

35570

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF LONG BEACH

AND

THE LONG BEACH JOB CORPS CENTER

This Memorandum of Understanding is entered into by the **City of Long Beach**, 411 W. Ocean Boulevard, Long Beach California 90802, and the federally-funded **Long Beach Job Corps Center**, operated by Odle Management and located at 1903 Santa Fe Avenue, Long Beach, California 90810, situated in the northwest corner of Santa Fe and 19th Street (map of center attached).

The provisions of this Memorandum of Understanding are related to the enforcement of applicable State Statutes and local City ordinances within the boundaries of the Long Beach Job Corps Center. This Memorandum of Understanding will be in effect July 1, 2020 through June 30, 2021 and subject to annual review and amendment by all signatory entries. This agreement will be in effect for this program year. Either party wishing to terminate this agreement must submit written notice to the other party 30 days prior to intended termination date.

AUTHORITY

Policy Requirement Handbook (Chapter 5.4 Personal Safety and Security), Public Law 97-300 "29 USC 1705 (a)d" ,US Title 29 Subtitle 20 CFR Section 638.805 Security and Law Enforcement (see attached documents).

INDEMNIFICATION

The parties hereto as between themselves agreed that neither party shall be liable for any damages, including but not limited to claims, demands, losses, liabilities, cost and expenses including reasonable attorney fees, approximately resulting from the negligent or wrongful acts or omissions of the other party's employees or agents in the performance of this agreement, and each party shall identify, defend and save harmless the other party from any such claims, demands, damages, losses, or liabilities. If liability is imposed pursuant to Section 830 et seq. of the Government Code, Solely by reason of a dangerous condition of public property of the Job Corps Sites, the Job Corps shall assume liability and defend and hold the City, its officers, employees and agents harmless from any action, loss, cost or expense caused by such condition of the Job Corps' property and any negligent or wrongful act or omission of the Job Corps' officers, agents or employees, in any way connected with such condition of the Job Corps' property.

NOTIFICATION AND RESPONSE

The Long Beach Police Department ("LBPD") agrees to respond to situations they are alerted to by the Long Beach Job Corps Center ("Center") in a timely manner and the extent necessary to gain control of the situation and restore order, to include the arrest

and/or confinement of individual(s) involved in criminal acts. Upon response, all problems and situations of a general law enforcement nature will be handled by the LBPB personnel, or upon their request, other specialized public safety agencies that are suited to mitigate the situation by means of response personnel, equipment or expertise. Once the LBPB is called, they will assume command/control until the situation is resolved.

SEARCH PROCEDURE AND DISPOSAL OF CONTRABAND, WEAPONS, AND UNLAWFUL AND STOLEN PROPERTIES.

1. Stolen property will be returned to its rightful owner.
2. Whenever reasonable suspicion exists that a student is in possession of illegal drugs, weapons, or stolen property, a search will be conducted by the Center within the guidelines of 20 CFR 638.805 © (refer to attachment). Whatever drugs are found, the items will be confiscated and secured until released to the LBPB for disposal. When drugs are released to the LBPB, a written report will be provided indicating circumstances of the confiscation, which will include location of confiscation, and suspect information. All drugs will be turned over to the LBPB within 24 hours of confiscation. All students in violation will be disciplined in accordance with Center policy.
3. The LBPB will be called when illegal narcotics are confiscated from a trainee. All narcotics shall be relinquished to the Long Beach Police immediately, regardless of the quantity. The LBPB shall be notified whenever any amount of contraband is encountered where intent to distribute is indicated by the quality or method of packaging. Confiscated weapons (including firearms) shall be reported to local law enforcement agencies, giving the student's name, SSN, and serial number, type, make, and model of the weapon.
4. The LBPB will respond to such reports and dispatch personnel to retrieve the illegal substances and suspects, if any. Whenever the Center confiscates and releases any contraband, weapons, or stolen property to the LBPB, the LBPB will provide the Center Safety Manager or designee with the proper receipt of such items.

UNAUTHORIZED GOODS

The center will ensure that the following unauthorized goods are not permitted on Center:

- a. Firearms and ammunition
- b. Explosives and Incendiaries
- c. Knives
- d. Homemade weapons
- e. All other weapons and instruments for which primary use is to inflict injury

- f. Drugs, defined as any substance listed on any schedule of the Controlled Substances Act including seeds and residue, except when the drug is possessed and used under a valid prescription; and drug paraphernalia.

Note: Under the Controlled Substances Act, no valid prescription can be provided for Schedule I. drugs, including marijuana.

- g. Stolen property
- h. Alcohol
- i. Tobacco for minors
- j. Any other items that are illegal under state law or that could impose a danger to safety and security.

DEPARTURE OF STUDENT(S) UNDER COURT JURISDICTION

The Center agrees to notify the LBPB and/or Probation authorities of the imminent departure from the Center of any student(s) having been arrested for any criminal act(s) who are departing prior to adjudication.

STUDENT(S) COMPLAINT OF POLICE TREATMENT

The Center agrees to notify and submit to the LBPB complaints made by student(s) of police mistreatment while in custody. The LBPB will investigate any such complaints in accordance with the policies set forth in the LBPB's Policy and Procedures Manual.

