

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Youth Services
Rule No. 950-1-13 Rule Title: Minimum Standards for Short Term Detention
Facilities

_____ New X _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

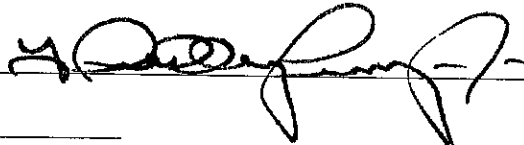
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 
Date 6-19-18

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-13 Minimum Standards for Short Term Detention Facilities

INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-13 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-13 to simplify the procedures applicable to licenses for short term detention facilities. All procedures applicable to applications for such licenses including required content of such applications, background checks, review of applications, temporary permits, full license, revocations of licenses, and hearings, are found in Rule 950-1-4 and all such procedures in Rule 950-1-13 are repealed. The amendment also corrects typographical errors and omissions.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing to ADYS Legal Division, P.O. Box 66, Mt. Meigs, AL 36057 or orally at the ADYS Board Room on August 8, 2018 at 10:00 am at 1000 Industrial School Rd., Mt. Meigs, AL 36057.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 8, 2018

CONTACT PERSON AT AGENCY: T. Dudley Perry, Jr. (334) 215-3803



T. Dudley Perry, Jr.
General Counsel

ALABAMA DEPARTMENT OF YOUTH SERVICES
ADMINISTRATIVE CODE

CHAPTER 950-1-13
MINIMUM STANDARDS FOR SHORT TERM DETENTION FACILITIES

TABLE OF CONTENTS

950-1-13-.01	General Administration
950-1-13-.02	Fiscal Management
950-1-13-.03	Personnel
950-1-13-.04	Training Training And Staff Development
950-1-13-.05	Juvenile Records
950-1-13-.06	Citizen Involvement And Volunteers
950-1-13-.07	Building And Safety Codes 950-1-13-.08
950-1-13-.08	Size, Organization, And Location
950-1-13-.09	Housing
950-1-13-.10	Environmental Conditions
950-1-13-.11	Program And Service Area
950-1-13-.12	Security And Control
950-1-13-.13	Safety And Emergency Procedures
950-1-13-.14	Rules And Discipline
950-1-13-.15	Facility Services
950-1-13-.16	Sanitation And Hygiene
950-1-13-.17	Health Care
950-1-13-.18	Admission
950-1-13-.19	Mail, Visiting, And Telephone
950-1-13-.20	Revocation Of License <u>Repeal</u>
950-1-13-.21	Statutory Authority
950-1-13-.22	Effective Date

950-1-13-.01 General Administration.

(1) The ~~agency~~ Agency operating the short-term detention facility is a legal entity or part of a legal entity.

(2) The short-term detention meets applicable requirements of the Alabama Department of Youth Services.

(3) The ~~facility~~ Facility has a written statement that describes the philosophy, goals, and purposes of the ~~facility~~ Facility. This statement is reviewed annually and updated as needed.

(4) Written ~~policy~~Policy and ~~precedure~~Procedure provide guidelines for the collection and retention of information pertaining to the detained juveniles.

(5) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that ~~isf~~ services for adult and juvenile offenders are provided by the same ~~agency~~Agency, written statement or philosophy, ~~policy~~Policy, program, and ~~procedure~~Procedure distinguish between criminal codes and the statutes that establish and give direction to programs for juveniles.

(6) Written ~~policy~~Policy prohibits the confinement of any offender in the ~~facility~~Facility unless it is clearly shown that secure placement is essential.

(7) Written ~~policy~~Policy and ~~procedure~~Procedure provide that the ~~faecility~~Facility and its operation are managed by a single administrative officer to whom all employees are responsible.

(8) Written ~~policy~~Policy and ~~procedure~~Procedure demonstrated that employees participate in the formulation of policies, procedures, and practices.

(9) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the facility administrator cooperates with the Interstate Compact Administrator, pursuant to the provisions of the Interstate Compact of Juveniles.

