

ARTICLE 8. JUVENILE DETENTION FACILITIES

Rule 1. Introduction

210 IAC 8-1-1 Applicability

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 1. This article applies to all newly constructed, remodeled, converted, and existing juvenile detention facilities. This article does not apply to secure facilities or other facilities licensed by the family and social services administration.

210 IAC 8-1-2 Construction of juvenile detention facilities

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 2. (a) Prior to the construction or expansion of a juvenile detention facility, plans and specifications shall be submitted to the department for review and comment. Plans and specifications shall satisfy all physical plant standards contained this article.

(b) The department's written review shall be provided to fire and building services for plan release within ten (10) working days from the date of receipt.

210 IAC 8-1-3 Inspection of juvenile detention facilities

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 3. The department shall conduct announced and unannounced visits and inspections of each juvenile detention facility at least annually to determine whether the facility is in compliance with this article.

210 IAC 8-1-4 Compliance for new facilities

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 4. A new juvenile detention facility shall not begin operation until the department has determined through inspection that the facility is in compliance with all mandatory and physical plant standards.

210 IAC 8-1-5 Compliance and non-compliance

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 5. (a) In order to achieve and maintain provisional compliance with this article, a new juvenile detention facility shall have been determined through inspection to be in compliance with the following:

- (1) All mandatory standards.
- (2) A minimum of seventy-five percent (75%) of recommended standards within one (1) year of commencing operation.
- (3) All physical plant standards.

(b) In order to achieve and maintain full compliance with this article, an existing juvenile detention facility shall have been determined through inspection to be in compliance with the following:

- (1) All mandatory standards.
- (2) A minimum of ninety percent (90%) of the recommended standards within two (2) years of commencing operation and each year thereafter.

(c) The department shall issue a written certification, either provisional or full, to all juvenile detention facilities that achieve compliance.

(d) Should a new or existing facility fail to achieve or maintain the required level of compliance with this article, a plan of action shall be submitted to the department within thirty (30) days to correct each deficiency. Approved plans of action shall remain valid for a period not to exceed one (1) year.

(e) The department shall provide on-going monitoring of facilities under a corrective action plan.

(f) The department may petition the judge of the circuit court in the county in which the juvenile detention facility is located to restrict, alter the use of, or close the facility if:

- (1) A plan of action is not approved;
- (2) Compliance with this article is not achieved within one (1) year; or
- (3) The deficiencies are so severe as to affect life, health, or safety.

210 IAC 8-1-6 Level of compliance

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 6. (a) The standards set forth in this article are intended to provide a safe, positive, and learning environment for youth. Inspection of the juvenile detention facilities will ensure compliance with the standards and will also allow the facilities to identify and monitor critical areas of performance and demonstrate effectiveness in using the state standards and other national standards and performance outcomes.

(b) Full compliance with this article will result in the awarding of a rating of level one (1) through five (5) to identify the quality and conditions of confinement of each juvenile detention facility. The levels are as follows:

- (1) Level one (1) is when a juvenile detention facility is in compliance with ninety percent (90%) of the recommended standards.
- (2) Level two (2) is when a juvenile detention facility is in compliance with ninety-five percent (95%) of the recommended standards.

- (3) Level three (3) is when a juvenile detention facility is in compliance with ninety-eight percent (98%) of the recommended standards.
- (4) Level four (4) is when a juvenile detention facility:
 - (A) Is in compliance with one hundred percent (100%) of the recommended standards; or
 - (B) Meets the following requirements:
 - (i) Is in compliance with ninety-eight percent (98%) of the recommended standards.
 - (ii) Actively participates in the conditions of confinement self-assessment process.
 - (iii) Successfully completes a PREA audit.
- (5) Level five (5) is when a juvenile detention facility:
 - (A) In compliance with one hundred percent (100%) of the recommended standards;
 - (B) Actively participates in the conditions of confinement self-assessment process; and
 - (C) Successfully completes a PREA audit.

210 IAC 8-1-7 Severability

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 7. If any rule, section, subsection, or subdivision of this article is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the department, or otherwise inoperative, such decision does not affect the validity of the remaining portion of the article.

Rule 2. Definitions

210 IAC 8-2-1 Definitions

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 1. The definitions in this rule apply throughout this article.

