

TITLE 77 - JAIL STANDARDS BOARD

CHAPTER 1 - STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES - DEFINITIONS AND PURVIEW

001 It is the policy of the Jail Standards Board that the following clarification of terminology and parameters be applied in the promulgation of Standards for Adult Community Residential facilities within the jurisdiction of the State of Nebraska.

002 Definitions Except where the context otherwise provides, the following definitions shall apply:

002.01 "Absconder" shall mean an inmate who fails to report to their assigned temporary release location or return to the facility from a court ordered release, a county work detail or a community service assignment. Can be classified as an escape.

002.02 "Approved Rated Capacity" shall mean the number of inmates which may be housed in any cell, room, housing unit, building, corrections facility or combination thereof. This shall not limit a facility administrator from expanding this capacity during an emergency situation.

002.03 "Average Daily Population" shall mean the average number of inmates housed in a community residential facility on any day of the year.

002.04 "Body Cavity Search" searches that involve the examination and possible intrusion into the rectal or vaginal cavities.

002.05 "Classification" Shall mean the process for determining the needs and requirements of those in custody and for assigning them to housing units and programs according to their needs and existing resources.

002.06 "Coed Facilities" A facility designed to house both male and female inmates.

002.07 "Community Residential Facilities" shall mean county corrections

TITLE 77
CHAPTER 1

facilities used for the housing of minimum security, male and female adult inmates, approved for work release, or court approved community release.

002.08 "Computerized Records Management System" Shall mean an automated record keeping system that is provided by or compatible with that which is managed by the Crime Commission and includes all the required data concerning inmate incarceration.

002.09 "Contraband" Shall mean any item possessed by a confined adult inmate at any time or found within the facility that is illegal by law or expressly prohibited by those legally charged with the administration and operation of the facility.

002.10 "Design" shall mean those essential areas or features which comprise the physical layout of a community correctional facility. Essential areas or features shall include, but not be limited to, the following:

002.10A "Control Center" A secure, self contained unit designed to maintain the security of the facility.

002.10B "Dormitory" A single room or housing unit designed for multiple occupancy that includes both dayroom and sleeping space within the same area.

002.10C "Housing Unit" The total living area available to a group or classification of inmates in the facility. This area may consist of a dormitory or a combination of the space in sleeping quarters and adjacent dayroom.

002.10D "Security Perimeter" The outer portions of a facility that provided for secure confinement of facility inmates.

002.11 "Discharge" Shall mean the final release of an inmate from the facility at the conclusion of their sentence or program.

002.12 "Disciplinary Hearing" Shall mean a non-judicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

TITLE 77
CHAPTER 1

002.13 "Educational Release" Shall mean the designated time when inmates leave the facility to attend school in the community and return to custody after school hours.

002.14 "Emergency" shall mean any significant disruption of normal facility or agency procedure, policy, or activity caused by a riot, escape, fire, natural disaster, employee action, show of force, or other serious incident.

002.15 "Escape" Shall mean an inmate's unlawful removal from official detention or failure to return to official detention following temporary leave granted for a specific purpose or limited period.

002.16 "Existing Facility" shall mean any community residential facility in use, or for which bids have been let, prior to the effective date of these Standards.

002.17 "Facility" Shall mean a place, institution, building, or set of buildings that are used for the lawful custody of individuals.

002.18 "Facility Administrator" Shall mean any official, regardless of the local title who has the ultimate responsibility for managing and operating the community residential facility.

002.19 "Facility Employees" shall mean those custodial personnel with titles such as jailer, deputy, counselor, correctional officer or any other title which signifies the duty of supervision of inmates in the community residential facility.

002.20 "General Maintenance" shall refer to those activities performed to keep the community residential facility in good repair and condition.

002.21 "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.

002.22 "Grievance Process" Shall refer to circumstance or action considered to be unjust and grounds for complaint and response to that circumstance in the form of a written complaint filed with the appropriate body.