(10) The qualifications for the facility administrator include at a minimum, a bachelor's degree in an appropriate discipline and two years of related administrative experience.

(11) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the term of office of the facility administrator and appointed personnel not covered by merit systems, civil service regulations, or union contracts is continuous and can be terminated by the appointing authority only for good cause and, if requested, following a formal ~~hearing~~Hearing on specific charges.

(12) The policies and procedures for operating the ~~facility~~Facility are specified in a manual that is accessible to all employees and the public. This manual is reviewed at least annually and updated as needed.

(13) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that new or revised policies and procedures are disseminated to appropriate staff and volunteers and, when appropriate, juveniles prior to implementation.

(14) Regular meetings between the facility administrator and all staff members are to be conducted at least monthly.

(15) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for a system of two-way communications between all levels of staff and juveniles

(16) The ~~governing authority~~Governing Authority holds meetings at least annually with the facility administrator.

(17) In accordance with written ~~policy~~Policy, ~~procedure~~Procedure, and practice the short-term detention facility grants representatives of the media access to the ~~facility~~Facility consistent with preserving the juveniles' right to privacy and maintaining order and security.

(18) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice specify the circumstances and methods for the facility administrator and other staff to obtain legal assistance as needed in the performance of their duties.

(19) There is a written ~~policy~~Policy, ~~procedure~~Procedure, and practice service personnel other than ~~facility~~Facility staff perform work in the ~~facility~~Facility only under direct and continuous supervision of facility staff in those areas permitting contact with juveniles.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.02 Fiscal Management.

(1) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the facility administrator is responsible for fiscal management and control.

(2) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that when a short-term detention facility provides services on a regional basis, it charges all contract users an equal per diem rate.

(3) The short-term detention facility's budget request complies with the policies, procedures, and instructions of the jurisdiction of which the ~~facility~~Facility is a part.

(4) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for budget revisions.

(5) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice demonstrate that procedures for the collection, safeguarding, and disbursement of monies comply with the accounting procedures established by the governing jurisdiction. These procedures are reviewed annually and updated as needed.

(6) ~~The short-term detention facility provide that~~ All monies collected at the short term detention facility ~~facility~~ are placed in an officially designated and secure location daily.

(7) The short-term detention facility provides for an independent financial ~~audit~~Audit of the ~~facility~~Facility as stipulated by statute or regulation but at least every three years.

(8) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern inventory control of property, supplies, and other assets. Inventories are conducted at time periods stipulated by applicable statues but at least every two years.

(9) The short-term detention facility provides for institutional insurance coverage including at a minimum: Workman's Compensation (or, if applicable, coverage under the State Employees Injury Compensation Trust Fund), civil liability for employees, liability for official vehicles and public employee blanket bond.

(10) ~~Juveniles' personal funds held by the~~ facilityFacility are controlled by accepted accounting procedures.

(11) Written ~~policy~~Policy, ~~procedure~~Procedure and practice provide that any financial transactions permitted

between juveniles, juveniles and staff, and juveniles and volunteers are approved by the facility administrator.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. Amendment Filed June 19, 2018 Effective

950-1-13-.03 Personnel.

(1) The short-term detention facility provides a personnel manual that is available for employee reference and covers at a minimum the following areas.

- (a) job description and qualifications
- (b) physical fitness policy
- (c) benefits, holidays, leave, and work hours
- (d) personnel ~~records~~Records and employee evaluations
- (e) staff development and ~~training~~Training
- (f) retirement, resignation, and termination
- (g) disciplinary procedures, grievances, and appeals procedures
- (h) statutes relating to political activities
- (i) equal employment opportunities policies

(2) Employees covered by a merit system, civil services regulations, or union contracts are appointed for a probationary term of at least six months but no longer than a year.

