

**RULES  
OF  
TENNESSEE CORRECTIONS INSTITUTE  
CORRECTIONAL FACILITIES INSPECTION**

**CHAPTER 1400-3  
MINIMUM STANDARDS FOR JUVENILE DETENTION FACILITIES**

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**1400-3-.01 INTRODUCTION.**

- (1) Purpose of Certification. The primary purpose of certification is protection. Protection has a triple focus which is that of: 1) properly housing children; 2) protection of the community at large; and 3) reducing the liability for the facility and the staff. Minimum requirements seek to maintain adequate health, safety, and supervision of children while they are under the care of the court system, consistent with the charge of treatment, training, and rehabilitation called for in *T.C.A.* §37-1-101.
- (2) Legal Basis for Certification. Under the authority of *T.C.A.* §41-4-140, the Tennessee Corrections Institute is required to establish minimum standards for local detention facilities in the state and conduct an annual inspection of each facility.
- (3) Local Juvenile Detention Facilities. These facilities are one of the initial steps in the housing of children involved with the court system and within them, those children receive their first impression of this system. Their experience will be a major force in their future development in the community. Services under the direction of the court may be offered by either facilities directly owned by the county/municipality, or provided directly under contract with the county (counties)/municipality.
- (4) The Tennessee Corrections Institute. In carrying out its mission and responsibilities under the authority of *T.C.A.* 41-4-140, the Tennessee Corrections Institute opens communication with local agencies with the intent to upgrade the delivery of services to the children of Tennessee.
- (5) Basic Information:
  - (a) Statutory Authority. The standards contained in this document are a result of revisions of the 1985 Standards of the Tennessee Corrections Institute. These standards have been revised under the authority of *T.C.A.* §41-4-140.
  - (b) The standards contained herein refer only to local juvenile detention facilities for children. This facility is designed to provide a short-term placement as an alternative to detention in an adult jail for children under the age of eighteen (18) who meet the criteria outlined by *T.C.A.* §37-1-114. Local juvenile detention facilities which may be located on the same grounds or under the same roof as an adult jail must meet the requisites of separation as set forth by *T.C.A.* §37-1-116.
  - (c) This facility is designed to detain children who meet the criteria of *T.C.A.* §37-1-114 (c), and who:

(Rule 1400-3-.01, continued)

1. are in need of legal temporary placement;
  2. are pending adjudication; or
  3. are awaiting disposition and/or placement.
- (d) Nothing contained in these standards shall be construed to prohibit a city, county, or city/county agency operating a facility from adopting standards governing its personnel and facility, provided such standards meet or exceed and do not conflict with the standards established and recorded herein. Nor shall the standards be construed as authority to violate any state fire safety standard, building standard, health or safety code, or any Dept. of Human Services licensure requirement.
- (e) Notes. Any notes or recommendations following a standard are advisory in nature and will not be mandatory.
- (f) Validity. If any article, section, sentence, clause, or phrase of the minimum standards established and recorded herein is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Tennessee Corrections Institute, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of the standards.
- (7) Categories Covered by Standards: The minimum standards established and recorded herein will cover the following categories:
- (a) Physical Plant
  - (b) Administration/Management
  - (c) Personnel
  - (d) Security
  - (e) Discipline
  - (f) Sanitation/Maintenance
  - (g) Food Services
  - (h) Mail and Visiting
  - (i) Programs and Activities
  - (j) Medical Services
  - (k) Admission, Records and Release
  - (l) Hygiene
  - (m) Supervision of Youth
- (8) Validity: In determining the application of these minimum standards, the Tennessee Corrections Institute Board of Control has enacted the following:
- (a) Standards contained herein shall apply to specific types of local juvenile detention facilities.

(Rule 1400-3-.01, continued)

- (b) Detention facilities shall be classified according to construction date. Facilities constructed after January 1, 1991, shall be considered as new, while facilities constructed prior to that date shall be considered existing facilities.
  - (c) An existing facility must meet all applicable standards referring to such facilities and all other applicable standards. A new facility must comply with all applicable standards referring to such facilities and all other applicable standards.
  - (d) Any additions to existing facilities must comply with all applicable standards for new facilities.
- (9) Certification of Facilities: Facilities which meet all applicable standards as determined by an annual inspection shall be recommended for certification by the inspector to the Tennessee Corrections Institute's Board of Control during the first board meeting following the completion of the inspection. Those facilities not meeting all applicable standards shall be recommended for non-certification. Facilities whose annual inspections are completed prior to the fifteenth (15) of the month shall be recommended for certification or non-certification to be effective on the first (1st) day of the month during which the inspection was completed. Facilities whose annual inspections are completed after the fifteenth (15th) of the month shall be recommended for certification or non-certification to be effective on the first (1st) day of the month following the month in which the inspection was completed. The Tennessee Commission on Children and Youth shall be immediately notified of any proposed change in facility status.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### 1400-3-.02 CITED STATUTES.

- (1) T.C.A. §37-1-101 Construction.
  - (a) This part shall be construed to effectuate the following public purposes:
    - 1. to provide for the care, protection, and wholesome moral, mental and physical development of children coming within its provisions;
    - 2. consistent with the protection of the public interest, to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and to substitute therefor a program of treatment, training and rehabilitation;
    - 3. to achieve the foregoing purposes in a family environment whenever possible, separating the child from his parents only when necessary for his welfare or in the interest of public safety;
    - 4. to provide a simple judicial procedure through which this part is executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced; and
    - 5. to provide simple interstate procedures which permit resort to cooperative measures among the juvenile courts of the several states when required to effectuate the purposes of this part; and
    - 6. to generally deinstitutionalize children who have not been found to be delinquent.
  - (b) It is the intention of the general assembly in the passage of this part to promulgate laws relative to children which are to be uniform in application throughout the state.

(Rule 1400-3-.02, continued)

- (c) Each of the juvenile courts in all the counties and municipalities of the state as described in 37-1-102 shall have all of the jurisdiction, authority, rights, powers and duties prescribed by the provisions of this part, and any additional jurisdiction, authority, rights, powers or duties conferred by special or private act upon any of the juvenile courts in the state are not intended to be invalidated or repealed by this part except where inconsistent or in conflict with any provisions of this part.

(2) *T.C.A.* §37-1-114 - Detention or shelter care of child prior to hearing of petition.