SEARCHES AND ARRESTS ON CENTER GROUNDS

Federal law states that the Center may allow search and arrest by local law enforcement officers in the following instances:

1. Police officers may enter into the Center to conduct searches or makes arrests if one or more of the following exists:
 - a. The officer(s) are in possession of a lawful warrant.
 - b. Permission given by the Center Director or designee.
 - c. Urgent or emergency circumstances.
2. Interviews relating to any criminal act, if conducted on Center, will be conducted in a private office and in the presence of a designated LBJCC staff member, unless LBJCC staff member's presence interferes with the investigation or is deemed inappropriate by LBPB investigator. If the LBPB investigator and the

LBJCC staff member cannot reach agreement concerning this matter, an LBJCC supervisor and an LBJCC supervisor will together determine the best course of action in accordance with current law and regulations.

LIAISON

In routine matters of mutual concern between the parties, the liaison person will be the West Division Commander or designee and the Long Beach Job Corps Center Director or designee.

UTILIZATION OF CENTER

Long Beach Police Department may utilize the center gymnasium and soccer field for periodic police training exercises for their officers from time to time. These trainings will not displace students or interrupt student usage of the facilities. Police personnel will give prior notification to the center 30 days in advance of their requested dates to use the gymnasium or field. On Tuesdays and Wednesday mornings police may utilize the gymnasium for basketball practice.

PROCEDURES

The Department of Labor, in its efforts to curtail violence and drug usage on Job Corps Centers, has introduced a new procedure with a focus on alerting new enrollees to the consequences of drug use and violence (see Zero Tolerance attachment). This procedure is in effect at the Long Beach Job Corps Center. The procedure requires certification by new enrollees to remain free of drugs and abstain from violent acts while enrolled. The Long Beach Job Corps Center fully complies with the Department of Labor's procedures and incorporates certifications as attachments to this agreement. Incidents of a nature relating to violence and drug use will be strictly enforced by the Center. Accordingly, documentation of incidents off Center grounds involving Job Corps students is paramount and therefore will require input from police sources to the extent allowed by law. Your cooperation is solicited.

MODIFICATION

This Memorandum of Understanding is held to be invalid by operation of law, by any courts, of a competent jurisdiction, the remaining provisions will remain in full force and effect and will not be affected thereby.

The Center views a continuing good relationship with local law enforcement agencies is of paramount importance. We will always attempt to assist the LBJCC in any way possible. Police officers are encouraged to continuously visit and tour the Center at any time to learn more about the purpose of the program and to speak to students on local laws and ordinances. Additionally, the LBJCC staff, in the various disciplines of the department, is encouraged to participate in planned Center activities. By maintaining open lines of communication, the Center hopes to continue enjoying a productive relationship with the LBJCC.

LONG BEACH JOB CORPS CENTER

The below listed guidelines are not all inclusive and may be modified by the LBJCC in cooperation with Job Corps Management.

I. Misdemeanor Crimes on Center

- a. The patrol officer will meet with victim in the Safety Manager's office or other agreed upon place.
- b. The victim/suspect should be interviewed by the Police Department investigator in the presence of a member of the Long Beach Job Corps Center (LBJCC) staff, unless LBJCC's staff member's presence interferes with the investigation or is deemed inappropriate by the LBJCC investigator. If the LBJCC investigator and the LBJCC staff member cannot reach agreement concerning this matter, an LBJCC supervisor and an LBJCC supervisor will together determine the best course of action in accordance with current law and regulations.
- c. If, in the opinion of the Police Department investigator, a visit to the crime scene is necessary, a Mobile Advisor from LBJCC will be assigned to assist the investigator.

II. Felonious Acts

- a. LBJCC Safety personnel will secure the crime scene and have the victim/suspect isolated and available for interview.
- b. A member of LBJCC Safety staff will be assigned to assist the investigator.
- c. Procedures as outlined in item I above shall also apply.

III. Narcotics

- a. The above procedure notwithstanding, all narcotics confiscated by the LBJCC staff and absent a suspect will be turned over the LBJCC for disposal.
- b. The LBJCC Safety Manager, or Senior Mobile Advisor, will notify the LBJCC staff has said narcotics.
 1. The LBJCC will dispatch a field unit to the LBJCC to pick up the narcotics.

IV. Center Disturbance

- a. The LBJCC Safety Manager, the highest ranking staff member or Mobile Advisor will notify the LBJCC for assistance when LBJCC Safety staff is confronted with a disturbance that they cannot effectively handle alone.

- b. The Communications Center will verify said calls by calling the LBJCC Safety/ Security Department (562)983-1777, or (562) 491-5151.
- c. The first arriving unit will be greeted at the gate by LBJCC Safety personnel.

V. Routine Patrol

- a. Generally, routine patrol by law enforcement will not be performed on the Center grounds, unless specifically requested and authorized by both parties to the Memorandum of Understanding.

VI. Criminal Investigation

- a. While LBJCC Safety personnel assistance may be requested in the gathering of witness or victim statements, investigation and report responsibilities lie with the LBPd.
- b. LBJCC Safety personnel will turn over to the investigating officer, any witness/victim statements taken while investigating a criminal offense. The identity and contact information of any LBJCC staff members, witnesses, and victims should be provided to the LBPd if that information is required during the investigation of a criminal offense.

VII. Records

- a. In addition to any normal notifications, the LBJCC Safety Department or Center Standards Incentive Manager should be notified of any significant contact, concerning a criminal matter, the LBPd has with Job Corps trainees, by watch sergeant or his designee when trainees are not brought back to the Center.
- b. In this instance, contact means one that is reduced to writing.
- c. Such notification may be verbal or in writing.