(3) A criminal record check and a check of the Central Registry of Child Abuse and Neglect (DHR)

(4) There is a written ~~policy~~Policy that specifics support for a drug-free work place for all employees. This ~~policy~~Policy includes at a minimum:

- (a) prohibition of the use of illegal drugs
- (b) prohibition of possession of any illegal drug except in the performance of official duties
- (c) procedures to be used to ensure compliance
- (d) opportunities available for treatment and/or ~~counseling~~Counseling for drug abuse
- (e) the penalties for violation of the ~~policy~~Policy.
- (5) The short-term detention facility uses an annual written performance review of each employee. The review is based on defined criteria and the results are discussed with the employee
- (6) Compensation and benefit levels for all personnel are comparable to those for similar occupational groups in the state or region.
- (7) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that employees may challenge the information in their personnel file and have it corrected or removed if it is proved inaccurate.
- (8) The facility practice provides that all personnel and volunteers who work with juveniles are informed in writing about the facilities policies on confidentiality or information and agree in writing to abide by them ~~in writing~~.
- (9) If services for adult and juvenile offenders are provided by the same ~~agency~~Agency, there shall be separate staff for all juvenile services. (MANDATORY)
- (10) Staff/student ratio should be in accordance with licensure requirements as it relates to facility and program design, back-up staff support, emergency procedures, etc., but at a minimum of one staff per six students. (MANDATORY)
- Author:** Alabama Department of Youth Services, Office of Licensing and Standards
- Statutory Authority:** Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.
- History:** **New Rule:** Filed December 17, 2004; effective January 21, 2005. **Amendment** Filed June 19, 2018 **Effective**

950-1-13-.04 Training And Staff Development.

(1) The short-term detention facility provides that all new employees who provide direct care receive twenty-four hours orientation ~~training~~Training prior to undertaking their assignments. This ~~training~~Training includes at a minimum:
(MANDATORY)

(a) orientation to the purpose, goals, policies, and procedures of the ~~Facility~~

(b) working conditions and regulations

(c) employee rights and responsibility

(d) CPR and First Aide

(e) signs of suicide risk

(f) suicide precautions

(g) fire and emergency procedures

(h) severe weather emergency procedures

(i) medical emergency procedures

(2) The short-term detention facility provides that all administrative and managerial personnel receive forty hours ~~training~~Training each year that includes:

(a) general management

(b) labor law

(c) staff/management relations

(d) ~~t~~The Juvenile Justice System

(e) relationships with other service agencies

(3) The short-term detention facility provides that all new juvenile careworkers receive additional forty hours ~~training~~Training for full-time employees and twenty hours ~~training~~Training for part-time employees during their first year

of employment and each year there after which covers at a minimum the following: (MANDATORY)

- (a) CPR (each year)
- (b) ~~F~~first ~~A~~aide (every three years)
- (c) security procedures
- (d) supervision of juveniles
- (e) use-of-force regulations and tactics
- (f) report writing
- (g) juvenile rules and regulations
- (h) rights and responsibilities of juveniles
- (i) key control
- (j) signs of suicide
- (k) all emergency procedures

(4) All volunteers receive formal orientation appropriate to their assignments and additional ~~training~~Training as needed.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.05 Juvenile Records.

(1) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern and detail the establishment, use, and content of information to be obtained for juveniles held in short-term detention facilities. This ~~policy~~Policy, ~~procedure~~Procedure, and practice shall address the issue of privacy of information, the secure placement and preservation of ~~records~~Records and a schedule for retiring or destroying inactive ~~records~~Records. These ~~P~~policies and ~~P~~procedures are reviewed annually.

(2) The short-term detention facility maintains a record of each juvenile that includes at a minimum the following information:

- (a) name, age, sex, place of birth, and race or nationality
- (b) authority to accept juvenile
- (c) referral source
- (d) name, relationship, address, and phone number of parents/guardian/ and person juvenile resides with at time of ~~admission~~Admission
- (e) drivers license number, social security number, and Medicaid number when applicable
- (f) signed release-of-information forms when required
- (g) disciplinary policy signed by juvenile
- (h) initial intake form
- (i) final discharge or transfer report
- (j) legal charge at time of intake
- (k) signature of person obtaining information

(3) The short-term detention facility provides that for any juvenile transferred from one ~~facility~~Facility to another that a copy of any information obtained is transferred simultaneously or at least within seventy-two hours.

