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2018

Ohio Adm Code -

**Chapter 5139-37 Detention Centers****5139-37-01 Definitions.**

(A) The following are definitions used in this chapter.

Bureau of criminal identification and investigation: the office of the attorney general that conducts background checks, receives and files fingerprints, photographs and other information pertaining to arrested felons and advises arresting officials of the facts pertaining to previous arrests or convictions.

Chemical or medical restraint: a form of medical restraint in which a drug is used to sedate or restrict the freedom of movement of children. The medication used is not part of the child's normal medical treatment.

Child: an individual under the jurisdiction of the juvenile court up to the age of twenty-one. As defined in division (C) of section 2152.02 of the Revised Code.

Contraband: any item possessed by a confined juvenile or found that is illegal by law or expressly prohibited by those legally charged with the administration and operation of the facility or program.

Caustic materials: corrosive substances that can destroy or eat away by chemical reaction (e.g. lye, caustic soda, sulfuric acid).

Chemical agent: any chemical spray, gas, or powder used to temporarily incapacitate a person, including oleoresin capsicum (pepper spray), tear gas, and 2-chlorobenzalonnitrite gas.

Department: the Ohio department of youth services.

Detention center: a facility established under section 2152.41 of the Revised Code for the care and temporary confinement of children, as defined in division (C) of section 2152.02 of the Revised Code under the jurisdiction of the juvenile court, alleged to be delinquent, or who are pending court adjudication, or disposition or as a result of a juvenile sentence for a defined term.

Detention director: interchangeable with the title superintendent, the on site final administrative authority at a detention center.

Direct care staff: staff who are responsible and trained to provide in-person supervision of and interaction with children in housing units, recreational areas, dining areas, and other programs areas of the facility.

Emergency: any significant disruption of normal facility or agency procedure, policy or activity caused by a riot, escape, fire, natural or man-made disaster, employee actions, self-injurious or suicidal behavior, or other serious incident.

Emergency care: care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

Emergency plans: written documentation that address specific actions to be taken in an institutional emergency or catastrophe such as a fire, flood, riot, or other major disruption.

Grievance: a complaint or formal notice of a circumstance or action considered to be unjust and grounds for complaint.

Health authority: the individual, government health agency, or health care contractor responsible for the facility's health care services, including arrangements for all levels of health and/or mental health care and the ensuring of quality of, and accessibility to health and/or mental health services. The health authority is led by licensed physician or physicians who, virtue of education, experience and certification, are capable of assuming responsibility for arranging and ensuring the quality of health and mental health services.

Health care: the sum of all actions taken, preventive and therapeutic, to provide for the physical and mental well-being of a population. Includes access to medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

Magnetometer: an instrument for detecting the presence of ferrous or magnetic materials, esp. one used to detect concealed weapons.

Mandatory standard: describes minimal professional standards that address conditions of confinement.

Ohio Administrative Code: codified administrative rules, adopted by an administrative agency pursuant to authority granted by the general assembly to carry out the policies and intent of a statute enacted by the general assembly.

Ohio Revised Code: all statutes of a permanent and general nature of the state as revised and consolidated into general provision, titles, chapters, and sections shall be known and designated as the "Revised Code," for which designation "R.C." may be substituted.

Orientation and pre-service training: the process following the initial hiring process by which a newly hired employee is informed about the facility, of his/her employment, and the facility programs, policies, procedures , and expectations.

PCSA: public children services agency: the children's services board or a county department of human services that has assumed the administration of the children's services function prescribed by Chapter 5153. of the Revised Code.

PCPA: private child placing agency - any association, as defined in section 5103.02 of the Revised Code that is certified pursuant to sections 5103.03 to 5103.05 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

Physical force: physical contact between staff and child to protect the child from harming himself, herself, or others, to stop a child who presents danger of escape, or property destruction that involves threat to the child's safety or the safety of others in accordance with policy and procedures.

PNA: private non-custodial agency: an agency defined in division (A)(4) of section 2151.011 of the Revised Code.

PREA: Prison Rape Elimination Act: as codified in 42 USC Chapter 147, Sections 15601 et. seq (September 4, 2003).

Recommended standard: describes what are considered generally accepted practices for detention centers.

Status offender: a child charged with a violation of a law or municipal ordinance that would not be a criminal offense if committed by an adult. Examples would be truancy or unruly offenses.

**Searches:**

Frisk search: a routine search of a juvenile's person, which involves physical contact with the juvenile's outer clothing. The juvenile is not required to remove clothing, with the exception of shoes, hat, and/or jacket.

Hygiene search: an over all inspection of the skin and hair of a person to look for communicable diseases, parasitic infestations or signs of abuse, or contraband.

Strip search: an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments.

Body cavity search: an inspection of the anal or vaginal cavity of a person that is conducted visually or manually, by means of any instrument, apparatus, or object, or any other manner. (section 2933.32 of the Revised Code)

Room confinement: the involuntary restriction of a child in a cell, room or other area identified by the detention director or designee where egress is blocked and the child is separated from the general population. Room confinement does not include normal sleeping hours or for brief periods of transitions, such as shift changes. Eliminates the term isolation or seclusion and uses a single term room confinement. Medical isolation and self confinement are not considered room confinement.

Medical isolation: the separation of a child from the general population due to medical concerns or as ordered by the medical health authority.

Self confinement: a voluntary request by the child to remain or be placed in a cell or room where egress is blocked.

Qualified medical professional: an individual licensed to provide medical services in accordance with state law and who has adequate education, training and experience to perform the duties required in accordance with professional standards.

Time out: a brief removal of a child from general population and into a separate area where egress is not blocked.

Toxic materials: substances that through chemical reaction or mixture can produce possible injury or harm to the body by entering through the skin, digestive tract, or respiratory tract (e.g., zinc, chromed paint, ammonia, chlorine, antifreeze, herbicides, pesticides).

Training: an organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on -site at any academy or training center, at an institution of higher learning, at national, state, and local training conferences / seminars, through contract service at professional meetings, or through closely supervised on-the-job training. Meetings of professional associations are considered training when there is clear evidence of any of the above elements.

Verbal strategies: verbal de-escalation techniques designed to redirect a child's behavior.

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Rule Amplifies: 5139.281

Prior Effective Dates: 1/30/09, 2/7/14, 3/21/2016

**5139-37-02 Approval process.**

(A) Application

(1) Any detention center which believes that it meets the requirements of Chapter 5139-37 of the Administrative Code, may apply for approval and financial assistance on forms provided by the department.

(2) A new applicant may apply to the department at any time. However, a period of sixty days may be required to process the application.

(3) Renewal applicants should submit, on an annual basis, a formal application on forms provided by the department, sixty days prior to the expiration of their current approval.

(4) All information requested on the application and supporting schedules shall be completed by the applicant. Information requested on the application and supporting schedules, which does not apply to the applicant, shall be indicated as "not applicable."

(5) The application must be signed by the appropriate authority and forwarded to the department.

(6) A budget worksheet will be provided by the department with the application form and will be used to determine the eligibility of funding sources and operating expenses. Information is to be furnished for the proposed fiscal budget and the prior completed fiscal year of operation.

(a) Funding sources - All sources of funding are to be reported on the budget worksheet in order that eligibility for funding by the department may be determined.

(i) Nongeneral revenue funds - For purposes of subsidy allocation determination, the following are considered to be nongeneral revenue funds:

(a) Federal grants;

(b) State of Ohio grants;

(c) Support payments by the guardian of the committed child;

(d) Per diem charges received;

(e) All other funding sources, except county general revenue.