- (a) A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless there is probable cause to believe that:
  - 1. the child has committed the delinquent or unruly act with which he is charged; or
  - 2. the child is a neglected, dependent or abused child; and
  - 3. in either case his detention or shelter care is required because the child is subject to an immediate threat to his health or safety to the extent that delay for a hearing would likely result in severe or irreparable harm; or
  - 4. the child may abscond or be removed from the jurisdiction of the court; and,
  - 5. in either case, there is no less drastic alternative to removal of the child from custody of his parents, guardian, or legal custodian available which would reasonably and adequately protect the child's health or safety or prevent the child's removal from the jurisdiction of the court pending a hearing.
- (b) Children alleged to be unruly shall not be detained for more than twenty-four (24) hours excluding non-judicial days unless there has been a detention hearing and a judicial determination that there is probable cause to believe the child has violated a valid court order, and in no event shall such child be detained for more than seventy-two (72) hours exclusive of non-judicial days prior to an adjudicatory hearing. Nothing herein shall prohibit the court from ordering the placement of children in shelter care where appropriate, and such placement shall not be considered detention within the meaning of this section.
- (c) A child shall not be detained in any secure facility or secure portion of any facility unless:
  - 1. There is probable cause to believe the child has committed a delinquent offense constituting a crime against a person resulting in the serious injury or death of the victim or involving the likelihood of serious injury or death to such victim;
  - 2. There is probable cause to believe the child has committed a delinquent offense involving the likelihood of serious physical injury or death, or a property offense constituting a felony, and the child:
    - (i) is currently on probation;
    - (ii) is currently awaiting court action on a previous alleged delinquent offense;
    - (iii) is alleged to be an escapee or absconder from a juvenile facility, institution, or other court-ordered placement; or

(Rule 1400-3-.02, continued)

- (iv) has, within the previous twelve (12) months, willfully failed to appear at any juvenile court hearing, engaged in violent conduct resulting in serious injury to another person or involving the likelihood of serious injury or death, or been adjudicated delinquent by virtue of an offense constituting a felony if committed by an adult;
3. There is probable cause to believe the child has committed a delinquent offense and special circumstances in accordance with the provisions of subsection (a) indicate the child should be detained; however, in any such case the judge shall, within twenty-four (24) hours of the actual detention, excluding non-judicial days, issue a written order on a form prescribed by the Tennessee Council of Juvenile and Family Court Judges setting forth the specific reasons necessitating such detention; however, nothing in this item shall be construed as requiring a hearing or formal finding of fact except as otherwise required by *T.C.A. §37-1-117*;
  4. The child is alleged to be an escapee from a secure juvenile facility or institution;
  5. The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony in that jurisdiction;
  6. There is probable cause to believe the child is an unruly child who has violated a valid court order or who is a runaway from another jurisdiction; however, any detention of such a child shall be in compliance with subsection (b) above; and
  7. In addition to any of the conditions listed above in subdivisions 1. - 6. of this subsection, there is no less restrictive alternative that will reduce the risk of flight or of serious physical harm to the child or to others, including placement of the child with a parent, guardian, legal custodian, or relative; use of any of the alternatives listed in *T.C.A. §37-1-116(g)*; and/or, the setting of bail.
- (3) *T.C.A. §37-1-116* - Place of detention.
- (a) Notwithstanding the provisions of this section of the contrary, in any facility which meets the following requisites of separateness, children who meet the detention criteria of *T.C.A. §37-1-114(c)* may be held in a juvenile detention facility which is in the same building or on the same grounds as an adult jail or lockup:
    1. total separation between juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between child and adult residents in the respective facilities;
    2. total separation in all juvenile and adult program activities within the facilities including recreation, education, counseling, health care, dining, sleeping, and general living activities;
    3. separate child care and adult staff including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults can serve both; and
    4. In the event that state standards or licensing requirements for secure juvenile detention facilities are established, the juvenile facility must meet the standards and be licensed or approved as appropriate.

(Rule 1400-3-.02, continued)

- (b) In determining whether the criteria set out in this subsection are met, the following factors will serve to enhance the separateness of child care and adult facilities:
1. Child care staff are employees of or volunteers for a juvenile service agency or the juvenile court with responsibility only for the conduct of the child-serving operations. Child care staff are specially trained in the handling of children and the special problems associated with this group;
  2. A separate child care operations manual with written procedures for staff and agency reference specifies the function and operation of the program;
  3. There is minimal sharing between the facilities of public lobbies or office/support space for staff;
  4. Children do not share direct service or access space with adult offenders within the facilities including entrance to and exits from the facilities. All facility intake and admission processes take place in a separate area and are under the direction of the child care facility staff. Secure entrances (sally ports, waiting areas) are independently controlled by child care staff and separated from adult entrances. Public entrances, lobbies, and waiting areas for the detention program are also controlled by child care staff and separated from similar adult areas. Adult and children residents do not make use of common passageways between intake areas, residential spaces, and program/service spaces;
  5. The space available for children's living, sleeping, and the conduct of programs conforms to the requirements for secure detention specified by prevailing case law, prevailing professional standards of care, and by state code; and
  6. The facility is formally recognized as a detention center by the state agency responsible for monitoring, review, and/or certification of detention facilities.

*Authority:* T.C.A. §41-4-140. *Administrative History:* Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.03 GLOSSARY.**

- (1) Admitting Area - The point of child's entry into a detention facility; the period when a child undergoes admission processing, which may include orientation and initial classification prior to regular assignment to the housing area.
- (2) Adjudication - Finding of guilt or innocence.
- (3) Admission Screening - A system of structured information gathering to:
  - (a) determine legal authority for detention; and
  - (b) assess health and safety conditions for acceptance for detention.
- (4) Attorney - One who is licensed to practice law and is authorized to act in the place or stead of another.
- (5) Basic Training - Skill oriented introductory training provided by the Tennessee Corrections Institute which prepares a child detention staff with general and specific knowledge about the detention of youth in a local facility.

