

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

TITLE 31: PUBLIC SAFETY

PART 9: REGULATION REGARDING THE LICENSURE OF JUVENILE DETENTION FACILITIES

Part 9, Chapter 1: General Application of Regulations, Administration & Management, Training & Supervision of Staff

Rule 1.1 Purpose

1. The purpose of this regulation is to ensure the protection, health and safety of children who are detained in juvenile detention facilities in Mississippi by providing for the licensing of juvenile detention facilities. These regulations are intended to assure that certain minimum standards are maintained by juvenile detention facilities and are enforced by the licensing agency, the Juvenile Facilities Monitoring Unit, a division of the Mississippi Department of Public Safety (hereinafter the “Unit”).
2. Nothing herein shall be construed to create or imply a private cause of action for a violation of this regulation.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.2 Authority

This regulation is issued under the authority of Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016) known as the “Mississippi Juvenile Detention Facilities Licensing Act.”

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.3 Definitions

The following terms shall have the following meaning for purposes of this Chapter, unless the context clearly indicates otherwise:

1. “Abuse” means causing, or allowing to be caused, upon the youth, sexual abuse, sexual exploitation, emotional abuse, mental injury, nonaccidental physical injury, or other maltreatment. Discipline in a manner consistent with these standards is not considered to be abuse.
2. “Assessment” means a thorough evaluation of a youth’s classification, physical health, mental health, or educational functioning as required under these standards.

3. "Auxiliary aids or services" means the accommodations necessary to afford youth with a recognized disability under federal or state law an equal opportunity to participate in, and enjoy the benefits of, the services, programs, and activities of the facility.
4. "Belly belts or chains" means any mechanical restraint that wraps around the youth's waist or abdominal area.
5. "Body cavity" means a rectal or vaginal cavity.
6. "Body cavity search" means a search of a body cavity.
7. "Chemical agents" means a chemical substance that induces pain to control, restrain, or incapacitate a person.
8. "Conflict management" means facility-approved practices for stabilizing a crisis situation.
9. "Contraband" means any object or substance that is unlawful to possess under state laws or prohibited by the policies of the facility.
10. "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a youth for the purpose of discipline.
11. "Crisis intervention" means facility-approved practices for stabilizing a crisis situation.
12. "Crisis management" means facility-approved practices for identifying, addressing, and resolving a crisis situation.
13. "De-escalation techniques" means facility-approved strategies for defusing potentially dangerous or disruptive behavior.
14. "Exigent circumstances" means temporary and unforeseeable circumstances that require immediate action in order to address a serious threat to the security of a facility.
15. "Facility" means a juvenile detention facility.
16. "Facility administrator" means the principal official of the facility.
17. "Facility administrator's designee" means the person designated by the facility administrator to act officially on his or her behalf.
18. "Facility staff" means all employees of the facility who are under the supervision of the facility administrator.
19. "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of a youth.

20. "Grievance log" means an official record of grievances.
21. "Grievance procedures" mean the processes required under these standards for filing, resolving, and recording grievances about any aspect of the facility, including medical and mental health services.
22. "Group punishment" means the imposition of discipline on the whole population of youth or a group of youth for the misbehavior of only one youth or a few youths.
23. "Health authority" means the individual, governmental entity or health care contractor responsible for the facility's health care services, including arrangements for all levels of health care and the ensuring of quality and accessibility of all health services provided to detained youth.
24. "Health facility" means any licensed facility that is organized, maintained, and operated for the diagnosis, care, prevention, or treatment of medical illnesses or needs.
25. "Health-trained staff" means facility staff members trained by a qualified medical professional in limited aspects of health care or gathering of health information.
26. "Hogtying" means the practice of placing a youth on a bed, floor, or other surface and securing the youth's hands to his or her feet.
27. "Individualized behavior plan" means a written plan developed by facility staff members for addressing the behavioral or safety concerns of a particular youth.
28. "Informed consent" means that a qualified health professional has informed the youth and/or the youth's parent or guardian, in accordance with the law and in a developmentally appropriate manner, of the diagnostic and treatment options, risk assessment and prognosis, and of the right to refuse treatment, and that the youth and the youth's parent or guardian have consented in writing to the recommended treatment.
29. "Isolation" means confining a youth in a room by himself or herself for current and disruptive behavior that is dangerous to the youth or others or that creates an imminent risk of serious property damage.
30. "Juvenile detention facility" means a juvenile detention center authorized to hold youth for five or more days. The term "juvenile detention facility" does not include state-operated facilities or temporary holding facilities.
31. "Management of assaultive behavior" means facility-approved practices for controlling behavior that is dangerous to the youth or others or that creates an imminent risk of serious property damage.
32. "Mechanical restraints" means handcuffs, leg shackles, leg irons, belly belts, belly chains, or other restraint devices used to restrict a youth's free movement of limbs or appendages.

33. “Mental health authority” means the licensed entity that is charged with the responsibility for administering mental health services to youth in the facility.
34. “Monitoring log” means the official record of detailed entries by staff members whenever monitoring records are required under these standards to be made and preserved.
35. “One-on-one crisis intervention and observation” means individual counseling and continual face to face monitoring for any youth who is in isolation.
36. “Operational capacity” means the maximum number of youths that a facility may safely and effectively accommodate under its current funding levels, staffing levels, and existing programs and services.
37. “Pain compliance techniques” means pain rendering methods of a non-defensive nature to control, restrain, or incapacitate a youth.
38. “Pat-down search” means an open-hand frisking or patting down of a person’s outer clothing for the purpose of discovering contraband.
39. “Physical body cavity search” means physical intrusion into a body cavity for the purpose of discovering contraband.
40. “Physical force techniques” mean facility-approved defensive methods that a staff member may use when a youth’s behavior threatens imminent harm to the youth or others or serious property destruction.
41. “Physician” means any person licensed by the State of Mississippi to practice medicine in any of its branches.
42. “Primary language” means the language that the youth is most comfortable speaking or using when communicating to others.
43. “Programming” means a comprehensive multi-disciplinary set of activities for meeting the rehabilitative, educational, recreational, cultural, and religious needs of the youth in the facility.
44. “Qualified health professional” or “QHP” means a licensed or certified professional who is engaged in the delivery of health services and who meets all applicable federal or state requirements to provide their professional services.
45. “Qualified mental health professional” means an individual with at least a master’s degree in mental health or related fields and who has either a professional license or a Department of Mental Health credential as a mental health therapist.

46. “Reasonable suspicion” means suspicion based on specific and articulable facts that, when taken together with rational inferences from those facts, reasonably warrant action.
47. “Restraint review committee” means the committee responsible for regularly reading and assessing all force or restraint incidents and the policies and training on the use of force or restraints.
48. “Room confinement” means a disciplinary sanction of confining a youth to a room for violating a rule.
49. “Secured grievance box” means a locked container for depositing grievance forms and envelopes.
50. “Sexual abuse” means:
- a. Sexual abuse of a youth by another youth, which includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse.
 - i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - ii. Contact between the mouth and the penis, vulva, or anus;
 - iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - b. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding incidental contact that occurs without the intent to abuse, arouse, or gratify sexual desire.
 - c. Sexual abuse of a youth by a staff member, contractor, or volunteer, which includes any of the following acts, with or without consent of the youth:
 - i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - ii. Contact between the mouth and the penis, vulva, or anus;
 - iii. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - v. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is

- unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- vi. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i)-(v) of this section;
 - vii. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth; and/or
 - viii. Voyeurism by a staff member, contractor, or volunteer. Voyeurism means an invasion of privacy of a youth for reasons unrelated to official duties, such as peering at a youth who is using a toilet to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an youth's naked body or of a youth performing bodily functions.

51. "Sexual harassment" means:

- a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another; or
- b. Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

52. "Sexual misconduct" means conduct that constitutes either sexual abuse or sexual harassment.

53. "Status offender" means a youth adjudicated of conduct that would not be a crime if committed by an adult.

54. "Strip search" means a search wherein all or some of a youth's clothing is removed or rearranged for the purpose of allowing for the visual inspection of the youth's genitals, buttocks, anus, or female breasts.

55. "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

56. "Supervisory staff" means the assigned supervisors responsible for ensuring that staff members properly implement and enforce the policies and procedures of the facility.

57. "Undocumented" means without official documentation evidencing lawful immigrant or non-immigrant status.

58. "Unit staff" means those staff members assigned to a particular housing or living unit in the facility.

59. "Unit supervisor" means the assigned supervisor of a unit staff.
60. "Universal safety precautions" means the guidelines recommended by the Centers for Disease Control for the screening, treatment, and management of infectious or contagious diseases.
61. "Valid court order" means a court order that complies with Rule 10 of the Mississippi Uniform Rules of Youth Court Practice and the Juvenile Justice and Delinquency Prevention Act which, if violated, may be the basis for an order detaining a status offender at the facility.
62. "Visual body cavity search" means the visual inspection of a body cavity for the purpose of discovering contraband.
63. "Voluntary time-out" means a youth voluntarily leaving a programming activity when experiencing a state of anger, anxiety, or frustration for the purpose of regaining his or her composure.
64. "Youth court judges" means a judge, referee, or designee authorized by the Mississippi Youth Court Law.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.4 Powers and Duties of the Juvenile Facilities Monitoring Unit

1. Juvenile Facility Monitoring Unit shall have the following powers and duties, as the licensing agency, in addition to the other duties prescribed by law:
 - a. To adopt the licensing standards set forth by the Juvenile Detention and Alternatives Taskforce's 2014 report;
 - b. To promulgate future rules and regulations concerning the licensing and regulation of juvenile detention facilities;
 - c. To issue, deny, suspend, revoke, restrict, or otherwise take disciplinary action against juvenile detention facilities;
 - d. To provide the training required by the rules and regulations promulgated by the licensing agency to all facility administrators and facility staff; and
 - e. To have such other powers as may be required to carry out the provisions of Miss. Code Ann. §§ 43-21-901 through 43-21-915.
2. The licensing agency shall require a criminal records background check and a child abuse registry check for all facility administrators and juvenile detention facility staff. The Department of Human Services has the authority to disclose to the licensing agency any

potential applicant whose name is listed on the Child Abuse Central Registry or has a pending administrative review. That information shall remain confidential.

