

# **NEW JERSEY JUVENILE JUSTICE COMMISSION**

## **NEW JERSEY ADMINISTRATIVE CODE TITLE 13. LAW AND PUBLIC SAFETY CHAPTER 92. MANUAL OF STANDARDS FOR JUVENILE DETENTION FACILITIES**

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### SUBCHAPTER 1. INTRODUCTION

#### 13:92-1.1 Purpose and scope

(a) The purpose of this chapter is to:

1. Establish the minimum criteria for the administration of county juvenile detention facilities;
2. Establish standards for the provision of programs and services for juveniles in county juvenile detention facilities;
3. Establish standards to analyze and evaluate the performance and adequacy of services provided to juveniles by county juvenile detention facilities, and delineate the deficiencies which require improvement; and
4. Establish the minimum criteria for the planning, design and construction of new county juvenile detention facilities or the renovation of existing facilities.

(b) This chapter shall be applicable to all county juvenile detention facilities in the State of New Jersey.

#### 13:92-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Child care worker" means staff who provide direct supervision of juveniles during their daily activities for the purpose of ensuring their safety and security. Child care staff shall include, but is not limited to, juvenile detention officers, youth aides and youth workers.

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"Commission" means the New Jersey Juvenile Justice Commission.

"Delinquency" means the commission of an act by a juvenile which, if committed by an adult, would constitute:

1. A crime;
2. A disorderly persons offense or petty disorderly persons offense; or
3. A violation of any other penal statute, ordinance, or regulation. But, the commission of:

an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of any age; an act relating to the ownership or operation of a motorized bicycle which constitutes a violation of chapter 3 or 4 of Title 39 of the Revised Statutes by a juvenile of any age; an act which constitutes a violation of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes pertaining to pedestrians and bicycles, by a juvenile of any age; the commission of an act which constitutes a violation of P.L. 1981, c.318 (N.J.S.A. 26:3D-1 et seq.), P.L. 1981, c.319 (N.J.S.A. 26:3D-7 et seq.), P.L. 1981, c.320 (N.J.S.A. 26:3D-15 et seq.), P.L. 1985, c.185 (N.J.S.A. 26:3E-7 et seq.), P.L. 1985, c.186 (N.J.S.A. 26:3D-32 et seq.), N.J.S.A. 2C:33-13, P.L. 1985, c.318 (N.J.S.A. 26:3D-38 et seq.), P.L. 1985, c.381 (N.J.S.A. 26:3D-46 et seq.), or of any amendment or supplement thereof, by a juvenile of any age; an act which constitutes a violation of chapter 7 of Title 12 of the Revised Statutes relating to the regulation and registration of power vessels, by a juvenile of any age or section 2 of P.L. 1987, c.453 (N.J.S.A. 12:7-61); or an act which constitutes a violation of a municipal ordinance enacted pursuant to section 2 of P.L. 1992, c.132 (N.J.S.A. 40:48-2.52) pertaining to curfew ordinances shall not constitute delinquency as defined in this section.

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"Detention" means the temporary care of juveniles in physically restricting facilities pending court disposition. (N.J.S.A. 2A:4A-22c).

"Detention facility" means a facility specified by the Commission, affording secure, short-term custody for delinquent juveniles, or juveniles alleged to be delinquent.

"Fire-resistant" means materials which, due to chemical treatment or inherent properties, do not ignite readily or propagate flaming under small to moderate exposure.

"Gesture" means the act of moving the limbs or body as an expression of thought or emphasis.

"Juvenile" means an individual who is under the age of 18 years. (N.J.S.A. 2A:4A-22a). For purposes of this chapter, juvenile also includes any individual who is properly detained under the law in a juvenile detention facility and has reached the age of 18 years.

"Medication assistance staff" means a senior level child care worker who works in secure detention and has successfully completed the Statewide standardized training program which utilizes the approved State Board of Nursing's Medication Assistance Curriculum, and who is supervised in tasks related to medication assistance in accordance with the provisions of the State Board of Nursing rules at N.J.A.C. 13:37-6.2.

"New detention facility" means a detention facility which is specified for operation by the Commission after May 1, 2000.

"Recommendation" means a goal which is proposed for attainment but which is not now mandatory.

"Room restriction" means the temporary restriction of a juvenile to his or her sleeping room or other designated room.

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"Suicide-resistant" means a product which has been designed to significantly reduce the risk of a juvenile using the product in a suicide attempt.

### 13:92-1.3 Objectives of detention

(a) The objectives of detention are:

1. To provide secure custody for those juveniles who are deemed a threat to the physical safety of the community and/or whose confinement is necessary to insure their presence at the next hearing.

2. To minimize the potentially damaging effects of confinement in a secure setting by supporting the juvenile's physical, emotional, and social development, in an atmosphere which is as non-threatening as possible.

3. To meet the needs of juveniles through a constructive program offering educational, recreational, religious, and social opportunities.

## SUBCHAPTER 2. LEGAL PROVISIONS

### 13:92-2.1 Legal authority of Commission

(a) N.J.S.A. 2A:4A-37 provides that the Juvenile Justice Commission shall specify the place where a juvenile may be detained, and that no juvenile shall be placed in detention in any place other than that specified by the Juvenile Justice Commission.

(b) In accordance with the above statutory requirements, the rules in this chapter are applicable to county juvenile detention facilities. In order to receive juveniles, a detention facility shall demon-



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strate to the satisfaction of the Commission through such methods and procedures as may be prescribed, that it complies with each of the rules in this chapter, which shall be interpreted as constituting minimum standards only.

### 13:92-2.2 Inspection provision

(a) In accordance with N.J.S.A. 2A:4A-37, and 52:17B-170, 171 and 176, the Commission has the power of visitation and inspection of all juvenile detention facilities.

(b) Each juvenile detention facility specified for use by the Commission shall be subject to announced and unannounced inspection visits by the Commission. These visits shall be for the purpose of inspecting and observing the physical condition of the facility, the methods of management and operation and the physical condition, care, treatment and discipline of the juveniles detained therein. In addition, any equipment or materials deemed necessary to carry out the Commission's inspection responsibilities shall be permitted into the facility.

(c) All books, records, accounts, and reports, past and present, shall be available for review. At all times a representative from the Commission shall be allowed to observe and interview juveniles and staff concerning any matter pertaining to the health, safety, treatment, training, and general well-being of the juveniles or pertaining to the operation of the detention facility itself.

### 13:92-2.3 Enforcement

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(a) If, upon completion of the inspection, the detention facility is found to be in violation of any parts of these standards, it shall be given notice by the Commission of these violations with 45 days to abate the said violations. In cases of severe violations or in cases where violations remain unabated, the Commission may withdraw its specification of the facility as an appropriate legal setting for the detention of juveniles.

(b) The Commission, in accordance with N.J.S.A. 52:17B-170e and 171, has the authority to institute such legal proceedings or processes as may be necessary to remedy improper conditions in the detention facilities.

## 13:92-2.4 Variance

(a) If, in the enforcement of these rules, the Commission finds that to require a particular detention facility to comply strictly with one or more of the provisions of these rules is unreasonable, and it is shown clearly and convincingly to the Commission that compliance will result in undue hardship to the programs or goals and services, and if the detention facility is in substantial compliance with these rules and its general purpose and intent and, in addition, it complies with such specific conditions as the Commission may deem necessary for the protection of the health, safety, and welfare of juveniles, a variance may be granted specifically and in writing by the Commission.

1. An application for a variance stating the specific facts or reasons for the request shall be made in writing to the Commission.

2. The Commission shall grant a variance only if it is presented with convincing evidence that the variance is necessary and justified.

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3. The Commission may periodically review and reevaluate the continuing necessity and justification for the variance.

### 13:92-2.5 Other legal authority

(a) Detention facilities shall conform to all applicable public health, safety, and fire codes, building regulations, laws, and regulations set forth by the State of New Jersey, the county, and municipality in which it is located.

(b) Each facility shall comply with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, P.L. 102-586, 42 U.S.C. §§ 5633 et seq., and 28 C.F.R. Part 31 and related State and Federal laws and regulations involving: the deinstitutionalization of status offenders and non-offenders; and prohibited contact between juveniles and incarcerated adults.

(c) Each facility shall comply with the requirements of the Federal Prison Rape Elimination Act (PREA) of 2003 (42 U.S.C. §§ 15601 et seq.) and with Federal regulations establishing PREA standards for juvenile facilities, 28 CFR Part 115, Subpart D, as may be amended.

## SUBCHAPTER 3. ORGANIZATION AND ADMINISTRATION

### 13:92-3.1 Responsibilities of the County Boards of Chosen Freeholders or County Executive

(a) Among the responsibilities of the County Boards of Chosen Freeholders or the County Executive, as appropriate, or their duly authorized representatives shall be the following:

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1. To secure and maintain fire insurance on the detention facility as well as comprehensive liability insurance for the staff and juveniles. Workers' compensation insurance shall also be provided for all staff of the detention facility.

2. To select and appoint a facility administrator to administer and give professional leadership to the facility and its program.

3. To assure adequate financial support for the facility.

4. To approve an annual budget for services and programs for the ensuing year prior to the end of each fiscal year, based on anticipated needs and projected plans.

5. To appraise continuously the adequacy and quality of the services provided by the detention facility.

6. To keep a written record of official actions, including those pertaining to administration of funds and development of programs and services.

### 13:92-3.2 Financial requirements

(a) Systems and procedures for the management of funds, real properties, and securities shall be maintained in accord with sound budgeting disbursement and audit procedures.

(b) The detention facility budget shall include provisions for:

1. Salaries and costs of staff development;
2. Cost of food;
3. Cost of clothing;
4. Cost of medical, dental, and related services;

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5. Cost of psychological and psychiatric services;
6. Adequate physical facilities and equipment and maintenance of same;
7. Cost of indoor and outdoor recreational materials and/or services;
8. Cost of educational equipment and supplies and/or services; and
9. Such special services as may be required.

(c) If any of the above budget items are provided by another source, they shall be included and an appropriate value ascribed.

## SUBCHAPTER 4. PHYSICAL STANDARDS

### 13:92-4.1 Location, building approval and limitations

(a) A juvenile shall be placed or remain in detention only in a facility approved for that purpose by the Commission.

1. No detention facility shall be part of, attached to, or in any way physically connected to a facility providing shelter care, as defined in N.J.S.A. 2A:4A-22(d);

2. A detention facility must obtain Commission approval of a written implementation proposal that has been signed-off by all relevant entities prior to:

- i. Any shared or additional use of a facility;
- ii. Any closure of facility or portion thereof;
- iii. Any renewal of or amendments to shared services agreements between counties; or
- iv. Any transfer of juveniles, except for routine transfers for operational purposes.

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3. A written implementation proposal shall contain such elements as are determined to be necessary and appropriate by the executive director or designee, and shall include at a minimum:

- i. A clear explanation of the need to be addressed by the proposed action;
- ii. A description of all policy options considered and rejected in favor of the proposed action, including why the proposed action best meets the need identified in (a)3i above;
- iii. The estimated costs;
- iv. A detailed projected time line for implementation; and
- v. The review factors set forth in N.J.A.C. 13:92-4.1(a)5.

4. An implementation proposal that is complete and in compliance with the requirements of (a)3 above shall be approved, unless it is determined by the Commission that the implementation proposal:

- i. Is unclear or facially inconsistent;
- ii. Fails to comply with any requirements of State or Federal law pertaining to the detention of juveniles; or
- iii. Otherwise proposes a course of action not conducive to the welfare of juveniles or to the best interests of the State, as determined by the Commission utilizing the review factors set forth in (a)5 below.