(Rule 1400-3-.03, continued)

- (6) Censor - To read communications such as letters in order to delete material which might be considered harmful to the interests of the organizations or facility.
- (7) Child Detention Staff - Any individual who is primarily responsible for the direct care of or supervision of a child for any period of time.
- (8) Child Detention Specialist - An employee of a county, local jurisdiction, or private agency who has chosen to successfully complete a one hundred and twenty (120) hour program of designated training as specified and monitored by the Tennessee Corrections Institute.
- (9) Classification - A process for determining the needs and requirements of those for whom detention has been ordered and for assigning them to living areas and programs according to their needs and existing resources.
- (10) Clear Floor Space - Floor space that is free of obstructions such as beds, showers, commodes, and lavatories.
- (11) Coma - A state of deep, prolonged unconsciousness, usually the result of injury, disease or ingestion of toxins.
- (12) Communicable Disease - Any illness which may be transmitted through casual contact.
- (13) Contraband - Any item possessed by the child 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 or program.
- (14) Corporal Punishment - Any kind of punishment inflicted on the body, such as whipping.
- (15) Corrosive - Capable of producing the process of dissolving or wearing away, especially of metals.
- (16) Counseling - Providing advice or guidance.
- (17) Daily Log - A record of all significant activities that take place during the course of a day.
- (18) Dayroom - A secure area directly adjacent to living area, to which a child may be admitted for activities such as exercise, recreation and dining. Spaces originally designed for circulation, such as corridors, are not dayrooms.
- (19) Deinstitutionalization of Status Offenders (DSO) Violation: Federal and state law prohibit the secure detention or placement of status offenders or non-offenders for more than twenty-four (24) hours exclusive of non-judicial days, unless there is probable cause to believe that the child has violated a valid court order. A status offender may be securely detained beyond the twenty-four (24) hour grace period if a detention hearing held within the twenty-four (24) hour period reveals that there is probable cause to believe the child has violated a valid court order. In such instances, a hearing on the violation must be held within seventy-two (72) hours exclusive of non-judicial days. A non-offender cannot be held for violating a valid court order.
- (20) Detained Child - Any child confined in a local facility.
- (21) Detention - The confinement of a child in a secure area.
- (22) Detention Facility - This facility is designed to house children who meet the criteria of *T.C.A. §37-1-114 (c)*, and who:

(Rule 1400-3-.03, continued)

- (a) are in need of legal temporary placement;
  - (b) are pending adjudication; or,
  - (c) are awaiting disposition and/or placement.
- (23) Disciplinary Action - An action taken upon a child that is intended to correct behavior.
- (24) Disciplinary Hearing - A non-judicial administrative procedure to determine if substantial evidence exists to find a child guilty of a facility rule violation.
- (25) Disciplinary Report - An account, or announcement that is prepared, presented or delivered, usually in formal or organized form based on the possibility of a facility rule violation.
- (26) Disinfect - To cleanse or rid of pathogenic microorganisms.
- (27) Disposition - Final adjudication by courts.
- (28) Document - To support with written sources.
- (29) Escapee: Any juvenile who:
- (a) Is alleged or adjudicated to be delinquent; is confined to a secure detention or correctional facility designated, operated, or approved by the court; and absconds or attempts to abscond from such facility may be charged with the offense of escape or attempted escape and a petition alleging such offense may be filed with the juvenile court of the county in which the alleged offense occurred;
  - (b) Is alleged or adjudicated to be delinquent; and has been placed by the court in a secure detention or correctional facility, designated, operated, or approved by the court; is being transported to or from such facility; and absconds or attempts to abscond from the custody of the person responsible for such transportation; may be charged with the offense of escape or attempt to escape. (*T.C.A. §37-1-116*)
- (30) Existing Facilities - Centers built prior to January 1, 1991.
- (31) Facility Administrator - Any official who has primary responsibility for managing and operating a local detention facility.
- (32) Fire Retardant - Material that will burn, but at a slow rate.
- (33) Flammable - Easily ignitable and capable of burning with great rapidity; highly combustible.
- (34) Flushable Drain - A pipe or channel which is cleaned by a rapid, brief gush of water.
- (35) Footcandle - A unit for measuring the intensity of illumination; the amount of light thrown on a surface one foot away from the light source.
- (36) General Population - A group of children confined in a facility that have no restrictions on them, such as segregation.
- (37) Infectious Disease - An illness that may be transmitted to others through either intimate contact or contact through the exchange of bodily fluids.

(Rule 1400-3-.03, continued)

- (38) In-Service Training - That training which is given to an employee on an annual basis to reinforce or add to their basic training.
- (39) Infraction - A breach or violation of a facility rule.
- (40) Legal Counsel - An attorney, or court authorized personnel responsible for advising a child.
- (41) Living Area - A high-security, medium-security, or low-security room, excluding holding, detoxification, infirmary, and segregation rooms.
- (42) Medical Records - Records of medical examinations, diagnoses, treatments and physicians' orders.
- (43) Medication Receipt System - A method that accounts for the administering of medications.
- (44) Menu Pattern - The outline of food items to be included in each meal.
- (45) Monitor - To keep watch over, supervise.
- (46) New Facilities - Any structure built after January 1, 1991.
- (47) Non-Offenders - Dependent and neglected children, abused, throwaway children, etc.
- (48) Panic Hardware - A door latching assembly incorporating a device which releases the latch upon the application of force in the direction of exit travel. *Tennessee Fire Marshall Standard Building Code 1114.2 (1988)*.
- (49) Petition
  - (a) Who may make: The petition may be made by any person including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that they are true. *T.C.A. §37-1-119*.
  - (b) Contents: The petition shall be verified and may be on information and belief. It shall set forth plainly:
    - 1. the facts which bring the child within the jurisdiction of the court with a statement that it is in the best interest of the child and the public that the proceeding be brought and, if delinquency or unruly conduct is alleged, that the child is in need of treatment or rehabilitation;
    - 2. the name, age, and residence address, if any, of the child on whose behalf the petition is brought;
    - 3. the names and residence addresses, if known to petitioner, of the parents, guardian or custodian of the child and the child's spouse, if any; and
    - 4. if the child is in custody and, if so, the place of his detention and the time he was taken into custody. *T.C.A. §37-1-120*
- (50) Physical Force - Any situation which requires a child care worker "lay hands" on a child or which subjects a child to pain, discomfort or physical incapacitation.
- (51) Physical Plant - The building.

(Rule 1400-3-.03, continued)

- (52) Policy - A statement of what is to be done in relation to a particular issue. It reflects the philosophy of the organization and defines the purpose for which the action is taken.
- (53) Potentially Hazardous Food - Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a PH level of 4.6 or below or a water activity (aw) value of 0.85 or less.
- (54) Pre-Service Training- Training accomplished prior to assignment of duty, which is intended to familiarize new employees with the operations of the particular facility to which they are to be assigned.
- (55) Probable cause - shall be established in order to do a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented.
- (56) Procedure - A procedure provides a detailed description of how a policy is to be accomplished. It details the steps to be taken, the order in which they will be carried out, and by whom.
- (57) Range of Sanctions - The various penalties for noncompliance of rules specified by the facility administrator.
- (58) Rules - Those guidelines which govern a child's behavior while they are detained.
- (59) Runaway - An unruly child who is away from the home or residence of his parents or guardians without their consent. (*T.C.A. §37-1-102*)
- (60) Sally Port - An enclosure situated either in the perimeter wall or fence of the facility or within the interior of the facility, containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there will be no breach in the perimeter or interior security of the facility.
- (61) Search - A visual as well as hands on inspection of either a child or a location.
- (62) Secure - Providing a degree of restriction of detainee movement within a detention facility.
- (63) Secure Facility - A facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility's staff, thereby not allowing a child to leave the facility unsupervised or without permission.
- (64) Secure Detention Facility - Any public or private residential facility which:
  - (a) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
  - (b) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, and of any other individual accused of having committed a criminal offense. (*JJDP Act 103-12*)
- (65) Secure Correctional Facility: Any public or private residential facility which:
  - (a) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(Rule 1400-3-.03, continued)