3. The licensing agency shall have the authority to exclude individuals or entities for prospective or current employment on the basis of a particular crime or crimes or a substantiated finding of child abuse or neglect.
4. Information in the possession of the licensing agency concerning the license of a juvenile detention facility may be disclosed to the public, but the information shall not be disclosed in a manner that would identify children detained in the facility. Nothing in this section affects the agency's authority to release findings of investigations into allegations of abuse under either Miss. Code Ann. § 43-21-353(8) or § 43-21-257.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.5 Juvenile Detention Facility Licensing Procedures

1. A person shall not operate, establish or otherwise conduct a facility for children under 16 years of age, unless the person has been issued a license to do so by the department.
2. Any person desiring to conduct a facility shall apply for a license on forms provided by the department with any requested supporting documentation specified in this chapter.
3. Facilities operated by or receiving support from county or municipal governments shall meet the same requirements for licensure as those for facilities operated by nongovernmental entities.
4. The following will be under review and investigation for licensing by the licensing agency:
 - a. The applicant facility's completed policy and procedures manual;
 - b. An examination of the premises of the program and/or facility;
 - c. An investigation of the persons responsible for the function of the program or facility, including any and all staff;
 - d. Interviews with appropriate officers and staff, and with other persons including detainees who can help to verify the allegations of the manual.
5. The following documents will be completed as part of the licensing process:
 - a. *Juvenile Detention Facility Licensing Standards Application* for completion by the facility applicant.
 - b. The application must be completed 30 days prior to the licensing/inspection visit.

- c. The application must be notarized.
 - i. *Facility Inspection Checklist* for completion by the Unit.
6. The following documents must be provided by applicant during the licensure process and any inspection visit (if requested):
- a. Current staff roster with schedules
 - b. Staff training records
 - c. Facility *Policy and Procedure Manual*
 - d. Most recent health inspection report and certificate
 - e. Most recent Fire Marshal inspection checklist
 - f. Fire equipment inspection reports (previous 12 months)
 - g. Preventive Maintenance Plan
 - h. Emergency Plan
 - i. Monthly fire and tornado drills (previous 12 months)
 - j. Floor plan/map of facility
 - k. Food service contract and health cards (if applicable)
 - l. Meal schedule
 - m. Dietician approved menu
 - n. Dietician's license
 - o. Medical service contract for any contracted services
 - p. Sick call schedule
 - q. Juvenile grievances, if any (previous 12 months)
 - r. Program schedules for education, recreation and religious services
 - s. Visitation and visitation policy
 - t. Pharmacy License, if applicable
 - u. Incident reports
 - v. Mental Health Services Provider information including any contract
 - w. Juvenile rules and regulations
 - x. Juvenile orientation packet
 - y. Post Orders/juvenile transition plan (For review only)
 - z. Mississippi Department of Education Review
7. For every person who resides, works, or regularly volunteers in the facility, excluding children placed in care, the facility shall maintain documentation of the completion of a criminal history and a child abuse registry background check within one week of their commencement date with the facility.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.6 Disposition of License

- 1. Two-year license

- a. A decision to approve or to deny the application will be made within 90 days by the Department of Public Safety, Juvenile Facilities Monitoring Unit based on the findings of the examination and investigation.
- b. If the decision is to license the program or facility, a license will be issued to the facility.
- c. The license becomes effective on the date it is issued by the Department of Public Safety, Juvenile Facilities Monitoring Unit and it must be appropriately displayed for public view in the program or facility.
- d. A full license may be issued only upon a determination by the Department of Public Safety, Juvenile Facilities Monitoring Unit that minimum standards have been met as prescribed for the type program or facility for which the application has been made.
- e. A full license will remain in force and effective for a period of two years from the date it was issued unless revoked by the Department of Public Safety, Juvenile Facilities Monitoring Unit for due cause.
- f. If denial of the application is indicated, the Department will notify the applicant, verbally and in writing, of the decision, pointing out and discussing those areas of the minimum standards which have not been met. Consultation will be provided by the Department of Public Safety, Juvenile Facilities Monitoring Unit to advise the program or facility on how to attain prescribed minimum standards.

2. Six-month license

- a. If specific areas of the minimum standards are identified as lacking in the basic services of the program or facility, the Unit may issue a six-month license to allow the program or facility reasonable time to become eligible for a full license.
- b. Issuance of a six-month license implies that the Unit approves a program or facility's temporary operation without fully meeting all minimum standards as set forth in this chapter.
- c. All minimum standards shall be met before the end of the six-month period covered by the license. No renewal of a six-month license shall be permitted.
- d. The Unit's decision to issue a six-month license shall be after the program or facility has fully met the following requirements:
 - i. Completion of the Juvenile Facilities Monitoring Unit's *Corrective Action Plan*.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.7 Request to Withdraw Application and Terminate License

Each licensee shall inform the Unit if the licensee desires to withdraw its application and terminate their license. The licensee shall return the license to the department with the request to terminate the license. The request and license shall be accepted by the Unit. The licensee and other appropriate agencies shall be notified by the Unit that the license is terminated, and that the facility is considered closed. The former licensee shall submit a new application to the Unit if the facility desires to obtain a new license. The facility shall not reopen or admit any child before receiving a new license.

Source: *Miss. Code Ann. §§ 43-21-907 (Rev. 2016).*

Rule 1.8 License Renewal

1. Application for renewal of a license to continue operating a program or facility shall be made to the Unit 90 days prior to the expiration date of the current license.
2. The Unit shall re-examine and re-evaluate every area of the facility included in the application process. Attachments or revisions to the operating manual must be submitted with the renewal request.
3. A renewal of a license shall be issued, if, upon re-examination, the Unit is satisfied the program or facility, officers and staff of the juvenile detention facility continue to meet and to maintain the prescribed standards.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.9 License Revocation

1. The Unit, may deny, suspend, revoke, restrict, or refuse to renew a license, or refuse to issue a license to the applicant/licensee in the event of the following:
 - a. Fraud, misrepresentation or concealment of material facts.
 - b. Violation of any of the provisions of Miss. Code Sec. 43-21-901 *et Seq.* or any of the regulations governing the licensing and regulation of juvenile detention facilities promulgated by the licensing agency.
 - c. Any conduct, or failure to act that is found or determined by the licensing agency to threaten the health and safety of children at the facility.
 - d. Failure of a juvenile detention facility to conduct background checks as required under Section (5) of Miss. Code Sec. 43-21-901 *et Seq.*

- e. Information that is received by the licensing agency as a result of the criminal records background check and the child abuse registry check on all facility administrators and facility staff under Section (5) of Miss. Code Sec. 43-21-901 *et Seq.*
- f. Consistently fail to maintain standards prescribed and published in Miss. Code Ann. Sec. 43-21-901 *et Seq.*, the Juvenile Detention and Alternatives Task Force: Report to the Mississippi Legislature 2014 as well as practices and procedures prescribed and adopted by the Unit, including all new and additional standards which the Unit may prescribe.
- g. Violate the provisions of the license issued.
- h. Furnish or make any misleading or any false statement or report to the Unit.
- i. Refusal to submit any reports or refusal to make available to the Unit any records required by the Unit in making investigation of the program or facility for licensing purposes; provided, however, the Department of Public Safety, Juvenile Facilities Monitoring Unit shall not revoke or refuse to renew a license in such case unless it has made written demand on the person, firm or corporation operating the facility requesting such report or reports, and such person, firm or corporation submit such records within ten days.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*

Rule 1.10 Procedure for Appeal and Judicial Review

1. Any facility/applicant who disagrees with or is aggrieved by the Department of Public Safety in regard to the denial, refusal to renew, suspension, revocation, or restriction of a license may appeal to an appellate panel and shall be provided a hearing. The appellate panel will consist of the Director of the Office of Justice Programs, a member of the Mississippi Juvenile Justice Advisory Committee (MSJJAC), a member of the Council of Youth Court Judges and Referees and the Executive Director of Public Safety Planning. Members of the appellate panel will serve as an advisory panel to the Executive Director of Public Safety Planning who makes the final determination as to the disposition of the appeal. The appeal shall be filed with the Unit no later than ten (10) days after the licensee/applicant receives written notice of the final administrative action by the Unit. A hearing shall be scheduled within thirty (30) days from the date of the appeal, unless an extension is sought in writing by either the facility or the Unit from the Executive Director of Public Safety Planning. The granting or denial of any extension is in the discretion of the Executive Director of Public Safety Planning.
2. Any facility/applicant who disagrees with or is aggrieved by the appellate panel in regard to the denial, refusal to renew, suspension, revocation, or restriction of a may appeal to the chancery court of the county in which the facility is located. The appeal shall be filed no later

than ten (10) days after the licensee/applicant receives written notice of the final administrative action by the appellate panel.