5. In making the determination provided for in (a)4iii, above, the Commission shall utilize the following review factors:

- i. With respect to sending and receiving facilities:

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- (1) Access to family, legal services, community providers and local support groups;
  - (2) Available educational services and access to local school district resources;
  - (3) Quality of projected contract administration and quality assurance, including on-going contract and fiscal monitoring;
  - (4) Historical stability of average daily facility population; and
  - (5) Such other factors as may be required by the Commission;
- ii. With respect to receiving facilities, demonstrated capacity to comply with the provisions of this chapter, including, but not limited to, provisions related to:
- (1) Operational requirements;
  - (2) Provision of medical and psychiatric services;
  - (3) Provision of adequate social services; and
  - (4) Adequacy of custody supervision; and
- iii. With respect to sending facilities:
- (1) Soundness of assessments supporting the need to acquire the number of beds identified in the implementation plan;
  - (2) Adequacy of contingency plans for possible additional beds;
  - (3) Plans for the transportation of juveniles to and from court, outside services and interviews;
  - (4) The implementation plan's anticipated impacts upon court resources, including case processing time, calendar delays and adjournments, together with a proposed course of action to remedy any negative impacts;

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- (5) The implementation plan's anticipated impacts upon detention alternative programs run by the facility and by other agencies and organizations, together with a proposed course of action to remedy any negative impacts; and
- (6) Impact upon law enforcement resources, including anticipated impact upon the transportation of juveniles to detention facilities from municipal or other lockup facilities.

6. Inter-county and other transfers of juveniles to and from a detention facility are subject to monitoring and approval of the Commission.

7. In any event:

- i. The population of a detention center may not be increased or decreased, or otherwise manipulated, in order to meet objectives unrelated to sound operational practices for secure detention facilities; and
- ii. No transfer of juveniles shall be permitted if, as a result of the transfer, the population in the receiving facility shall exceed the maximum population capacity assigned by the Commission, as provided for in N.J.A.C. 13:92-4.2(b).

(b) No new detention facility shall be part of, attached to, or in any way physically connected to an adult lockup facility unless a plan has been developed in accordance with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, P.L. 102-586, 42 U.S.C. §§ 5601 et seq., and 28 C.F.R. Part 31, incorporated herein by reference, for collocated juvenile detention facilities. Plans for collocated facilities shall be reviewed and approved by the Commission prior to the establishment of such facilities.



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(c) No new detention facility shall be constructed and no existing facility shall increase its resident capacity unless a needs evaluation study has been completed by the county. The needs evaluation study shall be an in-depth analysis of all pertinent factors, including population projections and detention alternatives, to determine whether the need is clearly demonstrated.

(d) New and renovated detention facilities shall be approved by appropriate local construction officials in accordance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, and shall not be used or occupied in whole or in part until a certificate of occupancy is issued by the appropriate local construction official and final written approval is granted by the Commission.

(e) Programmatic, schematic and design plans for new buildings, or renovations to existing buildings, shall be submitted to the Commission for review, recommendations, and preliminary approval. To qualify for final approval by the Commission, detailed plans and specifications shall be submitted in compliance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23; the New Jersey Uniform Fire Code, N.J.A.C. 5:70; the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.; the rules of this chapter; and all other applicable Federal, State and local laws. The Commission's approval shall be based on:

1. Consistency with the results of the needs evaluation study and the proposed resident capacity of the facility; and
2. Site design considerations which shall include, but are not limited to, the following:
  - i. Security;
  - ii. Suicide prevention;
  - iii. Privacy;

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- iv. Ease of group movement and supervision;
- v. Indoor and outdoor recreation;
- vi. Parking;
- vii. Service access;
- viii. Program services; and
- ix. Convenient accessibility to public transportation.

(f) All change orders and modifications relating to life safety and security issues shall be submitted to the Commission for review and approval.

(g) Juvenile detention facility design, equipment and furnishings shall reflect a normalized adolescent environment, as much as possible. Accordingly, an adult jail-like environment shall be avoided to the fullest extent possible.

## 13:92-4.2 Juvenile population capacity

(a) Each detention facility shall be inspected by the Commission and, in consultation with the administrator of the facility, assigned a maximum population capacity based on minimum standards established herein. This population capacity will also be based on the Commission's analysis of the facility's staffing.

(b) The population of a detention facility shall not exceed the maximum population capacity as assigned by the Commission.

1. The following options may be explored to reduce the population if a detention facility is regularly over the maximum population capacity:

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- i. In conjunction with the Family Court judge, those juveniles who may be better served in their own homes, resource family homes, detention alternative programs, or designated shelters should be identified and released.
- ii. The use of a neighboring county's detention facility is required in situations of overcrowding, in accordance with N.J.S.A. 2A:4A-37.

(c) Consistent with the purpose set forth by the Legislature in the juvenile justice reform legislation to reduce overcrowding at all State and county juvenile facilities, a juvenile who receives a State sentence of incarceration shall be transported to the juvenile intake unit at the Juvenile Justice Commission's reception and intake unit no later than 30 days after the Juvenile Justice Commission receives notification, in the form of a signed commitment order and presentence or predisposition report, from the county where the juvenile has been sentenced. Subject to the availability of appropriations, the Commission also shall provide a Commission-determined per diem rate to the counties for State-committed juveniles held in the county detention centers from the 16th day after receipt by the Commission of the signed commitment order and presentence or predisposition report for each State-sentenced juvenile. The per diem rate shall be established by the Commission from time to time. The 30 days shall be exclusive of the date on which the Commission receives the appropriate and necessary documentation.

(d) The county official who is responsible for transporting the juvenile shall contact the Juvenile Justice Commission to ascertain the date on which such transfer may be effected.

13:92-4.3 Building and grounds

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(a) Detention buildings shall be secure, as nonjail-like as possible, fire resistive, and spacious enough to meet the needs of juveniles and staff. The installation of razor ribbon or barbed wire is prohibited.

(b) Buildings shall be kept in good repair and in clean, sanitary condition.

(c) The entire building, including rooms not generally used by juveniles, shall be secure. Stainless steel mesh detention screens shall be required over all windows unless it is security glazing. Locked outer doors, suicide-resistant and tamper-proof protection of all ducts and openings, and tamper-proof locks shall also be provided.

(d) In new or renovated facilities, camera surveillance systems shall be installed in all areas of the facility to which juveniles have access, excluding bathrooms, showers and sleeping rooms. The cameras shall be maintained and used to record facility activity. Written plans for the installation of the camera surveillance system shall be submitted to the Commission for review and approval.

(e) All rooms, including reception rooms, hallways, and stairways, shall be adequately lighted. Power and lighting systems shall be installed and maintained in conformity with the New Jersey Uniform Construction Code, N.J.A.C. 5:23 for efficient design and safety. Such systems shall include emergency generator(s) for light and power necessary and critical for safety (particularly fire protection, equipment operation, and exit illumination), security and minimum program continuity.

(f) Heating and ventilation equipment shall be in good operating condition and shall be capable of maintaining constant uniform temperatures and odor control. Temperatures in indoor living and work areas shall be appropriate to the seasons: 66 to 78 degrees Fahrenheit in spring and summer; and 65 to 73 degrees Fahrenheit in fall and winter.

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(g) Heating, electrical, ventilating, plumbing, and other mechanical systems shall be designed and maintained so that there is no danger to the health, safety, and welfare of the staff and juveniles.

(h) At the request of the Commission, there shall be an electrical inspection by a New Jersey Department of Community Affairs-certified electrical inspector. Copies of reports resulting from such inspections shall be provided to the Commission and maintained at the detention facility; any violations cited shall be abated within the time frame established by the appropriate code officials in accordance with N.J.A.C. 5:23.

(i) Adequate natural or mechanical ventilation, as required by N.J.A.C. 5:23, shall be provided in all rooms used by juveniles.

(j) New detention facilities and building addition projects shall include air conditioning to maintain comfortable environmental conditions in juveniles' sleeping, living, and general program areas.

(k) Security glazing in doors (viewport windows) and viewing panels shall be utilized to promote effective supervision, security, and safety of the juveniles. Areas in which juveniles have access shall have the strongest degrees of security glazing.

(l) In all new facilities, and whenever existing glazing is replaced, the glazing shall be security grade, at least nine-sixteenths inch thick or security grade Lexan at least one-half inch thick.

(m) All glazed surfaces which are not security glazing, located in areas where there may be possible impact from staff or juveniles, shall have a detention screen on the vulnerable side(s).

(n) The building and grounds shall be free from insect and rodent breeding places, marshes, swamps, poisonous plants, broken glass, trash and debris.

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(o) The premises shall be properly graded and provided with drains to dispose of surface water.

(p) The building structure shall be maintained to prevent water from entering, excessive drafts or heat loss during inclement weather, and to provide a barrier against infestation.

(q) Facilities shall be inspected at least monthly by a licensed pest control agency for rodent and insect infestation and treated accordingly. A written record documenting each inspection and treatment shall be maintained.

### 13:92-4.4 Fire protection

(a) Each detention facility shall be in compliance with all appropriate provisions of the New Jersey Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., including provision for fire suppression, smoke detection, and automatic alarm systems.

(b) New detention facilities shall be equipped with a centralized automated lock release system for sleeping room doors and egress doors.

(c) In new and renovated facilities, sprinkler heads in juvenile sleeping rooms shall be evaluated by the Commission for their suicide-resistant properties prior to approval. In addition, the placement of sprinkler heads in the sleeping rooms shall minimize juvenile access and tampering.

(d) Only fire-resistant mattresses, approved by the Commission, shall be utilized in juvenile detention facilities.

(e) Emergency evacuation drills shall be carried out at least once per month at various times of the day and evening, including sleeping hours, and a record kept and periodically evaluated. The evacuation record shall include:

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1. The date and time;
2. The weather conditions;
3. The number of residents and staff evacuated;
4. The total time to evacuate; and
5. The signature of the fire drill coordinator.

(f) A secure area of refuge shall be provided at least 50 feet from the building to provide for adequate safety and security during emergency evacuations.

(g) All staff shall meet with local fire officials at least once a year for training in the use of fire alarms, fire equipment, and emergency removal of juveniles.

(h) Fire exit plans shall be prominently posted and explained to each juvenile upon admission. The phone number of the local fire station shall be readily available to all staff.

(i) Detention facilities shall at all times maintain an adequate number of staff qualified to release and direct juveniles from their sleeping rooms or other areas to a secure place of safety in case of fire or other emergency. Each facility shall provide a keying system which allows for the prompt and orderly release of juveniles from sleeping rooms and other areas of the building. This may include, but is not limited to, paracentric locking systems and/or color-coded keys.

(j) Facilities equipped with automated electronic locking systems shall provide emergency back-up keys for manual release.

(k) There shall be at least two independent exits from every floor of the detention facility, remotely located so that juveniles may exit from the building or room in two separate directions.

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1. Exits shall not be permitted through kitchen, boiler, storage areas, or other hazardous locations.

(l) Fire exit signs shall be provided at all doors used as exits, with directional signs at locations where the exit may not be readily visible or understood.

1. Illuminated exit signs or electrical lights above the signs shall be provided.

(m) Emergency light and power shall be provided for fire protection in accordance with State laws and rules.

(n) All fire extinguishers shall be safely secured, but readily available to staff, and serviced and inspected at least annually. Training shall be provided to staff in the proper use of fire extinguishers. There shall be at least:

1. One fire extinguisher with a minimum 2A or 10 A-B-C rating provided for each 2,500 square foot of floor area, but not less than one per floor;

2. One fire extinguisher of the same rating provided in all other distinct areas of the building; and

3. One 20 B-C fire extinguisher in kitchens and furnace rooms.

(o) Storage areas containing highly flammable or other hazardous materials such as paints and cleaning agents shall be segregated from residential areas with a minimum one-hour fire rated material and shall be secure at all times when not in use by authorized staff.

