

TITLE 83 - JAIL STANDARDS BOARD - STANDARDS FOR JUVENILE
DETENTION FACILITIES

CHAPTER 1 - DEFINITIONS AND PURVIEW

001 Legal Authority. Section 83-4,126 N.R.S. 1990 Supplement provides that the Jail Standards Board shall have the authority and responsibility to develop standards for juvenile detention facilities, including, but not limited to, standards for physical facilities, care, programs, and disciplinary procedures and to develop guidelines pertaining to the operation of such facilities. In accordance with the above referenced statutory requirements, these Standards are applicable to juvenile detention facilities.

002 Inspection Provision. Personnel of the Jail Standards Division of the Nebraska Commission on Law Enforcement and Criminal Justice shall have the authority to visit and inspect all juvenile detention facilities to assess such facilities' compliance with these Standards.

002.01 Each juvenile detention facility shall be subject to announced or unannounced visits by Commission personnel on at least an annual basis.

002.02 All logs, records, policy and procedures manuals, memoranda, and reports shall be available for review. Commission personnel shall be allowed to observe and interview juveniles and staff concerning any matter pertaining to these Standards. Commission personnel shall further have access to all parts of the facility for the purposes of inspecting the physical plant.

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002.03 Commission personnel shall prepare a written report of each inspection within thirty (30) days following such inspection and provide copies to the appropriate governing body, presiding district judge, juvenile court judge, and the county attorney. The report will additionally be submitted to the Jail Standards Board for consideration at their next regularly scheduled meeting following such inspection.

003 Enforcement. If upon completion of an inspection, a juvenile detention facility is found to be in violation of any part of these Standards, the Jail Standards Board shall send notice of such non-compliance to the facility administrator, governing body responsible for the facility and the presiding district judge of the judicial district on which the facility is located.

003.01 Upon receipt of a notice of non-compliance from the Board, the facility administrator, governing body and the presiding district judge shall meet promptly to consider the official notice. Inspection personnel shall be available to advise and consult concerning appropriate corrective action.

003.02 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 Jail Standards Board for its approval. Corrective action, as outlined in the plan and approved by the Board, shall be initiated within six months of the receipt of the official notice.

003.03 If the facility administrator and governing body fail to initiate appropriate corrective action within six months of the receipt of official notice of non-compliance, the Jail Standards Board may petition the district court within the judicial district in which the facility is located to close such facility, or objectionable portion thereof.

003.04 The governing bodies of facilities which are in substantial non-compliance with standards outlined in Chapter 17 relating to existing physical structures may have a minimum of three years from the receipt of official notice of non-compliance to correct those cited deficiencies if the Jail Standards Board determines the following conditions have been met:

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003.04A A plan of corrective action has been developed and approved by the Jail Standards Board in a timely manner as prescribed in 003.02 above;

003.04B Meaningful progress towards achieving compliance is demonstrated during the time frame approved by the Jail Standards Board in the corrective action plan; and

003.04C The deficiencies cited are not of a nature so as to pose an immediate danger to juveniles or facility personnel, in which case prompt corrective action on those violations is required.

004 Other Legal Authority. 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 Nebraska, the county, and the municipality in which such facility is located.

005 Severability. If any article, section, subsection, sentence, clause or phrase of these Standards is for any reason or reasons held to be unconstitutional, contrary to statute, or exceeding the authority of the Board, then such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of these Standards.

006 Emergency Suspension. The facility administrator shall have the power and authority to temporarily suspend any of these Standards in the event of an emergency which threatens the security, order, operation, or safety of the juvenile detention facility, facility employees, public, or juveniles. Only such Standards as are directly affected by the emergency may be suspended. In no event shall the emergency continue more than thirty (30) days without the knowledge of the Jail Standards Division. The Jail Standards Division may specify a maximum time limitation after having been properly notified. Written documentation of all temporary emergency suspensions of any of these Standards shall be maintained by the facility administrator.

007 Equivalencies. The specific requirements of these Standards may be modified by the Jail Standards Board on an individual basis to allow arrangements that would, in the Board's judgement, provide at least equivalent conditions as would be afforded by explicit compliance with the corresponding Standards.