(ii) Eligible funds - The determination of eligibility shall be funds generated through the county general revenue fund. This also includes appropriated funds to be used as matching and in-kind funds for various federal and state subsidies and rotaries designed to fund the detention center.

(b) Operating expenses - All anticipated expenditures for the proposed fiscal year shall be reported in the budget worksheet in the categories indicated. A chart of accounts will be provided by the department with the application form and shall be used to determine what category various expenses are to be reported under.

(B) Procedure for approval



(1) As part of the application process, staff of the department will make an on-site visit to the facility and review supporting materials to determine the agency's compliance with the standards as set forth in Chapter 5139-37 of the Administrative Code.

(2) The department shall make a decision on the application and send one of the following to the applicant:

(a) A notice of approval if the applicant meets standards set forth in Chapter 5139-37 of the Administrative Code. The approval is effective on the date of the signature of the director.

(b) A provisional approval if the applicant is temporarily unable to comply with one or more standards. The provisional approval will have a plan approved by the department to correct the areas of noncompliance in a stated time period. The provisional approval shall be issued for no more than six months and is not renewable.

(c) A notice of nonapproval if the applicant has not demonstrated its compliance with the standards set forth in Chapter 5139-37 of the Administrative Code. The notice of nonapproval shall cite the standard (s) which has/have not been met and shall be sent by certified mail.

(3) A notice of nonapproval is effective in thirty days unless appealed to the director of the department. Such appeal shall include the right to have a peer review under the provisions of paragraph (D)(1) of this rule.

(4) Within thirty days following the receipt of the appeal, the director shall render a decision in writing by certified mail to the detention center or order that a hearing be conducted to consider legal or factual issues of the appeal.

(5) If a hearing is conducted, the director shall render a decision in writing by certified mail to the detention center within thirty days of the hearing. The decision of the director shall be final.

#### (C) Duration of approval

(1) All approvals will automatically expire one year from the date of issuance, unless revoked sooner or unless an application for reapproval has been timely received and has not been finally acted upon.

(2) The department shall be advised, in writing, of any proposed operational change of the detention center so that the department can determine whether the change is in conformance with Chapter 5139-37 of the Administrative Code.

#### (D) Revocation of approval

(1) If the department believes that a detention center is in violation of provisions of Chapter 5139-37 of the Administration Code, it will inform the detention center of its intention to issue a letter of revocation under provisions of paragraph (D)(2) of this rule. The detention center will be informed of its right to request a peer review. The department shall establish policy and procedure which govern:

(a) the decision to grant a peer review; and

(b) the peer review process.

(2) The failure of a detention center to maintain compliance with the provisions of Chapter 5139-37 of the Administrative Code may result in the revocation of approval of the detention center. Such

revocation shall be in writing, specifying the provision(s) of Chapter 5139-37 of the Administrative Code which has/have been violated.

(3) A revocation is effective in thirty days unless appealed to the director of the department.

(4) Within thirty days following the receipt of the appeal, the director shall render a decision in writing by certified mail to the detention center or order that a hearing be conducted to consider legal or factual issues of the appeal.

(5) If a hearing is conducted, the director shall render a decision in writing by certified mail to the detention center within thirty days of the hearing. The decision of the director shall be final.

R.C. 119.032 review dates: 11/14/2013 and 11/14/2018

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Statutory Authority: 5139.04

Rule Amplifies: 5139.281

Prior Effective Dates: 12/11/1988, 10/31/2000

### **5139-37-03 Administration, organization and management.**

(A) The following standards are mandatory:

(1) The detention center and its programs are managed by a single administrative officer to whom all employees or units of management are responsible. The detention center is managed by a court of jurisdiction or board of trustees.

(2) There is a policy manual that delineates written policy and procedure for operating and maintaining the detention center. The manual is explained and made accessible to all employees. There is an organizational chart for the detention center staff that accurately reflects the structure of authority, responsibility and accountability within the detention center.

(3) The detention center meets all applicable licensing requirements of the jurisdiction in which it is located.

(4) A child alleged to be or adjudicated a neglected, abused, or dependent child may not be held in an adult facility, a secured correctional facility, or a detention facility (section 2151.312 of the Revised Code).

(B) The following standards are recommended:

(1) There exists a written statement that describes the philosophy, goals or purposes of the detention center, which is reviewed at least annually and updated if necessary. The detention center director formulates and reviews specific facility goals and objectives. Employees should be encouraged to participate in the formulation of facility goals and objectives.

(2) Written policy and procedure provide for a communication system within the detention center that requires, at a minimum, that the detention center director meet at least monthly with supervisors and key staff. In addition, supervisors will meet with staff members.

(3) Written policy, procedure and practice demonstrate that employees participate in the formulation of policies, procedures and programs.

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Promulgated Under: 111.15

Statutory Authority: 5139.04

Rule Amplifies: 5139.281

Prior Effective Dates: 12/11/1988, 1/30/2009

**5139-37-04 Fiscal management.**

(A) The following standards are mandatory:

(1) Written policy and procedure provide that all monies collected at the detention center are placed in an officially designated and secure location daily.

(2) A child's funds held by the detention center are controlled by generally accepted accounting procedures.

(B) The following standards are recommended:

(1) The detention center shall have an accounting system designed to show the current status of income and expenditures.

(2) Written policy and procedure and practice provide that the detention center director is responsible for fiscal management and control. Management of fiscal operations may be delegated to a designated staff person.

(3) Written policy and procedure and practice provide that the detention center director shall prepare a written, annual budget of anticipated expenditures for approval of the governing jurisdiction.

(4) Written policy and procedure and practice cover at a minimum the following fiscal areas: internal controls, petty cash, bonding for all appropriate staff, signature control on checks, and the issuing or use of vouchers.

(5) Written policy and procedure shall provide that the facility's budget request complies with policies, procedures and instructions of the jurisdiction which the detention center is a part. Detention center staff should have input in preparing the detention center's written budget request.

(6) Written policy, procedure and practice govern inventory control of property, supplies, and other assets. Inventories are conducted at time periods stipulated by applicable statutes every two years.

(7) Written policy, procedure and practice govern the requisition and purchase of supplies equipment, including at a minimum the purchasing procedures and criteria for the selection of bidders and vendors.

(8) Written policy, procedure and practice provide for institutional insurance coverage, including at a minimum the following: worker's compensation, general liability for employees, automobile liability, civil liability, and public employee blanket bond.

(9) If there is a commissary or canteen, strict controls are maintained over its operation and generally accepted accounting procedures are followed.

(10) Written policy, procedure and practice prohibit any financial transactions between juveniles, between juveniles and staff, and between juveniles and volunteers.

(11) Written policy, procedure and practice provide an independent financial audit of the detention center. This audit is to be conducted at least every two years.

(12) Written policy, procedure and practice regulate position control regarding position allocation, budget authorization, personnel records, and payroll

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Statutory Authority: 5139.04

Rule Amplifies: 5139.281

Prior Effective Dates: 12/11/1988, 1/30/2009

### **5139-37-05 Personnel.**

(A) The following standards are mandatory:

(1) A detention center shall follow the bureau of criminal identification (BCII) and investigation process to conduct a criminal records check with respect to any prospective employee who has applied to the detention center for appointment or employment.

(2) The detention center shall inform each prospective employee at the time of initial application, that as a precondition to being approved for that position:

(a) The person is required to complete the BCII prescribed criminal records check form and provide a set of fingerprint impressions; and

(b) A criminal records check is required to be conducted by BCII.