- (b) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense. (JJDP Act 103-13)
- (66) Security Devices - Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detained youth. Also, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility safety.
- (67) Security Perimeter - Outer portions of a facility which actually provide for secure confinement of detained youth. This perimeter may vary for individual facilities, depending upon their security classification.
- (68) Sick Call - A function which provides detained youth the opportunity to receive required medical attention.
- (69) Status Offenders - Children who are charged with or who have committed offenses that would not be criminal if committed by an adult.
- (70) Structural Projections - Some part of the construction that protrudes with sharp or pointed edges.
- (71) Supervisor - A person in direct attendance to the child.
- (72) Temporary Housing - Shall meet all standards for existing facilities and all other applicable standards and shall not be in use for more than eighteen (18) months.
- (73) Toxic - Poisonous, harmful, destructive or deadly.
- (74) Valid Court Order - For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order, all of the following conditions must be present prior to secure incarceration:
  - (a) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.
  - (b) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.
  - (c) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to his attorney and/or to his legal guardian in writing and be reflected in the court record and proceedings.
  - (d) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the twenty-four (24) hour grace period permitted for a non-criminal juvenile offender under Office of Juvenile Justice and Delinquency Prevention monitoring policy, for protective purposes as prescribed by state law, or to assure the juvenile's appearance at the violation hearing, as provided by state law, if there has been a judicial determination based on a hearing during the twenty-four (24) hour grace period that there is probable cause to believe the juvenile violated the court order. In such case, the juvenile may be held pending a violation hearing for such period of time as is provided by state law, but in no event should detention prior to a violation hearing exceed seventy-two (72) hours exclusive of

(Rule 1400-3-.03, continued)

non-judicial days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.

- (e) Prior to and during the violation hearing the following full due process rights must be provided:
  - 1. the right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;
  - 2. the right to a hearing before a court;
  - 3. the right to an explanation of the nature and consequences of the proceeding;
  - 4. the right to legal counsel and the right to have such counsel appointed by the court if indigent;
  - 5. the right to confront witnesses;
  - 6. the right to present witnesses;
  - 7. the right to have a transcript or record of the proceedings; and
  - 8. the right of appeal to an appropriate court.
- (f) In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile and, in the case of a violation hearing, the judge must determine that there is no less restrictive alternative appropriate to the needs of the juvenile and the community.
- (g) A non-offender such as a dependent or neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order.

(75) Work Stoppage - A halt by those employed by the facility; usually refers to a strike.

*Authority:* T.C.A. §41-4-140. *Administrative History:* Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.04 PHYSICAL PLANT.**

- (1) All facilities shall provide for at a minimum:
  - (a) In new and existing facilities, activity areas shall have lighting of at least twenty (20) footcandles, on the average, to be measured three (3) feet off the floor.
  - (b) New and existing facilities shall have forced air ventilation in sleeping and activity areas.
  - (c) Facilities constructed after January 1991 shall have access to natural light in sleeping areas.
  - (d) New and existing facilities shall have a temperature of not less than sixty-five (65) degrees Fahrenheit and no more than eighty (80) degrees Fahrenheit in sleeping and activity areas.
  - (e) Sleeping areas in new facilities shall have lighting of at least five (5) footcandles, on the average, to be measured three (3) feet off the floor.

(Rule 1400-3-.04, continued)

- (2) For new facilities, the minimum size of a single-occupancy room shall have fifty (50) square feet of clear floor space with an elevation of not less than eight (8) feet. All dimensions of room length and width for both single and multiple-occupancy room shall allow for a reasonable amount of useable floor space for any in-room activities of youths. Any questions pertaining to sufficiency of room dimensions shall be decided by the Corrections Institute. Each room shall contain a bunk, toilet and lavatory. For existing facilities, the minimum size of a single-occupancy room shall be forty-five (45) square feet with a ceiling height of at least eight (8) feet. Each room shall contain a bunk, toilet and lavatory. If a detained youth who occupies a single-occupancy room in an existing facility has regular access to additional living areas outside the room, this additional area may be added on a pro rata basis to the square footage available to the detained youth.
- (3) Multiple-occupancy rooms in new facilities shall not be designed to accommodate more than eight (8) youth. A minimum of forty (40) square feet of clear floor space for each youth must be provided in the sleeping areas, with a ceiling elevation of not less than eight (8) feet. In existing facilities, multiple-occupancy rooms shall allow twenty-five (25) square feet of floor space per youth, exclusive of the floor area occupied by the bunks, with a ceiling height of not less than eight (8) feet. If a youth who occupies a multiple-occupancy room in an existing facility has regular access to additional living areas, the additional area may be added on a pro rata basis to the square footage available to a youth.
- (4) New facilities shall have a dayroom for each cluster of rooms, which has a minimum of thirty-five (35) square feet of floor space per youth. Existing facilities are not required to provide dayrooms.
- (5) All facilities shall provide operable toilets and washbasins to detained youth on a ratio of at least one (1) toilet and washbasin to every eight (8) youth and one (1) toilet and washbasin accessible to occupants of any single-occupancy room without their having to leave their room.
- (6) Facilities shall have at least one (1) operable shower for every sixteen (16) detained youth which shall be accessible to youth without their having to leave their designated area.
- (7) New facilities shall be provided with at least one (1) single room for the separation and control of problem youth. The room shall conform to the single-occupancy room dimensions and shall have, at a minimum, the following features:
  - (a) high security light fixture;
  - (b) unbreakable watercloset and lavatory with control valve located outside the room;
  - (c) forced air ventilation;
  - (d) concrete bed, sixteen (16) inches from the floor, with rounded edges.