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007.01 When a modification of a Standard is desired, the facility administrator shall submit a request, in writing, to the Jail Standards Board outlining the proposed alternative arrangement together with documentation showing how such arrangement will provide conditions at least equivalent to the corresponding Standard.

007.02 The modification, if granted, shall apply only to the petitioner for the specific facility cited.

008 Definitions.

008.01 "Administrative/Management Personnel" shall mean the director, administrator, superintendent, assistant director, and similarly classified positions who have primary responsibility for management of the facility.

008.02 "Admission" shall mean the point of entry into a facility; during admission processing the juvenile receives an orientation to facility rules and regulations. Assignment to living quarters and to appropriate staff members is also completed at this time.

008.03 "Agency" shall mean the unit of a governing authority which has direct responsibility for the operation of the juvenile detention facility, including the implementation of policy as set by the governing authority.

008.04 "Body Cavity Search" shall mean the examination and possible intrusion into the rectal or vaginal cavities to detect contraband. It is performed only by the facility physician or medical personnel.

008.005 "Booking" shall mean both a law enforcement process and a detention facility procedure. As a law enforcement administrative action, it is an official recording of an arrest and the identification of the person, place, time, arresting authority, and reason for the arrest. In a detention facility, it is a procedure for the admission of a person charged with or convicted of an offense, and may include searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

008.06 "Budget" shall mean a plan for allocation of anticipated revenues and expenditures.

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008.07 "Chemical Agent" shall mean an active substance, such as tear gas, used to deter disturbances that might cause personal injury or property damage.

008.08 "Classification" shall mean a process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

008.09 "Classroom" shall mean an area specifically designed and equipped for the conduct of educational and vocational programming.

008.10 "Clerical Personnel" shall mean secretaries, clerks, typists, receptionists, accountants, administrative aids and similarly classified employees who provide clerical or administrative support services within the facility.

008.11 "Code of Ethics" shall mean a set of rules describing acceptable standards of conduct for all employees.

008.12 "Community Resources" shall mean those social and welfare agencies, service clubs, citizen interest groups, self-help groups, and citizen volunteers who have the potential to assist juveniles. These various resources, which may be public or private, national or local, have the potential for help ranging from material and financial assistance, to guidance, counseling, and supportive services.

008.13 "Contact Visiting" shall mean a program inside and/or outside the facility that permits juveniles to visit with designated person(s). The area is free of obstacles or barriers that prohibit physical contact.

008.14 "Contraband" shall mean any item possessed by juveniles or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility.

008.15 "Contractor" shall mean a person or organization that agrees to furnish materials or to perform services for the facility or jurisdiction at a specified price. Contractors operating in correctional facilities are subject to all applicable rules and regulations for the facility.

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08.16 "Control Center" shall mean the central point within a facility or institution where security activities are monitored and controlled. The control center is constructed at a level appropriate to the security level of the facility.

008.17 "Corporal Punishment" shall mean any act of inflicting punishment directly on the body, causing pain or injury.

008.18 "Correctional Facility" shall mean a place or organization designed and equipped to incarcerate or maintain persons sentenced by legal authority.

008.19 "Counseling" shall mean planned use of interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving problems of individual juveniles. There are at least three types of counseling that may be provided: individual, in a one-to-one relationship; small group counseling; and large group counseling in a living unit (i.e., therapeutic community).

008.20 "Dayroom" shall mean that portion of the housing unit which is separate and distinct from the sleeping rooms, but immediately adjacent and accessible therefrom.

008.21 "Detainee" shall mean any person confined in a local detention facility not serving a sentence for a criminal offense.

008.22 "Detainer" shall mean a warrant placed against a person in a federal, state or local correctional facility, notifying the holding authority of the intention of another jurisdiction to take custody of that individual when that person is released.

008.23 "Detoxification" shall mean the process by which an individual is withdrawn from a drug or alcohol addiction.

008.24 "Direct Care Personnel" shall mean any care staff member charged with day to day supervision of juveniles housed in a juvenile detention facility.

008.25 "Disciplinary Hearing" shall mean a nonjudicial administrative procedure to determine if substantial evidence exists to find a juvenile guilty of a rule violation.