(c) A test for illegal drug use shall be completed.

(3) A detention center shall document that any person hired after October 29, 1993 as director, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home care shall not have been convicted of or pleaded guilty to any of the offenses listed in paragraph (A)(4)(a) of this rule.

(4) Except as provided in paragraph (A)(5) of this rule, a detention center shall not, as of October 29, 1993, hire a prospective employee as director, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home-care if the person has been convicted of or pleaded guilty to any of the following offenses:

(a) A violation of section 2903.01 (aggravated murder), 2903.02(murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.11 (felonious assault), 2903.12 (aggravated assault), 2903.13(assault), 2903.16 (failing to provide for a functionally impaired person), 2903.21 (aggravated menacing), 2903.34 (patient abuse or neglect), 2905.01(kidnapping), 2905.02 (abduction), 2905.05 (criminal child enticement), 2905.32 (trafficking in persons), 2907.02(rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (sexual imposition), 2907.07(importuning), 2907.08(voyeurism), 2907.09 (public indecency), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23(procuring),



2907.25 (prostitution - after positive HIV test), 2907.31 (disseminating matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving a minor), 2907.322 (pandering sexually oriented matter involving a minor), 2907.323 (illegal use of minor in nudity-oriented material performance), 2911.01 (aggravated robbery), 2911.02(robbery), 2911.11 (aggravated burglary), 2911.12(burglary), 2919.12 (unlawful abortion), 2919.22 (endangering children), 2919.24 (contributing to unruliness or delinquency of a child), 2919.25 (domestic violence), 2923.12 (carrying concealed weapons), 2923.13 (having weapons while under disability), 2923.161 (improperly discharging firearm at or into a habitation, in a school safety zone, or with intent to cause harm or panic to persons in a school building or at a school function), 2925.02 (corrupting another with drugs), 2925.03 (trafficking, aggravated trafficking in drugs), 2925.04 (illegal manufacture of drugs - illegal cultivation of marihuana -methamphetamine offenses), 2925.05 (illegal assembly or possession of chemicals for the manufacture of drugs), 2925.06 (funding, aggravated funding of drug or marijuana trafficking ), or 3716.11 (placing harmful or hazardous objects in food or confection) of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 (interference with custody) of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 (possession of controlled substances) of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state that is substantially equivalent to any of the offenses listed in paragraph (A)(4)(a) of this rule.

(5) A prospective employee convicted of or who has pleaded guilty to an offense listed in paragraph (A)(4)(a) of this rule may be hired by an detention center as a director, child care staff or caseworker, or in any other position responsible for a child's care in out-of-home care only if the following conditions have been met:

(a) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.

(b) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.

(c) The victim of the offense was not one of the following:

(i) A person under the age of eighteen.

(ii) A mentally retarded person as defined in division (N) of section 5123.01 of the Revised Code.

(iii) A developmentally disabled person as defined in division (Q) and (R) of section 5123.01 of the Revised Code.

(iv) A person with a mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(v) A person sixty years of age or older.

(d) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining whether to hire the prospective employee:

- (i) The person's age at the time of the offense.
- (ii) The nature and seriousness of the offense.
- (iii) The circumstances under which the offense was committed.
- (iv) The degree to which the person participated in the offense.
- (v) The time elapsed since the person was fully discharged from imprisonment or probation.
- (vi) The likelihood that the circumstances leading to the offense will recur.
- (vii) Whether the person is a repeat offender.
- (viii) The person's employment record.
- (ix) The person's efforts at rehabilitation and the results of those efforts.
- (x) Whether any criminal proceedings are pending against the person.
- (xi) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (A)(4)(a) of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.
- (xii) Any others factors the PCSA, PCPA, PNA considers relevant.

(6) It is the prospective employee's duty to provide written verification that the conditions specified in paragraph (A)(5) of this rule are met. If the prospective employee fails to provide such proof or if the detention center determines that the proof offered by the prospective employee is inconclusive or insufficient, the person shall not be hired. Any doubt shall be resolved in favor of protecting the children the detention center serves.

(7) To determine whether a prospective employee is qualified to be hired pursuant to paragraph (A)(4)(a) of this rule, a criminal records check shall be conducted pursuant to this rule.

(8) A detention center may conditionally hire a prospective employee until the criminal records check required by this rule is completed and the detention center receives the results of the criminal record check, if the prospective employee submits to the detention center a signed statement attesting that the prospective employee has not been convicted of or pleaded guilty to any offense listed in paragraph (A)(15)(a) of this rule. If the results of the criminal record check indicate that the person does not qualify for employment, the detention center shall release the person from employment.

(9) The provisions of paragraph (A)(5) of this rule must be considered for any prospective employee who has been convicted of, or pleaded guilty to, one or more of the offenses listed in paragraph (A)(4)(a) of this rule even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care of children who may be entrusted to the person's care.

(10) A conviction of, or plea of guilty to, an offense listed in paragraph (A)(4)(a) of this rule shall not prevent a prospective employee's hire if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(11) Current employees suspected of involvement in any of the offenses listed in paragraph (A)(4)(a) of this rule shall be removed from contact with residents until the public children services agency or law enforcement agency has completed its investigation and has made applicable recommendations.

(12) A detention center shall assure that all staff hired or who are under any personal service contract who are required by law to possess any professional licensure or certification are so licensed or certified.

(13) Each detention facility shall have a written ethics policy that complies with the rules and regulations of the Ohio ethics commission.

(B) The following standards are recommended:

(1) Each detention center shall have written policies and procedures concerning personnel matters. The policies and procedures shall be approved by the parent agency and be available to all employees.

(2) Written policy and procedure provide for provisional appointment to ensure the availability of personnel for short-term, full-time or part-time work in an emergency situation.

(3) Written policy and procedure provide for a written annual performance evaluation of all employees, which is based on defined criteria and is reviewed and discussed with the employee.

(4) Written policy and procedure provide for a current, accurate, and confidential personnel record for each employee; confidentiality is ensured by restricting its availability to only the employee who is the subject of the record and to other detention center employees who have a need for the record in the performance of their duties. A written procedure exists whereby the employee can challenge information in his or her personnel file and have it corrected or removed if it proves to be inaccurate.

(5) There is a written employee grievance procedure, which is available to all employees.

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Prior Effective Dates: 12/11/1988, 10/31/2000, 1/30/2009, 2/07/2014

### **5139-37-06 Training and staff development.**

(A) The following standards are mandatory:

(1) Each facility will have a written policy and procedure providing that all direct care staff receive a minimum forty hours of orientation and pre-service training before assuming independent responsibility for their work assignment. Those forty hours are to include the core areas of:

(a) Facility personnel manual and operating policies and procedures manual

- (b) CPR / first aid / AED
- (c) Emergency procedures
- (d) Verbal intervention techniques / response to resistance
- (e) Mandatory reporting of child abuse
- (f) The Prison Rape Elimination Act

(2) Each facility will have a written policy and procedure that all trainers and presenters for mandatory trainings are qualified and have any of the following: a degree, licensure or certification. All other trainings must have trainers or presenters who have at a minimum, relevant verifiable experience in the topic material to be presented.

(3) Each facility will have a written policy and procedure requiring direct care staff to receive annual training of forty hours in addition to the orientation training.

(4) Each facility will have a written policy and procedure providing that all supervisors receive forty hours of training in the area of fundamental skills for supervisors and on relevant Ohio administrative rules within the first year of appointment.

(5) Each facility will have a written policy and procedure providing that all facility directors/deputy directors receive forty hours of training within the first year of appointment.