- a. The scope of review of the chancery court in such cases shall be limited to a review of the record made before the board to determine if the action of the board is unlawful for the reason that it was:
 - i. Not supported by any substantial evidence;
 - ii. Arbitrary or capricious; or
 - iii. In violation of some statutory or constitutional right of the individual.
- b. No relief shall be granted based upon a finding of harmless error by the appellate panel in complying with the procedural requirements of this chapter. If there is a finding of prejudicial error in the proceedings, the cause may be remanded for a rehearing consistent with the findings of the panel.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*

Rule 1.11 Notice

1. Licensing agency shall issue any notice, including for an administrative hearing, by personal service or certified mail, return receipt requested. Notice shall state:
 - a. Its effective date;
 - b. Intent;
 - c. Purpose;
 - d. Grounds upon which it is based; and
 - e. Provisions of the statutes pursuant to which action is taken or proposed to be taken; but failure to designate all applicable provisions shall not deprive the licensing agency of the right to rely thereon.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.12 Hearing and Adjudication

1. Reasonable Notice – All parties shall be afforded opportunity for hearing after reasonable notice. Absent a statutory provision to the contrary, reasonable notice shall be defined as ten (10) days' notice.
2. Evidence May Be Presented – Opportunity shall be afforded all parties to respond and present evidence and argument on all issues raised by the licensing agency.
3. The Unit is authorized to hold hearings, call witnesses, take testimony and obtain evidence in the conduct of its business.
4. Stipulation; Settlement; Consent or Default Not Prohibited– Nothing in these rules shall prohibit informal disposition by stipulation, settlement, consent order or default.

5. Record – The record shall include:
 - a. All intermediate rulings;
 - b. All evidence received or considered;
 - c. Offers of proof, objections and rulings;
 - d. Proposed findings and exceptions;
 - e. All staff memoranda or data submitted to the hearing officer in connection with any staff consideration of the matter.
6. Findings of Fact – Findings of fact shall be based exclusively on the evidence received or on matters officially noticed by the Executive Director of Public Safety Planning, or their designee, through his personal knowledge, review of the evidence and expertise.
7. Court Reporter – The Department will not provide a court reporter for the transcription of the testimony offered during hearings; however, any party to the hearing may provide for a court reporter.
8. Hearings – A hearing by the appellate panel must be requested within 10 days after the licensee/applicant receives written notice of the final administrative action by the appellate panel.
9. Right to Counsel – Any person appearing before the appellate panel or any of its representatives shall have the right to be represented by counsel.
10. Impartiality – Every member of the appellate panel present shall conduct themselves in an impartial manner and the presiding official may withdraw if he/she deems themselves disqualified. Any party may file an affidavit of personal bias or disqualification which shall be ruled upon by the appellate panel.
11. Power and Duties of Hearing Officer – The Executive Director may designate a person to act as the hearing officer during a matter. The Hearing Officer shall have power to:
 - a. Maintain order;
 - b. Rule on all questions arising during the course of the hearing;
 - c. Permit discovery by deposition or otherwise;
 - d. Hold conferences for the settlement or simplification of the issues;
 - e. Make or recommend decisions; and
 - f. Generally, regulate and guide the course of the proceedings.
12. Burden of Proof – the proponent of a rule or order shall have the burden of proof.
13. Evidence – Irrelevant, immaterial, and unduly repetitious evidence shall be excluded. Any other evidence, oral or documentary, not privileged, may be received if it is a type commonly relied upon by reasonably prudent men in the conduct of their affairs.

14. Objections – Objections to the introductions of evidence may be made and shall be noted of record.
15. Evidence May Be Written – When a hearing can be so expedited, and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.
16. Cross-Examination – Parties shall have the right to conduct such cross-examination as may be required for a full, true disclosure of the facts.
17. Official Notice – Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts peculiarly within the Department’s specialized knowledge. Parties shall be notified of material so noticed including any staff memoranda or data. Parties shall be afforded a reasonable opportunity to show the contrary.
18. Final Decision – In every case of adjudication there shall be a final decision, or order, which shall be in writing or stated in the record. The final decision shall include findings of fact and conclusions of law each separately stated. The findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying evidence supporting the findings. If any party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.
19. Service of Decision or Order – Parties shall be served either personally or by mail with a copy of any decision or order.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.13 Orders

1. Orders of the Department shall only be effective when in writing.
2. Each Order shall contain its effective date and shall concisely state its intent or purpose and the grounds and pertinent provision of law on which it is based.
3. An Order is effectuated by proper service upon or delivery to the person or business to whom the Order is addressed by mail, postage prepaid, properly addressed to the place of business or home listed according to the Department records.
4. There shall be an Order formulated upon each adjudication made by the Unit or appellate panel.
5. In addition to other requirements imposed by any provision of law, and subject to any confidentiality provisions established by law, the Unit shall make all written final orders available for public inspection and copying.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.14 Appropriate Penalties and Sanctions

Any applicable penalty for a violation of this regulation may be reduced or eliminated, according to a schedule adopted by the Unit, if corrective action was taken promptly after a violation was discovered or the violation was not part of a pattern or practice.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*

Rule 1.15 Severability

If any provision of these sections or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these sections which can be given effect without the invalid provisions or application. To this end all provisions of these sections are declared to be severable.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*

Rule 1.16 Terms of License

1. The maximum number of juveniles who may be housed and cared for in the facility shall be specified on each license.
2. Any license issued shall not be transferrable and shall be valid only for the original licensee at the address appearing on the license. A new application shall be submitted for each change of ownership, sponsor or address of the facility.
3. No activities which would interfere with the care of the juveniles shall be carried out on the facility's premises.
4. A license for an additional facility operated by a licensee shall not be issued until all existing facilities operated by the licensee are in compliance with licensing regulations.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.17 Administration

1. Organization
 - a. The facility shall be administered by:
 - i. A public agency; or
 - ii. A private entity with a governing board which is legally responsible for the operation, policies, finances and general management of the facility. The director shall not be a voting member of the governing board.

- b. If the sponsor is a private corporation, it shall be a corporation qualified in the state of Mississippi and shall operate in accordance with an established constitution and by-laws. A copy of the articles of incorporation and by-laws shall be furnished to Unit. It shall include a nondiscrimination statement which complies with state and federal civil rights laws.

2. Administrative policies.

- a. Each facility shall have written plans and policies of organization and administration clearly defining legal responsibility, administrative authority and responsibility for comprehensive services, including an organizational chart as approved by the governing body.
- b. Facility personnel and administrative policies shall be distributed to staff members.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.18 Finances

1. Funding.

- a. Each facility shall have sound and sufficient finances to ensure effective services. Financing plans shall be a responsibility of the governing body. It shall be the responsibility of the licensee to provide the financial resources necessary to maintain compliance with licensing regulations.
- b. Juveniles shall not be exploited in any fund-raising efforts.

2. Financial records.

- a. Each facility shall maintain financial records sufficient to verify resources and expenditures.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.19 Personnel Policies

- 1. Each facility shall have written personnel policies, approved and reviewed annually by the governing body. Written personnel policies shall be provided to each staff member upon employment. The policies shall include job descriptions, including qualifications, duties and responsibilities for each staff position;
- 2. A personnel record shall be maintained for each employee and made available to the employee upon written request.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.20 Staffing

1. The governing body of the facility shall designate a director whose responsibility is the overall administration of the facility.
2. A written daily staff schedule shall be developed and followed in compliance with the following:
 - a. Adequate male and female staff to directly supervise and interact with the juveniles at all times and provide for their physical, social, emotional, and educational needs (both on-site and off-site).
 - b. One youth care staff member on active duty for every eight (8) juveniles during waking hours and one youth care staff member on active duty for each sixteen (16) juveniles during sleeping hours.
 - c. At least one male and one female youth care staff member present, awake and available to the juveniles at all times.
 - d. These ratios are calculated based on the number of unit staff supervising the general population, not specialized care units such as medical, mental health, and special handling units that require more intensive staffing.
 - e. Supervisors do not count towards minimum staffing ratios.
3. At no time shall there be less than two youth care staff members on active duty when a juvenile is in care.
4. At no time shall any one youth care staff member directly supervise more than eight (8) juveniles. Juveniles shall not be left in a room unattended except during sleeping hours. There shall be a minimum of one youth care staff member immediately available to every eight (8) juveniles in a connecting area to the sleeping rooms.
5. Female staff members are required to be on duty supervising living units housing female youth.
6. Backup support staff is immediately available to respond to incidents and emergencies.
7. Electronic supervision shall not replace the youth care staffing requirements.
8. Auxiliary staff members shall be available as needed. The auxiliary staff shall include food service, clerical and maintenance personnel.
9. Professional consultant services shall be available as required to meet the needs of the juveniles served. Professional consultants shall include physicians, dentists, nurses, clergy, social workers, psychologists, psychiatrists and teachers.
10. A volunteer shall not be used as a substitute for an essential program or operating staff member but shall augment the services provided by the staff.