(p) In detention facilities which occupy more than one-floor, all interior stairways shall be enclosed with a minimum one-hour fire rated material. Stairway doors shall be hollow metal doors or solid wood doors of the flush type not less than 1 3/4 inches thick.



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(q) Interior boilers or furnaces shall be enclosed by a minimum one-hour fire rated material.

(r) Interior furnishings, drapes, curtains, carpeting, decorations, bedding, etc. shall be flame-retardant.

(s) All fires in the detention facility shall be reported to the Commission as soon as practicable, but no later than 24 hours of the occurrence.

(t) It is recommended that at least one self-contained breathing apparatus, accessible to staff, be maintained at the facility. Staff utilizing a self-contained breathing apparatus shall be trained to use such a device by a firefighter or other qualified instructor certified in the use of this device.

### 13:92-4.5 Sleeping rooms

(a) Individual sleeping rooms shall contain a minimum of 65 square feet of floor space. Multi-occupancy sleeping rooms shall contain a minimum of 50 square feet of floor space per juvenile and a minimum distance of three feet between beds.

(b) There shall be a minimum of eight feet from ceiling to floor.

(c) For those detention facilities which primarily utilize multi-occupancy sleeping rooms, an adequate number of individual sleeping rooms shall be provided for those juveniles whose needs warrant an individual room.

(d) All sleeping rooms occupied by juveniles shall be in compliance with the indoor air quality required by N.J.A.C. 5:23-3.20A and shall have at least one window facing directly to the exterior. Each window shall be covered by a stainless steel mesh detention screen or made of security glazing.

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(e) The door of every sleeping room shall have a view panel that allows complete visual supervision of all parts of the room.

(f) Beds shall be equipped with comfortable fire and water-resistant mattresses and pillows, approved by the Commission. Sheets, pillowcases and blankets shall also be provided, preferably of a fire-resistant type.

(g) Electric lights in sleeping rooms shall be bright enough to permit easy reading by a person with normal vision, shall provide a minimum of 20 foot candle illumination and shall be protected by a tamper-proof safety cover.

(h) Individual room furnishings and fixtures shall be attractive and durable and securely fastened to the floor or wall, preferably both. All furniture, fixtures and room design elements shall be suicide-resistant, tamper-proof, able to withstand excessive abuse and have no anchoring points which would permit suicide hanging attempts.

(i) When beds are replaced in existing facilities, suicide-resistant platform beds shall be provided and securely fastened to the wall and/or floor.

### 13:92-4.6 Sleeping rooms; new and renovated facilities

(a) The sleeping areas of new or renovated detention facilities shall be provided by individual sleeping rooms which shall contain a minimum of 70 square feet of floor space, or double-occupancy sleeping rooms with a minimum of 100 square feet of floor space. No more than 20 percent of the capacity of new or renovated facilities shall be provided by double-occupancy sleeping rooms. Rooms shall not be approved for more than two occupants.

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1. In new or renovated detention facilities, one of every eight sleeping rooms on each resident wing, including the intake, discipline, and medical units, shall be equipped with a stainless steel toilet and washbasin combination unit.

- i. All toilet and washbasin combination units shall be tamper-proof, suicide resistant, and designed specifically for detention facilities.
- ii. These units shall be fastened securely to the wall and floor.
- iii. Hot water shall be thermostatically controlled.
- iv. Push-button faucets shall be used for limited flow.
- v. It is recommended that floor drains with tamper-proof grills be installed close to plumbing facilities.
- vi. There shall be no exposed plumbing pipes. Plumbing traps and shutoff valves shall be located outside the rooms, inaccessible to the juveniles.
- vii. Only recessed-type toilet tissue holders shall be utilized.

(b) In new or renovated sleeping rooms, suicide-resistant platform beds shall be provided and securely fastened to the wall and/or floor.

(c) All furnishings, fixtures and hardware in new or renovated sleeping rooms shall be suicide-resistant and approved for use by the Commission.

(d) All air vent covers and other grilles shall be designed to prevent suicide hanging attempts. Prototypes of all such grilles proposed for use shall be submitted to the Commission for review and approval.

(e) In new sleeping rooms, the following ceiling heights shall apply:

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1. If all ceiling fixtures, including lights, sprinkler heads, and smoke detectors are recessed, the minimum ceiling height across the entire ceiling shall be eight feet, six inches.

2. If any ceiling fixture protrudes from the ceiling, the ceiling height across the entire ceiling shall be a minimum of nine feet.

(f) Exterior glazing, of security grade, shall total a minimum of eight square feet of viewing area in new sleeping rooms and security screens shall be provided on operable windows.

(g) In new sleeping rooms, doors shall swing outward or slide sideways and contain a view panel with security glazing of at least 100 square inches to allow visual supervision of all parts of the room.

### 13:92-4.7 Bathing and toilet facilities

(a) Shower rooms and general toilets shall be located near sleeping rooms and recreation areas, and provide privacy, be kept clean, and be maintained in good repair.

(b) At least one shower shall be provided for each six juveniles. For detention facilities without individual toilets and washbasins in the sleeping rooms, at least one toilet shall be provided for each six juveniles, and at least one washbasin for every four juveniles. Urinals may be substituted for up to one-half of the toilets in male housing units and each urinal shall be counted as one-half of a toilet unit.

(c) In new and renovated facilities, a bathtub, preferably in the medical area, shall be provided for residents with medical problems which make the use of a shower impractical.

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(d) In new and renovated facilities, all resident bathrooms shall be equipped with a stainless steel toilet and washbasin. In existing facilities, any non-stainless steel toilet or washbasin requiring replacement, shall be replaced with a stainless steel toilet or washbasin.

(e) Bathtubs and showers shall be equipped to prevent slipping.

(f) Unbreakable mirrors, at proper levels and easily accessible to all juveniles, shall be provided in the bathrooms.

(g) All fixtures and hardware in shower rooms and bathrooms shall be suicide-resistant and approved for use by the Commission.

(h) Handicapped accessible shower facilities for residents, and toilets for visitors, staff and residents shall be provided in compliance with State and Federal laws.

(i) All air vent grilles in shower rooms and bathrooms shall be designed to prevent suicide hanging attempts. Prototypes of all such grilles proposed for use shall be submitted to the Commission for review and approval.

### 13:92-4.8 Kitchens

(a) Kitchens shall be clean, well lighted, properly ventilated, in compliance with all local health ordinances and provided with essential and proper equipment for the preparation and/or serving of food for the number of persons to be served. Adequate storage, refrigeration, and freezer facilities shall be available.

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(b) The kitchen area shall be convenient to the dining room. If the food is prepared outside of the facility, provision shall be made at the point of source for transporting prepared food and keeping it at proper temperatures.

(c) The kitchen and food storage areas shall be in compliance with the applicable rules at N.J.A.C. 8:24.

### 13:92-4.9 Dining areas

(a) Dining areas shall be provided which are attractively furnished and have ample space between tables.

(b) In new facilities, the dining area shall provide a minimum of 15 square feet of floor space for each juvenile who would occupy this area at one time.

### 13:92-4.10 Indoor recreational areas

(a) Activity or recreational areas shall be provided in each detention facility. Activity or recreational areas include such areas as day rooms, gymnasiums, quiet rooms or libraries, and arts and crafts rooms. Comfortable chairs, tables, books, games, radio and television shall be available for general relaxation and entertainment.

(b) In new or renovated facilities, each housing unit shall have its own day room. Day rooms shall provide a minimum of 35 square feet of space per resident (exclusive of lavatories, showers and toilets) for the maximum number of residents who use the day room at one time. The area

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shall meet the recreational and quiet-time needs of its residents and be designed to be acoustically pleasing with comfortable seating and surroundings.

(c) In new facilities, a minimum 3,500 square foot gymnasium, exclusive of storage areas, offices, bathrooms, or locker rooms, shall be provided. The gymnasium shall have a minimum clear ceiling height of 20 feet.

### 13:92-4.11 Outdoor recreational areas

(a) An outdoor activity area shall be provided. The site shall include a level, properly drained, minimum 200 feet by 200 feet outdoor recreational area adjacent to the building, enclosed by a security fence which does not reflect a punitive environment. The area shall be designed for full visual surveillance, with no part of the area behind a building, wall, or opaque projection.

(b) In new facilities or renovation projects which include the fencing, the vertical portion of the security fence surrounding the outdoor recreational area shall be at least 12 feet high and equipped with a four foot outrigger curved or angled at 45 degrees inward with non-climbable fencing attached to the underside of the outrigger. Non-climbable fencing shall also be attached to the top of the 12 foot vertical fence and extend four feet down. The installation of razor ribbon and/or barbed wire is prohibited in the outdoor recreation areas of juvenile detention facilities.

(c) Plans for the construction of new fences, or for upgrading existing fences, shall be submitted to the Commission for review and approval in accordance with (a) and (b) above.

### 13:92-4.12 Schoolrooms

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(a) Classrooms, designed in cooperation with public school authorities, shall be provided.

Classrooms shall be designed and/or utilized for no more than 12 students. A chalkboard or other board, a bulletin board and shelf space for exhibits, comfortable student desks and/or other work surfaces, closet space for teachers' belongings, school supplies, and temporary storage of juveniles' work shall be provided.

1. Classrooms in new detention facilities shall provide a minimum of 40 square feet of floor space per student.

### 13:92-4.13 Office, reception and visiting areas

(a) On-site office space, adequate to permit the efficient, businesslike operation of the program and related services, shall be provided. Space and equipment shall be provided for the safekeeping and privacy of essential records. This space shall be provided outside of the resident areas.

(b) Reception space for the orderly intake and release of juveniles shall be provided.

(c) In new facilities, a secure vehicular sally port shall be provided.

(d) In new facilities, the reception/admission area shall include:

1. Toilet and shower facilities;
2. Clothing issue and storage space;
3. Interview space; and
4. A dedicated area to provide for medical screening.

(e) If the medical office is located adjacent to or near the admissions area, a separate admissions medical screening area shall not be required.



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(f) Visiting or interview rooms shall be provided where juveniles may receive and talk with visitors privately.

### 13:92-4.14 Medical facilities

(a) Each detention facility shall provide a room or rooms for medical examinations, nurse's office, first aid, and other treatment. The room or rooms shall be adequately furnished and equipped to exclusively fulfill these functions. Access to the medical office by non-medical personnel shall be limited, and when necessary, strictly controlled and supervised by the nursing or medical staff, except during a fire or other emergency in the medical office.

(b) A locked storage space for medicines, inaccessible to juveniles, shall be provided for the storage of all medical supplies and drugs recommended by the detention facility's physician. All narcotics or controlled substances, that is, schedule II through V drugs, shall be stored in a double locked metal container, that is, a locked box within another locked box, or a locked box inside a locked closet or drawer. Access to this container shall be limited to the physician, physician assistant, advanced practice nurse, registered professional nurse or licensed practical nurse only. Medication assistance staff shall have access only to the medications set aside by the medical staff to be dispensed on individual shifts at prescribed times.

(c) First aid kits, splint kits, and instructions for emergency medical treatment shall be readily available to all staff.

### 13:92-4.15 Storage areas

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Ample current and stock storage space shall be provided. In addition, individual storage space shall be provided for storing juveniles' personal clothing and belongings removed during the intake process.

### SUBCHAPTER 5. INTAKE AND ADMISSION; ELECTRONIC MONITORING PROGRAMS

13:92-5.1 (Reserved)

13:92-5.2 Eligibility for admission

(a) Only juveniles charged with delinquency and meeting the criteria for placement in detention provided for in N.J.S.A. 2A:4A-34(c) are eligible for admission.

(b) Juveniles alleged to be in a juvenile-family crisis, as defined in N.J.S.A. 2A:4A-22(g), shall not be admitted to any detention facility.