210 IAC 8-2-2 "Conditions of confinement"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 2. "Conditions of confinement" refers to one of eight strategies identified in the Juvenile Detention Alternatives Initiative (JDAI), a nationally recognized initiative focused on juvenile justice system reform. JDAI conditions of confinement protocols include a self-

assessment instrument used by locally convened volunteer assessment teams to inspect and report on a detention facilities compliance with JDAI established standards.

210 IAC 8-2-3 "Critical incident"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 3. "Critical incident" means any event or situation that seriously disrupts the routine operation of the facility, including the following:

- (1) An escape.
- (2) Serious injury to youth, staff, or visitor.
- (3) Death.
- (4) Sexual misconduct.
- (5) Fire.
- (6) Disturbance.
- (7) Natural disaster.
- (8) Serious criminal act.

210 IAC 8-2-4 "Department"

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 4. "Department" means the Indiana department of correction.

210 IAC 8-2-5 "Dispositional program"

Authority: IC 11-8-2-5; IC 31-31-8-2; IC 31-37-19-1

Affected: IC 11-8-2; IC 31-31-8; IC 31-37-19

Sec. 5. "Dispositional program" means the programming juvenile detention facilities provide for juveniles confined for more than 30 days by dispositional order of the juvenile court that complies with IC 31-37-19-21.

210 IAC 8-2-6 "Existing facility"

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 6. "Existing facility" means any juvenile detention facility in use prior to January 1, 2014.

210 IAC 8-2-7 "Facility administrator"

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 7. "Facility administrator" means the official who has the ultimate responsibility for managing and operating the facility.

210 IAC 8-2-8 "Full compliance"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 8. In order to achieve and maintain full compliance with standards adopted under this article, a juvenile detention facility shall have been determined through inspection to be in compliance with the following:

- (1) All mandatory standards.
- (2) A minimum of ninety percent (90%) of the recommended standards within two (2) years of commencing operation and each year thereafter.

210 IAC 8-2-9 "Health care authority"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 9. (a) "Health Care Authority" means the physician, health care administrator, or health agency that is responsible for the health care delivery system operating within the facility.

(b) When the health care authority is an entity other than a physician, final clinical judgment must rest with a single, designated physician who is either a:

- (1) Medical Doctor; or
- (2) Doctor of Osteopathy.

210 IAC 8-2-10 "Health care practitioner"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 10. "Health care practitioner" means an individual who:

- (1) By virtue of their license is a:
 - (A) Medical Doctor;
 - (B) Doctor of Osteopathy;
 - (C) Doctor of Dental Surgery;
 - (D) Nurse Practitioner;
 - (E) Physician's Assistant; or
 - (F) Clinical Nursing Specialist; and
- (2) Is able to:
 - (A) Perform physical examinations;
 - (B) Perform mental health examinations;
 - (C) Evaluate health records;
 - (D) Evaluate laboratory results; and
 - (E) Prescribe medications.

210 IAC 8-2-11 "Health trained staff"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 11. "Health trained staff" means a facility staff who has completed training with a curriculum approved by the health care authority in order to perform select health care duties.

210 IAC 8-2-12 "Inspection"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 12. "Inspection" means a thorough review of information and its relationship to compliance with the standards, including:

- (1) Written records;
- (2) Interviews with youth;
- (3) Interviews with staff; and
- (4) On-site viewing and assessment of:
 - (A) Existing conditions;
 - (B) Policies;
 - (C) Procedures; and
 - (D) Practice.

210 IAC 8-2-13 "Isolation"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 13. "Isolation" means the locked placement of a juvenile in a room other than their assigned cell or room for a period of time that exceeds sixty (60) minutes.

201 IAC 8-2-14 "Juvenile"

Authority: IC 11-8-2-5; IC 31-9-2-13

Affected: IC 11-8-2; IC 31-9-2

Sec. 14. "Juvenile" means:

- (1) Someone under the age of eighteen (18) who is:
 - (A) Alleged to be delinquent;
 - (B) Adjudicated delinquent;
 - (C) Charged with a crime in adult criminal court; or
 - (D) Convicted of a crime in adult criminal court; or
- (2) Someone age eighteen (18), nineteen (19), or twenty (20) who is under juvenile court jurisdiction as an adjudicated delinquent.

