

Table of Contents

IDAPA 05 - DEPARATMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS

000. LEGAL AUTHORITY.	3
001. TITLE AND SCOPE.	3
002. WRITTEN INTERPRETATIONS.	3
003. ADMINISTRATIVE APPEALS.	3
004. -- 009. (RESERVED).	3
010. DEFINITIONS.	3
011. -- 099. (RESERVED).	7
100. INITIATION OF SERVICES.	7
101. SERVICES TO BE PROVIDED.	7
102. -- 198. (RESERVED).	8
199. RELEASE FROM CUSTODY.	8
200. -- 399. (RESERVED).	8
400. STANDARDS FOR JUVENILE DETENTION FACILITIES.	8
401. INSPECTION PROVISIONS.	8
402. DEPARTMENT PREPARED WRITTEN REPORT OR THEIR AGENTS.	8
403. COMPLIANCE WITH STANDARDS ENFORCED.	8
404. CONFORMITY WITH APPLICABLE LAWS AND REGULATIONS.	9
405. STANDARDS COMMITTEE.	9
406. -- 409. (RESERVED).	10
410. FACILITY ADMINISTRATION.	10
411. FISCAL MANAGEMENT.	10
412. STAFF REQUIREMENTS AND STAFF DEVELOPMENT.	10
413. -- 414. (RESERVED).	11
415. FACILITY INFORMATION SYSTEMS.	11
416. DOCUMENTATION.	11
417. MEDICAL INFORMATION.	13
418. -- 419. (RESERVED).	13
420. SAFETY AND EMERGENCY PROCEDURES.	13
421. -- 423. (RESERVED).	13
424. FACILITY SECURITY.	13
425. PHYSICAL CONTROL.	13
426. SECURITY CHECKS AND INSPECTIONS.	14
427. SEARCH AND SEIZURE.	14
428. SECURITY DEVICES.	15
429. (RESERVED).	15
430. FOOD SERVICES.	15
431. DIETARY ALLOWANCES.	15
432. SPECIAL DIETS.	15
433. DIETARY RECORDS.	15
434. MEALS.	16

435. FOOD SERVICE SANITATION.	16
436. FOOD SERVICE SUPPORT.	16
437. -- 439. (RESERVED).	17
440. SANITATION AND HYGIENE.	17
441. -- 444. (RESERVED).	17
445. PERSONAL HYGIENE.	17
446. -- 449. (RESERVED).	18
450. HEALTH SERVICES.	18
451. -- 454. (RESERVED).	19
455. RULES AND DISCIPLINE.	19
456. MAIL, VISITING, TELEPHONE.	20
457. -- 460. (RESERVED).	21
461. ADMISSION.	21
462. RELEASE.	22
463. -- 464. (RESERVED).	22
465. PROGRAMS AND SERVICES AVAILABLE.	22
466. -- 469. (RESERVED).	23
470. EXISTING FACILITY REQUIREMENTS.	23
471. -- 474. (RESERVED).	24
475. NEW FACILITY DESIGN AND CONSTRUCTION.	24
476. -- 999. (RESERVED).	26

**IDAPA 05
TITLE 01
Chapter 01**

IDAPA 05 - DEPARATMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS

000. LEGAL AUTHORITY.

01. Idaho Code Section 20-504(2). Pursuant to Idaho Code Section 20-504(2), the Idaho Department of Juvenile Corrections shall establish minimum standards for detention, care and certification of approved detention facilities based upon such standards. (7-1-97)

02. Idaho Code Section 20-504(9). Pursuant to Idaho Code Section 20-504(9), the department shall establish minimum standards for the operations of all private residential and nonresidential facilities and programs which provide services to juvenile offenders. (7-1-97)

03. Idaho Code Section 20-504(11). Pursuant to Idaho Code Section 20-504(11), the department shall have authority to adopt such administrative rules pursuant to the procedures provided in chapter 52, title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (7-1-97)

04. Idaho Code Section 20-504(14). Pursuant to Idaho Code Section 20-504(14), the department, in cooperation with the courts and the counties, shall establish uniform standards, criteria and operating procedures for county juvenile probation services, as well as qualifications and standards for the training of juvenile probation officers. (7-1-97)

05. Idaho Code Section 20-531(4). Pursuant to Idaho Code Section 20-531(4), the department shall adopt standards, policies and procedures for the regulation and operation of secure facilities. (7-1-97)

06. Idaho Code Section 20-545(1). Pursuant to Idaho Code Section 20-545(1), the department shall have the power to adopt rules for the state juvenile corrections center as may be required by the Juvenile Corrections Act. (7-1-97)

07. Interstate Compact on Juveniles. By the provisions of Sections 16-1901, et seq., Idaho Code, the "Interstate Compact on Juveniles", the department is authorized to promulgate rules and regulations to carry out more effectively the terms of the compact. (7-1-97)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.01, Rules of the Idaho Department of Juvenile Corrections, IDAPA 05, Title 01, Chapter 01. (7-1-97)

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho will be consistently based on the following principles: accountability; community protection; and competency development. (7-1-97)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Department of Juvenile Corrections, 400 N. 10th (second floor), P.O. Box 83720, Boise, Idaho, 83720-0285. (7-1-97)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (7-1-97)

004. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter:

01. Adult. A person eighteen (18) years of age or older. (7-1-97)
02. Body Cavity Search. The examination and possible intrusion into the rectal or vaginal cavities to detect contraband. It is performed only by the medical authority. (7-1-97)
03. Chemical Agent. An active substance, such as oleoresin capsicum, used to deter disturbances that might cause personal injury or property damage. (7-1-97)
04. Classification. A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and/or programs according to their needs and existing resources. (7-1-97)
05. Contact Visiting. A program that permits juveniles to visit with designated person(s). The area is free of obstacles or barriers that prohibit physical contact. (7-1-97)
06. Contraband. Any item not issued or authorized by the facility. (7-1-97)
07. Control Center. The central point within a facility or institution where activities are monitored and controlled. (7-1-97)
08. Commit. Commit means to transfer legal custody. (7-1-97)
09. Community-Based Program. An in-home detention program or a non secure or staff secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county. (7-1-97)
10. Corporal Punishment. Any act of inflicting punishment directly on the body, causing pain or injury. (7-1-97)
11. Court. Means district court or magistrate's division thereof. (7-1-97)
12. Day Room/Multi-Purpose Room. That portion of the housing unit used for varied juvenile activities which is separate and distinct from the sleeping rooms. (7-1-97)
13. Detention. Detention means the temporary placement of juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (7-1-97)
14. Detention Center. A facility established pursuant to Sections 20-517 and 20-518, Idaho Code. (7-1-97)
15. Detention Facility. Accommodations for detaining a juvenile for the temporary placement of juveniles who require secure custody for their own or the community's protection in physical restricting facilities. (7-1-97)
16. Direct Care Personnel. Any care staff member charged with day to day supervision of juveniles housed in a juvenile detention facility. (7-1-97)
17. Director. The Director of the Department of Juvenile Corrections. (7-1-97)
18. Diversion. The utilization of local community resources, churches, counseling for the juvenile and/or family, substance abuse counseling, informal probation, community service work, voluntary restitution, or any other available service or program as an alternative to the filing of a petition with the juvenile court. (7-1-97)
19. Department. The Idaho Department of Juvenile Corrections. (7-1-97)
20. Emergency Care. Care for an acute illness or unexpected health care need that cannot be deferred

until the next scheduled sick call. Emergency care shall be provided to the juvenile population by the medical staff, physician, other appropriately trained staff, local ambulance services and/or outside hospital emergency rooms.

(7-1-97)

21. **Emergency Plans.** Written documents that address specific actions to be taken in an institutional emergency or catastrophe such as a medical emergency, fire, flood, riot or other major disruption.

(7-1-97)

22. **Existing Facility.** Any juvenile detention facility in use, or for which bids have been let, prior to the effective date of these Rules.

(7-1-97)

23. **Facility Records.** Information regarding the maintenance and operation of the facility including but not limited to correspondence, memorandums, complaints regarding the facility, daily activity logs, security and fire safety checks, head counts, medical records, health inspection records, and safety inspection records, use of physical force records and use of restraints records, employee training and certification for use of security equipment.