(c) Juveniles charged with less serious delinquent offenses who do not meet the criteria for placement in detention, but meet the criteria for placement in shelter care shall not be admitted to any detention facility and shall be referred to the appropriate shelter facility approved by the Department of Human Services.

(d) Any juvenile showing signs of severe emotional disturbance, severe intoxication by alcohol or drug usage, or who is obviously in need of medical attention shall not be admitted to a detention facility unless examined by a physician and approved for admission.

1. Those juveniles not approved for admission by a physician shall be referred and transferred to an appropriate medical or mental health facility or detoxification facility, if available.

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2. Working agreements shall be established with local hospitals for the purpose of identifying the detention facility's custody procedures for hospital visits and for allowing hospital security to prepare a non-public area for a juvenile's arrival and stay.

(e) Any juvenile showing signs of severe emotional disturbance after admission shall be immediately examined by a physician and/or transported to an appropriate mental health facility for evaluation and possible admission.

(f) No juvenile shall be admitted to a detention facility which has reached its designated capacity.

## 13:92-5.3 Intake and admission procedures

(a) When it becomes necessary to place a juvenile in detention the following intake and admission procedures shall be adhered to:

1. In accordance with R. 5:21-2(b) of the Rules Governing the Courts of the State of New Jersey, "At any time between the filing of the complaint and the disposition, the judge may order the release of the juvenile from detention ... and fix the terms of such release pursuant to N.J.S.A. 2A:4A-34(d)."

- i. The detention facility shall maintain a written record of the efforts made to contact an appropriate adult custodian.
- ii. Each detention facility shall have staff trained and authorized to make such contacts with appropriate adult custodians and effectuate release of juveniles to such persons on a 24-hour per day basis.

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2. Upon admission, the detention staff (preferably a member of the social work staff) shall obtain from the juvenile, the law enforcement officers and the parents (if possible), pertinent factual and identifying information as outlined in N.J.A.C. 13:92-6.1, Intake information.

3. Immediately after being admitted to the detention facility, the juvenile shall be allowed to telephone his or her parents, guardian, or custodian, and an attorney.

4. Upon admission, the juvenile shall be permitted to be visited in private by an attorney and receive a parental/guardian visit under supervision.

5. Upon admission, juveniles shall be informed of rules and regulations of the facility, mail and visiting policies and procedures, fire exits and procedures, the behavior management system, the detention program and the juvenile's responsibilities, and grievance and disciplinary procedures. A written copy of this information shall be provided to all juveniles, and shall be provided in Spanish when the juvenile indicates a preference for the information in Spanish. The procedures shall also be prominently posted in the facility in English and in Spanish.

- i. In the event that a juvenile is admitted and is unable to communicate in either English or Spanish, the information in (a)5 above shall be provided in the juvenile's primary language.

6. The orientation of the juvenile to the rules and regulations of the detention facility shall be performed in a designated place in the facility which affords privacy. Both the place and the orientation itself shall be non-threatening and conducive to reducing any fear or apprehension about being placed in the facility.

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7. All personal property and effects taken from the juvenile upon admission shall be recorded and stored and a receipt issued to the juvenile. The detention facility is responsible for these items until they are returned to the juvenile.

8. Following admission, each juvenile shall be given a hot shower with soap, clean clothing, and necessary toiletry articles. The juvenile's own clothing shall be laundered and stored, ready for his or her court appearance or release, or issued to the juvenile in accordance with facility policy.

9. If a physician is not present at the time of the admission shower, the nurse, a medication assistance staff worker or the senior staff worker on duty shall examine the juvenile's body for lice, bruises or abrasions, unusual marks and symptoms of any communicable diseases. A body chart shall be completed documenting the results of this examination. The juvenile shall also be screened for the risk of suicide. This screening shall be in accordance with the facility's written procedures governing suicide screening, prevention, and intervention. The screening shall include, but need not be limited to, the use of a standardized suicide risk questionnaire identified by and available from the Juvenile Justice Commission. No person shall administer the suicide risk questionnaire unless that person has been certified by the Commission as having successfully completed Commission training in administering the suicide risk questionnaire and qualified to perform such screening. The findings shall be recorded and brought to the attention of the appropriate medical or mental health staff, as soon as possible.

- i. In situations where a juvenile shows evidence of lacerations, bruises, or abrasions and/or alleges abuse or neglect by a parent, guardian, or relative, a staff member

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shall immediately contact the State Central Registry of the Department of Children and Families, 1-877-652-2873, in accordance with N.J.S.A. 9:6-8.10.

- ii. In situations where a juvenile shows evidence of or alleges abuse by law enforcement officials, the county prosecutor's office shall be notified.
- iii. In situations where a juvenile shows evidence of suicide risk, the facility's written procedures governing suicide intervention shall be implemented immediately. These procedures shall include an increased level of supervision of the juvenile until the appropriate mental health services can be obtained.

10. Each juvenile placed in detention shall also receive a health assessment and screening by a registered nurse or licensed practical nurse within 24 hours following admission, noting symptoms of any communicable disease, lice, bruises or abrasions, unusual marks and general medical condition. The facility's medical and social service staff shall attempt to secure from appropriate sources, information regarding any medical care, treatment or medication prescribed prior to placement.

11. Each juvenile shall also receive a medical examination performed by either a physician licensed to practice medicine in the State of New Jersey, a licensed physician assistant or an advanced practice nurse within 72 hours following admission. Internal vaginal and rectal examinations shall not be routinely included as part of the medical examination for admission.

12. Upon admission, any juvenile who shows signs of a contagious disease shall be isolated until examined by a registered nurse or physician.

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- i. Routine isolation pending a medical examination, for observational purposes, or because of the unavailability of appropriate staff to conduct an examination, is psychologically and medically unsound and shall not be practiced.

13. A Mantoux tuberculin skin test shall be administered to all juveniles who have been in the facility at least three days, unless the facility had administered a Mantoux tuberculin skin test within the previous six months. Such screening shall be completed within seven days of admission.

- i. The facility's physician shall follow the reporting requirements concerning communicable diseases set forth at N.J.A.C. 8:57 for any juvenile diagnosed with active tuberculosis disease or clinically suspected active tuberculosis.
- ii. Additional medical and/or laboratory tests as required by the facility's physician or as a result of the medical examination, shall be provided.

14. Twenty-four to 48 hours following admission, a social service worker or designee shall administer the Massachusetts Youth Screening Instrument - 2 (MAYSI-2) to each juvenile placed in detention. No person shall administer the MAYSI-2 unless that person has been certified by the Commission as having successfully completed Commission training in MAYSI-2 screening and qualified perform such screening. The MAYSI-2 shall be used to identify juveniles who may have special mental health needs. If a juvenile scores in a range indicating a caution or warning, the social service worker or designee shall initiate follow-up questions and actions appropriate to the caution or warning areas.

- i. If the social service worker determines to refer the juvenile for additional interventions, such as a more comprehensive mental health assessment and/or additional

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mental health services like those provided through the New Jersey Department of Human Services, this shall be done as soon as possible.

- ii. The juvenile shall be placed on and remain under increased supervision by staff until it is determined by a mental health clinician, for example, a social worker, psychologist or psychiatrist, that the heightened level of supervision is no longer needed to ensure the safety of the juvenile or others.
- iii. The results of the MAYSI-2 shall be maintained in a secure area under the control of the social service staff.
- iv. Except as otherwise required by law, any statement made by a juvenile in the course of a suicide or mental health screening, conducted with or without the juvenile's consent, or reports or records produced pursuant to such suicide or mental health screening, shall not be:
  - (1) Disclosed, except by an attorney representing the juvenile and with the juvenile's consent, to the court, prosecutor or any law enforcement officer; or
  - (2) Used in any investigation, delinquency or criminal proceeding involving the juvenile that is currently pending or subsequently initiated.

15. The facility administrator, or his or her designee, shall be notified immediately whenever a juvenile is suspected of being at risk of attempting suicide, in emotional distress, has made a suicidal gesture or attempt or scores in a suicide caution or warning range on the MAYSI-2.



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16. The facility administrator, or his or her designee, shall ensure that the facility's written procedures governing suicide intervention are implemented in the event that a juvenile attempts suicide or makes a suicidal gesture.

17. The facility administrator, or his or her designee, shall immediately inform staff members responsible for providing direct supervision of juveniles whenever a newly admitted juvenile is suspected of being at risk of attempting suicide or is in emotional distress.

18. No juvenile shall be placed on room restriction before undergoing a suicide risk questionnaire and mental health screening required under (a)9 and 14 above. However, if a juvenile's behavior warrants separation from the general population prior to receiving the required screenings, the juvenile shall be placed on, and remain under, increased supervision by staff until he or she receives all required screenings.

### 13:92-5.4 Electronic Monitoring Programs

(a) A detention facility may administer an electronic monitoring program, meaning a program in which designated juveniles live in the community and are monitored by electronic monitoring devices. In such case, the facility shall submit an Electronic Monitoring Procedures Manual to the Commission that:

1. Identifies the program's target population; and
2. Sets forth standards and procedures for both initial placement in and removal from the program.

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(b) On or before January 10th of each year, a detention facility shall submit a report to the Commission identifying any significant changes to its Electronic Monitoring Procedures Manual.

### SUBCHAPTER 6. RECORDS AND REPORTS

#### 13:92-6.1 Intake information

(a) In accordance with N.J.A.C. 13:92-5.3, Intake and admission procedures, the detention staff (preferably a member of the social work staff) shall obtain from the newly admitted juvenile, the law enforcement officers and the parents, if possible, pertinent factual and identifying information including:

1. Name (and nickname), sex, date of birth, age, date and time of admission, and person recording data;

2. Religion, race;

3. Name, address, and phone number of father, mother, or resource family parent, if different from above;

4. Name, address, and phone number of father, mother, or resource family parent, if different from above;

5. Name, address, and phone number of person to notify in an emergency;

6. Names, ages and sex of siblings;

7. School attended, grade, and employer, if any;

8. Name, address and phone number of person/agency bringing juvenile to detention facility, and name of person (Family Court or intake worker) authorizing placement;

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9. Reason for apprehension of juvenile and attempts made to contact an appropriate adult custodian;

10. Dates and lengths of stay of previous admissions and releases; and,

11. Medical history, psychiatric history, chronic conditions, past serious illnesses, allergies, special diet, and drug history.

## 13:92-6.2 Individual case records

(a) Individual case folders shall be maintained for each juvenile admitted to the detention facility. These folders shall include, but not be limited to, the following records:

1. Intake information;

2. Medical reports;

3. Social service worker's reports;

4. Incident and accident reports;

5. Progress or status reports;

6. All available court related documents;

7. A record of the names of all persons authorized to visit the juvenile, as well as the names of those individuals not authorized to visit and the reason(s); and

8. Copies of any grievance(s) filed by the juvenile, if any, and the resolution.

(b) All information which is contained in individual case records is confidential, and employees shall not disclose or knowingly permit the use of any information concerning the juvenile or his or her family, directly or indirectly, except in the performance of official duties.

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(c) All records shall be preserved until the juvenile's 18th birthday, provided that at least two years have elapsed since his or her last discharge from the facility.

### 13:92-6.3 Master log book

(a) In addition to intake information maintained for each juvenile's folder, the following information shall be recorded in a master log book which denotes admissions chronologically:

1. Name, age, race, and sex of the juvenile;
2. Date of admission;
3. Alleged criminal charge(s) specifying the actual offense(s) such as theft, burglary or assault;
4. Referring agency;
5. Municipality of the juvenile's residence;
6. Number of previous admissions;
7. Date of discharge;
8. Total number of days at the facility; and,
9. To whom or to which agency the juvenile was discharged.

### 13:92-6.4 Medication log

(a) A medication log shall be maintained for those situations where juveniles are administered medication. The following information shall be recorded each time a juvenile is given medication:

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1. The name of the juvenile;
2. The date and time the medication is given;
3. The name and type of medication;
4. The dosage of medication;
5. The reason for the medication;
6. The name and position of the person authorizing the medication; and
7. The name and position of the person administering the medication.