(4) The short-term detention facility maintain a daily population report of all juveniles held in the ~~facility~~Facility which includes the day they were admitted, accumulated days of stay, and the probation officer assigned. This report is transmitted to appropriate administrative staff.

(5) The short-term detention facility collaborates with DYS, Juvenile Justice Agencies, and other service agencies in information gathering, exchange, and standardization.

(6) Written ~~policy~~Policy and ~~procedure~~Procedure governs the conduct of research at the short-term detention facility. ~~and that this policy~~Policy and procedure adheres to state and federal guidelines for the use and dissemination of research findings, requires that all research be approved by the facility administrator, ~~that it~~ ensures the confidentiality of juveniles, ensures that all juvenile participation is voluntary, and prohibits medical, pharmaceutical and cosmetic research programs.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.06 Citizen Involvement And Volunteers.

(1) The short-term detention facility develops written guidelines to govern the participation of volunteers which includes at a minimum:

- (a) the selection process
- (b) duties of volunteers
- (c) an orientation and ~~training~~Training program
- (d) prior to assignment
- (e) rules and regulations
- (f) grounds for termination
- (g) confidentiality of information

(2) A criminal record and Central Registry on Child Abuse and Neglect (DHR) check is to be completed prior to allowing a volunteer to participate in the program.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.07 Building And Safety Codes.

- (1) The ~~facility~~Facility conforms to applicable federal, state, and/or local building codes. (MANDATORY)
- (2) The ~~facility~~Facility conforms to applicable zoning ordinances or, through legal means, is attempting to comply with or change such laws, codes, or zoning ordinances.
- (3) The ~~facility~~Facility conforms to applicable federal, state, and/or local fire safety codes. Compliance is documented by the authority having jurisdiction. A fire alarm and automatic detection system are required, as approved by the authority having jurisdiction, or there is a plan for addressing these or other deficiencies within a reasonable time period. The authority approves any variances, exceptions, or equivalencies that do not constitute a serious life safety threat to the occupants of the ~~facility~~Facility. (MANDATORY)
- (4) There is documentation by a qualified source that the interior finishing materials in juvenile living areas, exit areas, and places of public assembly are in accordance with recognized codes. (MANDATORY)

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.08 Size, Organization, And Location.

- (1) The ~~facility~~Facility design facilitates optimal visual and auditory observation of juveniles. (MANDATORY)
- (2) The short-term detention facility does not exceed a bed capacity of sixteen juveniles.
- (3) If the short-term detention facility is on the grounds of any other correctional facility, it complies with federal guidelines regarding sight and sound separation. (MANDATORY)

(4) Written Policy and Procedure provide that a short-term detention facility or special purpose facility be constructed or an existing facilityFacility be expanded only after a needs evaluation study has been completed in cooperation with the Department of Youth Services.

(5) The number of juveniles at the facilityFacility does not exceed rated bed capacity. (MANDATORY)

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.09 Housing.

(1) Cells are primarily designed for single occupancy, and provide a minimum of thirty-five square feet of unencumbered floor space per occupant.

(2) Each cell has at a minimum the following facilities and conditions:

(a) sanitation facilities, including access to toilet facilities that are available without staff assistance twenty-four hours a day

(b) a wash basin with hot and cold running water

(c) a bed and mattress

(d) natural light

(e) temperatures that are appropriate to the summer and winter comfort zones

(3) In co-ed facilities, male and female juveniles must be housed in separate cells, the facilityFacility design must provide for separation and privacy of male and female resident. (MANDATORY)

(4) Juvenile has access to operable shower with temperature controlled hot and cold running water. (MANDATORY)

(5) At a minimum ratio of one shower for every eight juveniles. Water for showers is thermostatically controlled to temperatures ranging from 100-120 degrees Fahrenheit to ensure the safety of juveniles and promote hygienic practices.

(6) Handicapped juveniles are housed in a manner that provides for their safety and security.