11. There shall be a designated staff person on site and in charge of the facility at all times when a juvenile is in care. Procedures shall be in place to ensure that all staff members know who is in charge.
12. Facilities shall make provisions for juveniles with limited English proficiency to have meaningful access to programs, services and activities. The facility shall maintain a record of those able to speak other languages and youth with limited English proficiency.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.21 Community and Volunteer Involvement

1. Written policies and procedures shall provide for securing community and volunteer involvement in programs. The policies and procedures shall specify a screening and selection process and shall encourage recruitment from all cultural and socio-economic segments of the community.
2. Written policies and procedures shall govern the volunteer program, specifying the lines and scope of authority, responsibility and accountability. The policies and procedures shall include:
 - a. Screening, selection and termination;
 - b. Orientation and training requirements for each respective volunteer;
 - c. Assignment;
 - d. A requirement that each volunteer who provides professional services shall meet the same requirements as would be expected of a paid professional staff member providing those services;
 - e. supervision;
 - f. identification of the volunteer while in the facility; and
 - g. provision for a background check as required by Miss. Code Ann. § 43-15-6.
3. Each volunteer shall agree in writing to abide by all facility policies, particularly those relating to security, confidentiality of information and mandatory reporting laws pertaining to suspected abuse, neglect and exploitation of juveniles.
4. Written policies and procedures shall provide that the director may utilize his/her discretion to curtail, postpone or discontinue the services of a volunteer or volunteer organization.
5. Volunteers undergo a criminal history record check in accordance with Miss. Code Ann. § 43-15-6 and other applicable state and federal laws. Volunteers are not hired unless and until an exemption is granted by the licensing agency for any disqualifying offense. This record check includes inquiry with the Child Abuse and Sex Offender Registry.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.22 Staff Qualifications & Development

1. Each person having contact with juveniles shall demonstrate emotional maturity, sound judgment, and a sound knowledge of the developmental needs of children.
2. Employees who have direct contact with youth receive a physical examination, including screening for infectious and contagious diseases prior to job assignment, in accordance with state and federal law.
3. Employees undergo a criminal history record check in accordance with Miss. Code Ann. § 43-15-6 and other applicable state and federal laws. Staff members are not hired unless and until an exemption is granted by the licensing agency for any disqualifying offense. This record check includes inquiry with the Child Abuse and Sex Offender Registry. Facility policies shall include provisions in policy for periodic rescreening of all staff and volunteers.
4. Contractors shall also undergo criminal history checks, including the Child Abuse and Sex Offender Registry checks in compliance with the Prison Rape Elimination Act (PREA) regulations prior to interacting with youth.
5. Facility administrator/director qualifications.
 - a. Each facility administrator/director shall demonstrate the following skills and abilities:
 - i. thorough knowledge of the Mississippi Code for the care of children and the Mississippi juvenile offender code;
 - ii. considerable knowledge of principles and techniques applicable to the care and rehabilitation of juveniles and to the growth, development, needs and unique problems of children;
 - iii. considerable knowledge of the principles, practices, methods and
 - iv. techniques of administration and management;
 - v. ability to train, supervise, plan, direct and evaluate the work of others, as documented by experience, training or a combination of both;
 - vi. ability to establish and maintain effective working relationships with others; and
 - vii. ability to establish and maintain effective working relationships with the courts, law enforcement agencies, schools and community organizations.
 - b. The facility administrator's minimum qualifications include some related college experience (including related military experience) or a high school diploma or equivalent and a minimum of five years' experience working in youth programs.
 - c. Each detention facility administrator shall demonstrate thorough knowledge of the methods and techniques used in dealing with juvenile offenders in an institutional or detention setting.

- d. Each secure care facility administrator shall demonstrate thorough knowledge of the methods and techniques used in dealing with juveniles in a residential setting.
- 6. Youth care staff and alternate youth care staff shall, before employment:
 - a. Be twenty-one years of age or older; and
 - b. Possess a high school diploma or its equivalent.
- 7. Professional staff and consultants shall meet all Mississippi qualification and licensing requirements for their respective profession, including but not limited to, any continuing education as required by state or federal law.
- 8. Medical and healthcare professionals.
 - a. Medical and healthcare professionals who provide services at the detention facility shall receive continuing education as required by state and federal law. Those with patient contact are current with CPR training and also receive annual sexual misconduct prevention and intervention training.
 - b. If the facility relies on health staff who are not mental health professionals to provide any mental health service otherwise permitted by state law, the governing body shall approve such staff and ensure those staff members obtain training in mental health services.
 - c. If facility staff perform health screenings at the time of admissions, adequate instruction in conducting the admission screen is required.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.23 Staff Professional Development and Training

- 1. Professional development shall consist of organized, evaluated activity designed to achieve specific learning objectives. Professional development may occur through workshops, seminars, staff meetings or through closely supervised on-the-job training. Although any on-the-job training shall not count toward the hours of required training.
- 2. Each facility shall have written policies and procedures governing orientation and ongoing in-service training. Written policies, procedures, and actual practices ensure that all categories of personnel meet juvenile detention training requirements. Training for staff with youth care and supervision duties includes an 8-hour orientation for instruction on basic juvenile detention officer standard operating procedures and restraint, de-escalation and crisis management training prior to assuming any job duties.
- 3. Training for staff with youth care and supervision duties includes an additional 120 hours of training during the first year of employment through a course known as the Basic Jail

Officer's Standardized Training Course, and 40 hours annually thereafter. All juvenile detention training is approved, not necessarily provided, by the licensing authority.

4. Facility staff receive annual training on policies and practices regarding:
 - a. Discipline and basic rights of youth in detention.
 - b. Access to mental health counseling and crisis intervention services for youth
 - c. Conflict management, de-escalation techniques, and management of assaultive behavior, including when, how, what kind, and under what conditions physical force, mechanical restraints, and isolation may be used.
 - d. Suicide prevention and emergency procedures in case of suicide attempt.
 - e. Prevention of youth victimization (e.g., inappropriate relationships with or behavior towards youth by other youth or staff).
 - f. Adolescent development for girls and boys, communication skills, and counseling techniques.
 - g. Needs of specific populations (e.g., gender, race, ethnicity, sexual orientation and gender identity, disability, or youth with limited English proficiency) within the facility.
 - h. Nondiscrimination policies and maintenance of a drug-free workplace.
 - i. Proper administration of CPR/first aid.
 - j. Universal safety precautions for HIV, hepatitis, and tuberculosis.
 - k. Facility operations, security procedures, fire and emergency procedures, safety procedures, and effective report writing.
5. Facility administrators determine training appropriate for any other contractors who come into the facility.
6. All new medical and mental health professionals who provide services at the detention facility receive an immediate basic orientation prior to any patient contact that covers, at a minimum, relevant security and health services policies and procedures, response to facility emergency situations, the staff member's functional position description, and youth-staff relationships. Completion of the orientation program is documented and kept on file.
7. Within 90 days of employment, all health and mental health professionals who provide services at the detention facility complete an orientation that includes, at a minimum, all health services policies not addressed in basic orientation, health and age-specific needs of the youth population, infection control, including the use of universal safety precautions, and confidentiality of records and health information. Completion of the orientation program is documented and kept on file.
8. If the facility relies on health staff who are not mental health professionals to provide any mental health service otherwise permitted by state law, the responsible mental health authority for the facility approves such staff, and ensures that they have received adequate training in identifying and interacting with individuals in need of mental health services.

9. If the facility relies on facility staff to perform the health screening at the time of admission, adequate instruction in conducting the admission screen is required.
10. Training personnel shall incorporate recommendations and complaints from youth, parents, staff, management, quality assurance personnel, and others into training plans and curricula.
11. If the facility uses cameras or other video technology, the technology is used to supplement, not replace, direct staff supervision.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.24 Staff Supervision

1. The facility administrator shall regularly tour the living units to monitor institutional operations and provide guidance to all staff.
2. Staff members shall receive annual evaluations for performance. The facility shall have a policy in place to take appropriate measures to address deficient performance or the termination of an employee.
3. The facility administrator or his/her designee shall conduct at a minimum a daily review of logbooks, incident reports, records of use of force, restraints and isolation; grievances; and records of recreation, providing feedback to staff on areas of concern, except during exigent circumstances or while on leave.
4. The facility administrator or his/her designee annually reviews all facility policies and operating procedures, updating them as necessary.
5. Written policies, procedures, and actual practices ensure that:
 - a. Staff model social skills for youth and do not use profanity threats, intimidation, humiliation or have inappropriate physical contact or personal relationships with youth; and
 - b. facility management addresses violations of standards of conduct.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 1.25 Child Abuse, Incident Reports and Complaints

1. Facility shall maintain a clear, confidential and accessible means for youth and staff to report suspected child abuse.
2. Facility administrator or his/her designee ensures that staff, contractors and volunteers comply with state mandatory child abuse reporting laws.

3. Any person who reports or alleges a complaint of abuse shall not experience retaliation.
4. The facility administrator or his/her designee or his/her designee maintains, reviews, and when appropriate, fully investigates all reports of major incidents at the facility, including all uses of physical force, all uses of restraints or isolation, all incidents in which a youth or staff is injured, all incidents involving contraband, and all significant property damage by youth. Staff members alleged to be involved in the incident do not conduct the investigation.
5. Written policies, procedures, and actual practices ensure that the facility administrator or his/her designee advise those making complaints of the results of the complaints or abuse reports or the actions taken to the extent the information is available.
6. The facility shall have a policy for code of conduct requiring staff to report misconduct of other staff members. Staff who fail to adhere to the policy shall be subject to appropriate discipline.
7. Staff receive specific training in handling disclosures of victimization or other sensitive information made to them by youth.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 1.26 Records

1. Personnel records. Individual records shall be kept for each staff member which shall include the staff member's:
 - a. Job application, including all:
 - i. identifying information;
 - ii. qualifications including documentation and verification; and
 - iii. character and employment references;
 - b. terms of employment and job description;
 - c. employment dates and annual performance reviews;
 - d. health certificates, including a record of the results of a health assessment;
 - e. documentation of orientation and in-service training and continuing education;
 - f. verification of requisite criminal history checks;
 - g. documentation that the employee has read, understands and agrees to follow:
 - i. the statutes and regulations regarding mandatory reporting of suspected child abuse, neglect and exploitation;
 - ii. the regulations for licensing detention facilities and secure care facilities for children and youth;
 - iii. the facility's policies and procedures, including personnel, administrative, daily and behavior management policies and procedures; and
 - iv. policies providing for a drug free workplace; and

- h. grievance and incident reports regarding the specific employee, including the means of resolution of each report.
- 2. Volunteer records. Individual records shall be kept on the facility-related activities of each volunteer. These records shall include the volunteer's:
 - a. identifying information;
 - b. job description;
 - c. dates of service and performance reviews;
 - d. documentation of orientation to the facility and specific assignment;
 - e. documentation that the volunteer has read, understands and agrees to follow facility policies and procedures, particularly those related to security, confidentiality of information and mandatory reporting of suspected child abuse and neglect;
 - f. documentation of freedom from active tuberculosis;
 - g. documentation of requisite criminal history checks.
- 3. Juvenile records.
 - a. Written policies and procedures shall govern record management and shall include, but not be limited to:
 - i. The establishment, utilization, content, privacy, security and preservation of records.
 - ii. The schedule for the retirement and destruction of inactive case records; and
 - iii. A provision for review of policies and procedures at least annually and revision as needed.
 - b. A register of all juveniles in care shall be kept by each facility. The register shall include the following information for each juvenile:
 - i. name;
 - ii. date of birth;
 - iii. the name and address of each parent or legal guardian, person with whom juvenile resides at time of admission;
 - iv. the name and address of the legal custodian, if not the parent or legal guardian;
 - v. the name and address of closest living relative if other than parent or guardian;
 - vi. the reason for admission; and
 - vii. the dates of admission and release.
 - c. Upon the release of each juvenile from a detention facility, a completed admission and release form shall be maintained by the facility.

