entertainment, Buena Vista Distribution, Hollywood Pictures, Miramax, Touchstone Pictures and Walt Disney Pictures. Rentals and or purchases of titles covered by this Agreement are at the expense of the Licensee.

3. Terms

In consideration of the License, STATE OF LOUISIANA - DEPARTMENT OF YOUTH SERVICES shall pay Swank a License Fee of \$2,486.01 payable in one installment upon receipt of invoice.

4. Payment

Invoice is due and payable upon receipt.

5. Advertising

These motion pictures are specifically licensed for non-theatrical showings only. Promotion or advertising outside the Facility is strictly prohibited.

6. Warranties

Swank warrants that:

Swank is authorized by the copyright owners of the titles distributed by Swank to license to others for non-theatrical public performance purposes.

**SWANK MOTION PICTURES, INC.
PUBLIC PERFORMANCE LICENSING AGREEMENT**

continued

7. Notices

All notices to be given hereunder shall be in writing or delivered personally or mailed by pre-paid certified or registered mail (return receipt requested) as follows:

If to Swank:

SWANK MOTION PICTURES, INC.

10795 Watson Road

St. Louis, Missouri 63127-1012

Attn: John Kersting
Institution Sales Manager

If to Licensee:

STATE OF LOUISIANA - DEPARTMENT OF YOUTH SERVICES

PO BOX 66458 AUDUBON STATION

Baton Rouge, LA 70896

Attn: Gearry T. Williams
Office Of Juvenile Justice

or to such other addresses as the parties shall specify, or by written notice so given, and shall be deemed to be given as of the date so delivered or mailed.

8. Applicable Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Missouri.

EXECUTED on the day and year first above written.

SWANK MOTION PICTURES, INC.

By


John Kersting
Institution Sales Manager

STATE OF LOUISIANA - DEPARTMENT OF YOUTH
SERVICES

By


Name Gearry T. Williams

Title Undersecretary

EXHIBIT A

LOCATION:

STATE OF LOUISIANA - DEPARTMENT OF YOUTH SERVICES
Baton Rouge, LA 70896