### 13:92-6.5 Documentation of room restriction

(a) In accordance with the provisions of N.J.A.C. 13:92-7.4, Room restriction, whenever a juvenile is removed from the group or ongoing program and temporarily restricted to his or her sleeping room or other designated room, prior to the end of the shift on which the restriction occurred, all pertinent information, including, but not limited to, the following shall be documented and available for review:

1. The name of the juvenile, race, gender, and date of birth;
2. The date and time of the juvenile's room restriction;
3. The name of the staff member requesting room restriction;
4. The name of the administrator or his or her designee authorizing room restriction;
5. The reason for the room restriction;
6. The date and time of the juvenile's release from room restriction; and

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7. If any health or mental health assessments were performed, the administrator or designee shall certify that the results of those assessments were considered in any decision to place the juvenile on room restriction or to continue room restriction.

## 13:92-6.6 Mechanical restraint log

(a) Whenever a juvenile is placed in mechanical restraints, such as handcuffs, leather restraints, restraint chair or leg irons, except when used during transportation outside the secure area, the following information shall be recorded in a log maintained for that purpose prior to the end of the shift on which the restraint occurred:

1. The name of the juvenile;
2. The date and time restraints were used;
3. The type of restraint used;
4. The name of the staff member requesting use of restraints;
5. The name of the supervisor authorizing use of restraints;
6. The reason for the use of restraints;
7. The date and time the juvenile was released from the restraints;
8. The name and title of the administrator or designee authorizing continued use of restraint, if necessary, beyond 30 minutes; and
9. The progression of all restraints used.

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### 13:92-7.1 Rules and regulations

(a) A written copy of the facility's rules and regulations shall be provided to each juvenile upon admission, including the grievance procedure, N.J.A.C. 13:92-7.2, and sanctions for infractions, N.J.A.C. 13:92-7.3 and 7.4. In addition, the following shall be obtained or provided as indicated:

1. A signed acknowledgment of receipt of the facility's written rules and regulations by the juvenile which shall be maintained in the juvenile's file;

2. A review of the rules and regulations by a staff member with each juvenile; and

3. A copy of the rules and regulations shall be posted in each of the living units.

(b) Such rules and regulations shall:

1. Be written in simple, clear, and concise language that most juveniles can understand;

2. Be designed to effectuate or protect important interests of the detention facility;

3. Be specific enough to give juveniles adequate notice of what is expected of them; and

4. Be reviewed at least annually, updated when necessary, and revisions made available to all juveniles.

### 13:92-7.2 Grievance procedure

(a) Each detention facility shall have a written grievance procedure for the expression and resolution of juveniles' grievances or legitimate complaints, which contains the following elements:

1. A means and method for the filing of a grievance on a form that includes the juvenile's name, date, and all pertinent information relating to the grievance;

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2. Assistance by staff not involved in the issue of the grievance shall be provided, if necessary;
3. A written response to all grievances filed, including the reason for the decision;
4. A response by a staff member designated by the facility administrator, or his or her designee, within a prescribed, reasonable time limit, that allows for responding to emergencies;
5. A provision for appeal to the facility administrator, or his or her designee;
6. Access by all juveniles to the grievance procedure and appeals process, with guarantees against reprisals; and
7. Applicability over a broad range of issues.

(b) A copy of the grievance and the resolution shall be given to the juvenile, a copy maintained in the juvenile's file, and a copy in a central grievance file.

## 13:92-7.3 Behavior management

(a) Each detention facility shall establish a system of behavior management for the purpose of helping the juvenile conform to established standards of behavior and the rules and regulations of the facility.

(b) The behavior management system shall be designed to provide incentives for positive behavior and afford proportional measures of accountability for negative behavior.

1. Incentives for positive behavior may include, but not be limited to, such privileges as:
  - i. Special visits;
  - ii. Extra phone calls;



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- iii. Movies;
- iv. Music; or
- v. Special events.

2. Incentives shall not include any program, service, or physical amenity required by these rules or Federal, State, or local laws, rules, regulations or ordinances.

(c) The behavior management system shall provide written guidelines and parameters that are readily definable and easily understood by residents and staff.

(d) A verbal and written explanation of the behavior management system shall be provided to all residents as part of the formal orientation conducted by facility staff in accordance with N.J.A.C. 13:92-5.3(a)5.

(e) Disciplinary sanctions shall be objectively administered and proportionate to the gravity of the rule and the severity of the violation.

(f) The following disciplinary measures shall be prohibited:

1. The use of corporal punishment by any members of the staff. If any staff member is found to have utilized corporal punishment, this action can constitute grounds for dismissal. In addition, in accordance with N.J.S.A. 9:6-8.10, the incident shall be reported immediately to DYFS.

- i. Corporal punishment does not include the right of staff to protect themselves or others from attack, nor does it include the exercise of appropriate physical restraint as may be necessary to protect a juvenile from harming himself, herself, or others;
- ii. Physical contact between staff and detained juveniles, either through acts of self-defense or the use of force to protect a juvenile from harming himself, herself or

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others, shall be immediately reported in writing to the administrator of the detention facility. A copy of the written report shall be maintained in the juvenile's file;

2. Placement in a dark cell-like environment or forcing a juvenile to perform any cruel or degrading acts;

3. Any act or lack of care that injures or significantly impairs the health of any juvenile, or is degrading or humiliating in any way;

4. Delegation of the staff's authority for administering discipline and privileges to the juveniles;

5. The deprivation of a juvenile's meals, regular evening snacks, mail privileges, court appearances or regular family visits; and

6. The use of any mechanical restraint as a punishment.

## 13:92-7.4 Room restriction

(a) Room restriction shall be used as a last resort only after other less restrictive measures have failed.

(b) A juvenile shall be placed on room restriction only if the juvenile's behavior poses an immediate and substantial physical threat to himself or herself and/or others or to the security of the facility. Room restriction shall not be used for punitive purposes, but rather to gain control of an acting-out juvenile and ensure the security and safety of the facility, staff, and other juveniles.

(c) No juvenile shall be placed on room restriction without the approval of the administrator of the detention facility or his or her designee.

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(d) A juvenile may be subject to room restriction only for the minimum time required to address the safety risk and for a period that does not compromise the mental and physical health of the juvenile, but in no case shall a juvenile be held in room restriction for more than eight consecutive waking hours without being released for at least two hours of recreation and exercise. These programs and/or activities may be engaged in separately or with the general population, at the discretion of the facility administrator or his or her designee. Each instance of a juvenile being released for his or her recreation as required in this subsection shall be documented and available for review.

(e) While executing the requirements of (d) above, if the facility administrator or designee determines that a juvenile's behavior poses an immediate and substantial physical threat to others or to the security of the facility or for other reasons that do not allow for the provisions of (d) above to be safely carried out, the reason for this determination must be fully documented on a separate form for this purpose and be available for review.

(f) A juvenile who is 15 years of age or younger shall not be subject to room restriction for more than two consecutive days. A juvenile who is 16 years of age or older, but younger than 18 years of age, shall not be subject to room restriction for more than three consecutive days. A juvenile who is 18 years of age or older shall not be subject to room restriction for more than five consecutive days. No juvenile shall be subject to room restriction for more than 10 total days in a 30-day period.

(g) No juvenile shall be placed on room restriction for a pre-determined amount of time, for example, 24 hours, three days, etc.

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(h) A juvenile placed on room restriction shall be reassessed, at a minimum, every two hours by the administrator of the detention facility or his or her designee, to determine whether continued restriction is necessary. If the administrator or his or her designee determines that continued restriction is necessary, the reason shall be documented and available for review.

(i) Juveniles subject to room restriction shall continue to receive health, mental health, and educational services. If a mental health problem is suspected, a mental health professional shall be consulted immediately.

(j) Upon room restriction, the juvenile's name and all relevant information pertaining to each use of room restriction, as provided for in N.J.A.C. 13:92-6.5, shall be available to the Commission through the system developed by the Commission for this purpose. This information shall be entered into this system prior to the end of the shift on which the restriction occurred. In addition, all aggregate data pertaining to the use of room restriction including the dates and duration of each occurrence, the reason for placement in room restriction, and the race, age, and gender of the juvenile shall be made available for public inspection pursuant to N.J.S.A. 47:1A-1 et seq., commonly known as the Open Public Records Act

(k) When a juvenile is placed on room restriction, the following procedures shall apply:

1. As a precaution, any potentially dangerous item on the juvenile or in the quarters shall be removed to prevent acts of self-inflicted harm.

2. During the period of room restriction the juvenile shall be checked at least every 15 minutes, including during regular sleeping hours, by the staff assigned to the unit and the juvenile's

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condition noted. The staff is to be alert at all times for indications of destructive behavior on the part of the juvenile, either self-directed or toward the juvenile's surroundings.

3. In all situations requiring a juvenile's separation from the group and placement on room restriction, an incident report shall be processed and filed with the administration by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in the juvenile's individual case folder and a central incident report file.

4. If the juvenile is on room restriction through a change of shifts, the relieving supervisor shall check the juvenile and the room prior to assuming his or her post and assure that the conditions set forth in these rules are being met. Under no circumstances shall a juvenile remain on room restriction when there is not sufficient personnel available to provide the supervision required by (k)2 above.

5. Room restriction procedures shall include a means for the juvenile to communicate with staff at all times.

6. There is to be no reduction in food or calorie intake while a juvenile is on room restriction.

7. The restricted juvenile shall have access to bathroom facilities, including a toilet and washbasin.

8. The room in which the juvenile is restricted shall be maintained in accordance with temperatures at N.J.A.C. 13:92-4.3(e).

13:92-7.5          Physical and mechanical restraints

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(a) Written policy, procedure, and practice shall require a progressive response for juveniles who pose a danger to themselves, others, or property unless the circumstances do not permit a progressive response. The progression shall:

1. Begin with verbal calming;
2. Use the least aggressive physical restraint necessary to control the behavior;
3. Proceed to mechanical restraint only when other interventions are inadequate to deal with the situation; and
4. Require the least restrictive mechanical restraint necessary to control the behavior.

(b) Written policy, procedure and practice shall restrict the use of physical and/or mechanical restraints to instances of justifiable self-protection, the protection of others, the residents and property, and the prevention of escapes, and are to be used only as a last resort. Residents shall be removed from mechanical restraints when no longer posing a threat.

1. If physical force is required, the use of force shall be reasonable under the circumstances existing at the moment the force is used.

(c) Only those physical and mechanical restraint techniques that are included in the New Jersey Police Training Commission (P.T.C.)-approved Basic Course for Juvenile Detention Officers or other P.T.C.-approved training authorized by the Commission may be used to restrain juveniles in juvenile detention facilities.

(d) Detention staff shall not be approved to use physical restraints or mechanical restraints, unless they have been trained in the use of such restraints.

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1. Training shall include methods of monitoring and assessing a restrained juvenile for injuries or loss of circulation as a result of the use of mechanical restraint.

(e) Mechanical restraints approved for use in juvenile detention facilities shall include:

1. Handcuffs;
2. Leather restraints;
3. Leg irons; and
4. Restraint chair.

(f) Application shall be made to the Commission for approval to use any other mechanical restraint. Written approval by the Commission shall be obtained prior to use of the restraint.

(g) The use of padded cells shall be prohibited.

(h) Juveniles shall not be mechanically restrained to any fixed object, such as room furnishings or fixtures, or hog-tied, or restrained in any unusual position.

(i) Mechanical restraints shall not be applied as punishment.