The room shall contain no structural projections or furnishings that would allow the youth to harm himself/herself. The room shall be located to allow continuous monitoring by detention staff.
- (8) all facilities shall have at least one (1) special purpose room to provide for the temporary detention of persons under the influence of intoxicants. This room shall conform to multiple-occupancy room dimensions and capacity. These rooms shall have, at a minimum, the following features:
  - (a) unbreakable toilet and lavatory;
  - (b) high security light fixture;
  - (c) forced air ventilation;

(Rule 1400-3-.04, continued)

- (d) no structural projections.

New facilities shall also provide in this room a bed, sixteen (16) inches from the floor with rounded edges.

In new facilities this room shall be located so as to allow continuous monitoring by detention staff.

- (9) New facilities shall provide space inside the security perimeter, separate from living areas and administrative offices for the processing of youth as they are received and discharged from the facility. This space shall have the following components:
  - (a) pedestrian sally port;
  - (b) telephone facilities for detainee use;
  - (c) temporary holding rooms which have fixed benches to seat youth;
  - (d) a shower, toilet and washbasin.

Existing facilities shall be provided with space where youth are received, searched, showered, and issued clothing (if provided by the facility) prior to assignment to the living quarters.

- (10) Provisions shall be made for a visiting area.
- (11) Provisions shall be made for a private room to allow for discussions between clergy, attorneys and others authorized by the juvenile court of jurisdiction.
- (12) Each new facility shall have at least one (1) multipurpose room for education, recreation and other activities.
- (13) Each new facility shall provide a secure outdoor recreation area with dimensions of at least thirty (30) feet by thirty (30) feet or an indoor recreation area of the same dimensions which has access to natural light.
- (14) Space shall be provided where a health care professional may conduct sick call, examine patients in privacy and provide medical treatment.
- (15) Every facility shall be provided with a secure control center, staffed around the clock, through which telephone and other communications are channeled. The location of the control center shall provide good visibility or be equipped with a monitoring device. The control center shall monitor the operation of security and life safety systems.
- (16) Drinking fountains, with potable water, shall be located in all sleeping and activity areas of new facilities. In existing facilities, if the water from washbasins is potable, it will not be necessary to add drinking fountains but sanitary drinking cups must be available.
- (17) An emergency power source shall be provided to activate at times of power failure with sufficient capacity to operate security and evacuation electrical devices and equipment and to provide minimum lighting within the facility and its perimeter. The power source shall be checked for functional readiness quarterly and the dates logged.
- (18) Each facility shall provide for electric locks to be manually operated.

(Rule 1400-3-.04, continued)

- (19) Each facility shall have exit signs at each exit which are distinctly marked and continuously illuminated. Exits shall be kept clear and in usable condition.
- (20) Each facility shall have documentation of compliance with applicable sanitation and fire safety standards.
- (21) All kitchens, dining rooms, multiple toilet areas and corridors shall contain operable floor drains.
- (22) There shall be cells to accommodate the facility's classification plan. Facilities that house both males and females as well as juveniles and adults shall have provisions to separate accordingly. Such provisions shall not allow physical contact or sight and sound communication. Provisions shall also be made to separate minimum, medium and maximum security prisoners.
- (23) Plans for any new facility construction or renovation shall be in compliance with minimum standards recorded herein and be submitted to the Tennessee Corrections Institute and the State Fire Marshal's Office for review. In planning a new facility it shall be necessary, at the outset, to determine clearly the function and purpose which the facility will serve. In essence, define whether or not its function will be for temporary holding or an institution for longer detention. Its primary function may encompass both of these functions. A plan for operating the facility shall be developed in the initial stages of planning the physical plant so that the facility can be designed around the operating plan, rather than the reverse. This approach will contribute to simplicity of design and effective use of operating controls.
- (24) The capacity of each room or housing area as determined by the Tennessee Corrections Institute shall not be exceeded.
- (25) The use of padlocks and chains to secure housing areas is prohibited.

**Authority:** *T.C.A. §41-4-140. Administrative History: Original rule filed April 7, 1993; effective July 28, 1993.*

**1400-3-.05 ADMINISTRATION/MANAGEMENT.**

- (1) Each facility shall develop a mission statement and written policies and procedures governing the facility's operations. They shall be reviewed and updated annually. These policies and procedures shall be accessible to all employees at all times.
- (2) There shall be written plans developed in advance for dealing with emergencies such as escape, disturbances, assaults on employees, hostage taking, and emergency evacuation plans. These shall be incorporated into the facility's manual. Each employee shall be familiar with these plans.
- (3) Written policy and procedure shall provide for each shift at a facility to have fire drills every six (6) months and document dates of said drills, participating staff and results.
- (4) The facility administrator shall develop a list of articles and materials that shall be allowed in the living area. Detained youth shall be informed in writing of this list.
- (5) The facility shall have a written and graphic evacuation plan posted in the living area, as well as any other specified locations.
- (6) Written policy and procedure shall ensure that detained youth shall not be subjected to discrimination based on race, national origin, color, creed, sex, economic status, sexual orientation, or political belief.
- (7) Juvenile facilities located under the same roof or on the same grounds as an adult jail must meet the following criteria for separateness, as outlined in *T.C.A. §37-1-116 (i)*:

(Rule 1400-3-.05, continued)

- (a) total separation between juvenile and adult facility special areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities;
  - (b) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities;
  - (c) separate juvenile and adult staff, including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both; and,
  - (d) a separate juvenile operations manual, with written procedures for staff and agency reference, specifying the function and operation of the juvenile program.
- (8) New juvenile detention facilities should not be located under the same roof or on the grounds of an adult detention facility.
- (9) Written policy shall provide for written notification within twenty-four (24) hours of discovery to the Dept. of Human Services, the Tennessee Corrections Institute, and the Tennessee Commission on Children and Youth of any report of or evidence of physical or sexual abuse of a child in a facility while the child is in custody.
- (10) Written policy shall provide for notification of the Tennessee Corrections Institute and the Tennessee Commission on Children and Youth of any deinstitutionalization of status offenders violation.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.06 PERSONNEL.**

- (1) The facility shall develop a personnel policy manual, to be distributed to each employee, which provides information on the following subjects:
- (a) description of organizational structure
  - (b) position qualifications and specifications
  - (c) personnel rules and regulations
  - (d) recruitment procedures
  - (e) equal employment opportunity provisions
  - (f) work hours.
  - (g) personnel records
  - (h) employee evaluation
  - (i) in-service training.
- (2) Each facility shall be required to provide personnel 40 hr. of pre-service training before assuming individual job responsibilities. All employees who have not received this 40 hr. of training must be accompanied at all times by an employee who has received such training. There shall be documentation

(Rule 1400-3-.06, continued)

of topics covered and dates covered and class roster. Topics shall include but not limited to: hostage policy, crisis management, use of force, admission & release, security procedures, medical procedures, indicators of mental illness & potential for suicide, professional ethics & standards of conduct and cultural diversity.