(7) Any time the ~~facility~~Facility houses a female juvenile, female staff must provide direct supervision.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.10 Environmental Conditions.

(1) The ~~facility~~Facility housing area provides at a minimum the following:

(a) lighting of at least twenty foot candles at desk level and in the personal grooming area

(b) natural light available from an opening or window that has a view to the outside, or from a source within twenty feet of the room

(c) access to drinking fountain

(d) heating, ventilation, and acoustical systems to ensure healthful and comfortable

~~(e) living and working condition for juveniles and staff~~

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

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.11 Program And Service Area.

(1) Sufficient space is provided for screening and searching of both juveniles and visitors. Space is provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the living area.

(2) Provisions should be made for the feeding of ~~youth~~ Youths admitted after the last meal has been served for the day.

(3) There are provisions for adequate storage, loading area, and garbage disposal facilities.

(4) High standards of cleanliness shall exist throughout the building and premises.

(5) Toilet and wash basin facilities are available to food service personnel and juveniles in the vicinity of the food preparation area.

(6) All parts of the ~~facility~~ Facility that are accessible to the public are accessible to and usable by handicapped staff and visitors.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.12 Security And Control.

(1) Space is provided for monitoring and coordinating the facility's security, safety, and communications system. The area should provide access to wash basin and toilet.

(2) There is a manual containing all Procedures for facility security and control, with detailed instructions for implementing these ~~procedure~~ Procedures. The manual is available

to all staff and is reviewed at least annually and updated as needed. (MANDATORY)

(3) The ~~facility~~Facility maintains a daily report on juvenile population and movement.

(4) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require staff to maintain a permanent log and prepares shift reports that record routine information, emergency situations, and unusual incidents. (MANDATORY)

(5) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require at least weekly inspection and maintenance of all ~~security devices~~Security Devices and corrective action is initiated when necessary. (MANDATORY)

(6) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that instruments of restraint, such as handcuffs, leg irons, and straight jackets, are never applied as punishment and are applied only with the approval of the facility director. (MANDATORY)

(7) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern the control and use of keys.

(8) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern the use of personal vehicles for official purposes and include provisions for insurance coverage.

(9) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require that personnel who use force to control juveniles submit written reports to the facility director no later than the conclusion of the tour of duty.

(10) Firearms are not permitted in the ~~facility~~Facility except in emergency situations.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.13 Safety And Emergency Procedures.

(1) The ~~facility~~ Facility maintains a written plan for fire prevention regulations and practices. The plan includes but is not limited to the following: (MANDATORY)

(a) Provision for an adequate fire protection service

(b) a system for fire inspection and testing of equipment at least quarterly or at intervals approved by the authority having jurisdiction

(c) an annual inspection by local or state officials or other qualified persons

(d) availability of fire protection equipment at appropriate locations throughout the ~~facility~~ Facility

(2) The short-term detention facility provides for a comprehensive and thorough monthly inspection of the ~~facility~~ Facility for compliance with safety and fire prevention standards by a qualified staff member. The ~~procedure~~ Procedures for these monthly inspections are reviewed annually and updated as needed.

(3) Purchase of short-term detention facility furnishings are made with regard to fire safety performance requirements of the items selected. (MANDATORY)

(4) Facilities which permit employee or visitor smoking are equipped with non-combustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout the ~~facility~~ Facility. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned daily. (MANDATORY)

(5) Written regulations govern the control and use of all flammable, toxic, and caustic materials. (MANDATORY)

(6) The ~~facility~~ Facility has access to an alternate power source to maintain essential services in an emergency. Power generators are tested at least every two weeks and other emergency systems are tested at least quarterly. Repairs and replacements are made as necessary.

(7) The short-term detention facility provides for means of communication between the ~~facility~~ Facility and community in the event of urgent special or unusual incidents or emergency situations.

(8) Preventive maintenance plans are used in upkeep of the physical plant. Provisions are made for emergency repairs or replacement of equipment in life-threatening situations.