(j) Approval by the facility administrator, or his or her designee, shall be required prior to each use of any mechanical restraint except in emergency situations. In the event of an emergency situation, the administrator, or his or her designee, shall be notified at the earliest possible opportunity. The facility administrator, or his or her designee, shall be required to approve continued use of any mechanical restraint every 30 minutes. Approval of the facility administrator, or his or her designee, is not needed when mechanical restraints are used for the transportation of juveniles.

(k) Staff members shall ensure the safety of the juvenile(s) in mechanical restraints and maintain constant visual supervision of the juvenile(s).

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(l) A juvenile in any mechanical restraint shall have access to water, meals, and toilet facilities.

(m) The facility administrator, or his or her designee, shall immediately assess the juvenile upon the application of a mechanical restraint for any injuries and to ensure the juvenile's circulation is not or was not impaired upon the application of the mechanical restraint, except for the transportation of juveniles. The facility administrator, or his or her designee, shall make repeated assessments of the juvenile's behavior and circulatory status every 15 minutes for the duration of restraint and document this in the juvenile's file. At the earliest possible opportunity, a medical professional such as a physician, licensed physician assistant, advanced practice nurse, registered nurse, or licensed practical nurse shall examine every juvenile involved in a physical and/or mechanical restraint and document this in the juvenile's medical file.

(n) Whenever a mechanical restraint is used for more than 30 minutes, except for the transportation of juveniles, the medical or social service staff, or facility administrator or designee if the medical or social service staff are not available, shall determine whether there is reason to suspect a mental health problem and document this determination in the juvenile's medical file.

1. If a mental health problem is suspected, the medical or social service staff, or facility administrator, or his or her designee, if the medical or social service staff are not available, shall consult a licensed mental health professional and document the results of that consultation in the juvenile's medical file.

2. A new determination whether there is reason to suspect a mental health problem shall be made and documented at the end of each 30-minute period by the medical or social service staff, or facility administrator, or his or her designee, if the medical or social service staff are not availa-



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ble. If a mental health crisis is suspected, an emergency mental health crisis assessment shall be obtained which may result in the removal of the juvenile from the facility.

(o) Each use of a mechanical restraint, except when used during transportation outside the secure area, shall be documented in the mechanical restraint log prior to the end of the shift on which the restraint occurred (see N.J.A.C. 13:92-6.6).

(p) Each application of a physical or mechanical restraint, except when used to transport a juvenile, shall be fully documented in the juvenile's file, including:

1. The date;
2. The time a restraint was imposed and each time a mechanical restraint was removed to provide access to water, meals, and toilet activities;
3. The staff involved;
4. The circumstances;
5. The reason(s) for the use of a restraint;
6. The duration of the use of a restraint, at one time and cumulatively during any 24-hour period;
7. The type(s) of physical or mechanical restraint used;
8. All less intrusive interventions that were tried and proved unsuccessful in managing the behavior;
9. The mental health evaluation, if applicable;
10. The name and title of the person authorizing the restraint;

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11. The results of the assessment regarding injuries, illness or loss of circulation at the time mechanical restraint was imposed and removed; and

12. Any action taken to obtain a mental health assessment or any other intervention to remove the juvenile from the facility.

(q) The use of chemical and/or natural agents, such as mace, pepper spray, or other similar agents, shall be prohibited within the detention facility. The facility administrator may authorize trained juvenile detention officers to carry and use pepper spray only while transporting juveniles outside the facility to court, hospitals, clinics, etc.

1. All juvenile detention officers authorized by the facility administrator to use pepper spray shall receive training and semiannual re-training in pepper spray use and its effects in a class approved by the Police Training Commission (PTC).

### 13:92-7.6 Reporting of incidents

(a) The death of a juvenile or staff in any detention facility, as well as injuries to a juvenile or staff which, in the opinion of the treating physician, may cause death, serious disability, or disfigurement, shall be reported to the Commission as soon as practicable, but no later than within 24 hours of the occurrence.

(b) All suicidal gestures shall be reported to the Commission as soon as practicable, but no later than within three days of the occurrence.

(c) All fires, attempted suicides, escapes, and attempted escapes shall be reported to the Commission as soon as practicable, but no later than within 24 hours of the occurrence.

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(d) Other incidents, such as alleged sexual assaults by juveniles or staff, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situation that requires medical or mental health attention outside the facility for juveniles or staff, substantial damage to the facility, mechanical restraints beyond 30 minutes, and instances when a juvenile is transferred to an adult facility, shall be reported to the Commission within three days of the occurrence.

(e) The incidents identified in (a) through (d) above shall be documented, legibly hand-printed or typed, on the Commission's "Incident Report" form set forth in N.J.A.C. 13:92 Appendix A, incorporated herein by reference.

### SUBCHAPTER 8. PHYSICAL CARE OF JUVENILES

#### 13:92-8.1 Food and nutrition

(a) All components of the food service operation in the detention facility shall be in compliance with N.J.A.C. 8:24.

(b) Meals shall be planned and provide a well-balanced, appetizing, and varied diet sufficient to meet nutritional needs in accordance with the regulations promulgated by the United States Department of Agriculture concerning child nutrition programs at 7 C.F.R. Parts 210 and 220, and the rules of the New Jersey Department of Agriculture's Nutrition Standards for School Nutrition Programs, N.J.A.C. 2:36, incorporated herein by reference.

(c) No less than three meals per day shall be provided, at least one of which shall be a hot meal. Juveniles should have the opportunity to receive second portions.

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(d) The general population shall not be fed meals in sleeping rooms, except under extraordinary circumstances.

(e) Food shall be prepared by methods that conserve nutritive value, flavor, and appearance, and shall be served at proper temperatures (45 degrees Fahrenheit or below for cold items and 140 degrees Fahrenheit for hot foods).

(f) Normal table conversation shall be permitted during mealtimes.

(g) Special diets shall be provided as directed by the physician or as required by the juvenile's religious beliefs.

(h) In-between meal snacks of nourishing quality shall be available but shall not replace regular meals.

(i) The food service staff shall receive supervision or consultation from a qualified nutritionist, dietitian, or physician.

(j) A different menu shall be followed for each day of the week and dated records of menus, including substitutes and changes, shall be retained on file for at least one year.

(k) Provisions shall be made for the feeding of juveniles admitted after the kitchen has been closed for the day.

(l) All food, dishes, and cooking utensils shall be stored under proper sanitary conditions, and shall be protected from rodents and insects.

(m) Employees engaged in the handling and preparation of food shall meet all State and local health requirements, wear proper and clean apparel, and give special attention to personal cleanliness.

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### 13:92-8.2 Clothing

The detention facility shall insure that each juvenile has adequate, comfortable, and well-fitting clothes for indoor and outdoor wear.

### 13:92-8.3 Personal hygiene

(a) Each juvenile shall be provided with his or her own toothbrush, comb, towel, washcloth, and other personal hygiene items as needed, and shall have access to haircuts and hair grooming. Each juvenile's towel and washcloth shall be changed at least twice a week and more often when necessary. Bed linens shall be changed at least once a week and more often when necessary.

(b) Clean underclothing and socks shall be issued daily to each juvenile. Outer clothing shall be issued twice weekly, or more often if necessary.

(c) Each juvenile shall be given the opportunity to bathe or shower daily.

(d) The detention facility shall offer instruction in personal hygiene for juveniles when necessary.

### 13:92-8.4 Household duties and work

(a) No juvenile shall be used as a substitute for staff. Work performed by juveniles shall be only that which has a constructive value. However, this does not preclude normal household chores to be done by juveniles.

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(b) Work assignments shall be made in relation to the age, abilities, and interests of the juvenile and shall be planned so as not to interfere with regular school programs, study periods, recreation, or sleep.

(c) Juveniles shall not have exclusive responsibility for any phase of operation such as cooking, laundry, or housekeeping.

(d) There shall be adequate supervision and protective measures while juveniles are near equipment or machinery where they might be injured.

### SUBCHAPTER 9. PROGRAM SERVICES

#### 13:92-9.1. Medical services

(a) Necessary medical care shall be made available to all juveniles in accordance with appropriate medical practices.

(b) Each detention facility shall have written medical policies and procedures, made available and explained to all staff, and reviewed every six months and amended as necessary.

(c) The name, address, and phone number of the facility's licensed New Jersey physician(s), designated pursuant to the provisions of N.J.A.C 13:92-11.5, and available emergency hospitals and clinics in the area shall be readily available to all staff.

(d) No medication shall be administered to any juvenile without a prescription or without the direction of a licensed New Jersey physician or advanced practice nurse. Over the counter (OTC) medications shall only be administered when there are written "standing orders" or "protocols" approved annually by a New Jersey licensed physician, advanced practice nurse, the nursing admin-

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istrator, and the administrator of the facility. All medication administered shall be under the direction of a New Jersey licensed physician or advanced practice nurse. Medicine may only be administered by:

1. Qualified health care personnel such as:
  - i. A registered professional nurse and/or licensed practical nurse;
  - ii. An advanced practice nurse; or
  - iii. A physician assistant licensed and authorized by law; or
2. Medication assistance staff.

(e) In accordance with N.J.A.C. 13:92-6.4, whenever a juvenile is administered medication, it shall be recorded in the "Medication Log" and on an "Individual Medication Administration Record" form that shall be maintained in the juvenile's medical file.

(f) When medication is dispensed by medication assistance staff, a "unit dose" medication administration system shall be employed. "Unit dose" means a prescribed dose of medication that is individually packaged by a pharmaceutical company or qualified health care personnel.

(g) Medication to be dispensed by medication assistance staff shall be secured and stored individually, in unit dose packaging for each juvenile, in a locked metal container with access only by the New Jersey licensed physician, qualified health care personnel licensed and authorized by State law, medication assistance staff, and the facility administrator. The key to the locked metal container shall be maintained in "Central Control" and logged in and out, to appropriate personnel only, with each use. The key shall not be accessible to juveniles or staff, other than those specified in this subsection.

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(h) Authorization for medical care of juveniles shall be obtained from the parents or legal guardians whenever possible, in accordance with provisions of N.J.S.A. 30:4-7.1 et seq., as amended and supplemented.

(i) The Family Court and the parents or legal guardians of a juvenile shall be advised of any emergency medical treatment or action which is necessary.

(j) There shall be a staff member(s) on each shift or on-site on a 24-hour basis designated to be responsible for first aid and maintenance of an accountability for medical and first aid supplies. This staff member shall possess a current American Red Cross First Aid Certification, and a current Cardiopulmonary Resuscitation (CPR) Certification.

(k) Sick call shall be conducted daily and be available to each juvenile.

1. A daily sick call list may be initiated by the senior staff worker. A sick call shall then be conducted by a physician, registered professional nurse, physician assistant, or an advanced practice nurse, who is licensed and authorized by State law.

2. At times when a physician, registered professional nurse, physician assistant or an advanced practice nurse are not on-site, sick calls may be directed by the senior staff worker. A physician registered professional nurse, physician assistant or an advanced practice nurse shall be on call at all times, and medically approved written standing orders or protocols shall be followed. A physician, registered professional nurse, physician assistant or an advanced practice nurse shall be notified, as needed, for guidance and instruction.

(l) Emergency dental treatment shall be provided when necessary.



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### 13:92-9.2 Recreation

(a) The detention facility shall provide an appropriate range of daily indoor and/or outdoor (weather permitting) recreational activities, which are structured to meet the needs of juveniles of various ages, interests and abilities.

1. Recreational activities should provide a balance of group play, competitive games, and quiet individual activity.

(b) The detention facility shall provide the necessary equipment for conducting an appropriate indoor and outdoor recreational program.

(c) Coed recreational activities should be scheduled when appropriate.

### 13:92-9.3 Education

(a) The detention facility shall provide an educational program which meets the needs of each juvenile based on his or her age, level of ability, previous educational experience, and interest. All residents of county juvenile detention facilities shall participate in an educational program suited to meet his or her needs.