- (3) All personnel whose duties include the supervision, custody, or treatment of detained youth shall be required during the first year of employment to complete a basic juvenile training program consisting of a minimum of forty (40) hours and provided by or approved and monitored by the Tennessee Corrections Institute.
- (4) All personnel whose duties include the supervision, custody, or treatment of youth shall be required to complete an annual in-service program designed to instruct them in specific skill areas of detention operations. This annual in-service shall consist of forty (40) hours to be approved and monitored by the Tennessee Corrections Institute. At least sixteen (16) of these hours may be provided by the Tennessee Corrections Institute.
- (5) A minimum number of hours of training and any additional courses for basic and in-service training shall be complied with as established by the Tennessee Corrections Institute Board of Control.
- (6) All detention personnel who are authorized to use chemical agents shall receive basic and ongoing in-service training in their use. All such training shall be recorded with the dates completed and kept in the employee's personnel training file.
- (7) Each facility shall maintain records on the types and hours of training completed by each detention worker.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.07 SECURITY.**

- (1) Procedure shall differentiate between the searches allowed (orifice, pat, or strip) and identify when these shall occur and by whom such searches may be made. All orifice searches shall be done by medical personnel. Youth shall be searched by facility personnel of the same sex, except in emergency situations involving an immediate threat to life, limb or property.
- (2) Key control shall be established and the operator of the control center shall have knowledge of who has the keys in use and the location of duplicate keys. All day-to-day operations shall be centralized and controlled through the control center.
- (3) There shall be one (1) full set of well-identified keys, other than those in use, secured in a place accessible only to facility personnel for use in the event of an emergency. These keys shall be notched for easy identification under adverse conditions.
- (4) Written policy and procedure shall govern the availability, control and use of chemical agents. A written report shall be submitted to the facility administrator when such substances are used.
- (5) Written policy and procedure shall require that chemical agents and related security and emergency equipment are inventoried and tested at least quarterly to determine their condition and expiration dates. This shall include regular inspection of ABC type fire extinguishers, smoke detectors, and other detection and suppression systems.
- (6) All tools, toxic, corrosive and flammable substances and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure and located outside the security perimeter of the confinement area.

(Rule 1400-3-.07, continued)

- (7) Written policy and procedure shall require at least weekly inspection of all security facilities and documentation of said dates.
- (8) Written policy and procedure shall provide for continuous inspection and maintenance of all locks.
- (9) There shall be a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel who are required to familiarize themselves with it.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.08 DISCIPLINE.**

- (1) Written facility rules along with the corresponding range of sanctions for rule violations and disciplinary procedures to be followed shall either be posted conspicuously in the facility within security areas or given to each youth during the intake process. If rules are given during the intake process, a record shall be maintained of this transaction. Illiterate youth shall be assisted by staff members in understanding the rules.
- (2) Disciplinary reports shall be prepared by staff members and must include, but are not limited to, the following information:
  - (a) names of persons involved
  - (b) description of the incident
  - (c) specific rule(s) violated
  - (d) staff or youth witnesses
  - (e) any immediate action taken, including use of force
  - (f) reporting staff member's signature, date and time report is made.
- (3) Each facility shall develop written policies and procedures governing disciplinary and administrative actions.
- (4) Written policies shall provide for disciplinary hearings to be held in cases of alleged violations of detainee conduct rules. These hearings shall include the following administrative due process guarantees:
  - (a) Youth receives written notice of charges and time of hearing prior to hearing.
  - (b) A brief period of time after the notice, no less than twenty-four (24) hours, shall be allowed for the youth to prepare for appearance before an impartial officer or board.
  - (c) Youth has the right to call and cross examine witnesses and present evidence in their own defense, when permitting them to do so will not be unduly hazardous to institutional safety or correctional goals.
  - (d) The reasons for any limitations placed on testimony or witnesses shall be stated in writing by the hearing chairperson.

(Rule 1400-3-.08, continued)

- (e) There must be a written statement by the fact finders as to evidence relied on and reasons for the disciplinary action.
- (f) Appeals process is available.
- (5) Written policy provides for youth to receive a hearing prior to segregation, except in cases where the security of the facility is threatened, as determined by the facility administrator or their designee.
- (6) For segregated youth, a disciplinary hearing must be held within seventy-two (72) hours of placement in segregation, excluding holidays, weekends and emergencies, and for other youth a disciplinary hearing must be held within seven (7) days of the write-up if the youth is still present in the facility.
- (7) The youth receives a copy of the disciplinary decision and a copy is kept in the youth's record. The youth's legal guardian/custodian shall receive written notification of major disciplinary actions taken against the youth.
- (8) Written policy and procedure provide that the disciplinary reports are removed from all files on youth found not guilty of an alleged violation.
- (9) Appropriate, necessary force may be used to:
  - (a) overcome resistance
  - (b) repel physical aggression
  - (c) protect life
  - (d) retake detainee or property

Use of physical force shall be thoroughly documented with detailed account of who was involved, the force that was used and justification for its use. This report shall be submitted to the facility administrator.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.09 SANITATION/MAINTENANCE.**

- (1) Floors, walls and ceilings throughout the facility shall be kept clean, dry, and free of any hazardous materials or substance. All plumbing fixtures shall be clean and sanitary.
- (2) A member of the staff shall be assigned to make daily sanitation and safety inspections. Dates of inspections shall be recorded and conditions noted.
- (3) The facility shall provide for regularly scheduled disposal of waste and trash in accordance with local or state health regulations.
- (4) The facility shall provide for control of vermin and pests and shall remove youth from treated areas if there is a risk of illness.
- (5) Walls shall be kept clean and free of pictures or other objects which provide hiding places for vermin or create a fire hazard.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

**1400-3-.10 FOOD SERVICES.**

- (1) Food service guidelines and a menu pattern approved by a dietician shall be used by each facility in the preparation of meals.
- (2) Youth shall receive at least three (3) meals every twenty-four (24) hours with no more than fourteen (14) hours between any two meals. At least two (2) of these meals shall be hot.
- (3) All meals shall be prepared (except when catered) and served under the direct supervision of staff.
- (4) Written policy and procedure shall require that accurate records are maintained on the number of meals served per day, the actual food served, and meal schedule.
- (5) Written policy shall require that food shall never be used as a reward or disciplinary measure.
- (6) Modified diets shall be prepared for youth when requested by medical staff or by a physician's order, and all reasonable efforts shall be made to accommodate dietary needs of a religion.
- (7) Proper storage of food shall assure that there will be minimal contamination of the food from any source. The temperature of potentially hazardous food shall be 45°F or below or 140°F or above at all times except as otherwise provided in the current edition of the USPHS Food Service Sanitation Manual.
- (8) The preparation or storage of food shall not be permissible in the housing area.
- (9) Refrigerators shall be clean and contain a thermometer. The temperature shall be 45°F or below.
- (10) All food products shall be stored at least six (6) to eight (8) inches off the floor on shelves or in shatter proof containers with tight fitting lids.
- (11) Insecticide, cleaning agents and poisonous substances shall be stored away from food and plainly labeled.
- (12) Stoves shall be equipped with operable hooded exhaust systems and the filters shall be kept clean.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