210 IAC 8-2-15 "Juvenile detention facility"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 15. "Juvenile detention facility" means any public or privately operated secure center, place, institution, or part thereof, used for the lawful custody and treatment of juveniles.

210 IAC 8-2-16 "Mandatory standard"

Authority: IC 11-8-5-2

Affected: IC 11-8-5

Sec. 16. "Mandatory standard" means a standard:

(1) Has been determined to be essential to ensure the life, health, and safety of juveniles and personnel; and

(2) Must be conformed with for a juvenile detention facility to achieve compliance.

210 IAC 8-2-17 "MAYSI-2"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 17. "MAYSI-2" refers to the Massachusetts Youth Screening Instrument – Version 2 (MAYSI-2), a standardized and reliable screening instrument used with youth ages twelve (12) through seventeen (17) entering the juvenile justice system to identify potential mental health issues that may need immediate attention.

210 IAC 8-2-18 "Mental health authority"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 18. "Mental health authority" means the designated psychiatrist or psychologist responsible for the oversight and delivery of mental health care services provided at the facility.

210 IAC 8-2-19 "Mental health care trained staff"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 19. "Mental health care trained staff" means a facility staff has:

(1) Completed training with curriculum content approved by the mental health authority; and

(2) Can recognize both findings on the intake screen and juvenile behavior that requires immediate attention and referral to a qualified mental health professional.

210 IAC 8-2-20 "Not applicable"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 20. "Not applicable" means a standard does not apply to the juvenile detention facility being audited.

210 IAC 8-2-21 "Policy"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 21. "Policy" means the course of action adopted and pursued by an agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the staff must operate. Policies are statements of guiding principles that should be followed in directing activities toward the attainment of objectives, such as compliance with standards or agency goals.

210 IAC 8-2-22 "Procedure"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 22. "Procedure" means the detailed and sequential actions that must be executed to ensure that a policy is fully implemented. It is the method of performing an operation or a manner of proceeding on a course of action.

210 IAC 8-2-23 "PREA"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 23. "PREA" refers to the Prison Rape Elimination Act and the National Standards to Prevent, Detect, and Respond to Prison Rape, established in May 2012, by the United States Department of Justice.

210 IAC 8-2-24 "Provisional compliance"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 24. "Provisional compliance" means a new juvenile detention facility has been inspected and found to be in compliance with the following:

- (1) All mandatory standards.
- (2) A minimum of seventy-five percent (75%) of recommended standards within one (1) year of commencing operation.
- (3) All physical plant standards.

210 IAC 8-2-25 "Qualified health care professional"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 25. "Qualified health care professional" means a health care professional who performs duties within the scope of their license or certification as a:

- (1) Registered Nurse;
- (2) Licensed Practical Nurse; or
- (2) Medical Assistant.

210 IAC 8-2-26 "Qualified mental health professional"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 26. “Qualified mental health professional” means a clinician who performs mental health services within the scope of being a licensed:

- (1) Psychologist;
- (2) Psychiatric Nurse;
- (3) Clinical Social Worker;
- (4) Social Worker;
- (5) Mental Health Counselor;
- (6) Marriage and Family Therapist; or
- (7) Addiction Counselor.

210 IAC 8-2-27 “Recommended standard”

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 27. “Recommended standard” means a standard that:

- (1) Deals with issues not directly affecting the life, health, and safety of juveniles and personnel; and
- (2) Is not a mandatory standard adopted as part of this article.

210 IAC 8-2-28 “Room confinement”

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 28. “Room confinement” means the locked placement of a juvenile in their assigned cell or room for:

- (1) Purposes other than sleeping; and
- (2) A period of time that exceed sixty (60) minutes.

210 IAC 8-2-29 “Secure”

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 29. “Secure” means a facility that has construction features designed to physically restrict the movement and activities of persons in custody, including the following:

- (1) Locked rooms.
- (2) Locked buildings.
- (3) Fences.
- (4) Other physical structures.

210 IAC 8-2-30 "Standard"

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 30. "Standard" means one (1) identified expectation adopted in this article of an accepted and approved example of something against which others are judged or measured.