(b) The educational programs shall be operated on a 12-month basis and provide for the juvenile's cognitive and affective development that includes:

1. A program consisting of a minimum of four hours per day five days per week and 220 days per calendar year;

2. Physical education provided by a certified physical education teacher. Physical education shall be a part of the four-hour minimum required school day. At least 150 minutes of physical edu-

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cation shall be provided per week which may include classes in health and family life. Physical education shall not constitute more than one hour of the daily education program. All other recreational activities shall not be considered in determining the four-hour minimum required for the educational program;

3. A program consisting of basic academic instruction as appropriate to the individual program plan (IPP) or individualized education plan (IEP), as applicable; and

4. A New Jersey State Attendance Register entry for all students at the facility, and a written schedule for the educational program.

(c) The facility shall not schedule non-educational activities for the juvenile population during school hours.

(d) Each county juvenile detention facility shall establish and implement policies and procedures for educational services for juveniles consistent with this rule. The policies shall include provisions for continuing the delivery of educational services to disruptive pupils.

(e) Each county juvenile detention facility shall establish a written attendance policy that defines legitimate absences to include sickness, injury, religious observance, required court appearance or other compelling personal circumstance.

(f) The educational program delivery system shall provide remedial and special education.

(g) Within 48 hours of admission to the facility, exclusive of weekends, holidays and non-pupil contact days, an educational assessment of each juvenile shall be initiated. Standardized achievement and/or placement tests shall be administered to each juvenile.

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(h) Within 30 days of admission to the facility, exclusive of weekends, holidays and non-pupil contact days, an individual program plan (IPP) shall be developed for each juvenile to ensure a continuum of program offerings for those students who were enrolled in an educational program that includes:

1. Input from the juvenile's home school district or other applicable educational program, whenever possible;
2. Individualized educational goals and objectives; and
3. Individualized programs which allow high school credit to be awarded through alternative learning experiences in accordance with program completion authorized at N.J.A.C. 6A:8-5.1(a)1ii.

(i) An individualized education plan (IEP) shall be provided for every juvenile who has been classified as eligible for special education, in accordance with N.J.A.C. 6A:14. The detention facility's educational program shall utilize the existing IEP, as developed by the home school district or applicable educational program. If it is determined that the most recent IEP is outdated, the home district shall be advised.

(j) The basic curriculum shall consist of subjects which incorporate the New Jersey Core Curriculum Content Standards, each of which shall be provided to students at their individual level of functioning. These subjects may include:

1. Language Arts Literacy;
2. Social Studies;
3. Science;
4. Mathematics;

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5. Comprehensive Health and Physical Education;
6. Life Skills;
7. Vocational Training;
8. Law-Related Education;
9. World Languages;
10. Visual and Performing Arts;
11. Technological Literacy; and
12. Career Education.

(k) Each county juvenile detention facility shall make library services available to all juveniles:

1. The facility administrator shall consult with a qualified librarian on the provision of these services.

2. The facility shall have a written policy that defines the principles, purposes and criteria to select and maintain age-appropriate library materials, including audio-visual materials, that reflect the typical interests of the youth population and are appropriate for various levels of competency.

(l) All educational programs shall be fully staffed to include substitute coverage when needed with the following ratios:

1. Single class population shall not exceed 12 students; and
2. The teacher-to-student classroom ratio shall be one teacher to 12 students.

(m) Classes shall be conducted separate from sleeping areas.

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(n) Either independently or through contractual agreements, the juvenile detention facility shall employ the educational personnel required to ensure the provision of programs and services pursuant to N.J.A.C. 6A:17.

1. All educational personnel shall possess the appropriate certification endorsement issued by the State Board of Examiners; and

2. All teachers and educational services personnel shall participate in the required professional development activities consistent with the requirements at N.J.A.C. 6A:17-3.5(d).

(o) Each facility shall provide, or make available, a Site Education Supervisor to oversee the facility's education program.

(p) Staff salary expenditures shall be supported by time and activity reports, and approved and signed by the Site Education Supervisor.

(q) Educational equipment and supplies to carry out the educational program shall be provided, as well as the appropriate storage area for such equipment and supplies, with:

1. Expenditures supported by purchase orders and receiving reports; and

2. Reports approved by the Site Education Supervisor.

(r) A request for educational records from the juvenile's home school district shall be initiated within five days of admission, exclusive of weekends, holidays and non-pupil contact days.

(s) If the most recent education program attended by the juvenile is not in his or her home district, for example, a resource family, group, residential, or institutional placement, a request shall be initiated to such educational programs for the juvenile's records, within five days and with notification to the home district.

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(t) Appropriate records on each juvenile's work and progress shall be maintained in the facility to ensure proper credit is given for assignments and course work completed.

(u) Contact with the juvenile's home district shall be maintained and educational records furnished to the home district to ensure that proper credit is given for assignments and course work completed at the marking period intervals established on the facility's school calendar as approved by the Commission's Office of Education.

(v) Within 10 days of discharge from the facility, copies of the juvenile's educational records shall be transmitted to his or her home district, and next placement to ensure full and appropriate credit for work completed. Records of each transmittal shall be maintained at the facility.

(w) The progress report, in the form of a report card and/or transcript, shall include a designated contact person and the following information which is necessary to formulate an appropriate educational program and to ensure that credit for work completed is granted:

1. Statewide assessment and diagnostic findings;
2. Credits earned toward high school graduation requirements;
3. Grade level equivalent;
4. Vocational training experiences; and
5. IPP or IEP.

(x) Pupil education records shall be maintained in a locked file, separate from non-educational records and safeguarded from public inspection. The safety and security of these records shall be the responsibility of the Site Education Supervisor.

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### 13:92-9.4 Social services

(a) Appropriate counseling and casework services shall be available to each juvenile in the detention facility.

(b) The social service program shall include the following:

1. An initial interview as soon as possible after admission to assess the emotional needs and concerns of each juvenile;

2. Frequent contacts to assist the juvenile in his or her adjustment to detention;

3. An assessment of the juvenile's problems and needs so that detention programs and services may be more effectively planned and utilized;

4. Crisis intervention counseling for juveniles experiencing serious or sudden adjustment problems or negative emotional states; and

5. Appropriate contacts with the juvenile, his or her parents, the court, and applicable agencies in preparing for the juvenile's return to the community.

### 13:92-9.5 Psychiatric and psychological services

(a) Psychological and/or psychiatric services shall be made available for juveniles as needed. Arrangements for these services may be provided by purchase of service with private practitioners, arrangements with mental health resources in the community, sharing of staff with other agencies or direct employment of staff.

1. Reports or records relating to mental health services provided to a juvenile prior to an adjudication of delinquency or a finding of guilt, regardless of whether such mental health services

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were provided with or without the consent of the juvenile, may be disclosed to the court only after an adjudication of delinquency or a finding of guilt has been entered; provided however, an attorney representing a juvenile, with the juvenile's consent, may disclose such reports or records prior to the adjudication of delinquency or finding of guilt. The provisions of this section shall not be construed to limit in any manner the applicability of any privilege or law that otherwise prohibits disclosure of a juvenile's mental health records.

(b) Psychological and/or psychiatric consulting services shall be made available to staff in regard to the supervision and treatment of juveniles.

(c) Each detention facility shall have written policies covering MAYSI-2 screening, suicide prevention protocols and other mental and emotional health related issues, which shall be reviewed and updated every six months and which shall be made available and explained to all staff.

### 13:92-9.6 Religion

Each juvenile shall have the opportunity to participate in religious services of his or her faith at least once each week, but attendance shall be voluntary.

### 13:92-9.7 Visiting

(a) Parents and guardians shall have the right to visiting privileges unless prohibited by the court, and visits to juveniles from attorneys and/or their representatives, investigators, and other professionals associated with the juvenile shall not be restricted unless a juvenile is exhibiting disruptive behavior and it is determined by the facility administrator or his or her designee that allow-



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ing the visit could pose a threat to the safety or security of the staff, other juveniles, visitors or the facility. When a visit is being withheld, the visitor(s) shall be notified as soon as possible. In addition, the reason why the visit was withheld shall be documented in the juvenile's file.

(b) Other individuals important to the juvenile, such as relatives and siblings, at the discretion of the facility administrator or his or her designee, shall also have the right to visiting privileges based on the health and welfare of the juvenile.

(c) Visitors who are obviously under the influence of alcohol or drugs, or who exhibit disruptive behavior, shall not be permitted to visit and the occurrence shall be documented in the juvenile's file.

(d) A record shall be maintained in the juvenile's file of the names of all persons who visit the juvenile.

(e) A record shall be maintained in the juvenile's file of the names of those persons who are and are not authorized to visit and the reason(s) for the denial.

(f) Visiting hours shall be regularly scheduled at set times at least twice a week.

1. Special visiting arrangements shall be made for visitors who cannot visit the juvenile during the regular visiting schedule.

(g) Juveniles shall not be routinely locked in their rooms during visiting hours.

13:92-9.8            Mail

(a) Each juvenile shall be permitted to correspond with members of his or her family, guardian, or custodian, other relatives, friends, and organizations.

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(b) Incoming mail shall only be opened for the purpose of examining for contraband material and enclosures of funds and always in the presence of the juvenile. Outgoing mail shall be sealed by the juvenile in the presence of staff.

(c) Incoming legal mail shall not be read or copied. No other mail shall be read or copied unless the administrator of the facility or his or her designee has compelling reasons to believe the correspondence contains material which presents a clear and present danger to the health or safety of the juvenile, other persons, or to the security of the facility.

(d) A record shall be maintained in the juvenile's file when mail is read by detention staff, documenting the specific reason why the mail was read, and signed by the administrator or his or her designee.

(e) There shall be no restriction on the amount of mail a juvenile is permitted to send or receive.

(f) Juveniles shall receive a reasonable postage allowance and writing materials for correspondence.

### 13:92-9.9 Telephone

(a) Juveniles shall have the right to make a minimum of two telephone calls weekly in order to encourage and maintain family and other relationships. At least one of these calls shall be provided for free.

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(b) Juveniles shall be permitted to have telephone contact, as needed, with professionals such as:

1. Attorneys;
2. Probation officers; and
3. Case workers.

## SUBCHAPTER 10. STAFF; GENERAL REQUIREMENTS

### 13:92-10.1 Personnel policies

(a) The detention facility shall maintain written personnel policies which shall be reviewed at least annually by the administrator and revised as needed.

(b) For each job title used in the facility, the personnel policies shall, at a minimum, include:

1. A description of duties;
2. Salary ranges;
3. Standards for performance and evaluation;
4. Time and leave rules, including hours of work, overtime, vacation, sick leave, other leave time; and

5. All mandatory and optional employee health, insurance, retirement and other benefits.

(c) Personnel policies shall be available to all employees, and a current copy provided to any employee upon request.

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## 13:92-10.2 Selection of personnel

(a) All personnel in direct contact with juveniles should be carefully selected with regard to emotional maturity, ability to work with youth in an institutional setting, and special training and skills required for the position.

(b) All applicants shall make a full disclosure of their background, experience and previous employment, education and convictions of criminal offenses.

(c) A confidential record shall be maintained in the applicant's personnel file of the criminal history investigation conducted for that applicant.

## 13:92-10.3 Personnel qualifications

(a) Each staff member shall meet the minimum qualifications for his or her position as established by the New Jersey Department of Personnel.

(b) Any employee, or contracted service worker, required by the State of New Jersey to have a certification or license to perform his or her duties shall have a copy of said certification or license in his or her personnel file.

(c) Proof of periodic renewal of certifications or licenses shall be maintained in the employee's personnel file. This requirement shall apply to, but not be limited to:

1. Teachers;
2. Nurses;
3. Physicians (medical, dental, mental health);

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4. Dietitians; and
5. Barbers/beauticians.