VIII. Juvenile Status

- a. In field situations, whereby the LBJCC trainee is a juvenile, LBJCC Management shall be considered the legal guardian and all required notifications shall be made through them.

Approved:



Matthew W. Davis
Center Director
Long Beach Job Corps Center



Robert G. Luna
Chief of Police
Long Beach Police Department

7/4/20

Date

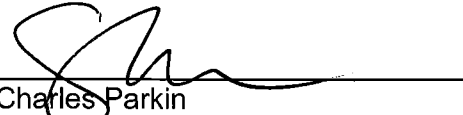
10.9.20

Date



Tom Modica
City Manager
City of Long Beach

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.



Charles Parkin
City Attorney
City of Long Beach

9/25/2020

Date

9/21/20

Date

Attachments:

Job Corps Zero Tolerance for Violence and Drugs Certification
Zero Tolerance Defined
CFR Section 638. 805 — Security and Law Enforcement
Public Law 97 -300 " 5 CFR Parts 330 and 351"
PRH (Chapter 5. 4, Personal Safety and Security)
Map of Long Beach Job Corps Center

LONG BEACH JOB CORPS CENTER

ZERO TOLERANCE FOR VIOLENCE AND DRUGS CERTIFICATION

Every student has the right to participate in the Job Corps program without being subjected to violence and drug abuse.

I _____ have had Center rules and regulations explained to me and agree to abide by all of the rules as long as I remain a student.

I further acknowledge that I have been informed of the Zero Tolerance for violence and drugs policies and that as long as I am a student, I will follow these policies. I understand that if I commit any of the following offenses, I may be immediately removed from the program and will lose the chance to be present for a Center Review Board. However, I will be able to make a written statement for the board and appeal the decision of the Board.

The offenses that require automatic termination from the program are:

1. Possession of a weapon on center or under center supervision
2. Assault
3. Threat of Assault
4. Threat to Safety
5. Sexual assault
6. Drugs: Possession, use, or distribution on center or under center supervision
7. Drugs: Use of drugs as evidence by a positive drug test
8. Alcohol: Possession, use, or distribution on center or under center supervision
9. Abuse of Alcohol (3 confirmed positive alcohol tests)
10. Arrest for a felony or a violent misdemeanor on or off-center
11. Illegal activity (Being convicted of a federal or state felony or misdemeanor while enrolled in Job Corps)
12. Robbery or extortion
13. Arson
14. Cruelty to animals
15. Inciting a disturbance

I also understand that there are other offenses that may result in my removal from the program. I understand that committing any of these offenses at any time during my enrollment will result in disciplinary action which may include termination from the program.

Trainee signature: _____ Date: _____

Staff member name: _____ Date: _____

LONG BEACH JOB CORPS CENTER

ZERO TOLERANCE DEFINED

The offenses that require automatic termination from the program are:

1. Possession of a weapon on center or under center supervision
2. Assault
3. Threat of Assault
4. Threat to Safety
5. Sexual assault
6. Drugs: Possession, use, or distribution on center or under center supervision
7. Drugs: Use of drugs as evidence by a positive drug test
8. Alcohol: Possession, use, or distribution on center or under center supervision
9. Abuse of Alcohol (3 confirmed positive alcohol tests)
10. Arrest for a felony or a violent misdemeanor on or off-center
11. Illegal activity (Being convicted of a federal or state felony or misdemeanor while enrolled in Job Corps)
12. Robbery or extortion
13. Arson
14. Cruelty to animals
15. Inciting a disturbance

§ 638.800

to a determination of their feasibility and usefulness.

Subpart H—Administrative Provisions

§ 638.800 Program management.

(a) The Job Corps Director shall establish and use internal program management procedures sufficient to prevent fraud or program abuse. The Job Corps Director shall ensure that sufficient auditable and otherwise adequate records are maintained to support the expenditure of all funds under the Act.

(b) The Job Corps Director shall provide guidelines for center staffing levels and qualifications. The guidelines shall adhere to standard levels of professional education and experience which are accepted generally within the fields of education and counseling.

§ 638.801 Staff training.

The Job Corps Director shall establish guidelines for necessary training for national office, regional office, and deliverer staff.

§ 638.802 Student records management.

The Job Corps Director shall develop guidelines for a system of maintaining records for each student during enrollment and for the disposition of such records after termination.

§ 638.803 Safety.

(a) The Job Corps Director shall establish procedures to ensure that students are not required or permitted to work, to be trained, to reside, or to receive services in buildings or surroundings or under conditions that are unsanitary, hazardous, or lack proper ventilation. Whenever students are employed or trained for jobs, they shall be assigned to such jobs or training in accordance with appropriate health and safety practices.

(b) The Job Corps Director shall develop a procedure to provide appropriate protective clothing for students in work or training.

(c) The Job Corps Director shall develop procedures to ensure compliance with applicable DOL Occupational Safety and Health Administration regulations.

20 CFR Ch. V (4-1-11 Edition)

§ 638.804 Environmental health.

The Job Corps Director shall provide guidelines for proper environmental health conditions.

§ 638.805 Security and law enforcement.

(a) The Job Corps Director shall provide guidelines to protect the security of students, staff, and property on-center on a 24-hours-a-day, 7-days-a-week basis.

(b)(1) All property which would otherwise be under exclusive federal legislative jurisdiction shall be considered under concurrent jurisdiction with the appropriate State and locality with respect to criminal law enforcement as long as a center is operated on such property. This extends to portions of the property (e.g., housing and recreational facilities) in addition to the portions of the property used as the center or training facility.