(9) The short-term detention facility has a written evacuation plan prepared in the event of FIRE or MAJOR EMERGENCY. The plan is certified by local or Fire Inspectors. The plan is reviewed annually and updated as necessary. All updates are re-issued to the local fire jurisdiction. The plan includes: (MANDATORY)

- (a) location of building/floor plan
- (b) use of exit signs and directional arrows
- (c) location of publicly posted plan
- (d) monthly drills in all occupied locations of the ~~facility~~Facility
- (e) staff drills where evacuations of dangerous juveniles may not be included

(10) All ~~facility~~Facility personnel are trained in the implementation of written emergency plans. The ~~training~~Training is provided prior to beginning job duties and repeated on an annual basis. Changes and updates to the plan are provided to all staff members. (MANDATORY)

(11) The short-term detention facility specifies the means for the immediate release of juveniles from locked areas in case of an emergency and provides for a back-up system. (MANDATORY)

(12) There are written ~~procedure~~Procedures regarding escapes. These ~~procedure~~Procedures are reviewed at least annually and updated as needed.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.14 Rules And Discipline.

(1) Rules and regulations that contain all chargeable offenses, ranges of penalties, and disciplinary procedures are given to each juvenile and staff member and it is translated into those languages spoken by significant numbers of juveniles. Signed acknowledgment of receipt of the rule book is maintained in each juvenile's file. When a literary or language problem prevents a juvenile from understanding the rule book, a staff member or translator assists the juvenile in understanding the rules.

(2) All personnel who work with juveniles receive sufficient ~~training~~ Training so that they are thoroughly familiar with the rules of juvenile conduct, the rationale for the rules, and the sanctions available.

(3) There are written guidelines for informally resolving minor juvenile misbehavior.

(4) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice provides that, where a juvenile allegedly commits an act covered by criminal law, the case should be referred to appropriate court or law enforcement officials for consideration for prosecution.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.15 Facility Services.

(1) The short-term detention facility documents that the ~~facility~~ Facility's system of dietary allowance is reviewed at least annually by a dietitian to ensure compliance with nationally recommended food allowances.

(2) The short-term detention facility menus are planned in advance and that the schedule is substantially followed.

(3) In the planning and preparation of all meals, the food flavor, texture, temperature, appearance, and palatability are taken into consideration.

(4) The short-term detention facility's food service plan provides for a single menu for staff and juveniles.

(5) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for special diets as prescribed by appropriate medical and dental personnel.

(6) Written ~~policy~~Policy prohibits the use of food as a disciplinary measure. (MANDATORY)

(7) The short-term detention facility's food service complies with applicable sanitation and health codes of the Alabama Health Department. (MANDATORY)

(8) The ~~facility~~Facility requires that three meals, of which at least two are hot, are provided at regular times during each 24 hour period. There are no more than fourteen hours between the evening meal and breakfast.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.16 Sanitation And Hygiene.

(1) The short-term detention facility complies with Alabama Health Department sanitation and health codes and is inspected annually. (MANDATORY)

(2) The short-term detention facility potable water source and supply is approved by an independent outside source to be in compliance with jurisdiction laws and regulations. (MANDATORY)

(3) The short-term detention facility provides for the control of vermin and pests.

(4) There is a written plan for the housekeeping of the ~~facility~~Facility's physical plant.

(5) The ~~facility~~Facility's supply of clothing, linen, and bedding exceeds that required for the ~~facility~~Facility's maximum juvenile population.

(6) The ~~facility~~Facility provides for the issue of suitable clean bedding and linen, including two sheets, pillow and pillowcase, one mattress and sufficient blankets to provide comfort under existing temperature controls.

(7) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for a shower schedule which allows for daily showers.

(8) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require that articles necessary for maintaining proper personal hygiene are provided to all juveniles.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.17 Health Care.

(1) There is a written agreement between the short-term detention facility and a physician or emergency medical facility for the provision of health care services to juveniles housed in the ~~facility~~Facility. (MANDATORY)

(2) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that when a juvenile is in need of hospitalization he/she is accompanied by a staff member who stays with the juvenile at least during ~~admission~~Admission.