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008.26 “Disciplinary Report” shall mean a written report, prepared by a person with appropriate authority, describing an alleged violation of a facility’s rules or regulations.

008.27 “Dormitory” shall mean a room or secure housing unit which includes both dayroom and sleeping space within the same area.

008.28 “Educational Program” shall mean a program of formal academic education or a vocational training activity designed to improve the juvenile's employment capability.

008.29 “Educational Release” shall mean the designated time when juveniles leave the facility to attend school in the community, returning to custody after school hours.

008.30 “Emergency” shall mean any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident.

008.31 “Emergency Care” shall mean 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. This care shall be expedited by following specific written procedures for medical emergencies described in these Standards.

008.32 “Emergency Plans” shall mean written documents that address specific actions to be taken in an institutional emergency or catastrophe such as a fire, flood, riot or other major disruption.

008.33 “Emergency Power” shall mean an alternate power system that is activated when the primary source of electricity is interrupted. The system may be an emergency generator, battery operated power pack, or an alternate supply source.

008.34 “Existing Facility” shall mean any juvenile detention facility in use, or for which bids have been let, prior to the effective date of these Standards.

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008.35 "Facility" shall mean a place, institution, building (or part thereof), set of buildings, or area (whether or not enclosing a building or set of buildings) that is used for the lawful custody and/or treatment of individuals. It may be owned and/or operated by public or private agencies and includes the staff and services as well as the buildings and grounds.

008.36 "Facility Administrator" shall mean the sheriff, chief of police, superintendent, or other individual charged by law or designated by administrative action with the operation and administration of a juvenile detention facility.

008.37 "Fire Code" shall mean federal, state, or local regulations governing fire safety.

008.38 "First Aid" shall mean care for a condition that requires immediate assistance from a person trained in first aid care and the use of the facility's first aid kits.

008.39 "Footcandle" shall mean a measurement of light equal to the amount of direct light thrown by one international candlepower on a surface one foot away.

008.40 "Force, Use of" shall mean physical force used in instances of justifiable self-defense, protection of others, protection of property, or prevention of escapes. Physical force is used only as a last resort and in accordance with appropriate statutory authority.

008.41 "Furlough" shall mean a period of time during which an offender is allowed to leave the program or institution and go into the community for various purposes consistent with public interest.

008.42 "Governing Body" shall mean any council, commission, board, or office established or delegated as a source of legislative authority to provide the fiscal needs of the facility administrator so that he or she may carry out the provisions of these Standards.

008.43 "Grievance" shall mean a circumstance or action considered to be unjust and grounds for complaint.

008.44 "Health Authority" shall mean 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.

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008.45 “Health Care” shall mean the sum of all action taken, preventive and therapeutic, to provide for the physical and mental well-being of a population. Includes medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

008.46 “Health Care Personnel” shall mean individuals whose primary duty is to provide health services to juveniles in keeping with their respective levels of education, training, and experience.

008.47 “Health-trained Employee” shall mean 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.

008.48 “Hearing” shall mean a proceeding to determine a course of action, such as the placement of a juvenile, or to determine guilt or innocence in a disciplinary matter. Arguments, witnesses, or evidence are heard by a judicial officer or administrative body in making the determination.

008.49 “Housing Unit” shall mean 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 adjacent dayroom.

008.50 “Incident Report” shall mean a written document reporting an unusual occurrence or special event such as the discovery of contraband, use of force, use of chemical agents, discharge or firearms, etc.

008.51 “Indigent” shall mean an individual with no funds or source of income.

008.52 “Information System” shall mean the concepts and supporting technology for the collection, organization, and delivery of information for administrative use. There are two major types of information:

008.52.01 Standard information, consisting of data required for operational control, such as the daily count, payroll data, probation/aftercare success recidivism rates, and case load levels; and

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008.52.02 Demand information, consisting of information that can be generated when a report is required, such as information on the number of juveniles eligible for discharge during a 12-month period by offense, sentence, and month of release.

008.53 "Jail Standards Board", also referred to as the "Board" shall mean that Board which was created by the Legislature to implement Standards for jail facilities and juvenile detention facilities.