(2) The Job Corps Director shall ensure that centers on property under concurrent federal-State jurisdiction establish agreements with federal, State and local law enforcement agencies to enforce criminal laws on such property. (Section 435(d))

(c) The Job Corps Director shall develop procedures to ensure that any searches of a student's personal area or belongings for unauthorized goods follow applicable right-to-privacy laws.

§ 638.806 Property management and procurement.

The Job Corps Director shall develop procedures to establish and maintain a system for acquisition, protection, preservation, maintenance, and disposition of Job Corps real and personal property, and services so as to maximize its usefulness and to minimize operating, repair, and replacement costs.

§ 638.807 Imprest and petty cash funds.

Federally operated centers shall establish auditable imprest funds. Contract centers shall establish auditable petty cash funds. The Job Corps Director shall develop procedures to ensure the security of and accountability for imprest and petty cash funds.

Rules and Regulations

Federal Register

Vol. 67, No. 24

Tuesday, February 5, 2002

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 351

RIN 3206-AJ18

Placement Assistance and Reduction in Force Notices

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is issuing final placement assistance and reduction in force regulations to replace references to the repealed Job Training Partnership Act with references to the Workforce Investment Act of 1998.

DATES: These regulations are effective February 5, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Galemone, 202-606-0960, FAX 202-606-2329, TDD (202) 606-0023, or e-mail at pgalemo@opm.gov.

SUPPLEMENTARY INFORMATION: On October 26, 2000, OPM published interim regulations at 65 FR 64133 to replace references to the repealed Job Training Partnership Act (JTPA) with references to its successor statute, the Workforce Investment Act (WIA) of 1998. OPM is making the interim regulations final without further revision.

Background

The JTPA, Public Law 97-300, October 12, 1982, as amended, required the States to provide employment assistance programs to dislocated workers and others as defined in the Act. Since 1995, through OPM regulations published in §§ 330.405, 351.803, and 351.807 of title 5, Code of Federal Regulations (CFR), agencies have been required to give JTPA program information to employees in their specific reduction in force notices.

The JTPA was repealed effective July 1, 2000. States now provide placement assistance programs under the WIA, Public Law 105-220, August 7, 1998. The Omnibus Consolidated and Emergency Supplemental Appropriations Act, Public Law 105-277, section 405, October 21, 1998, amended the reduction in force statute at 5 U.S.C. 3502(d) to reflect this change in the controlling statute.

The interim regulations were issued solely to replace references to the repealed JTPA with references to its successor statute, the WIA. No other wording was changed.

The interim regulations were effective November 27, 2000. Interested parties could submit written comments to OPM concerning the regulations during the 60-day period following publication.

Comments

OPM did not receive any comments on the interim regulations.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Parts 330 and 351

Administrative practice and procedure, Armed forces reserves, Government Employees, Individuals with disabilities.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, the interim regulations revising 5 CFR parts 330 and 351 which were published at 65 FR 64133 on October 26, 2000, are adopted as final regulations without change.

[FR Doc. 02-2672 Filed 2-4-02; 8:45 am]

BILLING CODE 6325-38-P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330, 332, 351, 353

RIN 3206-AJ32

Career Transition Assistance for Surplus and Displaced Federal Employees

AGENCY: Office of Personnel Management.

ACTION: Final rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations making the current career transition assistance programs permanent to help Federal employees displaced from their jobs by downsizing. These regulations adopt interim regulations published June 4, 2001, as final.

EFFECTIVE DATE: March 7, 2002.

FOR FURTHER INFORMATION CONTACT: Jacqueline Yeatman, (202) 606-0960, FAX (202) 606-2329, or by email at: jyeatma@opm.gov.

SUPPLEMENTARY INFORMATION:

Background

On June 4, 2001, OPM published interim regulations removing the sunset date from the Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP). These regulations also permanently eliminated the Interagency Placement Program (IPP), deleting references to the IPP in parts 332, 351 and 353 and replacing them with ICTAP where appropriate.

Comments

Four Federal agencies commented on these regulations. All four agreed with the regulations as published, supporting OPM's decision to permanently replace the IPP with CTAP and ICTAP and to eliminate the agency reporting requirements. One agency suggested that we consider redesignating CTAP as ACTAP (Agency Career Transition Assistance Plan) to reduce confusion between this agency placement program and the ICTAP, the interagency program. We believe the best way to implement such a change would be in conjunction with future proposed regulations.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

List of Subjects in 5 CFR Part 330

Armed forces reserves, Government employees.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, the interim rule amending 5 CFR parts 330, 332, 351 and 353 which was published at 66 FR 29895 on June 4, 2001, as adopted as a final rule without change.

[FR Doc. 02-2674 Filed 2-4-02; 8:45 am]

BILLING CODE 6325-38-M

OFFICE OF PERSONNEL MANAGEMENT**5 CFR Part 351**

RIN 3206-AJ14

Reduction in Force Retreat Rights

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final regulation that clarifies a released employee's potential right to "Retreat" to another position in a reduction in force. This regulation states that an agency determines the potential grade range of a released employee's retreat right solely upon the position held by the employee on the effective date of the reduction in force rather than the grade range of the position to which the employee may have a right to retreat. **DATES:** This regulation is effective on February 5, 2002.

FOR FURTHER INFORMATION CONTACT: Thomas A. Glennon, FAX 202-606-2329.