(3) Juvenile's medical complaints are monitored and responded to daily.

(4) There is a written plan, communicated to all staff, for the dispensing, storage, and disposal of all pharmaceuticals (prescription and non-prescription). This plan includes: (MANDATORY)

(a) a formulary of over the counter medication and indications for their usage and dosage.

(b) a system of individual accounting of medications disposed to juveniles

(c) dispensing procedures

(5) At the time of ~~admission~~Admission, all staff are informed of the juveniles special medical problems or of any physical problems that might require medical attention.
(MANDATORY)

(6) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for 24 hour emergency medical, dental, and mental health care availability as outlined in a written plan that includes arrangements for the following: (MANDATORY)

(a) on site emergency first-aid and crisis intervention

(b) emergency evacuation of the juvenile from the ~~facility~~Facility

(c) use of an emergency medical vehicle

(d) use of one or more designated hospital emergency rooms or other appropriate health facilities

(e) emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community

(f) security procedures providing for the immediate transfer of juveniles where appropriate

(7) ~~Written policy~~Policy, ~~procedure~~Procedure, and practice provide that juvenile careworker staff and other personnel are trained to respond to health-related situations within a four-minute response time.

(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 illness, retardation, and chemical dependency
- (e) procedures for patient transfers to appropriate medical facilities or ~~health-care~~ Health Care providers
- (8) The short-term detention facility has available first aid kit(s), the contents, location and ~~procedure~~ Procedure for periodic inspection are approved by health trained personnel.
- (9) There is a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional. All staff are trained in the implementation of the program prior to beginning employment. (MANDATORY)
- (10) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice provide for medical examination of any employee or juvenile suspected of a communicable disease.
- (11) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice provide for screening, care, and/or referral for care for mentally ill or retarded juveniles.
- (12) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice address the ~~facility~~ Facility's provision for detoxification of juveniles from alcohol, opiates, barbiturates, and similar drugs. (MANDATORY)
- (13) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice provide for the prompt notification of juveniles parents/guardian and the responsible ~~agency~~ Agency in the case of serious illness, surgery, injury, or death. (MANDATORY)
Author: Alabama Department of Youth Services, Office of Licensing and Standards
Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.
History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.18 Admission.

(1) ~~Written procedure~~Procedures for ~~admission~~Admission of juveniles new to the ~~facility~~Facility include but are not limited to the following:

(a) determination that juvenile is legally placed in the ~~facility~~Facility

(b) complete search of the juvenile and possessions

(c) disposition of personal property

(d) shower, if necessary

(e) issue of clean, laundered clothing, as needed

(f) issue of personal hygiene articles

(g) medical and mental health screening

(h) assistance to juvenile in notifying their families of their ~~admission~~Admission and ~~procedure~~Procedures for visiting

(i) assignment of a registered number to the juvenile

(j) provision of orientation materials to juveniles

(k) evidence of abuse and/or trauma

(2) The screening procedure prohibits the placement in the ~~facility~~Facility of children who are runaways because of abuse, neglect, or abandonment. (MANDATORY)

(3) The short-term detention facility ensures that any juvenile placed in the ~~facility~~Facility be brought before the Juvenile Court within seventy-two hours of ~~admission~~Admission. (MANDATORY)

(4) The short-term detention facility limit the use of detention to cases involving protection of the public, prevention of self injury, ensuring the presence of the juvenile at subsequent ~~court~~Court hearingHearing, and transfers to other jurisdictions. (MANDATORY)

(5) The short-term detention facility grants all juveniles the right to make a local or collect long distance

telephone calls to family members, attorneys or other approved individuals during the ~~admission~~Admissions process.

(6) Each juvenile is assigned a probation officer at the time of ~~admission~~Admission.

(7) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern the control and safeguarding of juveniles' personal property. Personal property retained at the ~~facility~~Facility is itemized in a written list that is kept in the permanent case file; the juvenile receives a current copy of this list.