008.54 "Jail Standards Division" shall mean that division of the Nebraska Commission on Law Enforcement and Criminal Justice which provides staff support to the Jail Standards Board.

008.55 "Juvenile" for the purposes of these Standards shall mean a person under the age of eighteen.

008.56 "Juvenile Court" shall mean the court having jurisdiction over juveniles who are alleged or found to be delinquent.

008.57 "Juvenile Detention Facility" shall mean a facility operated by a political subdivision or a combination of political subdivisions for the lawful custody and care of juveniles which is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing detained juveniles to leave without permission.

008.58 "Library Service" shall mean a service that provides reading materials for convenient use; circulation of reading materials; service to help provide users with library materials, educational and recreational audiovisual materials; or a combination of these services.

008.59 "Mail Inspection" shall mean examination of incoming and outgoing mail for contraband, cash, checks, and money orders.

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008.60 “Major Rule Violation” shall mean a rule infraction that represents a significant threat to safety or security and requiring imposition of due process procedures. Major infractions include (1) violations that may result in disciplinary detention or administrative segregation; (2) violations for which punishment may tend to increase a juvenile’s sentence, such as extending parole eligibility; (3) violations that may result in a forfeiture, such as loss of good-time or work time; and (4) violations that may be referred for criminal prosecution.

008.61 “Medical Authority” shall mean a person licensed to practice medicine by the state of Nebraska.

008.62 “Medical Employee” shall mean a person such as nurse, physician’s assistant, emergency medical technician who works under the supervision and authority of a medical authority

008.63 “Medical Records” shall mean separate records of medical examinations and diagnoses maintained by the responsible physician. The date and time of all medical examinations and copies of standing or direct medical orders from the physician to facility staff should be transferred to the resident record.

008.64 “Medical Screening” shall mean a system of structured observation/initial health assessment to identify newly arrived juveniles who pose a health or safety threat to themselves or others.

008.65 “Minor Rule Violation” shall mean a violation of the facility’s rules of conduct that is not a threat to safety, security, or order which does not require due process and can be resolved without the imposition of serious penalties. Minor infractions do not violate any state or federal statutes and may be resolved informally by reporting staff.

008.66 “Multiple Occupancy Room” shall mean a room or secure space designed to house more than one juvenile with a partition between the room and adjacent dayroom space.

008.67 “New Facility” shall mean any facility for which bids are let for construction after the effective date of these Standards.

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008.68 "Non-contact Visiting" shall mean 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. Juveniles who present a serious escape threat, are a threat to others, or require protection, are often designated for non-contact visits.

008.69 "Official Personnel File" shall mean a current and accurate record of the employee's job history, including all pertinent information relating to that history.

008.70 "Orientation and Reception" shall mean the reception period including interviews, testing, and other admissions-related activities, including distribution of information about programs, services, rules, and regulations.

008.71 "Parent" shall mean the person who is the natural, adoptive, or surrogate parent.

008.72 "Part-time Personnel" Employees who are not considered full time employees and who work a schedule with fewer hours per week than the minimum required for full-time status within the agency.

008.73 "Pat Search" shall mean the touching or feeling of the juvenile's clothed body to detect contraband.

008.74 "Perimeter Security" shall mean 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.

008.75 "Personal Property" shall mean tangible property that a juvenile has in his or her possession at the time of admission or receives while a resident of the facility.

008.76 "Personnel File" shall mean a current and accurate record of the employee's job history, including all important information relating to that history.

008.77 "Physical Examination" shall mean a thorough evaluation of a patient's current physical condition and medical histories conducted by, or under the supervision of, a licensed medical professional.

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008.78 "Plan of Action" shall mean a detailed statement of actions which will be taken by the agency to achieve compliance with a standard. The plan designates staff responsibilities and timetables for completing each task.

008.79 "Policy" shall mean a definite, stated course or method of action that guides and determines present and future decisions and activities. A policy is a statement of principles that guides the agency in the attainment of objectives. To comply with a standard that requires a policy for a certain area, there must be not only a written policy, but also evidence that a line of action or principle has been adopted and is being followed by the agency.

008.80 "Procedure" shall mean the detailed and sequential actions that must be executed to ensure that a policy is fully implemented.

008.81 "Professional Specialist Personnel" shall mean social workers, probation officers, and other staff assigned to juvenile offender cases. These individuals generally possess bachelor's degrees and advanced training in the social or behavioral sciences.

008.82 "Program" shall mean the plan or system through which a correctional agency works to meet its goals; often this program requires a distinct physical setting, such as a correctional institution, community residential facility, group home, or foster home.

008.83 "Protective Custody" shall mean a status that describes juveniles requesting or requiring protection from others.

008.84 "Rated Capacity" shall mean 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 Standards.

008.85 "Records" shall mean 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, detainers, personal property receipts, visitors' lists, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

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008.86 "Referral" shall mean the process by which a juvenile is introduced to an agency or service where the assistance needed can be obtained.

008.87 "Releasing Authority" shall mean the decision-making body and/or person which has the responsibility to grant, deny, and revoke release from a juvenile facility.

008.88 "Renovation" shall mean the alteration of the structure of any 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.

008.89 "Responsible Physician" shall mean an individual licensed to practice medicine and provide health services to the population of the facility and/or the physician at an institution with final responsibility for decisions related to medical judgments.

008.90 "Restraints" shall mean devices used to restrict physical activity. Handcuffs, leg irons, and straight jackets are typically classified as restraints.

008.91 "Rulebook" shall mean a collection of the facility's resident rules of conduct and sanctions for violations, defined in writing.

008.92 "Safety Equipment" shall mean a collection of the facility's resident rules of conduct and sanctions for violations, defined in writing.

008.93 "Sally Port" shall mean an enclosure situated in the perimeter wall or fence of a correctional facility containing gates or doors at both ends, only one of which opens at a time, ensuring there will be no breach in the perimeter security of the institution. The sally port may handle either pedestrian or vehicular traffic.

008.94 "Security Devices" shall mean locks, gates, doors, bars, fences, screens, ceiling, floors, walls, and barriers used to confine and control detained persons. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

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008.95 "Security Perimeter" shall mean the outer portions of a facility that provide for secure confinement of facility residents. The design of the perimeter may vary depending on the security classification of the facility.

008.96 "Segregation" shall mean the confinement of a juvenile to an individual cell that is separated from the general population. There are three forms of segregation: administrative segregation, disciplinary detention, and protective custody. Administrative Segregation shall mean housing for juveniles whose continued presence in the general population poses a serious threat to life, property, self, staff, or other inmates. Disciplinary Detention shall mean housing for juveniles convicted of serious rule violations. Definition of Protective Custody, see Standard 1-008.03.

008.97 "Shall" is mandatory; "may" is permissive. These Standards distinguish between what is required and what is optional by the language in the text. Where these Standards use the words "shall", "must", "is required", or similar expressions, a requirement is indicated. When the words "may", "should", or "is encouraged" are used, then these Standards indicate an option, and advisory instruction, or an aspirational standard.

008.98 "Single Occupancy Room" shall mean a room or secure space designed to house one (1) juvenile with a partition between the room and adjacent dayroom space.

008.99 "Standard" shall mean a statement which describes a principle or model by which the quality and effectiveness of a facility and its maintenance, construction, or operation can be measured or evaluated.

008.100 "Strip Search" shall mean an examination of a resident's naked body for weapons, contraband, injuries or vermin infestations. This also includes a thorough search of all of the individual's clothing while such is not being worn.

008.101 "Training" shall mean formal classroom instruction; on-the-job training under the direction of an instructor; training meetings or conferences that include a formal agenda and instruction by a teacher, manager, or official; physical training; or other instructional programs that usually include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion.

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008.102 "Training Plan" shall mean a set of long- or short-range training activities that equip staff with the knowledge, skills, and attitudes they need to accomplish the goals of the agency.

008.103 "Volunteer" shall mean a person who donates his or her time and effort to enhance the activities of the program. Volunteers are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religious activities, etc.

008.104 "Work Release" shall mean an arrangement sanctioned by law that enables a juvenile to be released into the community to maintain approved employment and/or other approved activity.

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