(7-1-97)

24. **Health Authority.** The physician, health administrator, or agency responsible for the provision of health care services at an institution or system of institutions; the responsible physician may be the health authority.

(7-1-97)

25. **Health-Trained Employee.** A person who provides assistance to a physician, nurse, physician's assistant, or other professional medical staff. Duties may include preparing and/or reviewing screening forms for needed follow-up; preparing juveniles and their records for sick call; and assisting in the implementation of medical orders regarding diets, housing, and work assignments.

(7-1-97)

26. **Housing Unit.** The total living area available to a group or classification of juveniles in a detention facility. This area may consist of a dormitory or a combination of the space in each sleeping room and day room/multi-purpose room.

(7-1-97)

27. **Incident Report.** A written document reporting an unusual occurrence or special event such as the discovery of contraband, use of physical force, use of chemical agents, discharge of firearms, etc., and action taken including notation of strip and cavity searches.

(7-1-97)

28. **Judge.** A district judge or a magistrate.

(7-1-97)

29. **Juvenile.** A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act.

(7-1-97)

30. **Juvenile Offender.** A person under the age of eighteen (18), committed by the court to the custody, care and jurisdiction of the department for confinement in a secure facility following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult.

(7-1-97)

31. **Juvenile Records.** Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, detainer, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

(7-1-97)

32. **Legal Custody.** The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care.

(7-1-97)

33. **Legal Guardian.** A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, residential facility or other facility having temporary or long-term physical custody of the juvenile offender.

(7-1-97)

34. **Medical Employee.** A certified person such as nurse, physician's assistant, emergency medical

technician who works under the supervision and authority of the Health Authority consistent with their respective levels of training, education and experience. (7-1-97)

35. Medical Records. Separate records of medical examinations and diagnoses maintained by the Health Authority. (7-1-97)

36. Medical Screening. A system of structured observation/initial health assessment of newly arrived juveniles. May be performed by a Medical Employee or by a Health Trained Employee. (7-1-97)

37. New Facility. Any facility for which bids are let for construction after the effective date of these Rules. (7-1-97)

38. Non-Contact Visiting. A program that restricts juveniles from having physical contact with visitors. Physical barriers usually separate the juvenile from the visitors with screens and/or glass. Voice communications between the parties are typically accomplished with phones or speakers. (7-1-97)

39. Observation and Assessment Program. Any state-operated or purchased service program responsible for temporary custody of juvenile offenders for observation and assessment. (7-1-97)

40. Pat Search. The touching or feeling of a subject's clothed body to detect contraband. (7-1-97)

41. Perimeter Security. A system that controls ingress and egress to the interior of a facility or institution. The system may include electronic devices, walls, fence, patrols and/or towers. (7-1-97)

42. Perimeter Security Check. Physical inspection of the perimeter of the facility performed for the purpose of discovering or preventing security breach. May include the inspection of the perimeter of the facility and adjacent containment fence or areas as designated by facility policy and procedures. (7-1-97)

43. Petition for Exemption. A formal written document addressed to the Director of the Department of Juvenile Corrections requesting exception from a Detention Facility Standard. The Petition for Exemption must contain written justification why the petitioner should be relieved from enforcement of specific detention standard(s). (7-1-97)

44. Physical Assessment. An evaluation of a patient's current physical condition and medical histories conducted by, or under the supervision of, the Health Authority. (7-1-97)

45. Policy and Procedures. Standard operating strategies and processes developed by the administrative authority governing detention facility operations. (7-1-97)

a. Policy is a course of action that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel must operate. (7-1-97)

b. Procedure is the detailed and sequential action which must be executed to ensure that policy is implemented. It is the method of performing an operation or a manner of proceeding on a course of action. It differs from a policy in that it directs actions required to perform a specific task within the guidelines of the policy. (7-1-97)

46. Rated Capacity. The actual number of juveniles which may be housed in a particular room, housing unit, or facility based upon available square footage, sanitation fixtures, and other physical plant features specified in these rules. (7-1-97)

47. Renovation. The alteration of the structure of any existing juvenile detention facility, or portion thereof, for the purposes of changing or improving its function. This may include, but not be limited to, altering the physical layout of essential areas within the facility or reconstruction of the existing structure, areas, or interior features. (7-1-97)

48. Restraints. Devices used to restrict physical activity. (7-1-97)

49. Rule Infraction. A violation of detention center rules of conduct and/or Policies and Procedure as governed by facility Policy and Procedures. (7-1-97)

50. Safety Equipment. Devices primarily used for safety purposes such as but not limited to firefighting equipment, for example, chemical extinguishers, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices, gas masks, fans, first aid kits, stretchers, and emergency alarms. (7-1-97)

51. Security Devices. Equipment used primarily to confine and control detained persons and may include but is not limited to locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security. (7-1-97)

52. Secure Facility. Any state-operated facility or facility operated under contract with the state which provides twenty-four (24) hour supervision and confinement for juvenile offenders committed to the custody of the department. (7-1-97)

53. Secure Perimeter. The outer portions of a facility that provide for secure confinement of facility residents. (7-1-97)

54. Staffing Plan. A documented schedule which includes staffing of direct care personnel, staffing ratios, resident activities, and the certification level of staff. (7-1-97)

55. Strip Search. An examination of a resident's naked body for weapons, contraband, injuries, or vermin infestations. This also includes a thorough search of all the individual's clothing while such is not being worn. (7-1-97)

56. Use of Physical Force. Physical force used in instances of justifiable self-defense, protection of others, protection of property, or prevention of escapes. (7-1-97)

57. Volunteer. A person who donates his time and effort to enhance the activities of the program. Volunteers may be classified into two categories: (7-1-97)

a. Direct care volunteer. A person serving as unpaid direct care personnel, serving in the same capacity as an employee of the juvenile detention center, having direct and unsupervised contact with juveniles. (7-1-97)

b. Program Volunteer. An unpaid volunteer, program or organization serving in, or as a program of the juvenile detention center, such as Alcoholics Anonymous, etc., which is constantly supervised by Direct Care Personnel of the juvenile detention center. (7-1-97)

58. Work Program. A public service work project which employs juvenile offenders at a reasonable wage for the purpose of reimbursing victims of the juvenile offender's delinquent behavior. (7-1-97)

011. -- 099. (RESERVED).

100. INITIATION OF SERVICES.

Juveniles are committed to the department under the provisions of the Juvenile Corrections Act. (Sections 20-501 through 20-547, Idaho Code) and the Interstate Compact on Juveniles (Sections 16-1901 through 16-1910, Idaho Code). (7-1-97)

101. SERVICES TO BE PROVIDED.

Services are based on a legal rather than a financial criteria, and are provided to all juveniles committed by courts regardless of individual or family income. Services which may be provided include: (7-1-97)

01. Diagnostic Work. Diagnostic work necessary to develop goals and treatment plans. (7-1-97)

02. Counseling and Treatment. Counseling and treatment necessary to remediate the juvenile presenting problem. (7-1-97)

03. Placement. Placement consistent with identified treatment needs. (7-1-97)

04. Periodic Reviews. All committed juveniles will be contacted at least monthly, and notes regarding services provided will be entered in the case records on at least a monthly basis. A semiannual case review will be conducted for each child committed to the Department under the provisions of the Juvenile Corrections Act who is placed outside their home. (7-1-97)

05. Re-Evaluation and Reports. All juveniles committed to the Department will be reassessed at intervals not exceeding one (1) year. Reports of periodic reassessments made pursuant to this section shall be filed with the court from which the juvenile was committed. (7-1-97)

102. -- 198. (RESERVED).

199. RELEASE FROM CUSTODY.

01. Release. Juveniles may be released to their own home, to a residential community-based program, to a nonresidential community based treatment program, to an approved independent living setting, or to other appropriate residences, but shall remain on probation until the probation is terminated by the court. (7-1-97)

02. Notification. When the department is considering release of a juvenile offender committed to the department for confinement, the department shall notify the prosecuting attorney of the county from which the juvenile offender was committed to confinement, the judge whose order caused the juvenile offender to be committed to confinement and the victim of the juvenile offender's unlawful conduct. (7-1-97)

200. -- 399. (RESERVED).