(8) Short-term detention facilities provide that new juveniles receive orientation materials and translations into their own language if they do not understand English.

(9) Short-term detention facilities provide that staff members are available to counsel juveniles at their request; provision is made for ~~counseling~~Counseling juveniles on an emergency basis. (MANDATORY)

(10) Short-term detention facilities make available to juveniles reading and educational materials.

(11) Short-term detention facilities provide for a 1 hour time period outside their cell for each twenty-four hour period they remain in the ~~facility~~Facility, provided that facility security is not jeopardized.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.19 Mail, Visiting, And Telephone.

(1) The short-term detention facility maintains rules governing correspondence, use of telephone, and allowance for visiting at the ~~facility~~Facility. These rules are made available to all staff and juveniles. They are reviewed annually and updated as needed.

(2) When the juvenile bears the mailing cost, there is no limit on the volume of letters he/she can send.

(3) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice specify that juveniles are permitted to send sealed letters to a specified class of persons and organizations including but not limited to: Courts, Counsel, Officials, or the Confining Authority, and members of the ~~releasing authority~~Releasing Authority.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.20 Revocation Of A License. ~~Conditions for revocation of a license: The Department may revoke or refuse to issue full license to the holder of a six-month license should the licensee fail to comply with the following:~~

~~(1) Consistently fail to maintain standards prescribed and published by the department, including all new and additional standards which the department may prescribe.~~

~~(2) Violate the provisions of the license issued.~~

~~(3) Furnish or make any misleading or any false statement or report to the department.~~

~~(4) Refuse to submit to the department any reports, or refuse to make available to the department any records required facility for licensing purpose; provided, however, that the department shall not revoke or refuse to renew a license in such case unless it has make written demand on the person, firm or such person, firm or corporation fails or refuses to submit such records for a period to ten days.~~

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. Repealed Filed June 19, 2018

Effective

950-1-13-.21 **Statutory Authority: Title 44, Code Of Ala. 1975.**

(1) §44-1-27(a) - "The Department of Youth Services is authorized and directed to establish and promulgate reasonable minimum standards for the construction and operation of detention facilities, programs for the prevention and correction of ~~youth~~Youth delinquency, in-service ~~training~~Training for probation officers, consultation from local officials and subsidies to local delinquency projects. The said standards shall include, but not be limited to, reasonable minimum standards for detention facilities, foster care facilities, group homes, and correctional institutions and aftercare services."

(2) §44-1-27(b) - "No county, or city in the state nor any public or private agency, group, corporation, partnership, or individual shall establish, maintain, or operate any detention facility or foster care facility for ~~youth~~Youths found delinquent or in need of supervision by a juvenile court, without a license from the ~~department~~Department. A license shall be required on an annual basis or as determined by the ~~department~~Department. The ~~department~~Department shall revoke the license of any city, county, or public or private agency, group, corporation, or individual conducting, operating, or acting as a detention facility, or foster care facility caring for children and ~~youth~~Youths alleged or adjudged to be delinquent or in need of supervision, that fails to meet the standards prescribed by the ~~department~~Department. The ~~department~~Department is authorized to visit and inspect any public or voluntary detention facility, foster care facility or group homes as it deems necessary."

(3) §44-1-24 - The Department of Youth Services shall perform the following: (4) "License and subsidize foster care facilities or group homes for ~~youth~~Youths alleged to be delinquent pending ~~hearing~~Hearing before a juvenile court or adjudged delinquent following ~~hearing~~Hearing, including detention, examination, study, care, treatment, and training."

(6) "Make and enforce all rules and regulations which are necessary and appropriate to the proper accomplishment of the duties and functions vested in the ~~department~~Department by law with respect to youth services and which do not conflict with or

exceed the provisions of law vesting the duties and functions in the departmentDepartment."

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-13-.22 Effective Date.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

ED NOTE: Chapter content was previously Chapter 950-4-9, Minimum Standards for Short Term Detention Facilities, as per certification filed December 17, 2004; effective January 21, 2005. See Chapter 950-4-9 for previous history.