**1400-3-.11 MAIL AND VISITING.**

- (1) Written policy shall outline the facility's procedures governing youth's mail.
- (2) Each facility shall develop written policy governing the censoring of mail. Any regulation for censorship must meet the following criteria:
  - (a) The regulation must further an important and substantial governmental interest unrelated to the suppression of expression (e.g., detecting escape plans which constitute a threat to facility security and/or the well being of staff and/or prisoners); and
  - (b) The limitation must be no greater than is necessary to the protection of the particular governmental interest involved.
- (3) Incoming mail shall be inspected for contraband items prior to delivery, unless received from the courts, attorney of record, or public officials, where the mail shall be opened in the presence of the youth.

(Rule 1400-3-.11, continued)

- (4) Outgoing mail shall be collected and incoming mail shall be delivered without unnecessary delay.
- (5) A youth shall be notified if a letter is rejected, whether it is written by or addressed to him.
- (6) When a letter is rejected, the author must be given an opportunity to protest that decision to the facility administrator.
- (7) Written policy and procedure shall provide that the facility permits postage for at least two (2) free personal letters per week for youth. They shall also receive postage for all legal or official mail.
- (8) Written policy shall define the facility's visitation policies which shall include, at a minimum:
  - (a) a visitation schedule providing a minimum of one (1) hour of visitation each week for each youth with their parent/guardian unless specifically prohibited by the juvenile judge or his/her designee.
  - (b) the maintenance of a visitors log.
  - (c) visitors shall register before admission and may be denied admission for refusal to register, for refusal to consent to search, or for any violation of posted facility rules.
  - (d) notification of the possibility of visitor searches. Probable cause shall be established in order to do a strip or body cavity search of a visitor. When probable cause exists, the search shall be documented.
- (9) Written policy and procedure shall provide that youth be allowed to have confidential access to attorneys and/or their authorized representatives at any reasonable hour. The facility shall establish the hours during which attorneys may visit.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.12 PROGRAMS AND ACTIVITIES.**

- (1) Reading material shall be made available to all youth.
- (2) Written policy and procedure requires that the facility shall allow for youth to voluntarily participate in religious activity at least once a week.
- (3) Policy and procedure shall provide for the youths' reasonable access to a telephone. Such procedure, including any limitations, shall be in writing and posted so as to be conspicuous to youth. The procedure shall include, at a minimum:
  - (a) the hours during which such access shall generally be provided
  - (b) a statement regarding the privacy of telephone communication.
  - (c) a statement that limitations will be imposed to ensure that charges for the call are correctly billed.
- (4) Every youth shall have unrestricted and confidential access to the courts. Youth shall have the right to present any issue before a court of law or governmental agency.
- (5) The facility shall provide or make available the following minimum services and programs to adjudicated and preadjudicated juveniles:

(Rule 1400-3-.12, continued)

an education program;  
visiting with parents/guardians;  
private communication with visitors and staff;  
counseling;  
continuous supervision of living units;  
medical services;  
food service;  
recreation and exercise; and reading materials.

- (6) Programs and services shall be initiated for all juveniles as soon as they are admitted to living units.
- (7) Educational opportunities shall be available to all juveniles except when there is substantial evidence to justify otherwise.
- (8) Written policy and procedure shall provide a recreation and leisure-time plan that includes, at a minimum, at least one hour per day of physical exercise/large muscle activity outside the room and one hour per day of structured leisure-time activities.
- (9) Detained juveniles shall be afforded access to religious, mental health counseling and crisis intervention services in accordance with their needs.
- (10) There shall be a system for juveniles and staff to communicate with one another at all times.
- (11) When information is requested by the counselor or probation officer assigned by the court to supervise a juvenile in the community, it shall be supplied promptly by facility staff.
- (12) Juveniles shall not be permitted to perform any work prohibited by state and federal regulations and statutes pertaining to child labor.
- (13) Work assignments do not conflict with education program.

*Authority:* T.C.A. §41-4-140. *Administrative History:* Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.13 MEDICAL SERVICES.**

- (1) The facility shall be responsible for arranging medical services and/or designating a medical authority such as a hospital, clinic, or physician. The designated medical authority must be notified in instances where a youth may be in need of medical treatment and the facility shall document this notification. Any medical record or information shall be confidential.
- (2) First aid kits shall be available with a physician approving the number, contents, and location of such kits. Documentation of such approval must be in the facility's permanent records or attached to the kit itself
- (3) Receiving screening shall be performed on all youth upon admission to the facility and before their placement in the general housing area. The findings shall be recorded on a printed screening form. The juvenile care worker performing this duty shall check for:
  - (a) a serious illness/communicable disease or condition
  - (b) a comatose state
  - (c) obvious wounds

(Rule 1400-3-.13, continued)

- (d) prescribed medications
  - (e) intoxication - alcohol/drug use
  - (f) pregnancy (last; menstrual cycle)
  - (g) physical or sexual abuse.
- (4) A more complete examination shall be completed on youth within fourteen (14) days of their initial confinement date. This examination shall be performed by a physician or a person who has been designated by a physician as capable of performing such examination. If a designee performs the examination he/she must do so under supervision of a physician and with a protocol or set of instructions and guidelines from the physician. This examination shall include:
- (a) inquiry into current illness and health problems, including those specific to women;
  - (b) inquiry into medications taken and special health requirements;
  - (c) screening of other health problems designated by the responsible physician;
  - (d) behavioral observation, including state of consciousness and mental status;
  - (e) notification of body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.;
  - (f) condition of skin and body orifices, including rashes and infestations;
  - (g) disposition/referral of youth to qualified medical personnel on an emergency basis.
- (5) Sick call, conducted by a physician or other person designated by a physician as capable of performing such duty, shall be available to each youth according to written procedure for sick call. The youth shall be informed of these procedures upon admission.
- (6) At least one (1) person per shift, assigned to work at the facility, shall be trained in First Aid, as defined by the American Red Cross. Training shall also cover:
- (a) awareness of potential emergency situations;
  - (b) transfer to appropriate medical provider;
  - (c) recognition of symptoms of illness most common to the youth;
  - (d) giving medication to youth;
  - (e) confidentiality of medical records and information.
- (7) Dental treatments, not limited to extractions, shall be provided when the health of the youth would otherwise be adversely affected during confinement, as determined by a physician or dentist.
- (8) All medications in possession of a youth at the time of admission to the facility shall be taken from him/her and the identification of and the need for such medication shall be verified by a physician before it is administered.