002.23 "Health Authority" shall mean the physician, health administrator,

TITLE 77
CHAPTER 1

or agency responsible for the provision of health care services at the institution or system of institutions; the responsible physician may be the health authority.

002.24 "Health Care" Shall mean the sum of all action taken, preventative 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.

002.25 "Health Care Personnel" Shall mean individuals whose primary duty is to provide health services to inmates in keeping with their respective level of health care training or experience.

002.26 "Health Screening" Refers to a system of structured observations/initial health assessments to identify newly arrived adult inmate's health status and needs.

002.27 "Inmate" Shall mean any individual, whether in pretrial, unsentenced or sentenced status who is confined in a correctional facility.

002.28 "Jail Standards Board" hereafter referred to as the "Board" shall mean that Board which was created by the Legislature to further such policy of the State of Nebraska.

002.29 "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.

002.30 "Medical Records" Shall mean separate records of medical examinations and diagnosis maintained by the responsible physician.

002.31 "Minimum Security" Shall mean a status assigned to an inmate by a facility classification officer, who can be viewed as presenting the lowest risk of escape, lowest level of criminal sophistication or institutionalization, least likely to pose a threat to staff or the facility, engage in continued criminal conduct and pose a risk to the community.

002.32 "New Facility" shall mean any facility planned, designed or constructed after the effective date of these standards.

002.33 "Newly Renovated Facility" shall mean any facility renovated after the effective date of these standards.

TITLE 77
CHAPTER 1

002.34 "Parent Agency" Shall mean the administrative department or division to whom the facility/agency reports; the policy setting body.

002.35 "Pat Search" Searches that involve the touching and feeling of the inmate's clothed body to detect contraband.

002.36 "Policy" shall mean a statement or plan, principle or course of action.

002.37 "Political Jurisdiction or combination of Political Jurisdictions" shall mean a political/geographical area or combination of political/geographical areas created and authorized by the State of Nebraska to construct, maintain or operate the community residential facility.

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

002.39 "Qualified Medical Employee" shall mean a person who works under the supervision and direction of a medical authority.

002.40 "Reception" Shall mean the process of inmate admission into facility.

002.41 "Record" Shall mean information concerning an individual's legal, personal and medical history and behavior and activities while in custody.

002.42 "Renovation" shall refer to the alteration of the structure of any community residential facility, or portion thereof, for the purposes of changing or improving its function. This may include, but not limited to altering the physical layout of essential areas within the facility or reconstruction of the existing structure, areas, or interior features.

002.43 "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.

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

002.45 "Strip Search" Searches that involve the removal of all articles of

TITLE 77
CHAPTER 1

clothing and a visual inspection of the inmates nude body including a visual examination of the outer genital area and inside the mouth, nostrils and ears.

002.46 "Temporary Release" Shall mean a period of time in which an inmate is allowed to leave the facility and go into the community unsupervised for various purposes consistent with the public interests.

002.47 "Trained Personnel" shall mean those persons who have completed or met the appropriate requirements as set forth in Chapter 2, paragraphs in 005 of these Standards.

002.48 "Work Release" shall mean a formal arrangement sanctioned by law which an inmate is released into the community to maintain approved and regular employment.

003 Authority to Inspect. Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall have the power and authority to conduct facility inspections at any reasonable hour which they deem necessary to monitor each community residential facility's compliance with these Standards.

004 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 community residential facility, facility employees, public or inmates. Only such Standards as are directly affected by the emergency may be suspended. In no event shall the emergency suspension continue more than seventy-two (72) hours without the knowledge of the Chair of the Board or the Jail Standards Division. The Chair of the Board or the Jail Standards Division may specify a maximum time limitation after having been properly notified.

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 Written Policies and Procedures. Each facility administrator shall develop and implement written policies and procedures covering all areas identified in these Standards.

EFFECTIVE DATE:
March 28, 2012