SUPPLEMENTARY INFORMATION:**Background**

On October 20, 2000, OPM published an interim regulation at 65 FR 62991 that clarifies OPM's longstanding policy on the procedure that an agency uses to determine a released employee's potential right to "Retreat" to another position in a reduction in force.

The interim regulation stated that an agency determines the grade or grade-interval range of a released employee's retreat rights solely on the basis of the official position of record held by the employee on the effective date of the reduction in force. The regulation also stated that an agency does not consider the grade or grade-interval range of the position to which the employee may have a retreat right.

The interim regulation was effective upon publication in the **Federal Register**. Interested parties could submit written comments to OPM concerning the regulation in the 60 day period following publication.

Comments

OPM did not receive any comments on the regulation.

Final Regulation

The interim regulation OPM published at 65 FR 62991 is published as a final regulation without further revision.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

This regulation has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 351

Administrative practice and procedure, Government employees.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, the interim regulation published at 65 FR 62991 on October 20, 2000, is adopted as final without change.

[FR Doc. 02-2673 Filed 2-4-02; 8:45 am]

BILLING CODE 6325-38-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 23**

[Docket No. CE172; Special Conditions No. 23-110-SC]

Special Conditions: GROB-WERKE, Burkhurt Grob e.k., Unternehmensbereich Luft-und Raumfahrt, Model G120A Airplane, Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions, request for comments.

SUMMARY: These special conditions are issued to GROB-WERKE, Burkhurt Grob e.k., Unternehmensbereich Luft-und Raumfahrt (GROB-WERKE), for a type certificate for the G120A airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of an electronic attitude direction indicator for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is January 29, 2002. The Federal Aviation Administration (FAA) must receive any comments on this rule on or before March 7, 2002.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. CE172, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone 816-329-4146; facsimile 816-329-4149. **SUPPLEMENTARY INFORMATION:** The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these

5.3 SAFETY AND SECURITY

REQUIREMENTS

R1. Center Safety and Security Standard Operating Procedures

- a. Center operators must establish and comply with agreements with law enforcement, in accordance with the requirements of Sections R3 and R4 below. Center operators must submit these law enforcement agreements to the National Office of Job Corps (NOJC) and the Regional Offices (ROs) as required by Exhibit 5-2.
- b. Center operators must establish and comply with their Center Safety and Security Standard Operating Procedure (SOP). This SOP will supplement a local law enforcement agreement, or when necessary, govern how the center operator will respond to center security issues that are not addressed in a local law enforcement agreement. Center operators must submit these SOPs to the NOJC and the ROs as required by Exhibit 5-2.
- c. A Center Safety and Security SOP must address the following requirements:
 1. How it will regulate the entry, exit, and conduct of any person who seeks access to the campus, including students, staff, family, and visitors. The SOPs must include language indicating that a map of the campus will be displayed in a prominent location and will also be made readily available to law enforcement and medical personnel in emergency situations.
 2. How the center will handle, secure, and timely dispose of any illegal drugs and all weapons (as defined in Section R5 below) confiscated or otherwise found on center or in a center-sponsored activity that the local law enforcement agency will not retrieve. Disposal must be done in accordance with state and local law. Disposal of illegal drugs must be consistent with the center SOP on Medication Management.
 3. How the center operator will address the confiscation and return of weapons and items that are barred from Job Corps centers under R5 below, but that students may legally possess off-center, such as licensed or registered firearms. This procedure must align with R6 (d) below.
 - (a) Such weapons and items must always be confiscated and must not be returned to the student while the student is still on center.
 - (b) The Center Safety and Security SOP also must include what steps the center operator, in conjunction with local law enforcement where possible, will take to verify if the student complied with any registration and licensing requirements to possess the confiscated weapons or items.
 - (c) Even if the student can legally possess a weapon or other prohibited item off center, the center still must sanction any student determined to have brought a weapon or other unauthorized good on center,

according to Exhibit 2-1.

4. How the center operator will handle, secure, and, if necessary, timely dispose of other unauthorized goods prohibited from being on center in Section R5 below.
5. How the center will record and track all illegal drugs and all weapons confiscated or otherwise found on center. The SOP must include the date the illegal drugs or weapons were found, the date(s) they were secured and where they were secured, and the date on which they were disposed or returned and how they were disposed or returned. If illegal drugs or weapons are found or confiscated from a student or staff member, this record must include the student's or staff member's name and identification number, how the illegal drugs or weapons were located, and what disciplinary actions the student or staff member faced following the discovery.
6. The circumstances and process under which law enforcement will be contacted, consistent with Section R2 and any law enforcement agreement.
7. How the center operator will return stolen property to its rightful owner.

R2. Requirement to Contact Local Authorities

- a. Center operators must report criminal incidents according to the terms of the law enforcement agreements described in R3 and R4.
- b. Regardless of the terms of the law enforcement agreements described in R3 and R4, center operators must contact local law enforcement if a serious crime or emergency occurs on center or in a center-sponsored activity. A serious crime includes, but is *not* limited to:
 1. A homicide
 2. A theft of a vehicle or other significant government-owned property
 3. An assault or battery
 4. A riot or similarly violent incident involving five or more students or persons
 5. A sexual assault or rape as defined under state law. Center operators also must comply with the requirements of Chapter 5, Section 5.1, R39 in dealing with sexual assaults and rapes.
 6. Unauthorized distribution of a controlled substance
- c. Center operators may not prohibit any center personnel or student from calling 911 or any law enforcement agency, and may not limit the personnel or students who may call 911 or law enforcement.