400. STANDARDS FOR JUVENILE DETENTION FACILITIES.

The Idaho Department of Juvenile Corrections or its designee shall have the authority to visit and inspect all juvenile detention facilities to assess such facilities' compliance with these rules. (7-1-97)

401. INSPECTION PROVISIONS.

01. Annual Visits. Each juvenile detention facility shall be subject to announced or unannounced visits by Idaho Department of Juvenile Corrections personnel on at least an annual basis. (7-1-97)

02. Review of Logs, Records, Policy and Procedure Manuals, Memorandums and Reports. All logs, records, policy and procedures manuals, memorandums, and reports shall be available for review excluding personnel records and personnel action reports. Idaho Department of Juvenile Corrections personnel shall be allowed to observe and interview juveniles and staff concerning any matter pertaining to these rules. Idaho Department of Juvenile Corrections personnel shall further have access to all parts of the facility for the purpose of inspecting the physical plant. (7-1-97)

402. DEPARTMENT PREPARED WRITTEN REPORT OR THEIR AGENTS.

Idaho Department of Juvenile Corrections personnel, shall prepare a written report of each inspection within thirty (30) days following such inspection and provide copies to the appropriate facility administrator with copies to the governing body and the county attorney. The report will additionally be submitted to the Director of the Idaho Department of Juvenile Corrections for consideration and review of the issuance or renewal of a license. (7-1-97)

403. COMPLIANCE WITH STANDARDS ENFORCED.

If upon completion of an inspection, a juvenile detention facility is found to be in violation of any part of these rules, the Idaho Department of Juvenile Corrections shall send notice of such non-compliance to the facility administrator and governing body responsible for the facility. (7-1-97)

01. Consideration of Official Notice. Upon receipt of a notice of non-compliance from the Idaho

Department of Juvenile Corrections, the facility administrator and governing body shall meet promptly to consider the official notice. Inspection personnel shall be available to advise and consult concerning appropriate corrective action. (7-1-97)

02. Development of a Plan of Corrective Action. The facility administrator and governing body shall develop a plan of corrective action to correct the deficiencies cited in the report. The plan shall include a description of the nature of non-compliance for each Standard cited, the steps to be taken to correct the deficiency, and a projected completion date. The plan shall be submitted to the Idaho Department of Juvenile Corrections for approval. (7-1-97)

03. Demonstration of Meaningful Progress Toward Achieving Compliance. Meaningful progress toward achieving compliance according to the submitted plan must be demonstrated during the time frame approved by the Idaho Department of Juvenile Corrections in the corrective action plan. (7-1-97)

404. CONFORMITY WITH APPLICABLE LAWS AND REGULATIONS.

Juvenile detention facilities shall conform to all applicable public health, safety, and fire codes, building regulations, laws, and regulations set forth by the state of Idaho, the county, and the municipality in which such facility is located. (7-1-97)

405. STANDARDS COMMITTEE.

A standing committee shall be created for the purpose of reviewing Petitions for Exemption from Standards and Requests for Modification of Standards. The committee will be made up of three committee members: 1 representative and 1 alternate from the Detention Center Administrators, 1 representative and 1 alternate County Commissioner, and 1 representative from the Department of Juvenile Corrections. The Standards Committee members and alternates are nominated by the Detention Center Administrators. Final appointment of all Standards Committee members and alternates are made by the Director of the Department of Juvenile Corrections. The Detention Center representative and County Commissioner representative will not be from the same judicial district. Alternates may not be from the same judicial district as their corresponding representative. Committee member's terms will run one (1) year from October 1 to September 30 the following year. The committee is charged with reviewing any Petition for Exemption or Request for Modification to the Standards, researching the subject as necessary, and presenting a written recommended course of action to the Director of the Department of Juvenile Corrections. If the Petition for Exemption or Request for Modification is initiated from the same district as a committee representative, that committee representative will abstain and the alternate will serve in place of said representative. The Director retains the authority to make the final decision to approve or deny any requests or petitions. (7-1-97)

01. Petition for Exemption. When an exemption from a Standard is desired, the facility administrator shall submit a request, in writing, to the Idaho Department of Juvenile Corrections outlining the proposed alternative arrangement together with documentation showing how such arrangement will provide conditions at least equivalent to the corresponding Standard. The petition will be forwarded to the Standards Committee for review. The Petition for Exemption, if granted, shall apply only to the petitioner for the specific facility cited. An indemnification agreement will be entered into between the facility and the Department of Juvenile Corrections in the event the Petition for Exemption is granted. (7-1-97)

02. Requests for Modification of Standards. In the event a standard becomes obsolete or unworkable, a Request for Modification may be filed with the Director of the Department of Juvenile Corrections. The request letter must represent the views of at least three detention facility administrators and contain their signatures. The letter will be forwarded to the Standards Committee for review and recommendation. The committee will determine if the request needs to be address immediately or can wait for the annual review and make recommendations to the Director. The Director will have the final authority to determine if standards will be changed and the timing of the change. (7-1-97)

03. Annual Review of Standards. The Standards Committee will meet bi-annually to review the Juvenile Detention Center Standards. Requests for Modification may be considered at this time. If the committee feels a change in standards is warranted, they will submit a written report to the Director of the Department of Juvenile Corrections. The Director will have the final authority to determine if the standards will be changed and the

timing of the change. (7-1-97)

406. -- 409. (RESERVED).

410. FACILITY ADMINISTRATION.

01. Legal Entity. The public or private agency operating a detention facility is a legal entity or part of a legal entity. (7-1-97)

02. Governing Body. Governing body shall mean any public or private entity established or delegated as a source of legislative or administrative authority to provide the fiscal needs of the facility administrator so that he may carry out the provisions of these rules. (7-1-97)

03. Facility Administrator. The facility shall have a designated administrator who shall be responsible for all facility operations. (7-1-97)

04. Mission Statement. The facility shall have a written mission statement which describes its philosophy and goals. (7-1-97)

05. Policy and Procedures. The facility administrator shall develop and maintain written policies and procedures which shall safeguard the basic rights of juveniles and shall safeguard the juveniles' freedom from discrimination based upon sex, race, creed, religion, national origin, disability, or political belief and establish practices that are consistent with fundamental legal principles, sound correctional practices, and humane treatment. These written policies and procedures shall be made available to all facility employees and the governing body. The policy and procedures manual shall be submitted to the prosecuting attorney or other legal authority for review and approved by County Commissioners or other governing authority on a regular basis. (7-1-97)

411. FISCAL MANAGEMENT.

The annual budget request shall provide for an allocation of resources for facility operations and programming. The methods used for collecting, safeguarding, and disbursing monies, including juveniles' personal funds held by the facility, shall comply with accepted accounting procedures and the laws of the State of Idaho. (7-1-97)

412. STAFF REQUIREMENTS AND STAFF DEVELOPMENT.

01. Twenty-four (24) Hour Supervision. The facility shall be staffed by facility employees on a twenty-four (24) hour basis when juveniles are being housed. (7-1-97)

02. Staffing. The facility shall have staff to perform all functions relating to security, supervision, services and programs as needed to operate the facility. The facility shall have Policy and Procedures in place governing staffing and shall submit a staffing plan to the Department of Juvenile Corrections prior to licensing and renewal. The staffing plan shall have, at a minimum, at least two (2) staff awake and on duty through sleeping hours and the following staff during waking hours as governed by the "one (1) direct care staff to eight (8) juveniles, plus one staff" rule: (7-1-97)

a. If the facility houses eight (8) or fewer juveniles, there shall be at least one (1) direct care staff and one (1) other staff awake at all times. (7-1-97)

b. If the facility houses more than eight (8) juveniles, there shall be one (1) direct care staff for each eight (8) juveniles plus one (1) additional staff awake at all times. Example: if the facility houses thirty-two (32) youth, four (4) direct care staff would be required (one (1) staff to eight (8) juveniles), plus one (1) additional staff for a total of five (5) staff required. (7-1-97)

03. Gender of Employees. At least one (1) of the facility employees on duty shall be female when females are housed in the facility and at least one (1) shall be male when males are housed in the facility. (7-1-97)

04. Minimum Qualifications. Direct Care Personnel, or Direct Care Volunteers, at the time of employment, shall meet the minimum criminal history background requirements that are outlined in the Idaho Peace

Officers Standards and Training (P.O.S.T.) Detention Officer Standards. Decisions on hiring may be appealed to the governing body of the facility. (7-1-97)

05. Training and Staff Development Plan. Each juvenile detention facility shall develop a staff training and development plan based on the Policy and Procedures of the facility. All Direct Care Personnel, paid or unpaid, shall be provided orientation training before undertaking their job duty assignments. The orientation and training plan should address areas such as First Aid/CPR, security procedures, supervision of juveniles, signs of suicide risks, suicide precautions, use of physical force regulations, report writing, juvenile rules of conduct, rights and responsibilities of juveniles, fire and emergency procedures, safety procedures, key control, interpersonal relations, social/cultural life styles of the juvenile population, communication skills, and counseling techniques. (7-1-97)

413. -- 414. (RESERVED).

415. FACILITY INFORMATION SYSTEMS.

01. Written Policy and Procedure. The facility shall have written policy and procedure to govern the collection, management, and retention of information pertaining to juveniles and the operation of the facility. Written policy and procedure shall address, at a minimum, the following: (7-1-97)

- a. Accuracy of information, including procedures for verification; (7-1-97)
- b. Security of information, including access and protection from unauthorized disclosure; (7-1-97)
- c. Content of records; (7-1-97)
- d. Maintenance of records; (7-1-97)
- e. Length of retention; and (7-1-97)
- f. Method of storage or disposal of inactive records. (7-1-97)

02. Release of Information. Prior to release of information to agencies other than criminal justice authorities or other agencies with court orders for access, a written release of information shall be obtained from the juvenile's parent, legal guardian or through a court order with a copy of that release placed in the juvenile's file folder. (7-1-97)

03. Access to Record. Parents, legal guardians and staff shall be permitted access to information in the juvenile's files and records as authorized by law. Juveniles shall be permitted reasonable access under appropriate supervision to information in their own files and records. The facility administrator may restrict the juvenile's access to certain information, or provide a summary of the information when its disclosure to the juvenile presents a threat to the safety and security of the facility or may be detrimental to the best interests of the juvenile. If a juvenile's access to records is denied, documentation that states the reason for the denial shall be maintained by the facility. (7-1-97)

416. DOCUMENTATION.

01. Shift Log. The facility shall maintain documentation including time notations on each shift which includes the following information, at a minimum: (7-1-97)

- a. Personnel on duty; (7-1-97)
- b. Time and results of security or well-being checks and head counts; (7-1-97)
- c. Names of juveniles received or discharged with times recorded; (7-1-97)
- d. Names of juveniles temporarily released or returned for such purposes as court appearances, work/education releases, furloughs, or other authorized absences from the facility with times recorded; (7-1-97)

- e. Time of meals served; (7-1-97)
- f. Times and shift activities, including any action taken on the handling of any unusual or routine incidents; (7-1-97)
- g. Notation and times of entry and exit of all visitors, including physicians, attorneys, volunteers and others; (7-1-97)
- h. Notations and times of problems, disturbances, escapes; (7-1-97)
- i. Notations and times of any use of emergency or restraint equipment; and (7-1-97)
- j. Notation and times of Perimeter Security Checks. (7-1-97)
- 02. Housing Assignment Roster. The facility shall maintain a master file or roster board indicating the current housing assignment and status of all juveniles detained. (7-1-97)
- 03. Visitor's Register. The facility shall maintain a visitor's register in which the following will be recorded: name of each visitor; time and date of visit; juvenile to be visited; and relationship of visitor to juvenile and other pertinent information. (7-1-97)
- 04. Juvenile Records. The facility shall classify, retain and maintain an accurate and current record for each juvenile detained in accordance with the provisions of Idaho Code Section 31-871. Materials in the individual's record shall be clearly identified as to source, verification and confidentiality. The record shall contain, at a minimum, the following: (7-1-97)
 - a. Booking and intake records; (7-1-97)
 - b. Record of court appearances; (7-1-97)
 - c. Documentation of authority to hold; (7-1-97)
 - d. Probation officer or caseworker, if assigned; (7-1-97)
 - e. Itemized inventory forms for all clothing, property, money, and valuables taken from the juvenile; (7-1-97)
 - f. Record of deposits/withdrawals from the juvenile's account; (7-1-97)
 - g. Classification records, if any; (7-1-97)
 - h. Records of participation in programs and services; (7-1-97)
 - i. Rule infraction reports; (7-1-97)
 - j. Records of disciplinary actions; (7-1-97)
 - k. Grievances filed and their dispositions; (7-1-97)
 - l. Release records. (7-1-97)
 - m. Personal information and emergency contact information; (7-1-97)
 - n. Medical history; (7-1-97)
 - o. Visitor records; (7-1-97)

- p. Incident reports; (7-1-97)
- q. Photographs. (7-1-97)

417. MEDICAL INFORMATION.

- 01. Medical Files. The Health Authority shall maintain medical records for each juvenile which shall be kept separate from other records. (7-1-97)
- 02. Access to Medical Files. The facility administrator, in conjunction with the Health Authority, shall establish procedures to determine access to medical files. (7-1-97)

418. -- 419. (RESERVED).

420. SAFETY AND EMERGENCY PROCEDURES.

- 01. Written Policy and Procedure. The facility shall have written policy and procedures which address fire safety, fire evacuation plan, other safety-related practices, and the facility's plans for responding to emergency situations. (7-1-97)
- 02. Compliance with Fire Code. The facility shall comply with local and state fire code, and at a minimum, make a request to the local fire Marshall or authorized agency to be inspected to comply with fire safety guidelines and shall maintain documentation of this inspection. (7-1-97)

421. -- 423. (RESERVED).

424. FACILITY SECURITY.

- 01. Security and Control Policy. The facilities Policy and Procedures manual shall contain all procedures for facility security and control, with detailed instructions for implementing these procedures, and are reviewed at least annually and updated as needed. The manual shall be made available to all staff. (7-1-97)
- 02. Personal Observation. Facility Policy and Procedures shall govern the observation of all juveniles and shall, at a minimum, require staff to personally observe all juveniles every thirty (30) minutes on an irregular schedule and the time of such checks shall be logged. More frequent checks should be made of juveniles who are violent, suicidal, mentally ill, or who have other special problems or needs warranting closer observation. (7-1-97)
- 03. Cross Gender Supervision. Policies governing supervision of female juveniles by male employees and male juveniles by female employees shall be based on privacy needs and legal standards. Except in emergencies, facility employees shall not observe juveniles of the opposite sex in shower areas. Reasonable accommodation of privacy needs shall be observed. (7-1-97)
- 04. Head Counts. The facility shall have a system to physically count or account for all juveniles, including juveniles on work release, educational release, or other temporary leave status who may be absent from the facility for certain periods of the day. At least three (3) documented counts shall be conducted every twenty-four (24) hours. At least one (1) count shall be conducted each shift and there shall be at least four (4) hours between each count. (7-1-97)
- 05. Electronic Surveillance. Electronic monitoring equipment should not be used in place of the Personal Observation of juveniles required. (7-1-97)

425. PHYSICAL CONTROL.

- 01. Use of Physical Force. The use of physical force shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes, or the suppression of disorder and then only to the degree necessary to restore order. (7-1-97)

- a. Physical force shall not be used as punishment. (7-1-97)
- b. A written report shall be made following any use of physical force. The report will be reviewed by the facility administrator and will be maintained as part of the facility records. (7-1-97)
02. Use of Restraints. The use of restraints shall be restricted to justifiable instances and during transfer. Justifiable instances shall be specifically defined in each facility's policies and Procedures. Written policy and procedures shall provide that instruments of restraint are never applied as punishment and are applied only with the approval of the facility administrator or designee. (7-1-97)
03. Written Report of Use of Restraints. A written report shall be made following any use of restraints except for transfer. The report will be reviewed by the facility administrator and will be maintained as part of the facility records. (7-1-97)

426. SECURITY CHECKS AND INSPECTIONS.

01. Perimeter Security Checks. Policy and Procedures shall govern the frequency and performing of perimeter security checks. (7-1-97)
02. Security Inspections. The facility administrator or his/her designee shall conduct weekly inspections of all locks, windows, floors, walls, ventilator covers, access plates, glass panels, protection screens, doors, and other security equipment. The date, time, and results of these inspections shall be recorded on a checklist or log. The facility administrator shall promptly correct any identified problems. (7-1-97)

427. SEARCH AND SEIZURE.

01. Facility Search Plan. The facility shall have a facility search plan for the control of contraband and weapons which provides for unannounced and irregularly timed searches of juveniles' rooms, day rooms, and activity, work or other areas accessible to juveniles and searches of all materials and supplies coming into the facility. (7-1-97)
02. Personal Searches. The facility shall have written policies and procedures governing the searching of juveniles for the control of contraband and weapons which includes, at a minimum, the following provisions: (7-1-97)
 - a. Search of juveniles upon entering the security perimeter; (7-1-97)
 - b. Search of newly admitted juveniles; (7-1-97)
 - c. Periodic unannounced and irregularly timed searches of juveniles; (7-1-97)
 - d. Provision for strip searches and body cavity searches at such times when there exists reasonable belief that the juvenile is in the possession of contraband or weapons or other prohibited material; (7-1-97)
 - e. Pat searches. Except in cases of emergency, pat searches should be conducted by direct care personnel of the same sex; (7-1-97)
 - f. Strip searches. All strip searches shall be conducted in private and in a manner which preserves the dignity of the juvenile to the greatest extent possible and under sanitary conditions. All strip searches shall be conducted by direct care personnel of the same sex as the juvenile or by the health authority or medical employee. No persons of the opposite sex of the juvenile shall be present during the strip search other than the health authority or medical employee. (7-1-97)
 - g. Body cavity searches. All body cavity searches shall be conducted in private and in a manner which preserves the dignity of the juvenile to the greatest extent possible and under sanitary conditions. Body cavity searches shall be conducted only by the health authority or by a medical employee. No persons of the opposite sex of the juvenile, other than the health authority or medical employee, shall be present during body cavity searches.

(7-1-97)

03. All Body Cavity Searches Shall Be Documented. Documentation of body cavity searches shall be maintained in facility records and in the juvenile's record. (7-1-97)

04. Seizure and Disposition of Contraband. All contraband found during facility or juvenile searches shall be seized. The seizure and disposition of the contraband shall be documented. When a crime is suspected to have been committed within the facility, all evidence shall be maintained and made available to the proper authorities. (7-1-97)

428. SECURITY DEVICES.

01. Key Control. The facility shall have policy and procedures in place to control keys and tools. (7-1-97)

02. Security Devices. Facility employees shall use only security equipment on which they have been properly trained and is issued through, or authorized by, the facility administrator. Certification of proper training shall be kept in facility records. (7-1-97)

03. Weapons Locker. The facility shall provide a weapons locker or similar arrangement at security perimeter entrances for the temporary storage of weapons belonging to law enforcement officers who must enter the facility. (7-1-97)

04. Male and Female Juveniles Shall Not Occupy the Same Sleeping Room. (7-1-97)

429. (RESERVED).

430. FOOD SERVICES .

The facility's food service operation shall be supervised by a designated employee who has experience and/or training in meal preparation, menu planning, staff supervision, ordering procedures, health and safety policies, theft precautions, and inventory control. If food is obtained through a food service contract from an outside source, provisions shall be made to assure that the contractor complies with the applicable section of these Rules. (7-1-97)

431. DIETARY ALLOWANCES.

The current guidelines which govern the National School Lunch Program shall guide the preparation of menus to ensure a nutritionally balanced diet. (7-1-97)

432. SPECIAL DIETS.

01. Special Diets, Medical. Special diets prescribed by a physician shall be followed according to the orders of the treating physician or dentist. (7-1-97)

02. Special Diets, Religious. Provisions should be made for special diets when a juvenile's religious beliefs require adherence to particular dietary practices. (7-1-97)

433. DIETARY RECORDS.

01. Food Service Records. The facility shall maintain an accurate record of all meals served to juveniles, including special diets. All menus shall be planned, dated, and available for review at least one (1) week in advance. Notations shall be made of any changes in the menu. Menus shall be kept at least one (1) year after use. (7-1-97)

02. Review of Menus. Menus and records of meals served shall be reviewed at least annually by a dietician, physician or nutritionist to verify nutritional adequacy. The facility shall maintain documentation of the dietician's, physician's or nutritionist's review and verification. Subsequent menus shall be promptly revised to eliminate any deficiencies noted. (7-1-97)

434. MEALS.

01. Providing Meals. Three (3) meals, at least two (2) of which includes a hot entree, shall be served daily per Idaho Code. (7-1-97)

a. Meals must be served at approximately the same time every day. No more than fourteen (14) hours shall elapse between the evening meal and breakfast the next day unless an evening snack is served. If snacks are provided, up to sixteen (16) hours may elapse between the evening meal and breakfast. (7-1-97)

b. Youth out of the facility attending court hearings or other approved functions when meals are served shall have a meal provided upon their return if they have not already eaten. (7-1-97)

c. If meals are provided to staff, the menu should be the same as provided to juveniles. (7-1-97)

d. The health authority or a medical employee shall be notified when a juvenile does not eat three (3) consecutive meals. (7-1-97)

02. Use of Food as Disciplinary Sanction Prohibited. Food shall not be withheld from juveniles, nor the menu varied as a disciplinary sanction. (7-1-97)

03. Control of Utensils. The facility shall have a control system for the issuance and return of all food preparation and eating utensils. (7-1-97)

435. FOOD SERVICE SANITATION.

01. Sanitation. Food service and related sanitation practices shall comply with the requirements of the State Health Department or other appropriate regulatory body. (7-1-97)

a. The facility administrator shall solicit at least an annual sanitation inspection by a qualified entity. The results of such inspections shall be documented and the facility administrator shall take prompt action to correct any identified problems. (7-1-97)

b. A daily inspection of all food service areas and equipment shall be conducted by the facility administrator, food service personnel, or other facility employee who is familiar with food service sanitation requirements and practices. (7-1-97)

02. Screening of Food Service Workers. Written policy shall provide that all persons assigned to food service work, including juveniles, shall be in good health and free from any communicable or infectious disease, vermin, or open, infected wounds. (7-1-97)

03. Food Service Sanitation Training. All persons assigned to food service work shall be familiar with and adhere to appropriate food service sanitation practices and requirements. (7-1-97)

436. FOOD SERVICE SUPPORT.

01. Dish Washing. All dishes, utensils, pots, pans, trays, and food carts used in the preparation, serving, or consumption of food shall be washed and rinsed promptly after every meal. Disposable utensils and dishes shall not be reused. (7-1-97)

02. Lighting. Kitchen lighting shall provide at least "twenty (20) foot-candles" of artificial lighting. (7-1-97)

03. Ventilation. Adequate ventilation shall be available to dispel excessive heat, steam, condensation, obnoxious odors, vapors, smoke, and fumes from the kitchen area. All vent openings to outside air shall be screened to prevent entrance of dirt, dust, and other contaminants. (7-1-97)

437. -- 439. (RESERVED).

440. SANITATION AND HYGIENE.

01. Sanitation Inspections. Written policy and procedures shall provide that the facility be maintained in a clean and healthful condition and that the facility administrator or his/her designee shall conduct at least weekly sanitation and maintenance inspections of all areas of the facility. (7-1-97)

02. Vermin Control. The facility shall have a plan for the control of vermin and pests which includes inspections and fumigations, as necessary, by a licensed pest control professional. (7-1-97)

03. Housekeeping Plan. The facility shall have a written housekeeping plan for all areas of the physical plant which provides for daily housekeeping and maintenance by assigning specific duties to juveniles and staff. All work shall be assigned and supervised by facility employees. No juvenile shall be allowed to assign work to other juveniles. (7-1-97)

04. Maintenance and Repair. The facility shall have written Policy and Procedures to provide that all plumbing, lighting, ventilation equipment, furnishings, and security hardware in juvenile living areas shall be kept in good working order. Any broken fixture, equipment, furnishings, or hardware shall be promptly repaired or replaced. Painted surfaces shall not be allowed to become scaled or deteriorated. (7-1-97)

05. Water Quality. Where the facility's water supply is obtained from a private source, the source shall be properly located, constructed, and operated to protect it from contamination and pollution. The water shall meet all current standards set by the applicable state and/or local authority as to bacteriological, chemical, and physical tests for purity. (7-1-97)

441. -- 444. (RESERVED).

445. PERSONAL HYGIENE.

01. Personal Hygiene Items. The facility shall provide without charge the following articles necessary for maintaining proper personal hygiene: (7-1-97)

- a. Soap; (7-1-97)
- b. Toothbrush; (7-1-97)
- c. Toothpaste; (7-1-97)
- d. Comb; (7-1-97)
- e. Shaving equipment upon request; and (7-1-97)
- f. Products for female hygiene needs. (7-1-97)

02. Toilet Paper. Toilet paper shall be available at all times in juveniles' toilet areas. (7-1-97)

03. Clothing and Linens. The facility shall provide for the issue of clean clothing, bedding, linens, and towels to new juveniles held overnight. At a minimum, the following shall be provided: (7-1-97)

- a. A set of standard facility clothing or uniform; (7-1-97)
- b. Fire-retardant mattress; (7-1-97)
- c. Pillow and pillow case; (7-1-97)
- d. Two (2) sheets or one (1) sheet and one (1) mattress cover; (7-1-97)

- e. Sufficient blankets to provide comfort under existing temperature conditions; and (7-1-97)
- f. One (1) clean towel. (7-1-97)
- 04. Laundry Services. Laundry services shall be sufficient to allow required clothing, bedding, and towel exchanges for juveniles. (7-1-97)
 - a. Clothing worn by the juvenile while in the detention facility shall be laundered or exchanged at least twice (2) each week. (7-1-97)
 - b. Linen shall be changed and laundered or exchanged at least once weekly or more often, as necessary. (7-1-97)
 - c. Blankets in use shall be laundered or exchanged at least monthly, or before re-issue to another juvenile. (7-1-97)
 - d. Towels shall be laundered or exchanged at least twice weekly. (7-1-97)
- 05. Clothing and Linen Supplies. The facility inventory of clothing, bedding, linen, and towels shall exceed the maximum population to ensure that a reserve is always available. (7-1-97)

446. -- 449. (RESERVED).

450. HEALTH SERVICES.

- 01. Written Policy and Procedures. The facility shall have written policies and procedures to govern the delivery of reasonable medical, dental, and mental health services. These written policies and procedures must at a minimum address, but are not limited to the following: (7-1-97)
 - a. Admission medical screening; (7-1-97)
 - b. Collection of health appraisal data within fourteen (14) days; (7-1-97)
 - c. Non-emergency medical services; (7-1-97)
 - e. Emergency medical and dental services; (7-1-97)
 - f. Emergency evacuation plan of juveniles from the facility; (7-1-97)
 - g. Use of an emergency vehicle; (7-1-97)
 - h. Use of one (1) or more hospital emergency rooms or other appropriate health care facility; (7-1-97)
 - i. Emergency on-call physician and dental services when the emergency health care facility is not located nearby; (7-1-97)
 - j. First-aid and CPR instructions and training, including the availability of First Aid supplies; (7-1-97)
 - k. Screening, referral, and care of juveniles who may be suicide-prone, or experience physical, mental or emotional disabilities; (7-1-97)
 - l. Arrangements for providing chronic, convalescent, and continuing care; (7-1-97)
 - m. Arrangements for providing close medical supervision of juveniles with special medical or psychiatric problems; (7-1-97)

- n. Delousing procedures; (7-1-97)
- o. Infectious disease control and medical isolation; (7-1-97)
- p. Juveniles suspected of having contagious or infectious diseases shall be temporarily isolated immediately from other juveniles and shall be examined by a health care provider promptly; (7-1-97)
- q. Management of pharmaceuticals, including storage in a secure location; (7-1-97)
- r. Notification of next of kin and/or appropriate authorities in case of serious illness, injury or death; (7-1-97)
- s. A juvenile's requests for medical treatment. (7-1-97)

02. Medical Judgements. Except for regulations necessary to ensure the safety and order of the facility, all matters of medical, mental health, and dental judgement shall be the sole province of the Health Authority, who shall have final responsibility for decisions related to medical judgements. (7-1-97)

03. Admission Medical Screening. A Medical Screening shall be performed on all juveniles upon admission to the facility. The findings shall be recorded. The medical screening shall include inquiry of current illness and health problems, dental problems, sexually transmitted and other infectious diseases, medication taken and special health requirements, use of alcohol or drugs, mental illness and/or suicidal behavior, observations of unusual behavior, including state of consciousness, mental status, appearance, conduct, tremor, sweating, body deformities, physical injuries, trauma markings, bruises, jaundice, rashes, evidence of body vermin, ease of movement. (7-1-97)

04. Informed Consent. Permission to perform medical, surgical, dental or other remedial treatment shall be obtained from parents, spouse, guardian, court or other competent person as stated in Idaho Code Section 16-1616. (7-1-97)

05. Health Appraisal. A physical assessment for each juvenile shall be provided by the Health Authority or Medical Employee within fourteen (14) days of admission. (7-1-97)

451. -- 454. (RESERVED).

455. RULES AND DISCIPLINE.

01. Written Policy and Procedures. The facility shall have written policy and procedure for maintaining discipline and regulating juveniles' conduct. The following general principle shall apply: (7-1-97)

a. The conduct of juveniles shall be regulated in a manner which encourages and supports appropriate behavior, with penalties for negative behavior; (7-1-97)

b. Rules of conduct. The facility shall have written rules of conduct which specify prohibited acts within the facility, the penalties that may be imposed for various degrees of violation, and the disciplinary procedures to be followed. Upon admission, each juvenile shall be provided a copy of the rules. If, at any time, a literacy or language barrier is recognized, the facility shall make good faith efforts to provide understanding; (7-1-97)

c. Disciplinary action shall be of a nature to regulate juveniles' behavior within acceptable limits and shall be taken at such times and in such degrees as necessary to accomplish this objective; (7-1-97)

d. The behavior of juveniles shall be controlled in an impartial and consistent manner; (7-1-97)

e. Disciplinary action shall not be arbitrary, capricious, retaliatory, or vengeful; (7-1-97)

f. Corporal or unusual punishment is prohibited, and care shall be taken to insure juveniles' freedom from personal abuse, humiliation, mental abuse, personal injury, disease, property damage, harassment, or punitive

interference with daily functions of living, such as eating or sleeping; (7-1-97)

g. Use of restraints or use of physical force as punishment is prohibited. Use of physical force may be used only in accordance with written Policy and Procedure and limited to the following situations: (7-1-97)

i. Protection of a juvenile from self injury; (7-1-97)

ii. Prevention of injury to others; (7-1-97)

iii. Precaution during transfer; (7-1-97)

iv. Medical reasons under the direction of medical staff; and (7-1-97)

v. Prevention of property damage. (7-1-97)

h. Withholding of food or variation of diet as punishment is prohibited; and (7-1-97)

i. Juveniles shall not be subject to any situation in which juveniles impose discipline on each other. (7-1-97)

02. Written Policy and Procedures. The facility shall have written Policy and Procedures to define and govern the resolution of rule infractions. (7-1-97)

03. Grievance Procedure. The facility shall have written Policy and Procedures for juveniles which will identify grievable issues and define the grievance process. (7-1-97)

04. Criminal Law Violations. When a juvenile allegedly commits an act that violates federal, state, or local criminal law, the case shall be promptly referred to the appropriate authority for possible investigation and prosecution. (7-1-97)

456. MAIL, VISITING, TELEPHONE.

01. Written Policy and Procedures. These shall govern the practices of handling mail, visitation, use of the telephone, and any limitations or restriction on these privileges. (7-1-97)

a. Juveniles shall have the opportunity to receive visits and to communicate and correspond with persons, representatives of the media or organizations, subject to the limitations necessary to maintain facility security and order. (7-1-97)

b. Mail, other than sent to or received from public officials, judges, attorneys, courts, government officials and officials of the confining authority, may be opened and inspected for contraband. (7-1-97)

02. Telephone Service, General. All juveniles, except those restricted as a result of disciplinary action, shall be provided the opportunity to complete at least two telephone calls weekly to maintain family and community ties. (7-1-97)

a. Telephone calls shall not be monitored, except where legitimate reason exists in order to maintain security and order in the facility. If calls are monitored, the juvenile shall be so notified. (7-1-97)

b. The facility may require that any costs for telephone calls be borne by the juvenile or the party called. (7-1-97)

c. Telephone use at admission. Written policy and procedure shall grant all juveniles the right to make at least one (1) local or collect long distance telephone call to family members, attorneys, or other approved individuals during the admissions process. (7-1-97)

d. Telephone service, privileged. Juveniles shall be allowed to make a reasonable number of

telephone calls to their attorneys. (7-1-97)

i. Telephone calls to attorneys shall be of reasonable duration. (7-1-97)

ii. Telephone calls to attorneys shall not be monitored. (7-1-97)

iii. Telephone calls to attorneys shall not be revoked as a disciplinary measure. (7-1-97)

03. Visitation. The parents/legal guardians, probation officer, parole officer, facility administrator or the court of jurisdiction may impose restrictions on who may visit a juvenile; (7-1-97)

04. Search of Visitors. Written policy and procedure shall specify that visitors register upon entry into the facility and the circumstances under which visitors are searched and supervised during the visit. (7-1-97)

05. Confidential Visits. The facility shall provide juveniles adequate opportunities for confidential access to courts, attorneys and their authorized representatives, probation and parole officers, counselors, caseworkers and the clergy. (7-1-97)

06. Attorneys, probation and parole officers, counselors, caseworkers and clergy shall be permitted to visit juveniles at reasonable hours other than during regularly scheduled visiting hours. (7-1-97)

a. Visits with attorneys, probation and parole officers, counselors, caseworkers and clergy shall not be monitored, except that facility employees may visually observe the visitation as necessary to maintain appropriate levels of security. (7-1-97)

b. Visits with attorneys, probation and parole officers, counselors, caseworkers or clergy shall be of the contact type unless otherwise indicated by the juvenile or visitor, or the facility administrator determines there is a substantial security justification to restrict the visit to a non-contact type. When a contact visit is not allowed, the reasons for the restriction shall be documented in the juvenile's record. (7-1-97)

457. -- 460. (RESERVED).

461. ADMISSION.

01. Intake and Admission. Written policy and procedure shall provide that new juveniles receive orientation materials, including conduct rules. If, at any time, a literacy or language barrier is recognized, the facility shall make good faith efforts to assure that the juvenile understands the material. (7-1-97)

02. Written Procedures for Admission. The facility shall have written policy and procedures for admission of juveniles which shall address, but are not limited to, the following: (7-1-97)

a. Determination that the juvenile is lawfully committed to the facility. (7-1-97)

b. Classification of juveniles. The facility shall have written policies and procedures governing the classification of juveniles in regard to sleeping, housing arrangements, and programming. (7-1-97)

c. Fitness to confine. If the juvenile shows signs of illness, injury, is incoherent, or unconscious, he or she shall not be admitted to the facility until the committing officer has been provided written documentation from a medical personnel or a physician of examination, treatment, and fitness for confinement. (7-1-97)

d. A complete search of the juvenile and possessions. (7-1-97)

e. The disposition of personal property. (7-1-97)

f. Provision of shower and hair care, if necessary. (7-1-97)

g. The issuance of clean, laundered clothing, as needed. (7-1-97)

- h. The issuance of personal hygiene articles. (7-1-97)
- i. The provision of medical, dental and mental health screening. (7-1-97)
- j. The assignment to housing unit. (7-1-97)
- k. The recording of basic personal data and information. (7-1-97)
- l. The assistance to juveniles in notifying their families of their admission and the discussion of procedures for mailing and visiting. (7-1-97)
- m. The assignment of a registered number to the juvenile. (7-1-97)
- n. The provision of written orientation materials to the juvenile. (7-1-97)
- o. The fingerprinting and photographing in accordance with Idaho Code. (7-1-97)
- 03. Court Appearance Within Twenty-Four (24) Hours. According to Idaho Code, written policy and procedures shall ensure that any juvenile placed in detention or shelter care be brought to court within twenty-four (24) hours, excluding Saturdays, Sundays and holidays for a detention hearing to determine where the juvenile will be placed until the next hearing. Status offenders shall not be placed in any jail or detention facility, but instead may be placed in juvenile shelter care facilities. (7-1-97)
- 04. Limitations of Detention. Written policy and procedure shall limit the use of detention in accordance with Idaho Code 20-516. (7-1-97)

462. RELEASE.

- 01. Release. Written policy and procedure shall govern the release of any juvenile and the release process including, but not limited to, verification of juvenile's identity, verification of release papers, completion of release arrangements, including the person or agency to whom the juvenile is being released, return of personal effects, completion of any pending action, such as grievances or claims for lost or damaged possessions, medical screening and arrangements for community follow-up when needed, instructions on forwarding mail, and the presence or absence of any detainer. (7-1-97)
- 02. Detainer as an Automatic Bar to Release. Policy and procedures shall govern the investigation of the basis of any such detainer and whether to release the juvenile based on the detainer. (7-1-97)
- 03. Community Leaves. Written policy and procedure shall govern escorted and unsecured day leaves into the community. (7-1-97)
- 04. Personal Property Complaints. Written policy and procedures shall govern a procedure for handling complaints about personal property. (7-1-97)
- 05. Disposal of Property. Property not claimed within four (4) months of a juvenile's discharge may be disposed of by the facility in accordance with Idaho Code. (7-1-97)

463. -- 464. (RESERVED).

465. PROGRAMS AND SERVICES AVAILABLE.

The facility shall have written policies and procedures which govern what programs and services will be available to juveniles, subject to the limitations necessary to maintain facility security and order. These programs and services shall include, at a minimum, access or referral to counseling, religious services on a voluntary basis, one (1) hour per day and five (5) days per week of large muscle exercise and passive recreational activities, regular and systematic access to reading material, juvenile work assignments and educational programs according to the promulgated rules of the Idaho State Department of Education, except where there is justification for restricting a juvenile's

participation. Any denial of services must be documented. (7-1-97)

466. -- 469. (RESERVED).

470. EXISTING FACILITY REQUIREMENTS.

01. Applicability. Rules in this section shall apply to all facilities for which construction was initiated and/or completed before the effective date of these rules. (7-1-97)

02. Code Compliance. In addition to these rules, existing facilities shall comply with applicable building, health, and safety codes of the local authority and the requirements of the State Fire Marshal. Rules herein which exceed code requirements of the local authority shall take precedence. (7-1-97)

03. General Conditions. All existing juvenile detention facilities shall conform to the following general conditions: (7-1-97)

a. Artificial lighting. Light levels in all housing areas shall be at least twenty (20) foot candles measured three feet above the floor. Light levels in other areas shall be appropriate for the use and type of activities which occur. Night lighting levels shall permit adequate illumination for supervision. (7-1-97)

b. Natural light. All living areas shall provide visual access to natural light. (7-1-97)

c. Heating, cooling and ventilation systems. HVAC systems shall be designed to provide that temperatures in indoor living and work areas are appropriate to summer and winter comfort zones, and healthful and comfortable living and working conditions exist in the facility. (7-1-97)

d. Security hardware. All locks, detention hardware, fixtures, furnishings, and equipment shall have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on sleeping room or housing unit doors is prohibited. (7-1-97)

04. Admission and Release Area. The facility shall have an intake and release area which should be located within a secure perimeter, but apart from other living and activity areas. Adequate space shall be allocated for, but not limited to, reception, booking and identification, search, shower and clothing exchange, medical screening, storage of juvenile's personal property and facility clothing, telephone calls, interviews, release screening and processing, and temporary holding rooms designed to detain juveniles for up to eight (8) hours pending booking, court appearance, housing assignment, transfer, or release. Temporary holding rooms may be designed for multiple occupancy and shall provide at least twenty-five (25) square feet of floor space for each juvenile at capacity, but shall be no smaller than fifty (50) square feet. Temporary holding rooms shall have access to a toilet and wash basin with hot and cold water. (7-1-97)

05. Single Occupancy Rooms. Single occupancy sleeping rooms or cells shall have a minimum of thirty-five (35) square feet of unencumbered space and shall be equipped with at least a bed above the floor. (7-1-97)

06. Multiple Occupancy Rooms. Multiple occupancy sleeping rooms or cells shall have at least thirty-five (35) square feet of unencumbered floor space per occupant at the room's rated capacity and shall be equipped with at least a bed above the floor for each occupant. (7-1-97)

07. Sanitation and Seating. All single or multiple occupancy sleeping rooms or cells shall be equipped and/or provide access to a toilet, wash basin with hot and cold running water, and drinking water at the following ratios: at least one (1) shower and one (1) toilet for every eight (8) juveniles, or fraction thereof, wash basin with hot and cold water for every twelve (12) juveniles, or fraction thereof, and tables and sufficient seating for all juveniles for the maximum number expected to use the room at one time. (7-1-97)

08. Day Room/Multi-Purpose Room. The facility shall have at least one (1) day room/multi-purpose room which provides a minimum of thirty-five (35) square feet of floor space per occupant for the maximum number expected to use the room at one (1) time. (7-1-97)

09. Program Space. Adequate space shall be allocated for, but not limited to, educational programs, individual and group activities, exercise and recreation, visitation, confidential attorney and clergy interviews, and counseling. (7-1-97)

10. Outdoor Exercise Space. The facility should have a secure outdoor recreation area large enough to ensure that each juvenile is offered at least one (1) hour of access daily. (7-1-97)

11. Administration Space. Adequate space shall be provided for administrative, security, professional and clerical staff. This space includes conference rooms, storage rooms for records, medical services, a public lobby, and toilet facilities. (7-1-97)

12. Handicapped Access. All parts of the facility that are accessible to the public shall be accessible to, and usable by, persons with disabilities in compliance with ADA standards. (7-1-97)

13. Perimeter Security. The perimeter is secured in a way which provides that juveniles remain within the perimeter and that access by the general public is denied without proper authorization. (7-1-97)

471. -- 474. (RESERVED).

475. NEW FACILITY DESIGN AND CONSTRUCTION.

01. Applicability. All standards in this section, except where exceptions are stated, shall apply to new juvenile detention facilities and renovation of existing juvenile detention facilities for which construction is initiated after the effective date of these rules. In the case of partial renovation of an existing facility, it is intended that these rules should apply only to the part of the facility being renovated. (7-1-97)

02. Rated Capacity. The facility shall have a rated capacity established in accordance with these rules. Except in emergencies, the total number of juveniles in each sleeping room or housing unit shall not exceed its rated capacity. The number of juveniles which may be housed in a particular room, housing unit, or facility shall be based upon available square footage, sanitary fixtures, and other physical plant features as specified in these rules. (7-1-97)

03. Code Compliance. In addition to these rules, all new construction and renovation shall comply with the building, safety, and health codes of the local authority and the applicable requirements of the State Fire Marshal. Standards herein which exceed those of the local authority shall take precedence. (7-1-97)

04. Site Selection. New facilities should be located to facilitate access to community resources and juvenile justice agencies. If the facility is located on the grounds or in a building with any other correctional facility, it shall be constructed as a separate, self-contained unit. (7-1-97)

05. General Conditions. All newly constructed or renovated juvenile detention facilities shall conform to the following general conditions: (7-1-97)

a. Artificial light. Light levels in all housing areas shall be at least twenty (20) foot candles measured three (3) feet above the floor. Light levels in other areas shall be appropriate for the use and type of activities which occur. Night lighting shall not exceed five (5) foot candles during sleeping hours. (7-1-97)

b. Natural light. In all new construction, all living areas shall provide visual access to natural light. (7-1-97)

c. Heating, cooling and ventilation systems. HVAC systems shall be designed to provide that temperatures in indoor living and work areas are appropriate to the summer and winter comfort zones, and healthful and comfortable living and working conditions exist in the facility. (7-1-97)

d. Detention hardware. All locks, detention hardware, fixtures, furnishings, and equipment shall have the proper security value for the areas in which they are used. The use of padlocks in place of security locks on sleeping room or housing unit doors is prohibited. (7-1-97)

e. Privacy screening. Juveniles' rights to privacy from unauthorized or degrading observation shall be protected without compromising the security and control of the facility. Privacy screening for all toilet and shower areas which still allows adequate supervision of those areas should be incorporated into the design. (7-1-97)

f. Perimeter security. The facility shall have a perimeter which is secured in such a way that juveniles remain within the perimeter and that access by the general public is denied without proper authorization. (7-1-97)

g. Electronic surveillance and communications systems. The security area of the facility shall have an audio communication system equipped with monitors in each sleeping room and temporary holding room designed to allow monitoring of activities and to allow juveniles to communicate emergency needs to facility employees. Closed circuit television should primarily be used to verify the identity of persons where direct vision is not possible. Closed circuit television shall not be used to routinely monitor the interior of sleeping rooms. (7-1-97)

h. Emergency power. All newly constructed facilities shall provide an emergency source of power to supply electricity for entrance lighting, exit signs, circulation corridors, fire alarm, electrically operated locks and the ventilation system. (7-1-97)

06. Admission and Release Area. The facility shall have an intake and release area which should be located within the security perimeter, but apart from other living and activity areas. Adequate space shall be allocated for, at least but not limited to, reception, booking and identification, search, shower and clothing exchange, medical screening, storage of juvenile's personal property and facility clothing, telephone calls, interviews, release screening and processing and temporary holding rooms designed to detain juveniles for up to eight (8) hours pending booking, court appearance, housing assignment, transfer, or release. Temporary holding rooms may be designed for multiple occupancy and shall provide at least twenty-five (25) square feet of floor space for each juvenile at capacity, but shall be no smaller than fifty (50) square feet. Temporary holding rooms shall have access to a toilet and wash basin with hot and cold water. (7-1-97)

07. Single Occupancy Rooms. Single occupancy sleeping rooms or cells shall have a minimum of thirty-five (35) square feet of unencumbered space and shall be equipped with at least a bed above the floor. (7-1-97)

08. Multiple Occupancy Rooms. Multiple occupancy sleeping rooms or cells shall have at least thirty-five (35) square feet of unencumbered floor space per occupant at the room's rated capacity and shall be equipped with at least a bed off the floor for each occupant. (7-1-97)

09. Sanitation and Seating. All single or multiple occupancy sleeping rooms shall be equipped with, or have twenty four (24) hours per day access without staff assistance to toilets, wash basins with hot and cold running water, and drinking water at the following ratios: one (1) shower and one (1) toilet for every eight (8) juveniles or fraction thereof, one (1) wash basin with hot and cold water for every twelve (12) juveniles or a fraction thereof, and tables and seating sufficient for the maximum number expected to use the room at one time. (7-1-97)

10. Day Room/Multi-Purpose Room. The facility shall have at least one day room/multi-purpose room which provides a minimum of thirty-five (35) square feet of floor space per occupant for the maximum number expected to use the room at one time. (7-1-97)

11. Program Space. Adequate space shall be allocated for, but not limited to, educational programs, individual and group activities, exercise and recreation, visitation, confidential attorney and clergy interviews, and counseling. (7-1-97)

12. Interview Space. A sufficient number of confidential interview areas to accommodate the projected demand of visits by attorneys, counselors, clergy, or other officials shall be provided. At least one (1) confidential interview area is required. (7-1-97)

13. Outdoor Exercise Space. The facility should have a secure outdoor recreation area. (3-1-97)T

14. Medical Service Space. Space shall be provided for routine medical examinations, emergency first-aid, emergency equipment storage, and secure medicine storage. (7-1-97)

15. Food Service. Where food is to be prepared in-house, the kitchen shall have sufficient space for food preparation, serving, disposal, and clean-up to serve the facility at its projected capacity. The kitchen shall be properly equipped and have adequate storage space for the quantity of food prepared and served. (7-1-97)

16. Laundry. Where laundry services are provided in-house, there shall be sufficient space available for heavy duty or commercial type washers, dryers, soiled laundry storage, clean laundry storage, and laundry supply storage. (7-1-97)

17. Janitor's Closet. At least one (1) secure janitor's closet containing a mop sink and sufficient space for storage of cleaning supplies and equipment shall be provided within the security perimeter of the facility. (7-1-97)

18. Security Equipment Storage. A secure storage area shall be provided for all chemical agents, weapons, and security equipment. (7-1-97)

19. Administration Space. Adequate space shall be provided which includes but is not limited to, administrative, security, professional and clerical staff, offices, conference rooms, storage rooms, a public lobby, and toilet facilities. (7-1-97)

20. Public Lobby. A public lobby or waiting area shall be provided which includes sufficient seating and toilets. Public access to security and administrative work areas shall be restricted. All parts of the facility that are accessible to the public shall be accessible to, and usable by, persons with disabilities in compliance with ADA standards. (7-1-97)

476. -- 999. (RESERVED).