- d. Individual records shall be kept for each juvenile which shall include the juvenile's:
 - i. identifying information;
 - ii. legal custodian;
 - iii. arrest record;
 - iv. court order or journal entry for any juvenile in care longer than 48 hours;
 - v. medical and dental permission forms signed by a parent or legal guardian.
The permission form used shall be one which is acceptable to the vendor who will provide the service; and
 - vi. a written inventory of all money and personal property of the juvenile signed by the juvenile and the admitting staff member.
 - e. A daily log of each juvenile's behavior, with notations regarding any special problems during detention and the response of the staff to any problems shall be kept in each juvenile's individual record file. Each entry shall be initialed by the staff member making the entry.
 - f. Information from a juvenile's records shall not be released without written permission from the juvenile's parent or legal guardian. When the parent or legal guardian is not available to provide written permission, an order of the court having valid jurisdiction shall be acceptable. Improper disclosure of records or information regarding a juvenile shall be grounds for revocation or suspension of the facility's license or permit in force, or the denial of a facility's application for licensure.
 - g. Written policy, procedure and practice shall provide for the transfer of specific juvenile case file information upon release of a juvenile to another facility or other residential care. Specific case file information shall precede or accompany the juvenile and shall include:
 - i. Identifying information;
 - ii. medical records;
 - iii. immunization records;
 - iv. insurance information;
 - v. medical card, when applicable;
 - vi. school placement information, including present courses of study; and
 - vii. the name and address of each parent or legal guardian.
 - h. Additional case file information to be transferred shall accompany the juvenile or be transferred within 72 hours.
4. Recordkeeping. Records required to be maintained by this regulation may be maintained in paper, photographic, micro-process, magnetic, mechanical or electronic media or by any process that accurately reproduces the actual document.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Part 9, Chapter 2: Classification, Assessment, Healthcare & Data

Rule 2.1 Specific Detention Limitations

1. Admissions criteria limit detention eligibility to youth likely to commit a serious offense pending resolution of their case, youth likely to fail to appear in court, and youth held pursuant to a specific court order for detention where there is no alternative to custody.
2. Status offenders are not detained at the facility unless the youth violated a valid court order and received the due process protections and consideration of less restrictive alternatives as required by the federal Juvenile Justice and Delinquency Prevention Act.
3. There are written limitations on lower and upper ages for detention in the facility, and in no case may a youth under the age of 10 be held in the facility.
4. Non-offenders (including abused/neglected youth) shall not be detained in the facility.
5. The facility shall maintain written policies, procedures, and actual practices to ensure that:
 - a. The facility does not ask youth about their immigration status.
 - b. The facility shall not detain youth simply because the youth is undocumented.
 - c. The facility does not detain youth with immigration holds if they have no delinquency case or petition, or if they would be released under state law (e.g., youth arrested for a delinquent act who are released by the court at a detention hearing, receive a disposition to a non-secure placement, have their case dismissed, or finish a period of incarceration).
 - d. If the facility contracts to hold youth detained pursuant to Department of Homeland Security (DHS, formerly INS) regulations, only youth meeting the DHS regulations on secure confinement of youth are detained.
6. Youth with serious medical or mental health needs, or youth who are severely intoxicated, shall not be admitted into the facility unless and until appropriate medical or mental health professionals approve admission. Youth transferred from outside medical or mental health facilities are admitted only if the detention facility has the capacity to provide appropriate ongoing care.
7. Upon admission of a youth with disabilities (e.g., physical, visual, auditory, developmental, or intellectual), the facility shall discern if the facility can accommodate the youth's disability. If unable to accommodate the youth, the facility shall report the inability to accommodate a youth to youth court. The youth judge may transfer the youth to another facility capable to meet the youth's particular needs.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.2 Admission/Intake

1. Written admission policies and procedures of the facility shall be approved by the Unit in accordance with goals and purposes of the facility and Mississippi statutes.
2. Youth are processed into the facility in a timely manner. Intake for the juvenile justice system is available either on-site or through on-call arrangements twenty-four hours a day, seven days a week.
3. A youth court judge has the authority to release or conditionally release youth. Intake staff have the authority to release a youth upon notification to the youth court judge.
4. Intake staff use a race and gender-neutral Risk Assessment Instrument (RAI) to determine the appropriate pre-dispositional placement or status necessary to accomplish the purposes of detention (ensuring appearance in court and preventing re-offending). Youth eligible for detention are placed in the least restrictive alternative needed to accomplish those purposes (e.g., a non-secure setting, home supervision, and/or home electronic monitoring).
5. For youth with limited English proficiency, staff make arrangements for intake to be conducted in the youth's native language in a timely manner.
6. The facility assesses the frequency with which it has contact with individuals with limited English proficiency from different language groups.
7. The facility establishes a process and informs families and guardians about the ways in which they can communicate with the facility about their children.
8. The facility follows a process for providing orientation to parents, guardians and caregivers within seven days of a youth's admission to the facility.
9. Parents and guardians receive orientation materials in the primary language spoken in the household, or the facility makes other accommodations to ensure that parents and guardians with limited English proficiency understand how the facility operates.
10. The facility does not charge for interpretation services.
11. When communicating with parents or guardians of detained youth, staff do not rely on youth to serve as interpreters in non-emergency situations.
12. During the intake process, youth receive information explaining, in an age-appropriate fashion, the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
13. Within 10 days of admission, the facility provides and documents comprehensive age-appropriate education to youth either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting

such incidents, and regarding agency policies and procedures for responding to such incidents.

14. Admission procedures and practice shall include but not be limited to:

- a. Collecting identifying information.
- b. Verifying the legal authority to detain.
- c. Completion of a health assessment. A description of bruises, abrasions, symptoms of illness and current medications shall be documented.
- d. Assessing the juvenile's suicide risk potential.
- e. Documenting the notification of the juvenile's parents or legal guardian and legal custodian, if not the parent or legal guardian.
- f. Assisting the juvenile in contacting the juvenile's family at the time of admission.
- g. Conducting an intake interview. Designated staff members shall conduct each intake interview.
- h. Providing an orientation to the facility in a manner which is understandable to the juvenile. Completion of the orientation and receipt of all written orientation materials shall be documented by a signed statement from the juvenile.
- i. Notifying the appropriate intake officer.
- j. Searching the juvenile and the juvenile's possessions.
- k. Documenting the juvenile's clothing and personal possessions and disposition. A written inventory of all money and personal property of the juvenile shall be signed by the juvenile and the admitting staff member and kept with the juvenile's record. If the juvenile refuses to sign the inventory, the refusal shall be documented in the juvenile's record.
- l. Distributing personal hygiene items.
- m. Providing for a shower and hair care.
- n. Issuing clean, laundered clothing, if necessary.
- o. Assigning the juvenile to a sleeping room.

15. No juvenile shall be admitted who shows evidence of being seriously ill, injured, intoxicated or physically or mentally impaired until the juvenile is examined and approved for admission by a qualified health professional.

16. A facility shall not accept permanent legal guardianship of a juvenile.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 2.3 Release Policies

1. All releases shall be approved by the court of jurisdiction or the designated authority.
2. The facility shall provide release forms to be signed by the person to whom the juvenile is released and by the staff person releasing the juvenile.