(Rule 1400-3-.13, continued)

- (9) There shall be strict control of medications to be issued to youth. All medications shall be given only upon a doctor's written orders, and they shall be kept in a secure place within the administrative offices in the facility. An officer shall be responsible to see that the medicine is taken as directed.
- (10) All medications shall be issued by a physician or their designee at the time of use and a medication receipt system established. This shall include controlled drugs and injections.
- (11) Medical records shall be kept, in a separate file from other records, on the youth's physical condition on admission, during confinement, and at discharge. The record shall indicate all medical orders issued by the facility physician and/or any other medical personnel who are responsible for rendering medical services. These records shall be retained until the youth's nineteenth (19th) birthday.
- (12) In case of medical emergencies, there shall be specific information readily accessible to all employees, such as telephone numbers and names of persons to be contacted, so that professional medical care can be received. There shall also be available the names and telephone numbers of persons to contact in case of death.
- (13) Notify Department of Human Services if physical or sex abuse alleged or suspected.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

**1400-3-.14 ADMISSION, RECORDS AND RELEASE.**

- (1) An intake form(s) shall be completed for every youth admitted to the facility and shall contain the following information, unless otherwise prohibited by statute:
  - (a) date and time of admission and authority
  - (b) name and aliases of youth
  - (c) last known address
  - (d) specific charge(s)
  - (e) sex
  - (f) age
  - (g) date of birth
  - (h) place of birth
  - (i) race
  - (j) employment
  - (k) education
  - (l) name, relationship and address of next of kin
  - (m) other key contact person(s) and addresses to notify in case of emergency
  - (n) legal guardian

(Rule 1400-3-.14, continued)

- (o) driver's license and social security numbers
  - (p) status: pre/post adjudication
  - (q) notation of cash and property
  - (r) bonding company
  - (s) amount of bond
  - (t) court date and time
  - (u) room assignment
- (2) The admitting worker shall assure themselves that each youth received is committed under proper legal authority.
  - (3) At the time of admission, a telephone shall be available within the receiving or security area. The detainee shall be allowed to complete at least one (1) telephone call.
  - (4) Cash and personal property shall be taken from the youth upon admission, listed on a receipt form in duplicate, and securely stored pending the youth's release. The receipt shall be signed by the receiving worker and the youth, the duplicate given to the youth, and the original kept for the record. If the youth is unable or unwilling to participate in the process, there shall be at least one witness to verify this transaction.
  - (5) Written policy and procedure shall ensure that detainee records are current and accurate.
  - (6) Written policy and procedure shall ensure that detained youth's records shall be maintained confidentially.
  - (7) Written policy and procedure shall specify when a youth is released into the custody of another agency, appropriate credentials must be reviewed. Positive identification of a youth shall be made by the releasing personnel before discharge or release.
  - (8) All youth released from the facility shall sign a receipt for property, valuables and cash returned at the time of release. All items shall be carefully inventoried on the receipt and witnessed by the releasing personnel. The receipt shall be kept in the permanent records of the facility.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

#### **1400-3-.15 HYGIENE.**

- (1) The standard clothing issue for anyone detained longer than forty-eight (48) hours in a facility for both males and females shall include the following:
  - (a) clean socks
  - (b) clean undergarments
  - (c) clean outergarments
  - (d) footwear

(Rule 1400-3-.15, continued)

- (2) Clean personal clothing (if available) may be substituted for institutional clothing at the discretion of the facility administrator.
- (3) Provisions shall be made so that detainees can regularly obtain the following hygiene items supplied by the facility:
  - (a) soap/shampoo
  - (b) toothbrush
  - (c) toothpaste or toothpowder
  - (d) comb
  - (e) toilet paper
  - (f) hygiene materials for women
  - (g) deodorant
- (4) Any haircuts for detained youth shall be made available at the discretion of the facility.
- (5) Detainees shall be permitted to take a hot shower daily.
- (6) Each youth who is detained overnight shall be provided with the following standard issue:
  - (a) one (1) clean fire-retardant mattress in good repair
  - (b) one (1) clean mattress cover
  - (c) If pillows are provided, they shall be fire-retardant and a clean pillowcase shall be provided.
  - (d) sufficient clean blankets to provide comfort under existing temperature conditions
  - (e) one (1) clean bath-size towel.
- (7) An adequate supply of bedding and towels shall be maintained so that the following laundry or cleaning frequencies, may be adhered to:
  - (a) Sheets, pillowcases, mattress covers, and towels shall be changed and washed at least once a week.
  - (b) Mattresses shall be disinfected quarterly.
  - (c) Blankets shall be laundered or otherwise sterilized before reissue.
- (8) Clothing, whether personal or institutional, shall be exchanged and cleaned at least twice weekly unless work, climatic conditions or illness necessitate more frequent change.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.

**1400-3-.16 SUPERVISION OF RESIDENTS.**

- (1) Staff shall provide continual supervision of all youth in placement, including at a minimum the following levels of visual contact:
  - (a) every 15 minutes for all incoming youth for the first six (6) hours
  - (b) every 30 minutes for youth detained beyond six (6) hours
  - (c) Youth who are violent, suicidal, mentally ill, intoxicated or with other special problems or needs shall be observed every fifteen (15) minutes.
  - (d) The time of all supervision checks shall be logged as well as the documentation of the behavioral observations of the youth.
- (2) The facility shall visually count youth and record the results on a twenty-four (24) hour basis.
- (3) Incidents which involve or endanger the lives or physical welfare of facility staff or youth or which involve escape or attempted escape shall be documented and such documentation retained.
- (4) Facilities that are utilized for the confinement of females shall have female staff on duty when a female is confined in the facility, to perform at a minimum the following functions:
  - (a) searches
  - (b) health and welfare checks
- (5) Youth shall not supervise, control, assume or exert authority over other youth.

**Authority:** T.C.A. §41-4-140. **Administrative History:** Original rule filed April 7, 1993; effective July 28, 1993.