(B) The following standards are recommended:

(1) Training programs should have curriculums that include interactive training and job shadowing components.

(2) Written policies and procedures require that all employees, other than child-care staff, receive at least sixteen hours minimum orientation training and, minimally, an additional sixteen hours annually, appropriate to their work assignment.

(3) Training on adolescent development.

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### **5139-37-07 Juvenile records.**

(A) The following standards are mandatory:

(1) An admittance record is completed for every child admitted to the detention center. The admittance record includes the following:

- (a) Court case number and / or detention center admission number;
- (b) Date and time of admission and release;



- (c) Name and "also known as";
  - (d) Last known address;
  - (e) Court of jurisdictions / referral source;
  - (f) Specific charges(s) / order to detain;
  - (g) If the youth is "sentenced" under section 2152.19 of the Revised Code;
  - (h) Sex, gender identity, and sexual orientation, including whether the child appears or identifies as gender non-conforming in appearance or manner or identification as lesbian, transgender or intersex;
  - (i) Date of birth;
  - (j) Race or nationality;
  - (k) Health status;
  - (l) Medical consent form;
  - (m) Emergency contact information;
  - (n) Name, relationship, address, telephone number for the parent(s)/legal guardian/custodian with whom the child resided with prior to the time of admission;
  - (o) Inventory of property;
  - (p) Education level and school attended;
  - (q) Physical description;
  - (r) Program rules and disciplinary policy signed by the child;
  - (s) Information about sexual abuse/assault signed by the child- as required by PREA;
- (2) The admittance record is maintained as part of a file secured within the detention center, separated according to an established format and safeguarded from inappropriate disclosures, theft, loss or destruction.
- (a) The detention file includes at a minimum the following information:
    - (i) Initial intake information;
    - (ii) Documented legal authority to accept juveniles;
    - (iii) Inventory of a child's property
    - (iv) Documentation of temporary absences from the detention center, if any;
    - (v) Final discharge or transfer report;
  - (b) The medical file will include the following information when available:
    - (i) Record of medical examination;

- (ii) Assessment, including medical history;
- (iii) Suicide assessment
- (iv) Mental health assessment, initial and follow up.
- (c) The detention file will include the following information when available:
  - (i) Grievance and disciplinary record;
  - (ii) Phone call(s): name of person called, date of call;
  - (iii) Visit(s): name of visitor, date of visit;
  - (iv) Reports initiated by detention center personnel to include incident reports and staff alerts;
  - (v) Signed release-of-information forms;
  - (vi) Individual service plans;
  - (vii) Progress reports;
  - (viii) Case history / social history;
  - (ix) Pre-sentence investigation;
- (d) The following standard is recommended:

A recent photograph.

(3) All records are maintained according to each detention center's record retention policy and all applicable state law

(4) Juvenile records / files may be subject to confidentiality by statute and/or local court rules. Requests for juvenile records should be submitted to the court of competent jurisdiction.

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### **5139-37-08 Physical plant.**

(A) The following standards are mandatory:

(1) Male and female children do not occupy the same sleeping rooms.

(2) All sleeping rooms in detention facilities shall have a minimum of: access to sanitation facilities to include: toilet(s) above floor level and wash basin(s) available for use twenty-four hours a day; access to drinking water, lighting in personal grooming areas, natural lighting from an opening or window or within twenty (twenty) feet of the room, hot and cold running water, a bed above floor level, and temperatures that are appropriate to the winter and summer climate zones.

(3) The interior finishing materials in juvenile living areas, exit areas and places of public assembly are in accordance with applicable federal, state and/or local fire and building codes. The authority having jurisdiction annually documents compliance.

(4) The detention center conforms to applicable zoning ordinances or through legal means is attempting to comply with or change such laws, codes or zoning ordinances.

(5) Written policy shall require that under no circumstances shall a child confined in a detention center replace a janitor, maintenance, caretaking staff or other staff normally maintained for operations of the detention center.

(B) The following standards are recommended:

(1) Written policy and procedure and practice provide that the detention center director and/or designee, in conjunction with the detention center's governing body, shall develop and implement a system designed to detect building and equipment deterioration, safety hazards and unsanitary conditions, and to provide the proper reporting of needed correction or modification. Such policies and procedures shall include a written plan for a daily inspection of the detention center. Such inspection shall be recorded. Maintenance records shall be kept and subject to review by authorized personnel.

(2) Written policy, procedure, and practice provide for the control of vermin and pests by licensed professionals as necessary.

(3) Written policy, procedure and practice provide that programs comply with all applicable governmental regulations and standards. At a minimum, these policies cover the following:

(a) Sanitation inspections

(b) Water supply testing;

(c) Waste disposal;

(d) Housekeeping.

(C) The following standards are mandatory for new plants and additions. Recommended for others: (new plants and/or additions will be any detention center built or added onto since the last review cycle as published November 24, 2003).

(1) With the exception of the auditorium/gymnasium, the detention center shall contain air conditioning and a back-up ventilation system.

(2) Water for showers is temperature-controlled to provide an appropriate mix of hot and cold water.

(3) Hallways within living units and/or to and from living units shall be no less than six feet wide.

(4) All housing units and places of assembly for fifty or more persons shall have a minimum of two exits.

(5) Living units are designed for single occupancy sleeping rooms.

(6) Sleeping rooms in which children are confined shall have a minimum of thirty-five square feet of unencumbered space per occupant.

(D) The following standards are recommended:

- (1) If the detention center is on the grounds of any other type of correctional detention center, it is a separate self-contained unit.
- (2) The detention center perimeter is secured in such a way that children remain within the perimeter and that access by the general public is denied without proper authorization.
- (3) The average daily population for any given month does not exceed the rated capacity of the detention center.
- (4) The detention center is designed and constructed so that children can be grouped in accordance with a classification plan. There is a minimum of one single occupancy cell or room provided for observation of children having seriously illness, mental health issues, injuries or non-ambulatory children who may be held within the detention center.
- (5) The detention center operates with living units of no more than twenty-five children (see rule 5139-37-05 of the Administrative Code).
- (6) All dayroom areas provide for a minimum of:
  - (a) Lighting as determined by the tasks to be performed with access to natural light.
  - (b) One toilet for every twelve youth in male facilities and one for every eight children in female facilities.
  - (c) One washbasin for every twelve youth that are operable with hot and cold running water in housing units.
  - (d) Showers with thermostatically controlled temperatures ranging from one hundred to one hundred twenty degrees Fahrenheit at a minimum of one for every eight children.
  - (e) A heating / ventilation system that provides appropriate temperature to the summer and winter comfort zones.
  - (f) Thirty-five square feet of unencumbered floor space per child in the dayroom area.
  - (g) Furnishings that provide sufficient seating and writing surfaces for each child in the dayroom at one time that is consistent with the security needs of the assigned child.
  - (h) Access to a drinking fountain.
- (7) Adequate space is provided for the secure storage of janitorial supplies that are accessible to the living unit. Each area is to be equipped with a sink, cleaning implements and system of ventilation.
- (8) Adequate space is provided for the storage of security equipment that is located in an area readily accessible to authorized personnel.
- (9) The total combined indoor activity area to include the gymnasium, multipurpose room, library and all other leisure areas outside the living unit provides space equivalent to a minimum of one hundred square feet per child.
- (10) There are at least fifteen square feet of floor space per child for those occupying the dining room and/or dining area.



(11) When the detention center provides food service, the kitchen is a separate and distinct area that includes space for food preparation based on the average daily population, type of food preparation and methods of meal service.