3. Temporary releases for court attendance, medical appointments or placement visits, or other necessary purposes shall be permitted when authorized by the court or its designated official.
4. Procedures and practice for release of juveniles shall include:
 - a. verification of identity;
 - b. completion of any pending action, including any grievance or claim for damages or lost possessions;
 - c. transportation arrangements;
 - d. instructions for forwarding mail; and
 - e. return of money and personal property to the juvenile. A receipt for all money and personal property shall be signed by the juvenile.
5. Juvenile records shall be transferred in accordance with Mississippi statutes and regulations and with facility policies.
6. The length of stay for each juvenile admitted for care in a detention facility shall not exceed 90 days. With the exception of court authorized extensions, each request for an exception shall be received by the department prior to the ninetieth day of the juvenile's stay. Each exception request shall be in writing and provide:
 - a. identification of the juvenile for whom an exception is requested;
 - b. the specific reason why an exception is requested;
 - c. the projected release date; and
 - d. the total number of service days requested.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*

Rule 2.4 Rights of Juveniles

1. The rights of juveniles while in detention or secure care shall not be diminished or denied for disciplinary reasons.
2. Written policies and procedures shall provide that juveniles are assured their rights subject only to the limitations necessary to maintain order and security in the facility. Procedures and practice shall ensure the following:
 - a. Freedom from personal abuse, corporal or unusual punishment, excessive use of force, humiliation, harassment, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping;
 - b. Freedom from discrimination based on race, culture, religion, national origin, sex or disability;
 - c. Equal access to programs and services for both male and female juveniles in co-ed facilities;
 - d. Receipt and explanation of written rules and grievance procedures of the facility, in a language which the juvenile can understand;

- e. Opportunity for a variety of physical exercise, including outdoor exercise when weather permits;
- f. Participation in religious worship and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain facility order and security;
- g. Reasonable religious diets;
- h. The right to wear personal clothing consistent with facility guidelines. If the facility provides clothing, it shall be of proper size and contemporary style;
- i. Access to the courts and confidential contact with attorneys, judges, parents, social workers and other professionals, including telephone conversations, visits and correspondence;
- j. Medical treatment and emergency dental care, a medically proper diet and the right to know what and why medications have been prescribed;
- k. The right to send and receive mail;
- l. The right to receive visitors and communication in accordance with the facility's visitation policies; and
- m. The right to determine the length and style of hair, except when a physician determines that a haircut is medically necessary.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.5 Detention Process

1. Admissions staff screen youth to identify immediate individual issues, such as intoxication or injury, and collect information about the youth's family, education status, and delinquency history.
2. Admissions interviews occur in a private setting.
3. Staff ask youth about any disabilities and provide necessary auxiliary aids or services to youth, as required by the Americans with Disabilities Act.
4. The admissions process includes offering youth at least one telephone call, a shower, and documented secure storage of personal belongings. Youth are offered food regardless of their time of arrival.
5. At the time of admission or shortly thereafter, youth receive a written and verbal orientation to institutional rights, rules, and procedures by admission staff including:
 - a. identification of key staff and roles;
 - b. rules on contraband and facility search policies;
 - c. a review of behavior expectations, consequences that may result when youth violate the rules of the facility, and due process protections;
 - d. grievance procedures;
 - e. access to emergency and routine health and mental health care;
 - f. housing assignments;
 - g. opportunities for personal hygiene;

- h. rules on visiting, correspondence, and telephone use;
 - i. access to education, religious services, programs, and recreational materials;
 - j. policies on use of force, restraints, and isolation;
 - k. the facility's positive behavior incentive system;
 - l. emergency procedures;
 - m. the right to be free from physical, verbal, or sexual assault by other youth or staff;
 - n. how to report problems at the facility such as abuse, feeling unsafe, and theft; and
 - o. nondiscrimination policies.
6. Information is provided in a manner the youth can understand, paying particular attention to language and literacy needs of youth. Staff provide the orientation in the primary language used by the youth.
 7. The facility makes key information about safety and youth rights available and visible to youth through posters, handbooks, or other written formats.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.6 Population Management

1. Written policies, procedures, and actual practices ensure that when the institutional population approaches or reaches its operational capacity, appropriate youth are released, transferred, or "stepped down" to non-secure settings.
2. Written policies, procedures, and actual practices ensure that staff review the institutional population on a daily basis to identify youth who may no longer need secure confinement and make appropriate notifications to the youth court judge.
3. The agency responsible for detention regularly collects, reviews, and reports data, including: number of youth brought to detention by each agency (e.g., police, school police, group home); offenses charged or other reasons for detention such as failure to appear or violation of probation; admissions to detention; releases from detention; average daily population in detention; average length of stay in detention; and rearrests, violations of probation, and failures to appear. All data are available disaggregated by race/ethnicity, gender, and geography.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.7 Classification Decisions

1. Upon admission, staff make housing, bed, programming, education, and work assignments in accordance with written classification policies. Staff provide youth with heightened supervision until they have collected the information necessary to fully classify youth. The facility administrator or his/her designee regularly reviews the process and any decisions that depart from established policies.

2. As part of the classification process, within 72 hours, staff consider the following information with the goal of keeping all youth safe and promoting their physical and emotional well-being:
 - a. Age;
 - b. Gender;
 - c. Separation of violent from non-violent youth;
 - d. Level of emotional and cognitive development;
 - e. Current charges and offense history;
 - f. Physical size and stature;
 - g. Presence of intellectual or developmental disabilities;
 - h. Physical disabilities;
 - i. Presence of mental health needs;
 - j. The youth's own perception of vulnerability;
 - k. Suicide risk;
 - l. Prior sexual victimization or abusiveness;
 - m. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, gender non-conforming, two-spirited, or intersex, and whether the youth may therefore be vulnerable to sexual abuse; and
 - n. Any other specific information about individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth (youth's affiliation with a gang without more specific information does not qualify).
3. Staff gather information used for classification through conversations with youth during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the youth's files. Facilities avoid questioning youth about sensitive information that can be ascertained through other means.
4. Staff do not base housing or programming decisions on race or ethnicity.
5. There are no automatic policies for housing or programming of gay, lesbian, bisexual, transgender, intersex, questioning, gender non-conforming, and two-spirited youth on the basis of their actual or perceived gender identity or sexual orientation. Staff make any special housing or programming decisions for such youth on an individual basis in consultation with the youth to include the youth's perception of where he or she will be most secure, as well as any recommendations from the youth's health care provider, and document the reasons for the particular treatment. The facility administrator or his/her designee reviews the recommendations of staff and makes a final decision.
6. Written policies, procedures, and actual practices ensure that youth with disabilities receive appropriate accommodations in accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.8 Admission Screenings

1. Youth receive physical and mental health screenings in a confidential setting conducted by detention facility staff upon admission to the facility. Female detention facility staff are available to conduct the screening for females.
2. The admission screening is a brief screening immediately upon arrival meant to detect any urgent health or mental health issues and to identify ongoing health concerns that require immediate attention, including the continuation of prescribed medication. The screening reflects the different health issues in the male and female populations and includes:
 - a. Inquiry into current and past illnesses, and history of medical and mental health problems and conditions, including:
 - i. Medical, dental, and psychiatric/mental health problems (including all past mental health diagnoses, treatment, and suicide attempts), and infectious and communicable diseases.
 - ii. Medications needed for ongoing conditions and other special health needs.
 - iii. Allergies.
 - iv. Symptom screening for tuberculosis including questions regarding cough, night sweats, weight loss, or recent exposure to someone who might have tuberculosis.
 - v. Use of drugs or alcohol, including types, methods of use, amounts, frequency, time of last use, previous history of problems after ceased use, and any recent hiding of drugs in his/her body.
 - vi. Recent injuries (e.g., injuries at or near the time of arrest).
 - vii. History of gynecological problems, pregnancies, and current pregnancy status and related medical needs.
 - viii. Names and contact information for physicians and clinics treating youth in the community, as well as health insurance information.
 - ix. Name of an adult family contact.
 - b. Observation of:
 - i. Behavior and appearance, including alcohol or drug intoxication, state of consciousness, mental status (including suicidal ideation, emotional distress, or signs of depression), and sweating.
 - ii. Disabilities including vision, hearing, mobility issues, and intellectual and/or developmental disabilities.
 - iii. Condition of skin, including evidence of trauma, bruises, lesions, jaundice, rash, infestation (e.g., lice, scabies), and needle marks or other indications of drug use.

- c. The facility uses a standardized mental health screening instrument (such as the MAYSI) to identify youth who may be at risk of suicide or who may need prompt mental health services.
- 3. After screening, staff promptly refer the following youth for needed services.
 - a. Youth who are unconscious, semiconscious, bleeding, mentally unstable, intoxicated or withdrawing from drugs or alcohol, or report having recently swallowed or ingested drugs, or otherwise in need of urgent care are denied admission until released by appropriate medical personnel.
 - b. Youth who are identified in the screen as requiring additional medical services are immediately referred and receive an expedited medical follow-up within 24 hours or sooner if medically necessary.
 - c. Youth who are identified upon initial screening or at a later date as having experienced prior sexual victimization or who previously perpetrated sexual abuse are immediately referred and offered a meeting with a Qualified Mental Health Professional within 24 hours.
 - d. Youth who are identified in the screen as requiring additional mental health follow-up are immediately referred and receive appropriate assessment by a QMHP within 24 hours or sooner if necessary.
 - e. Youth admitted on prescription medication shall continue to receive such medication as medically appropriate.
- 4. Staff provide documentation of:
 - a. Disposition of the youth, such as referral to emergency medical or mental health care services, placement in general population with later referral to health/mental health care services, or placement in the general population.
 - b. The date and time screening is completed and the signature and title of the person completing the screening.
 - c. Staff place youth identified in the admissions screen as needing further evaluation of suicide risk or other acute mental health conditions on observation at intervals not to exceed 10 minutes until they can be formally evaluated by a QMHP. Staff directly and continuously supervise any youth who has been identified at risk for suicide or self-harm until a QMHP completes an assessment. Only a QMHP may remove a youth from observation.
 - d. Youth who are exhibiting active signs of suicide are on one-on-one supervision in which a staff member is within reasonable proximity of the youth until the youth is evaluated by a QMHP.
- 5. Written policies, procedures, and actual practices, in conjunction with the health authority ensure sufficient supervision of youth identified with potential medical problems until youth receive health assessments.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.9 Health Assessments