R3. Agreements with Local Law Enforcement Agencies

- a. Pursuant to Job Corps' regulations at 20 C.F.R. § 686.925(b), center operators must develop and maintain written cooperative agreements with its nearest local law enforcement agency. An up-to-date, unexpired agreement must be submitted to the NOJC and ROs on July 1 of each program year. The submitted agreement must reflect that the agreement will be in effect for that upcoming program year.

These agreements must contain, at a minimum:

1. The names of each center and of the local law enforcement agency
 2. The roles and responsibilities of the center operator and the local law enforcement agency, including at a minimum:
 - (a) The circumstances and process under which the center's operator will contact the local law enforcement agency consistent with the requirements of Sections R1 and R2 above.
 - (b) How the center operator will handle, secure, and timely dispose of illegal drugs and all weapons confiscated or otherwise found on center or in a center-sponsored activity, as well as the handling, securing, and, if necessary, disposal of any other unauthorized good prohibited from being on center in Section R5 below.

This portion of the agreement also should address how the center operator will work with local law enforcement to ensure that students have met the licensing and registration of items, such as firearms, that are barred from Job Corps centers under R5 below, but that students may otherwise legally possess.
 - (c) A statement that the local law enforcement agency will be contacted for searches as required at Section R9 below.
 3. The expiration date for the agreement;
 4. The process for renewing, altering, or terminating the agreement;
 5. The signatures of the operator's center director and an authorized signatory from the local law enforcement agency;
 6. The date the operator and the local law enforcement agency signed the agreement
- b. If the center operator is unable to reach an agreement with the local law enforcement agency, or the local law enforcement agency will not agree to address all of the topics described in subsection R3 (a) in its agreement, no later than the last day of each program year, the center must provide to the NOJC and ROs:
 1. Written evidence of the operator's good faith effort to reach an agreement with the local law enforcement agency on all of these terms. For the purposes of this

requirement, a good faith effort is one in which the center operator makes a diligent and honest effort to obtain a local law enforcement agreement annually; and

2. What, if any, agreement the center operator was able to reach with the local law enforcement agency.
3. The portions of the SOP established as a supplement to or in place of a law enforcement agreement in accordance with R1.

R4. Agreements with Federal and State Law Enforcement Agencies

- a. Pursuant to Job Corps' regulations at 20 C.F.R. § 686.925(b), center operators must establish agreements with federal and state law enforcement agencies for criminal enforcement purposes by reaching out to the local offices of state law enforcement and the Federal Bureau of Investigation (for contract centers) or Forest Service Law Enforcement for Job Corps Civilian Conservation Centers (CCCs). An up-to-date, unexpired agreement must be submitted to the NOJC and ROs on July 1 of each program year. The submitted agreement must reflect that the agreement will be in effect for that program year. Such agreements must contain the same terms described in Section R3 (a)(1)-(6) above;
- b. If the center operator is unable to reach an agreement with the local office of the federal or state law enforcement agency, or the local office of the federal or state law enforcement agency will not agree to address all of the topics described in subsection R3 (a)(1)-(6) in its agreement, no later than the last day of each program year, the center must provide to the NOJC and ROs:
 1. Written evidence of the operator's good faith effort to reach an agreement with the local office of the federal or state law enforcement agency on all of these terms. For the purposes of this requirement, a good faith effort is one in which the center operator makes a diligent and honest effort to obtain a local law enforcement agreement annually; and
 2. What, if any, agreement the center operator was able to reach with the local office of the federal or state law enforcement agency.

R5. Unauthorized Goods

Center operators must ensure that the following unauthorized goods are not permitted on center:

- a. Firearms and ammunition
- b. Explosives and incendiaries
- c. Knives

- d. Homemade weapons
- e. All other weapons and instruments for which the primary use is to inflict injury
- f. Drugs, defined as any substance listed on any schedule of the Controlled Substances Act, including seeds and residue, except when the drug is possessed and used in accordance with a valid prescription; and drug paraphernalia

Note: Under the Controlled Substances Act, no valid prescription can be provided for Schedule I drugs, including marijuana.

- g. Stolen property
- h. Alcohol
- i. Tobacco for minors
- j. Any other items that are illegal under state law or that could pose a danger to safety and security

R6. Disposal of Unauthorized Goods

Center operators must dispose of unauthorized goods as follows:

- a. Stolen property must be returned to its rightful owner.
- b. Illegal drugs (as defined in R5.f, above) must be secured and disposed of according to agreements described in R3 and R4. Disposal of any substance not covered by an agreement described in R3 and R4 must be disposed of in accordance with state and local law, consistent with center SOPs on Medication Management and Center Safety and Security.
- c. Confiscated weapons (including firearms) must be secured and reported to law enforcement and disposed of according to agreements described in R3 and R4 and in accordance with the center operator's Center Safety and Security SOPs. The center must track and record all weapons and illegal drugs, including: the individual's name and his or her staff or student identification number, the date the illegal drugs or weapons were found, how they were located, disciplinary actions faced following the discovery, disposition of the illegal drugs or weapons and the date of disposition.
- d. When a student brings a weapon or potentially dangerous item that the student may legally own but is not permitted to possess on center, the item must be returned to the student according the student's choice of either:
 - 1. Returning the item after the student is sent home in accordance with the student disciplinary process, by arranging a date on which the student may safely pick up

the item; or

2. Mailing or shipping the item to an address where the student may later safely pick it up.

If a student does not want the item returned or does not provide an address for return, the item shall be considered abandoned property and the center operator must dispose of it according to the requirements of its local law enforcement agreement and Center Safety and Security SOP. Center operators must comply with all PRH recording and reporting requirements for these items before making arrangements for their return.

R7. Prohibition of Firearms

Center operators must not allow anyone to bring a firearm onto a Job Corps Center except for:

- a. Licensed security personnel contracted by the center operator to provide security during distribution of student payroll; and
- b. Law enforcement personnel when:
 1. Providing security services to a Job Corps Center pursuant to a written agreement between the center operator and the relevant law enforcement agency outlining the terms and condition of the arrangement, which addresses licensure, firearms certification, type of firearm, and additional weapons requirements and verification requirements, including the law enforcement personnel's duties at the center; or
 2. Employed by a center operator as center security personnel and acting within the scope of their duty, provided that such employment, including the use of their official firearm or other licensed firearm, is permitted by the relevant law enforcement agency.

NOTE: Nothing in this policy prohibits law enforcement personnel from conducting official law enforcement activities, including the use of firearms in accordance with the established policy of that agency, in the line of duty, including when law enforcement personnel are in the line of duty and armed on a Job Corps center campus.

R8. Active Shooter Response

An active shooter is defined as an individual actively engaged in killing/injuring or attempting to kill/injure people in a confined and populated area; in most cases, active shooters use firearm(s), and there is no pattern or method to their selection of victims.

Upon discovery of an Active Shooter event, as soon as it is safe to do so, law enforcement (911) must be called, and communicate, "There is an Active Shooter event in progress."

The 911 call (from a safely concealed area) should provide the following information:

- a. Description and possible location of suspect(s) if known
- b. Number and types of weapons
- c. Suspect's direction of travel
- d. Location and condition of any victim(s)

Safety and Security Officers and/or the person in charge must be prepared to meet and guide law enforcement officers if possible. The goal of law enforcement is to locate, isolate, and neutralize the shooter as quickly as possible to prevent any deaths or injuries.

In response to an Active Shooter event, the guidelines listed below should be followed.

1. **Evacuate.** If there is an accessible escape path, attempt to leave the premises
 - (a) Have an escape route and plan in mind
 - (b) Evacuate regardless of whether others agree to follow
 - (c) Leave belongings behind
 - (d) Help others escape, if possible
 - (e) Prevent individuals from entering an area where the active shooter may be
 - (f) Do not attempt to move wounded people
 - (g) Call 911 when you are safe
 - (h) Follow the instructions of any law enforcement officials/authorities
 - (i) Keep your hands visible in the presence of law enforcement officials/authorities
2. **Hide Out.** If evacuation is not an option, find a place to hide where the active shooter is less likely to go. Direct others into resident rooms or adjacent rooms, close the door and attempt to barricade the door. The hiding place should:
 - (a) Be out of the active shooter's view
 - (b) Provide protection if shots are fired
 - (c) Not entrap or restrict options for movement

If the active shooter is nearby:

- Lock the door
- Silence your cell phone and/or other electronic devices
- Turn off any source of noise (i.e., radios, televisions)
- Hide behind large items (i.e., cabinets, desks)
- Blockade the door with heavy furniture
- Stay as low to the floor as possible and remain quiet

If evacuation and hiding out are not options:

- Remain calm
- Call 911, if possible, to alert police to the active shooter's location

- If you cannot speak, leave the line open and allow the dispatcher to listen
3. **Take Action.** If your life is in imminent danger, as a last resort, attempt to disrupt and/or incapacitate the active shooter by:
 - (a) Acting as aggressively as possible against the active shooter
 - (b) Throwing items and improvising weapons
 - (c) Yelling
 - (d) Committing to your actions

Announce an “All Clear” when the scene is declared safe by law enforcement officials/authorities.

R9. Search and Seizure

Center operators shall conduct searches and seizures only in the following circumstances:

- a. General inspections of dorm rooms, lockers, and other center facilities may be conducted periodically.
- b. Searches for unauthorized goods may be conducted only when the Center Director believes such goods are being hidden on center. The reasons for the search must be documented.
- c. The scope of search may be no wider than what is necessary to accomplish the specific purpose of the search. Unauthorized goods found as a result of a search must be confiscated.
- d. A search of a person of an entire group of Job Corps students is prohibited when the information in the possession of Job Corps officials indicates that only some members, or less than all members, of the group are in possession of contraband that is prohibited on center property.
- e. Job Corps shall not conduct strip searches of students. If the Center Director believes a strip search of a student is necessary, local law enforcement authorities must be contacted and requested to perform the search.
- f. Searches for evidence of crime may be conducted for evidence in criminal prosecution. These must always be done by a law enforcement officer with a search warrant, except when delay would endanger the physical well-being of students.

R10. Student Notification

Center operators must notify all students of the center’s policies and procedures regarding unauthorized goods, and search and seizures.

R11. Use of Physical Restraint and Isolation

Center operators must:

- a. Limit use of physical restraint to only those situations that seriously threaten persons or property. Ensure that no student is restrained for more than one hour without at least verbal consultation and approval from a physician. Staff cannot use handcuffs, mace, pepper spray (or any derivatives) on students. Staff must be aware of and abide by any state laws regarding restraint and isolation.
- b. Use on-center isolation facilities for temporary segregation of students from their peers only when behavior constitutes an immediate threat to themselves, other persons, or property.