(12) School classrooms are designed in conformity with local and state educational requirements.

(13) Sufficient space is provided for a visiting room or area of contact visiting.

There is adequate space provided for the screening and searching of a child and visitors. Space is provided for the storage of personal property of visitors that will not be permitted into the visitation area.

(14) There is an outdoor recreation area adequately designed to accommodate regularly scheduled recreation and group athletic activities.

(15) There is adequate space for religious services.

(16) When medical services are provided in house, the detention center has a medical room with medical examination facilities and/or appropriate equipment available.

(17) When there is an observation and/or security room separate from the living unit, such room shall be equipped with accessible and useable plumbing fixtures and furniture appropriate for the safety of the confined child

(18) There is interview space available in or near the living unit.

(19) There is secure storage space provided for storage of a child's personal property that is accessible only to detention center personnel.

(20) There is adequate storage available for clothing, bedding, detention center supplies and any other item required for daily operations.

(21) Separate and adequate space is provided for electrical, security and mechanical equipment that is only accessible by designated staff.

(22) There are provisions for adequate storage and loading areas for garbage disposal.

(23) Adequate space is provided for administrative, security, professional and clerical staff. This space is to include appropriate restroom facilities separate from child living areas.

(24) In parts of the facility that are accessible to the public, reasonable accommodation will be provided for access by handicapped staff and visitors.

(25) Ventilation is available in the event of a power failure.

(26) There is a written policy, procedure and practice designed to detect internal and external areas of building and equipment deterioration, safety hazards and unsanitary conditions. Such procedures shall include reporting practices needed for corrective measures and/or modifications.

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**5139-37-09 New plants.**

(A) The following standards are mandatory for renovation, additions and new plants.

Recommended for existing: (renovations, additions and or new plants will be designated as built or added onto since the last review cycle as published November 24, 2003).

(1) Children with disabilities are housed in a manner that provides for their safety and security. Individual rooms or housing units used by a child with disabilities are designed for their use and provides for integration with the general population. Appropriate detention center programs and activities are accessible to a disabled child confined to the detention center.

(2) Physical plant is designed to facilitate personal contact and interaction between staff and child.

(3) The detention center shall have exits that are properly positioned, clear, distinct and permanently marked in order to ensure the timely evacuation of children, staff and visitors in the event of fire or other emergency.

(B) The following standards are recommended for new plants:

(1) Written policy and procedure provides that the new detention center is built or that the existing detention center expanded only after a needs evaluation study has been prepared in conjunction with appropriate local and state bodies.

(2) The detention center site location is determined with participation from the community in which it is to be located.

(3) The detention center is geographically accessible to juvenile justice agencies and community based services to allow for continued contact between the youth and family, law enforcement, prosecutors, court personnel, legal counsel, clergy, school agencies and any other community agency working with a detained child.

(4) A written program philosophy is developed for the new detention center which includes but is not limited to:

(a) A description of the detention center

(b) Statutory authority and services to be provided.

(c) Projected workload.

(d) Staffing levels

(e) Programs.

(f) Operating and capital budget.

(g) Impact of the detention center on overall operation of the parent agency.

(h) Justification for the detention center

(i) Means of achieving goals.

(j) Space requirements.

(k) Means for renovations and new construction

(5) There is a designated day room area for each housing unit. The room is separate and distinct from the sleeping area and can be immediately adjacent to and accessible from the sleeping area.

(6) There is a designated area for a twenty-four hour control center to monitor the safety and security of the detention center. The control center should have sufficient space for monitoring and coordinating all internal and external security systems, communication systems, safety alarms, detection systems and any other mechanical or electrical system.

(7) Written policy and procedure provides that power generators are tested at least every two weeks and other emergency equipment and systems are tested at least monthly for effectiveness and repaired or replaced as necessary .

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### **5139-37-10 Safety and emergency procedures.**

(A) The following standards are mandatory:

(1) The detention center shall have exits that are clearly, distinctly, and permanently marked in order to ensure the timely evacuation of children, staff and visitors in the event of fire or other emergency. Posted exits signs and emergency equipment shall comply with the recommendations of the local fire authority.

(2) The detention center conforms to applicable federal, state and local fire, health and building codes. A fire alarm and automatic detection system is required. The authority having jurisdiction annually documents compliance.

(3) Written fire prevention procedures specify practices to ensure the safety of staff, child and visitors. These procedures shall include but will not be limited to:

(a) Provisions for adequate fire protection services.

(b) Inspection by local and/or state fire officials annually or as scheduled by state fire marshal.

(4) The detention center complies with applicable federal, state and local sanitation, safety and health codes and is inspected at least annually for compliance. Written reports of inspections by state or local authorities should be kept on file as assurance of continuing compliance with these codes.

(5) In accordance with section 3794.02 of the Revised Code, smoking will not be permitted inside any detention center, and will only be permitted in designated areas outside of the detention center. These designated areas must comply with section 3794.02 of the Revised Code. Noncombustible receptacles

for smoking materials and separate containers for other combustible refuse are utilized at the outside smoking locations.

The detention center is equipped with noncombustible receptacles for combustible refuse at readily accessible locations in the living quarters and other locations throughout the detention center. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned regularly.

(6) Written policy and procedure provide for a qualified fire and safety officer to perform a comprehensive and thorough annual inspection of the detention center for compliance with safety and fire prevention standards and for annual review of this policy and procedure. There is a monthly fire and safety inspection of the detention center by a qualified supervisor or other qualified staff member who are familiar with safety and sanitation requirements of the jurisdiction. There are monthly evacuation drills.

(7) Written policy and procedure specify the detention center's fire prevention regulations and practices to ensure the safety of staff, children and visitors. These include, but are not limited to: provisions for an adequate fire protection service, a system of fire inspection and testing of equipment at least annually, an annual inspection by local or state fire officials or other qualified person(s), and availability of fire hoses or extinguishers at appropriate locations throughout the detention center.

(8) The detention center has a written evacuation plan prepared in the event of fire or major emergency that is certified by an independent, outside inspector trained in the application of appropriate codes. These plans are made available to all applicable personnel and they are reviewed and updated annually and/or as needed. The plan includes the location of building/room floor plans, use of exit signs and directional arrows for traffic flow, location of publicly posted plan, monthly drills in all occupied locations of the detention center, and staff drills when evacuation of dangerous residents may not be included.

(9) Written policy and procedure specify the means for the prompt release of children from locked areas in case of emergency, and provide for a secondary release system.

(10) All detention center personnel are trained in the implementation of written emergency plans.

(11) Written policy and procedure govern the control and use of all flammable, toxic and caustic materials. All flammable, toxic, caustic materials should be stored in secure areas that are inaccessible to children and a prescribed system should be used to account for their distribution. Children should never possess such items unless under the close supervision of staff.

(12) The detention center has a fire alarm system and an automatic detection system that is approved by the authority having jurisdiction. All system elements are tested on a quarterly basis, unless approved by the authority having jurisdiction. The adequacy and operation of the system are approved by the state fire official or other authority annually.

(13) Within ninety days after the effective date of this rule, specifications for the selection and approval of new furnishings indicate the fire safety performance requirements of the materials selected. Such materials are subject to careful fire safety evaluation before purchase or use. Neoprene or cotton mattresses treated with boric acid are recommended. Foamed plastics or foamed rubber such as polyurethane, polystyrene are not to be used in any living area.



(14) The detention center has available to it the services of a qualified fire and safety officer who reviews all policies and procedures related to safety and fire prevention.

(B) The following standards are recommended:

The detention center has access to an alternate power source to maintain essential services in an emergency.

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### **5139-37-11 Security and control.**

The following standards are mandatory:

(A) Written policy and procedure on physical force shall:

(1) Limit the use of physical force to protect the child from harming himself, herself, or others, to stop a child who presents a danger of escape, to remove a child from the general population if the child is disrupting operations, or engaging in property destruction that involves a threat to the child's safety or the safety of others and in accordance with appropriate statutory authority. In no event is physical force justifiable as punishment.

(2) Ensure that children involved in incidents of physical force must receive an appropriate and timely evaluation to determine the need for medical treatment. The evaluation may not be conducted by an employee directly involved in the incident.

(3) Require a timely written report following all uses of physical force that is submitted to and reviewed by the detention center director or designee.

(4) All uses of physical force shall be reviewed and evaluated in accordance with policies and procedures.

(B) Written policy and procedure on searches shall:

(1) Provide for the least intrusive method of search consistent with the safety and security of the detention center.

(2) Require the utilization of professional, respectful, and appropriate search techniques by trained staff.

(3) Searches are of the same gender as the individual being searched except in exigent circumstances, including but not limited to appropriate search techniques of trans gender and intersex.

(4) Frisk searches of a child may be conducted in accordance with the facility's policies and procedures. Children who are entering or who have entered a detention center may be searched by: the use of a magnetometer or similar device; by a frisk search of the child; and by an examination of any personal effects within the detention center. Such searches must be conducted uniformly.

(5) Hygiene searches may be conducted on any child entering a detention center by visually observing child while changing into clothing that is required to be worn within the detention center. This may be for the purpose of hygiene search, to detect contraband, and for mandatory reporting of child abuse and/or to detect pre-existing injury.

(6) Strip searches of children may be conducted with the approval of the supervisor on duty of each center. Strip searches are to be conducted in the manner that affords the greatest degree of privacy, taking into consideration safety and security. Strip searches may be conducted if there is a reasonable suspicion that the child may convey contraband into the detention center. This reasonable suspicion must be based upon:

(a) Specific observable facts;

(b) Reasonable inferences drawn from those facts;

(c) Specific factors in the child's background that support the necessity of such search in light of reasonable suspicion.

(7) Body cavity searches shall be:

(a) Conducted only by medical personnel with the approval of the detention center director, only in accordance with divisions (B)(4) and (B)(5) of section 2933.32 of the Revised Code.

(b) Conducted in private.

(C) Detention center search policies and procedures shall be reviewed by an appropriate legal authority.

(D) Policy and procedure shall require that a constant ratio of twelve children to one child-care worker be maintained during waking hours and twenty five children to one child care worker during sleeping hours. Policy and procedure shall require one staff member of each sex be on duty when male and female children are housed. Also that if all residents are all of the same sex, that at least that one staff member of that gender be on duty at all times.

(E) There is a manual containing the detention center's policies and procedures for security and control, which includes detailed instructions for implementing these procedures; the manual is accessible to all personnel and is reviewed annually and updated as necessary.

(F) Written policy and procedure shall govern the availability, control and use of defensive aerosols and related security devices, policies on decontamination process and follow up medical care. Chemical agents and related security devices are used only in accordance with the written policy and procedure. A written report is prepared following all incidents and is submitted to the detention center director.

(G) Written policy and procedure require that all security perimeter entrances, exterior doors and all doors the detention center director determines should be locked are kept locked, except when used for admission or exit of employees, detained children or visitors, and in emergencies.

(H) The detention center has a system to physically count children that includes strict accountability for children assigned to work and educational release, furloughs and other approved temporary absences.

(I) Detention center staff maintains a daily report of juvenile population movement.

- (J) Written policy and procedure require that supervisory staff maintain a permanent log and prepare shift reports that record routine and emergency situations.
- (K) Written policy and procedure provide for notifying appropriate staff of increases and decreases in the population on a shift -by-shift basis.
- (L) Written policy and procedure provide for weekly inspection and maintenance of security devices; corrective action is initiated when necessary.
- (M) Written policy and procedure require that first line supervisory staff inspect every area of the detention center daily and submit a written report to an administrative official for review whenever deficiencies are noted.
- (N) Written policy and procedure require that the detention center director or designee and other department heads interact with children in living and activity areas.
- (O) The policy regarding searches for the control of contraband is accessible to staff and reviewed with the child upon admission. It will be reviewed at least annually and updated if necessary.
- (P) Written policy and procedure provide that staff regulate the movement of children.
- (Q) Written policy and procedure require children in the general population be observed, at a minimum, every thirty minutes during sleeping hours. The verification of the contact shall be documented.
- (R) All special incidents, including but not limited to, the taking of hostages, use of restraint equipment or the use of physical force are reported in writing, dated and signed by the staff person reporting the incident. The report is placed in the child's case record and reviewed by the detention center director and/or the parent agency.
- (S) Except in emergency situations, firearms are not permitted in the detention center beyond what the detention center director has defined as the security perimeter of the detention center.
- (T) Written policy and procedure govern the control and use of keys.
- (U) Written policy and procedure govern the control and use of tools, medical and culinary equipment.
- (V) There are written operational shift assignments or post orders that state the duties and responsibilities for each assigned position in the detention center. These shift assignments are reviewed at least annually and updated if necessary.
- (W) There are written procedures for handling escapes, runaways and unauthorized absences. These are reviewed at least annually and updated as necessary.
- (X) Written policy and procedure provide that all individuals injured in an incident receive an appropriate evaluation to determine the need for medical treatment.
- (Y) Written plans govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention center; these plans are reviewed annually and updated if necessary.
- (Z) Written policy and procedure provide for a communications system within the detention center, and between the detention center and the community, in the event of an emergency.

(AA) Written policy and procedure provide that the detention center maintain a written record of routine and emergency distribution and use of restraining devices.

(BB) Written policy and procedure provide that instruments of restraint are never applied as punishment and are applied only in accordance with written policy and procedure.

(CC) Written policy and procedure govern safety and security precautions pertaining to detention center and staff vehicles.

(DD) Transportation is available for use in emergencies.

(EE) Written policy and procedure govern the detention center's transportation of a child outside the detention center and from one jurisdiction to another.

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### **5139-37-12 Food service.**

(A) The following standards are mandatory:

(1) Written policy and procedure and practice provide that an adequate diet including snacks, when provided, incorporate the four basic food groups based on the most recent dietary allowance is provided to all children. Menus are reviewed and approved annually by the responsible health care authority or a registered dietitian.

(2) Written policy and procedure and practice provide that there shall not be more than fourteen hours between meals and at least three meals and a snack shall be made available at regular times during each twenty-four hour period. At least one of these meals shall be a hot meal.

(3) Written policy and procedure shall provide that any detention center housing residents in need of medically prescribed therapeutic diets shall have documentary evidence that such diets are provided as ordered by the responsible health care authority. The detention center director and/or designee shall document the administration of the meals as ordered.

(4) Written policy and procedure that provide special diets for children whose religious beliefs require adherence to religious dietary laws.

(5) Written policy that prohibits meals and/or snacks being withheld in any punitive manner as a consequence of behavior.

(6) Written policy and procedure specifying that food service shall be properly supervised and shall comply with applicable sanitation and health code as promulgated by federal, state, and local authorities.

(B) The following standards are recommended:

- (1) Written policy and procedure shall designate that each detention center shall have a person on staff or contract with an outside agency responsible for the overall preparation and distribution of all meals assuring the utilization of acceptable food handling practices.
- (2) The food service plan provides for a single menu for residents and staff.
- (3) Menus shall be planned at least a week in advance. Records of food purchased and menus shall be filed for one year.
- (4) Upon reasonable request, a snack may be provided to a child when admitted to a detention center.

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### **5139-37-13 Hygiene.**

The following standards are mandatory:

- (A) Children shall be provided the opportunity for daily showers and showers after strenuous activities.
- (B) Written policy, procedure, and practice provide that the detention center shall provide basic personal hygiene supplies to the child.
- (C) Written policy, procedure, and practice shall designate specific duties that the residents must assume in the care and upkeep of their own sleeping and living quarters. Each child shall be provided a bed, mattress and a supply of clean linens. Bed linens and mattresses shall be cleaned and when necessary disinfected prior to reissue.

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### **5139-37-14 Medical and health care services.**

(A) The following standards are mandatory:

- (1) Written policy and procedure require each detention center to have a health authority designated for the medical supervision, care and treatment of residents. The detention center shall ensure twenty-four-hour availability of consultation, advice and emergency services response. Such resources shall be located in the same or nearby community.
- (2) Written health care policies and procedures shall be approved and signed by the responsible health care authority annually.

(3) Written policy and procedure require that all medicines be administered only by trained staff as directed by the health authority.

(4) Policy and procedure require that within seven days after an admission an examination shall be performed and recorded by a physician and/or qualified health personnel to determine the apparent health of the child. Medical arrangements for community follow-up upon a child's discharge shall be coordinated as identified by the health authority.

(5) Written policy and procedure provide for the prompt notification of parents/guardians of the child as well as the responsible agency in case of serious illness, serious surgery, serious injury and death.

(6) Written policy and procedure require the safe and secure management, storage distribution and control of all drugs, medical records and supplies to be maintained at all times as applicable to facilities with pharmacies.

(7) Written policy and procedure require that a medical record be maintained on each child, which shall include pertinent information concerning illnesses, communicable diseases, physical abnormalities, allergies and the administration of treatment. Confidentiality shall be maintained in accordance to state and federal law.

(8) Written policy and procedure require a written plan for the staff's response to children who are identified as potentially suicidal.

(9) Written policy and procedure require that first-aid kits are available. The responsible health care authority approves the contents, number, location and procedure for periodic inspection of the kits.

(10) Written policy prohibits the administration of stimulants, tranquilizers, and/or other psychotropic drugs used to induce chemical or medical restraint solely for the purpose of behavior management.

(B) The following standards are recommended:

(1) Written policy and procedure require initial health screening of all children, including intra-system transfers, upon arrival at the detention center. The screening shall be performed by qualified health care personnel or by other personnel trained in health screening techniques. All findings are recorded on a screening form approved by the responsible health authority.

(2) Written policy and procedure shall be developed and implemented for medical isolation under the direction of qualified health care personnel.

(3) Written policy and procedure require that the responsibility for arranging emergency treatment of dental needs be that of the detention center in conjunction with the responsible health care authority.

(4) Written policy and procedure provide that necessary medical services, which cannot be provided within the detention center, be provided at a nearby hospital or other appropriate medical facility.

(5) Written policy and procedure provide that direct care staff and other personnel are provided with a training program that is approved by the responsible health authority in cooperation with the detention center director and includes the following:

(a) Recognition of signs and symptoms, and knowledge of action required in potential emergency situations;



- (b) Administration of first aid and cardiopulmonary resuscitation (CPR);
- (c) Methods of obtaining assistance;
- (d) Signs and symptoms of mental health issues and developmental disabilities, chemical dependency, venereal disease, and parasitic infestation;
- (e) Procedures for patient transfer to appropriate medical facilities or health care providers.
- (6) An adequate and proper supply of antidotes and other emergency drugs, and related information, is readily available to trained staff to meet the needs of the detention center. Such antidotes and emergency drugs are administered only as prescribed by a qualified health authority.
- (7) The detention center has written policy and procedure governing the development, and subsequent updating, of a detention center formulary or drug list for pharmaceuticals stocked by the detention center.
- (8) Written policy and procedure require that a child be informed of the procedures for gaining unimpeded access to medical services.
- (9) Written policy and procedure specify that emergency mental health services for children be provided by qualified mental health professionals.
- (10) Written policy and procedure provide for informing appropriate staff of special medical and mental health problems of children.

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### **5139-37-15 Juvenile rights.**

The following standards are mandatory:

(A) The detention center shall have a written policy and procedure which prohibits employees from violating any civil rights of juveniles which shall include but not be limited to:

(1) The detention center shall have written policies protecting children from being used as human subjects for medical, pharmaceutical, or cosmetic experiments.

(2) The right to a reasonable amount of privacy.

(3) The right to have his/her opinions heard and to be assured reasonable due process in all matters.

(4) The right to receive adequate and appropriate food, clothing, and housing.

(5) The right to participate in an appropriate educational and/or vocational program.

(B) The detention center shall have a written policy and procedure to ensure the right of a child to have access to courts, including the right to reasonable and confidential access to counsel though

attorneys and their authorized representatives as well as access to courts and legal materials provided by the attorney or courts.

(C) The detention center shall have written policies and procedures regarding the photographing and audio or audio-visual recordings of children in their custody which require that:

(1) The written consent of a child and the child's parent(s) or guardian be obtained before the child is photographed for fund raising or program publicity purposes.

(2) All photographs and recordings are used in a manner which respects the dignity and confidentiality of the child.

(D) The discipline policies and procedures of the detention center shall incorporate the philosophy that discipline is to be both constructive and educational in nature. The detention center's discipline policies and procedures shall prohibit all acts of punishments including, but not limited to:

(1) Any type of corporal punishment inflicted in any manner upon the body .

(2) The assignment of physically strenuous harsh work or exercises, when used solely as a means of punishment.

(3) Requiring or forcing a child to maintain an uncomfortable position, such as squatting or bending, or requiring a child to continuously repeat physical movements when used solely as a means of punishment.

(4) Group punishments for the behavior of an individual, except in accordance with a recognized therapeutic modality and as described by written detention center's policy.

(5) Verbal abuse or derogatory remarks.

(6) Denial of planned and required recreational activity without cause.

(7) The denial of social or casework services, medical treatment.

(8) The denial of religious or educational services without cause.

(9) The deprivation of meals, although scheduled meals may be provided individually.

(10) The denial of sleep.

(11) The denial of shelter, clothing, bedding, or restroom facilities.

(12) Inappropriate or intentionally painful physical restraint.

(13) Organized social ostracism, including codes of silence.

(14) The use of chemical or medical restraints.

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**5139-37-16 Behavior management of children.**

The following standards are mandatory:

(A) Written policy and procedure require that behavior management program include all acts that are prohibited within the facility, sanctions that can be imposed for various degrees of violation, and system of reinforcing positive behavior. When a literacy or language problem prevents a child from understanding the rules, a staff member or translator will assist the child in understanding the rules. The written rules are reviewed annually and updated, if necessary.

(B) Written policy and procedure require that within a reasonable length of time, depending on child's demeanor and behavior, the child has the cause for any disciplinary action explained to him/her and has an opportunity to explain the behavior leading to disciplinary action.

(C) Written policy and procedure allow the facility to utilize "time out" for youth found to have violated rules of the detention center.

(D) Written policy and procedure shall require the employees prepare a disciplinary report when a child has committed a violation of detention center facility rules.