1. Youth are to receive a health assessment, including medical and mental assessment, soon after admission and in no case later than one week after admission.
2. The medical assessment portion of the health assessment includes:
 - a. Review of screening results and collection of additional data to complete the medical, dental, and mental health histories.
 - b. Review with the parent or guardian (by phone or in person) the physical and mental health issues of the youth, making best efforts to protect confidential information.
 - c. A detailed history of potentially preventable risks to life and health including: smoking, drug use (including alcohol), unsafe sex practices, if interpersonal conflict is resolved with violence, use of weapons, eating patterns, and physical activity.
 - d. A pregnancy test for sexually active females.
 - e. Review of immunization history and scheduling or provision of needed updates in accordance with the Advisory Committee on Immunization Practices (ACIP) guidelines.
 - f. Recording of height, weight (and body mass index by chart), pulse, blood pressure, temperature, and results of other tests and examinations.
 - g. Referral of girls for gynecological examinations where clinically indicated.
 - h. Review of the results of medical examination and tests, and initiation of treatment when appropriate.
 - i. Contact with youth's medical professional in the community as needed to ensure continuity of medical treatment.
3. The health assessment includes a mental health screening which the QMHP gathers information about:
 - a. History of mental health (previous psychiatric hospitalization, outpatient treatment, family history, suicidal and homicidal behavior).
 - b. Current and previous use of psychotropic medications.
 - c. History of drug and alcohol use.
 - d. Developmental history (intellectual and/or developmental disability, history of seizures, and cerebral trauma).
 - e. History of trauma (victimization, abuse, domestic violence, physical and/or sexual assault, and natural disaster).
 - f. The youth's educational and vocational history.
 - g. Social/cultural history (relationship with family, living arrangements, siblings, social supports, etc.).
4. Information collected by medical or mental health professionals is used for care of youth in detention and not for disclosure to courts for adjudication or criminal justice proceedings.

5. A licensed practical nurse, registered nurse, nurse practitioner, physician's assistant, or physician performs the health assessment, with physician co-signature as required by law. Female staff are present during a physical examination of a female youth. QMHPs should ensure that practitioners are appropriately trained to conduct the mental health screening portion of the assessment.
6. Admissions staff shall refer youth identified through the admission screening as needing mental health to a QMHP for follow-up care. A QMHP shall see the youth within 48 hours, or sooner, if necessary, to provide appropriate assessments and treatment.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.10 Healthcare Services

1. The facility provides diagnosis and treatment, or arranges for the treatment, for conditions discovered during the screening and assessment of youth and for youth with medical problems that arise after admission as long as juvenile is under the care of the facility.
2. Chronic disease care shall be provided by qualified health professionals who have appropriate training.
3. Written policies, procedures, and actual practices ensure that:
 - a. Sick call for detained youth is accessible every day.
 - b. Youth may request to be seen by qualified health professionals without disclosing the medical reason and without non-health care staff evaluating the legitimacy of the request.
 - c. Youth requesting sick call see a qualified health professional.
4. Services are accessible to meet the medical needs of youth in the facility.
5. 24-hour on-call or emergency medical and mental health services, including transportation, are accessible through on-site staff, by contract, or by way of other immediately available services.
6. Facility maintains a responsible health authority to provide health care services pursuant to a contract or job description.
7. The health authority develops, approves, reviews, and revises at least annually, the written policies, procedures, and actual practices regarding medical and mental health care.
8. Written job descriptions define the duties and responsibilities of personnel in the facility health care services.
9. Medical and mental health professionals are professionally licensed or certified as required by state law to perform the functions required in their respective positions.

10. Female health professionals are available for health and mental health services for detained female youth. Female staff are always present during physical examinations of girls.
11. The health authority and facility administrator or his/her designee approve a written plan for medical and mental health emergencies and review the plan at least annually.
12. All staff supervising youth are trained in the following:
 - a. Signs and symptoms of medical emergencies.
 - b. Action required in emergencies, including referral policies and procedures.
 - c. First aid procedures.
 - d. Procedures for transferring patients to medical facilities.
 - e. Protocols for both male and female youth.
13. All staff supervising youth shall receive training in recognizing characteristics and reporting of the following:
 - a. Mental illness, emotional disturbance, and suicide risk.
 - b. Cognitive, intellectual, and developmental disabilities.
 - c. Chemical dependency, including withdrawal from drugs and alcohol.
 - d. Signs and symptoms of child abuse (including sexual abuse) and trauma-related disorders.
14. The health authority ensures that staff serving as “health-trained staff” to perform admission screenings are properly trained to fulfill those duties.
15. The facility shall provide private areas for health examinations, both physical and mental, and for handling youth with special medical needs.
16. Providers are to advise youth about the limits of confidentiality prior to initiating any medical or mental health services.
17. Medical examination and treatment conform to state laws for informed consent and the right to refuse treatment. Written policies, procedures, and actual practices ensure that:
 - a. Medical staff obtain informed consent from youth and/or parent or guardian as required by law, and honor refusals of treatment.
 - b. Where medical or mental health staff believe that involuntary treatment is necessary, the treatment is conducted in a hospital and not at the facility after compliance with legal requirements.
 - c. Staff document the youth and/or a parent’s or guardian’s consent or refusal, and counseling with respect to treatment, in youth’s medical records.

18. In the event such measures are necessary, designated areas and/or policies shall exist for medically isolating youth from the general population. Health care beds are not to be used to remedy overcrowding.
19. For those detention facilities that have an infirmary, youth housed in the infirmary are admitted only by a qualified health professional. Twenty-four-hour staffing by qualified health professionals is maintained in the infirmary, with 24-hour on-call physician staffing.
20. Staff provide notification and/or obtain consent of parent(s) or guardian(s) in case of serious medical or psychological problems, consistent with state law. If a minor is committed to a hospital and held overnight, written policies, procedures and actual practices ensure that staff make reasonable attempts to notify parent(s) or guardian(s) within one hour of the hospitalization.
21. Pregnant youth shall receive prompt prenatal care, including physical examinations, nutrition guidance, childbirth and parenting education, counseling, and provisions for follow up care. Pregnant youth shall receive a modified diet and vitamins to meet their nutritional needs.
22. The facility provides regular health education in self-care skills, including personal hygiene, oral hygiene and dental care, nutrition, preventive health care, STDs and STD prevention, stress management, drug/alcohol/tobacco education, and physical fitness. The facility provides youth with education tailored to the particular health needs of the youth.
23. HIV positive youth:
 - a. Staff do not automatically segregate youth with HIV.
 - b. Staff limit the sharing of confidential information regarding youth with HIV to those necessary to provide for the safety, security, health, treatment, and continuity of care for youth, consistent with state law.
 - c. A trained, qualified health professional is available to provide appropriate treatment for youth with HIV/AIDS. Youth with HIV are managed by a qualified health professional trained in HIV treatment.
 - d. All staff supervising youth receive training on and exercise universal safety precautions.
24. Written policies, procedures, and actual practices ensure that:
 - a. Youth receive substance abuse treatment, if needed.
 - b. Youth who are victims of sexual abuse are handled appropriately, including: the collection of evidence; testing for STDs as appropriate; evaluation for counseling and referral to the rape crisis medical staff at the local hospital; reporting to the facility administrator or his/her designee; and reporting to child protective authorities.
 - c. Staff respond sensitively to the psychological impact of sexual abuse. Female medical staff are available to examine female youth in these situations if requested and male medical staff are available for male youth if requested.

- d. Youth reporting to the health unit with an injury are questioned by qualified health professionals outside the hearing of other staff or youth regarding the cause of injury. If the health care provider suspects abuse, the provider immediately takes steps to preserve evidence of the injury; reports the suspected abuse; documents the injury in the youth's medical record; and completes an incident report.
25. Facility and qualified health professionals, when applicable, shall prepare discharge plans to provide to youth court counselors and the youth's parent or guardian to ensure that youth leaving custody receive continuity of care for ongoing illnesses or conditions.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.11 Dental Services

1. Youth receive a dental screening by the facility's contracted health professional. The screening takes place soon after admission, and in no case later than a week after admission. The screening includes:
 - a. Visual observation of the teeth and gums.
 - b. Immediate referral to a dentist for any obvious or gross abnormalities.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.12 Mental Health Services

1. Facility shall contract with Qualified Mental Health Professionals (QMHP) to provide appropriate mental health assessments and mental health services to youth referred by staff as needing mental health services.
2. Youth with identified mental and/or behavioral health needs upon shall receive an evaluation by a QMHP and ongoing mental health services in accordance with a treatment plan. The treatment plan includes:
 - a. Identification of the mental and/or behavioral health issues.
 - b. Any medication or medical course of action to be pursued.
 - c. Planned activities to monitor the efficacy of any medication or the possibility of side effects.
 - d. A description of any behavioral management plan or strategies to be undertaken.
 - e. A description of any counseling or psychotherapy to be provided.
 - f. A determination of whether the type or level of treatment can be provided in the detention facility.
 - g. A plan for monitoring the course of treatment.
 - h. Any necessary modifications to the standard use of force and restraint procedures.
 - i. A transition plan for when the youth leaves the care of the facility.