A student placed in an isolation facility must be observed every 15 minutes and this observation must be documented on a signed log giving the exact time of observation and the signature of the staff member conducting the observation. Isolation cannot exceed 12 hours unless accompanied by a statement from the center physician that the isolation is not medically prohibited.

R12. Student Vehicles

Centers must not permit residential students to keep personal vehicles at Job Corps centers.

LONG BEACH JOB CORPS CENTER MAP

BUILDINGS

- 1- WELLNESS
- 2- BASIC EDUCATION
- 3- CAFETERIA
- 4- CHILD DEVELOPMENT CENTER
- 5- EAST DORMITORY
- 6- PHYSICAL EDUCATION
- 7- MAINTENANCE/ WAREHOUSE
- 8- SOUTH VOCATIONAL EDUCATION
- 10- ADMINISTRATION
- 13- NORTH VOCATIONAL EDUCATION
- 14- WEST DORMITORY

STRUCTURE

- 3A- PERGOLA
- 8A- STORAGE
- 9- GATEHOUSE
- 11- STORAGE
- 13A- BCT STORAGE
- 13B- PERGOLA
- 14B- GAZEBO

FUNCTION LEGEND

	ADMINISTRATION
	CAFETERIA
	DORMITORY
	EDUCATION
	MEDICAL/DENTAL
	RECREATION
	STORAGE
	VACANT

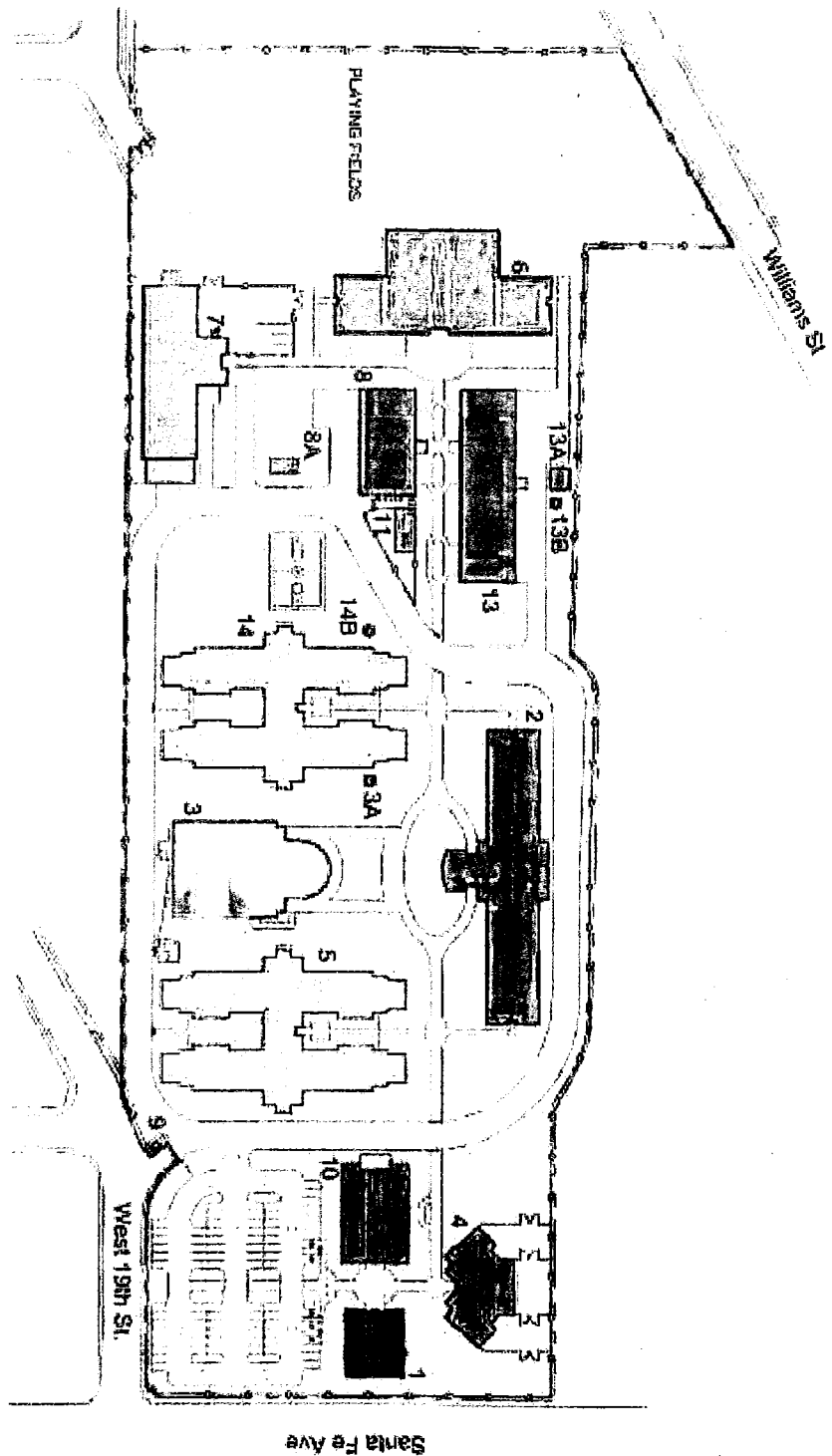


Figure ES-1

Existing Site Plan

0 100 200 400 Feet



North
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