(E) Written policy and procedure shall outline the use of room confinement, medical isolation, and self-confinement:

(1) Room confinement shall not be used for punishment, administrative convenience, retaliation, staffing shortages absent exigent circumstances, or reasons other than a temporary response to behavior that threatens immediate harm to a child or others.

(2) Written policy and procedure require that children who are in room confinement including those in medical isolation and self-confinement be observed at least every fifteen minutes and that verification of contact shall be documented.

(3) Written policy and procedures require that room confinement is reviewed by each shift and documented. Within twenty-four hours, the detention center director/designee shall review the room confinement and document the continued need for room confinement. During any room confinement extending beyond twenty-four hours, the detention center director/ designee shall review once each morning and once each evening the continued need for room confinement and shall be documented.

(4) For children who are in self confinement, staff shall attempt to engage the child in programming at least every shift and attempt to determine the reason that the child is in self confinement and if that reason can be resolved.

(5) For a child on medical isolation, the child shall be placed on and removed from isolation by the health authority.

(F) Written policy and procedure provide for review of all disciplinary reports by the detention center director administrator or his/her designee to assure conformity with policies and procedures.

(G) Written policy and procedure ensure that a child shall have a right to a review of disciplinary actions by a supervisory or administrative staff member who has not been a party to the disciplinary action.

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**5139-37-17 Admission and release procedures.**

(A) The following standard is mandatory:

(1) Admission to detention and release shall be pursuant to and in accordance with the laws of arrest and / or in accordance to a court order.

(2) Written policy, procedure, and practice that newly admitted children receive written orientation materials and/or translation in their own language if they have limited English proficiency. When a literacy problem exists, a staff member shall assist the child in understanding the material. Completion of orientation is documented by a statement signed and dated by the child.

(B) The following standards are recommended:

(1) Written policy and procedure require that all admitted children, except those excluded for security or safety reasons, join a general population not later than three hours after admission.

(2) Written policy and procedure for admission to detention shall be developed and shall include but not be limited to:

(a) Criteria for determining whether to release or to detain juveniles; and who will make this decision.

(b) Procedure and descriptions of alternatives to detention.

(c) One employee shall be designated on duty in-house and empowered with hold/release authority.

(3) Written policy and procedure shall require that a designated employee be responsible for notification to parents, guardians, and custodians (individual or agency) of the children being detained in their center.

(4) Written policy and procedure shall require that after the admission of a child, the detention center shall attempt to verify prescribed medications and the proper dosages of these medications. Staff shall ensure that the medications are administered at the time intervals prescribed by the appropriate medical authority.

(5) Written policy and procedure require that each child be afforded the opportunity to shower and be provided clean clothing upon admission.

(6) Written policy and procedure shall require that upon admission, each child shall be provided written orientation material which explains, behavior expectations, privileges, rights and responsibilities, the contents of the Prison Rape Elimination Act of 2003 and how to access medical services and disaster procedures while a resident of the center.

(7) All releases shall be approved by the court of competent jurisdiction or other appropriate authority.

(8) Written policy and procedure shall require that upon admission, a decision on where to house and how to classify the child shall be made, including any information gathered during the intake process that could impact the child's safety.

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**5139-37-18 Program.**

(A) The following standards are mandatory:

(1) Children are not permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.

(2) Academic programs in detention facilities are designed to assist detained children in keeping current with their studies and are available at a minimum amount of time per school calendar day as required by Ohio department of education standards. Restriction of educational programs can be approved only by the detention center director / designee.

(3) All academic teachers are licensed by the Ohio department of education.

(4) Vocational supervisors and instructors are licensed or accredited by the state or jurisdiction in which the detention center is located.

(5) Written policy and procedure provide a recreational and leisure time plan that includes, at a minimum, at least one hour per day of organized group large muscle activity, and one hour of structured leisure time activity.

(6) Written policy and procedure require that the center shall provide reasonable access to religious programs. No negative consequences will accrue from a child's refusal to participate in a religious service or religious function. All religions will be afforded equal status and protection, subject to the limitations necessary to maintain order and security.

(B) The following standards are recommended:

(1) Written policy and procedure require at least twelve hours of programming (including education) will be provided for each child during weekdays and ten hours on weekends and holidays.

(2) The detention center provides or makes available the following minimum services and programs to all children admitted:

(a) Education;

(b) Recreation and exercise;

(c) Religious programming;

(d) Other types of programming (for example aggression replacement training, behavioral health treatment, life skills, or counseling).

- (3) Written policy and procedure require that applicable programs are initiated for children upon entry to the detention center.
- (4) Written policy and procedure require that the detention center have staff that coordinate and supervise the recreational program.
- (5) Written policy and procedure require that library services be made available to all detained children. Written policy outlines specific criteria for utilizing, selecting and maintaining appropriate materials.
- (6) Written policy and procedure provide that work assignments will not conflict with educational programs.

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#### **5139-37-19 Visitation and communications.**

(A) The following standards will be mandatory:

- (1) Each detention center shall have a written policy and procedure governing visitation that fosters family contact.
- (2) Provisions shall be made for the residents or staff on behalf of the children to call, not collect, or visit with their attorney of record or their representative at any reasonable time except for documented reasons of safety and security and may only then be temporarily denied upon authorization of the director. Attorney calls or visits will not be monitored and take place in a confidential setting but will be documented.
- (3) Visitation dates, times and practices shall be in writing, and shall be made readily available to all children, parents, legal guardians, custodians and attorneys. Visitation shall include visits from the child's parents, legal guardians, custodians and attorneys.
- (4) Each detention center shall have a written policy and procedure governing the handling of resident's mail.
- (5) Each detention center shall have a written policy and procedure that governs access to telephone communications.
- (6) A child must be informed of the right to telephone their parents and attorney during the intake process.
- (7) The child may receive special visits at reasonable times by adult family members, the child's biological child or children, clergy, teachers or other individuals with the prior approval of the detention center director / designee.



(8) Prior to visitation, children shall be notified who is there to visit. Children have the privilege of refusing to see any particular visitor and end any visit at any time. These refusals shall be documented and placed in the child's record.

(B) The following standards are recommended:

(1) Written policy procedure, and practice grant juveniles the right to receive visits, subject only to the limitations necessary to maintain facility order and security.

(2) Provisions in the plan shall allow for exceptions to the regularly scheduled hours to accommodate parent's work schedules, illnesses or other reasonable requests.

(3) Visitations should be conducted in a manner which provides as much privacy as possible and subject only to the limitation necessary to maintain order and security.

(4) Written policy and procedure specify that visitors register upon entry into the detention center and specify the circumstances under which visitors are searched.

(5) A visitation may be denied if there exists reasonable suspicion to believe that the visit might endanger the security of the detention center, but shall not be restricted as a punishment for the child's behavior in the facility. Reasons for denial of a visit shall be in writing and placed in the resident's detention record.

(6) Except where a court order exists to the contrary, residents shall be allowed the freedom to correspond. The detention center shall provide each resident with at least two first class stamps per week.

(7) No correspondence to or from residents shall be censored. No correspondence to or from a resident shall be read by staff unless the detention center director, or designee, has reasonable suspicion to believe the content of the correspondence may incite to endanger the detention center order or security. If correspondence is read, the child must be informed.

(8) All incoming and outgoing mail is forwarded within twenty-four hours, excluding weekends and holidays.

(9) Incoming mail may be checked for contraband.

(10) The detention center will provide postage for residents to correspond with their attorney of record.

(11) Children are provided reasonable access to telephone communication with community agency professions and parents, subject only to those limitations necessary to maintain detention center order and security.

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