3. Staff shall investigate all incidents of self-harm or attempted self-harm. Following any incident of self-harm, a QMHP prepares a detailed care and support plan for the youth. Staff also review the results of the investigation and institute any remedial measures to prevent similar occurrences in the future.
4. Staff encourage youth who are assessed as vulnerable or at risk of self-harm to engage in appropriate activities and programs that will raise their self-esteem and reduce the risk of further self-harming behavior.
5. Twenty-four hour on-call or emergency mental health services are accessible as needed.
6. Psychiatric, psychological, and psychiatric nursing shall be accessible as needed.
7. If the facility relies on health staff who are not QMHPs to provide any mental health service otherwise permitted by state law (e.g., screening interviews), the responsible mental health authority, in conjunction with the facility, is to ensure that those health staff have received adequate training in identifying and interacting with individuals in need of mental health services.
8. Youth at risk for suicide.
 - a. Written policies, procedures, and actual practices ensure that youth are appropriately assessed and treated for suicide risk. This system includes the principles listed below:
 - i. All staff working with youth receive training on recognition of behavioral and verbal cues indicating vulnerability to suicide, and what to do in case of suicide attempts or suicides (e.g., the use of a cut-down tool for youth hanging).
 - ii. The admissions screening addresses suicide risk through interview questions and observation.
 - iii. QMHPs evaluate suicide risk.
 - iv. Youth at risk of suicide receive prompt evaluation and frequent follow-up by QMHPs.
 - v. Staff document contemporaneously the monitoring of youth on suicide watch.
 - vi. Staff monitor actively suicidal youth one-on-one on a continuous basis or transfer youth to an appropriate facility. Youth who have been on continuous one-to-one monitoring for 24 hours are assessed as soon as possible, but no later than 24 hours following such a 24-hour one-to-one monitoring period, by a physician or QMHP to determine whether there is a need for hospitalization.
 - vii. QMHPs provide clear, current information about the status of youth on suicide watch to staff supervising youth.
 - viii. Staff do not substitute supervision aids, such as closed-circuit television or placement with roommates, for in-person one-on-one staff monitoring.

- ix. Youth at risk of suicide are engaged in social interaction and are not isolated. Youth on all levels of suicide precautions (based on level of risk) have an opportunity to participate in school and activities (e.g., with the one-on-one staff person).
 - x. Youth on suicide watch are not left naked and are housed appropriately.
 - xi. Only a QMHP may release a youth from suicide watch or lower a youth's level of precautions. QMHPs return youth to normal activity as soon as possible.
 - xii. Youth released from suicide watch have an individualized plan of care that is followed by QMHPs and communicated to all staff who come into contact with the youth.
 - xiii. Suicides or attempts at suicide are carefully documented and there is a process for administrative/medical review and staff debriefing after each such occurrence.
- b. Staff promptly notify parent(s) or guardian(s) following any incident of suicidal behavior or self-harm.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.13 Administration of Prescription Medications

1. Qualified health or mental health professionals regularly monitor and document youth on psychotropic or other regular medications.
2. Only individuals permitted under state law and regulations administer medication to youth.
3. Qualified health professionals administer medications in a manner that protects the youth's medical confidentiality.
4. Youth with conditions that require immediate use of medication are provided immediate access to their medication.
5. The medical authority complies with state and federal laws and regulations regarding procuring, prescribing, dispensing, administering, and disposing of pharmaceuticals.
6. Written policies, procedures, and actual practices provide for continuity of medication while youth are in the facility.
7. Medications are stored in proper environmental conditions (e.g., temperature, light, moisture, ventilation), with attention to safety (segregation of medications for external versus internal use) and security.
8. Qualified mental health and health professionals document that the youth and youth's family have been explained the importance of continuing the current medication regimen upon the youth's release from the facility. Youth on psychotropic medications who require continuing

care upon release shall be linked to community-based resources for ongoing oversight and care.

9. Facility shall maintain on premises or through contacted health professionals, a supply of antidotes and emergency medications.
10. Facility shall maintain accessible contact information for the appropriate parties in case of overdoses or toxicological emergencies.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 2.14 Medical, Mental Health, and Dental Records

1. Written policies, procedures, and actual practices ensure that access to confidential information is limited to staff with a “need to know” basis, consistent with professional rules of ethics, applicable state and federal laws. Written policies, procedures, and actual practices ensure that staff share information where appropriate to provide for safety, security, health, treatment, and continuity of care for youth.
2. Medical and mental health professionals communicate instructions to custodial staff for youth with special needs, as appropriate.
3. Staff record and treat medical, mental health, substance abuse, and dental information as confidential.
4. Medical, mental health, substance abuse, and dental records are maintained and stored separately from confinement records.
5. There is a record for each child that includes screening forms, assessment records, findings, diagnoses, treatments, prescribed medications and records of administration, lab test records, consent or refusal forms, insurance information, discharge summaries, and reports from other health providers.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Part 9, Chapter 3: Programming & Access

Rule 3.1 Education

1. During admission, youth shall receive a brief educational history screening with respect to their school status, special education status, including but not limited to 504 status, grade level, grades, and history of any disciplinary actions, including suspensions or expulsions. This information is used to determine initial placement in the facility’s educational program.

2. Staff shall enroll youth in the facility school at the earliest possible time and, at the latest, within three days of admission to the facility during the sponsoring school district's academic and six-week enrichment program, excluding weekends and legal holidays.
3. No later than ten days after admission to the facility, youth are to begin an extended detention education program. A team consisting of a certified teacher provided by the local sponsoring school district or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, and the youth court counselor or representative develop an individualized academic program for the youth, where appropriate as determined by the teacher of the sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district. The youth's parent or guardian participates in the team unless excused by the youth court judge. Failure of any party to participate does not delay implementation of this education program.
4. The sponsoring school district provides 330 minutes of instruction per school day per student.
5. The sponsoring school district provides instruction inside the detention facility for the minimum number of days per year, including a six-week summer enrichment program, in accordance with the requirements of Miss. Code. Ann. § 43-21-321.
6. School classes are held in an appropriate, dedicated space.
7. The sponsoring school district provides adequate staff (including special education staff) to meet state student-to-teacher ratios for education. Staff are qualified and hold appropriate credentials, including any specialized credentials necessary for providing special education programming or instruction for youth with limited English proficiency.
8. The sponsoring school district identifies youth with limited English proficiency and provides appropriate instruction for those students to allow for meaningful access to the curriculum.
9. The sponsoring school district provides adequate substitute teaching staff to cover teaching duties of staff who are on vacation, sick, or otherwise not available. The sponsoring school district provides substitute teachers in order to ensure the continuation of educational services to youth in the detention facility in accordance with the sponsoring school district's policy and procedures for students in the traditional school setting.
10. The facility school is annually reviewed and evaluated by the Mississippi Department of Education pursuant to Mississippi Code § 43-21-321.
11. The sponsoring school district provides the curricula required by the state for graduation from high school, including preparation for any required state examinations.

12. The sponsoring school district awards credit (including partial credit) for work completed and forwards the youth's education records from the facility to other schools upon the youth's exit from the facility.
13. The sponsoring school district complies with 20 U.S.C. §§ 1440, *et. Seq.* (IDEA) and applicable state law, including Miss. Code. Ann. 37-23-1, for students with educational disabilities.
 - a. The sponsoring school district has written procedures to determine which youth have previously been identified as having educational disabilities, and to promptly obtain special education records for such students.
 - b. The sponsoring school district has written procedures in place to identify and assess youth who potentially have a disability, in conformity with state and federal requirements for special education.
 - c. An Individualized Education Program (IEP) is in place, in lieu of an IAP, for each student with identified disabilities. Students entering with an existing IEP receive interim services that match the IEP as closely as possible.
 - d. The process for developing or modifying IEPs at the facility school is the same as that used in public school settings.
 - e. The sponsoring school district provides special education students with a full continuum of regular education classes, special classes, and supplementary services. Special education students are allowed to participate in regular school programs to the maximum extent appropriate.
 - f. Special education staff at the school are certified by the state for the services they provide.
 - g. The sponsoring school district provides related services, including transition services, required by the IEP.
 - h. Parents or guardians shall have an opportunity to participate in decisions regarding special education of their youth, and facility staff are flexible in scheduling or using telephone conferences to permit parent or guardian involvement.
 - i. The sponsoring school district secures parent or guardian surrogates when parents or guardians are unavailable to participate in special education decisions.
 - j. The sponsoring school district complies with legally required timelines for evaluation and IEP development.
 - k. The sponsoring school district complies with IDEA requirements for notice and due process.
 - l. Facility staff and school personnel shall determine whether youth behaviors are manifestations of their disabilities.
14. Students entering with an existing 504 plan receive interim services that match the plan as closely as possible.
15. The sponsoring school district provides High School Equivalency Program (HiSEP) for appropriate youth.

16. Youth in isolation or room confinement receive an education program comparable to youth in other units in the facility in compliance with the local sponsoring school district's written policy. For the safety of others, a student receives counseling as it relates to the incident that caused reassignment, prior to reentering the classroom.
17. Behavior interventions, as outlined in the youth's IAP/IEP are developed for youth whose behavior interferes with their school attendance and progress.
18. The sponsoring school district provides youth with reading materials geared to the reading levels, interests, and primary languages of confined youth. Youth have reasonable access to such materials.
19. These standards do not negate the responsibility of a youth's local school district to provide for his or her special education needs pursuant to federal and state law.
20. Upon request by the sponsoring school district, the local school district of any student receiving educational services reimburses the sponsoring school district pursuant to Miss. Code Ann. § 43-21-321(12).
21. The State Department of Education is responsible for ensuring compliance with this section. Facilities are neither penalized nor have their licenses withheld for failure to comply with areas beyond the control of the detention facility itself.
22. These standards are intended to be consistent and are to be considered in conjunction with the provisions of Miss. Code. Ann. § 43-21-321.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.2 Exercise, Recreation & Other Programs

1. Staff shall keep youth occupied through a comprehensive multi-disciplinary program. Staff post and adhere to a daily schedule of activities in each living unit that incorporates both structured and free time.
 - a. Staff shall log the date and reasons for any deviations from scheduled activities.
2. The facility provides recreational activities, including a range of activities in dayrooms or common areas, including but not limited to: reading, listening to the radio, watching multimedia, board games, drawing or painting, listening to or making music, and letter writing.
3. