

Rule 1.

Introduction



8-1-1 Applicability

- ❖ **Applies to all newly constructed, remodeled, converted, and existing juvenile detention facilities.**
- ❖ **Does *not* apply to secure facilities or other facilities licensed by the family and social services administration.**



8-1-2 Construction of juvenile detention facilities

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

(b) The department's written review shall be provided to fire and building services for

plan release within ten (10) working days from the date of receipt.



8-1-3 Inspection of juvenile detention facilities

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



8-1-4 Compliance for new facilities

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



210 IAC 8-1-5 Compliance and noncompliance

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

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



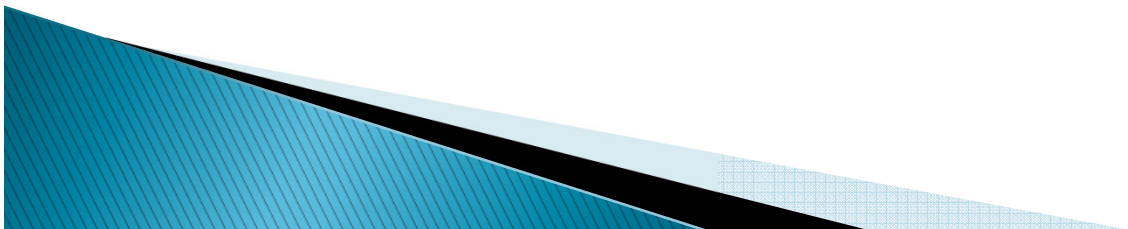
8-1-5 Compliance and noncompliance (cont.)

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

(1) All mandatory standards.

(2) A minimum of 90% of the recommended standards within 2 years of commencing operation and each year thereafter.

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



8-1-5 Compliance and noncompliance (cont.)

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

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



8-1-5 Compliance and noncompliance (cont.)

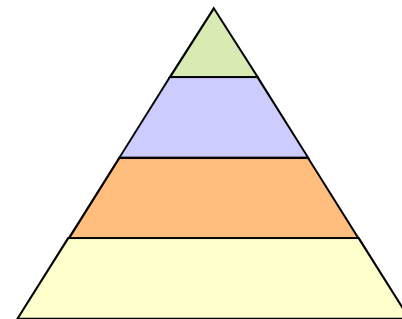
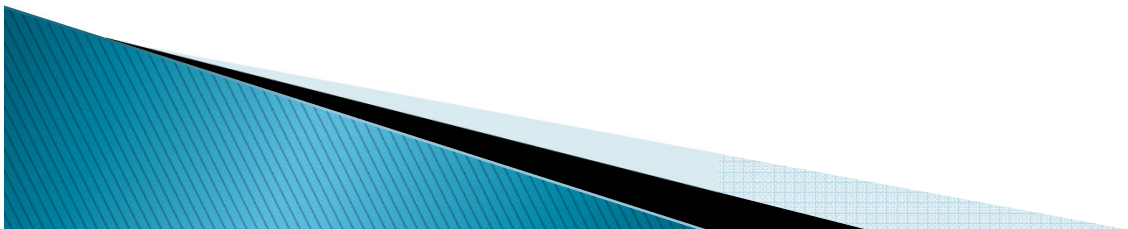
(f) The department may petition the judge of the circuit court in the county in which the juvenile detention facility is located to restrict, alter the use of, or close the facility if:

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



8-1-6 Level of compliance

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



8-1-6 Level of compliance (cont.)

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

(1) Level 1: in compliance with 90% of recommended standards.

(2) Level 2: in compliance with 95% of recommended standards.

(3) Level 3: in compliance with 98% of recommended standards.



8-1-6 Level of compliance (cont.)

(4) Level 4:

(A) compliance with 100% of recommended standards; or

(B) meets the following requirements:

(i) 98% of recommended standards

(ii) Actively participates in the conditions of confinement self-assessment process.

(iii) Successfully completes a PREA audit.

(5) Level 5:

(A) compliance with 100% of the recommended standards;

(B) actively participates in the conditions of confinement self-assessment process; and

(C) successfully completes a PREA audit.



What if: Levels of Compliance

- ▶ Level 1 – 90%
 - 2014: (1)
- ▶ Level 2 – 95%
 - 2014: (5)
- ▶ Level 3 – 98%
 - 2014: (10)
- ▶ Level 4 – 100% or **98%** w/ JDAI + PREA
 - 2014: (?)
- ▶ Level 5 – 100% w/ JDAI + PREA
 - 2014: (6)



8-1-7 Severability

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