## 13:92-10.4 Personnel files

(a) A current, accurate and confidential personnel file shall be maintained for each employee and contain:

1. The employee's application;
2. References;
3. New Jersey Department of Personnel (civil service) examination results;
4. Any criminal history investigation results;
5. Dates, terms and conditions of employment;
6. Medical information;
7. Requisite training records;
8. Performance evaluations;
9. Commendations and/or disciplinary actions;
10. Reason for termination of employment; and
11. Other personnel information determined appropriate by the facility in accordance with

local, State, Federal or contractual requirements.

(b) Personnel records shall be retained for at least the minimum period required by the Records Retention and Disposition Schedule promulgated by the New Jersey Department of State, Division of Archives and Records Management, N.J.A.C. 15:3.

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### 13:92-10.5 Health

(a) All employees in direct contact with juveniles or whose duties require food handling shall have a medical examination prior to employment and annually thereafter. A medical statement from a licensed physician, certifying the employee is in good health, shall be maintained in the employee's personnel file.

(b) An annual Mantoux tuberculin skin test shall be required for all employees in direct contact with juveniles and the results of the test maintained in the employee's personnel file.

(c) Food service staff shall be required to provide a medical statement from a licensed physician stating that the staff member is free of communicable diseases prior to employment and at least annually thereafter. The medical statement shall be maintained in the employee's personnel file.

(d) Each facility shall comply with the applicable provisions of 29 C.F.R. § 1910.1030, the United States Occupational Safety and Health Administration's standards on bloodborne pathogens.

### 13:92-10.6 Staff coverage

(a) Sufficient staff shall be available to provide continuous 24-hour-per-day supervision of the juveniles and protection of the facility.

(b) There shall be a designated staff person on-site in charge of the facility at all times.

(c) There shall be a female child care worker on duty whenever a female resident is in the facility.

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(d) Periodically, during sleeping hours, and whenever juveniles are in their sleeping rooms or any holding room, they shall be visually checked at least every 15 minutes. Each check shall be documented in a record created for this purpose.

(e) At no time shall there be fewer than two child care workers on active duty when a juvenile is in care at the facility.

(f) Staff shall be assigned within the facility to ensure that appropriate coverage is maintained in accordance with adequate security and safety practice.

(g) The ratio of child care workers on duty to juveniles during waking hours shall be at least one worker to eight juveniles; during sleeping hours at least one worker to 16 juveniles.

1. These ratios shall only include child care workers who, by virtue of their deployment throughout the facility, directly supervise juveniles.

(h) Child care workers responsible for the supervision of juveniles, and included in meeting staff-to-juvenile ratios, shall not have other responsibilities assigned to them at that time, such as transportation, control room duties, or other duties.

(i) Auxiliary staff members including, but not limited to clerical, food service, maintenance, educational and medical personnel, as well as child care workers and administrative staff who are not responsible for the direct and continuous supervision of juveniles, shall not be included in meeting the staff-to-juvenile ratios set forth in this chapter.

(j) Staff-to-juvenile ratios shall be increased when the special needs of the juveniles cannot be met or their health, safety and welfare cannot be guaranteed by the staff-to-juvenile ratios set forth in this chapter.

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## 13:92-10.7 Staff development

(a) The detention facility shall provide for pre-service orientation/training, in-service training, and the opportunity for staff to attend academic training conferences, professional conferences, and workshops.

(b) New employees shall have a minimum of 24 hours of pre-service training before being given responsibility for supervising juveniles.

(c) Pre-service orientation/training programs shall be conducted by personnel with experience in adolescent development and related juvenile detention issues and shall include:

1. Training in the practical routines of the job;
2. Training in communication and interpersonal skills relevant to interacting with juveniles and other staff;
3. Development of special skills and methods for handling disruptive behavior, security and emergency procedures;
4. Training regarding the philosophy and procedures of the detention facility, and staff roles and responsibilities;
5. Training regarding the juvenile justice process, including juvenile court philosophy and procedures; and
6. Training in the use of physical and mechanical restraints.

(d) In-service training programs shall cover at a minimum all of the areas in (c)1 through 6 above, with an emphasis on advanced knowledge and skills.



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(e) All medication assistance staff shall attend at least one Commission-approved medication dispensing training. This shall include training in the security aspects of medication administration to ensure that medications are properly dispensed. In addition, annual in-service refresher training in the administration of medication and the documentation thereof shall be provided by a qualified healthcare professional to all medication assistance staff.

(f) Every child care worker shall receive a minimum training time of 24 hours per year to attend professional institutes, workshops, conferences, and formal in-service training programs at the detention facility. This shall include, but not be limited to, maintaining certification in Cardiopulmonary Resuscitation (CPR) and First Aid.

(g) The facility shall ensure that all child care workers attend a training academy in accordance with the Police Training Commission's (PTC) requirements.

(h) All training shall be fully documented. This documentation shall include type of training, date and number of hours.

### 13:92-10.8 Volunteers

(a) Volunteers utilized in detention shall be carefully selected and shall not be substitutes for essential operating staff.

(b) Provision shall be made for adequate orientation, training, and supervision of all volunteers.

(c) A criminal history investigation shall be conducted for every volunteer.

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## SUBCHAPTER 11. STAFF; RESPONSIBILITIES

### 13:92-11.1 Administrator

(a) Each detention facility shall employ an administrator who shall:

1. Be responsible for the development, implementation and updating of general policies, and the efficient operation and overall supervision of the detention facility;
2. Prepare the annual budget, supervise expenditure of funds, and maintain accurate financial records;
3. Recruit, appoint, evaluate, discipline, and terminate staff consistent with applicable State and Federal laws and established personnel policies;
4. Conduct regular staff meetings regarding policies, procedures, problem resolution, program planning, staff attitudes, and ongoing in-service training;
5. Be responsible for the organization and maintenance of a program for the orientation and continued training of all staff;
6. Make provision for continuity of administrative authority in his or her own absence; and
7. Ensure that all aspects of this chapter are met and the facility's policies and procedures reflect the requirements set forth by the rules.

(b) The administrator shall meet the minimum qualifications required by the New Jersey Department of Personnel for this position.

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### 13:92-11.2 Child care workers

(a) Child care workers shall plan, supervise, and participate in all of the juvenile's activities in daily living, including work and recreation.

(b) The child care worker shall meet the minimum qualifications required by the New Jersey Department of Personnel for the position.

### 13:92-11.3 Social service worker

(a) At least one full-time social service worker, sometimes called a counselor or group worker, shall be employed in each detention facility.

(b) There shall be a minimum of one full time social service worker employed for every 20 juveniles in the detention facility.

(c) Social service workers responsible for meeting the social service needs of the juveniles, and included in meeting the social service worker-to-juvenile ratio, shall not have other responsibilities assigned to them, such as court liaison, administrative responsibilities, or other duties.

(d) The social service worker shall be responsible for implementing the social services program provided for in N.J.A.C. 13:92-9.4.

(e) The social service worker shall meet the minimum qualifications required by the New Jersey Department of Personnel for this position.

# NEW JERSEY JUVENILE JUSTICE COMMISSION

## N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities

As Amended Effective November 5, 2018  
Published at 50 N.J.R. 2241(a), November 5, 2018

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### 13:92-11.4 Teacher

(a) Each detention facility shall provide at least one full-time certified teacher.

(b) The teacher shall be responsible for implementing the education program provided for in

N.J.A.C. 13:92-9.3, Education.

(c) Teachers shall meet the following minimum qualification:

1. Possession of a valid New Jersey teaching certificate appropriate to their assignment.

### 13:92-11.5 Physician and related personnel

(a) Each detention facility shall have a physician, licensed by the State of New Jersey, with responsibility for medical care services pursuant to a written agreement, contract or job description.

(b) The facility's physician shall meet with the detention facility administrator and nursing administrator at least every six months to:

1. Review medical policies and procedures and the provision of medical services; and
2. Recommend any changes indicated or required.

(c) The facility's physician shall periodically ensure that only those persons qualified by New Jersey State licensure, registration, certification, or requisite training are designated as qualified health care personnel or as medication assistance staff workers, in accordance with this chapter.

(d) Each detention facility may utilize qualified health care personnel, other than physicians, designated by the facility's physician, for medical and related services in accordance with State law and this chapter. Qualified health care personnel include:

1. Dentists;

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2. Registered professional nurses;
3. Advanced practice nurses;
4. Physician assistants licensed and authorized by law;
5. Licensed practical nurses;
6. Psychologists;
7. Licensed clinical social workers; and
8. Clinical mental health counselors.

(e) Each detention facility may utilize other qualified health care personnel designated by the facility's physician for medical and related services as permitted under State law and this chapter.

### 13:92-11.6 Clerical staff

The detention facility shall have clerical staff to keep correspondence, records, accounts, and files current and in good order.

### 13:92-11.7 Food service staff

(a) A qualified cook or dietitian shall direct and be responsible for the total food service operation.

(b) For facilities which prepare meals in-house, there shall be cooks and food service staff to prepare and serve meals for all juveniles.

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### 13:92-11.8 Maintenance and housekeeping staff

The detention facility shall employ, or otherwise make available on a daily basis, staff who are responsible for the maintenance of buildings and grounds, housekeeping, and laundry services.

## SUBCHAPTER 12. CONFIDENTIALITY OF INFORMATION

### 13:92-12.1 Confidential records and information

(a) To the extent that the documents required to be made, kept or maintained by this chapter are not otherwise deemed by law to be confidential, those documents shall be confidential and shall not be subject to public inspection or copying pursuant to the "Open Public Records Act," N.J.S.A. 47:1A-1 et seq.

(b) A written policy and procedure shall be established in each juvenile detention facility to ensure compliance with all applicable laws and regulations governing the confidentiality of all records and reports, including access, copying, sharing, retention and destruction of records and reports. Records and reports shall include, but not be limited to, those of a medical, educational, judicial or law enforcement nature.

(c) For confidentiality required in connection with any statement made by a juvenile in the course of a suicide or mental health screening, conducted with or without the juvenile's consent or reports or records produced pursuant to such suicide or mental health screening, see N.J.A.C. 13:92-5.3(a)14iv.

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APPENDIX A:

NEW JERSEY JUVENILE JUSTICE COMMISSION

JUVENILE DETENTION MONITORING UNIT

INCIDENT REPORT

**Facility Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Person Completing the Form:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Type of Incident** (*fire, escape, attempted suicide, etc*): \_\_\_\_\_

**Date and Time of Incident:**  
\_\_\_\_\_

**Outside Agencies Involved** (*police, fire dept., health dept., etc*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DETAILED DISCRIPTION OF INCIDENT:** (*attach copies of all internal incident reports; copies of outside agency reports when involved; provide names of all individuals involved, including victims, alleged perpetrators, witnesses, etc. Use additional pages if necessary.*)  
\_\_\_\_\_  
\_\_\_\_\_

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**ADMINISTRATIVE ACTION TAKEN:** *(e.g., hearings scheduled/held; policies or procedures modified; staff disciplined or terminated, etc.)*

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***\*This form is to be utilized to report incidents such as deaths, suicide attempts, and physical suicidal gestures. This form should also be used to report escapes, attempted escapes, alleged sexual assaults by juveniles or staff, fires, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situations that result in injury to juveniles or staff requiring medical attention outside of the facility, substantial damage to the facility, mechanical restraints beyond 30 minutes, and any instances when juveniles are transferred to an adult facility. Deaths, suicide attempts, physical suicidal gestures, fires, escapes, and serious injuries must be reported as soon as practicable, but no later than within 24 hours of the occurrence. All other incidents must be reported within three working days of occurrence.***

New Jersey Juvenile Justice Commission  
Juvenile Detention Monitoring Unit  
PO Box 107  
Trenton, New Jersey 08625-0107  
Phone: (609) 292-1400  
Fax: (609) 943-4620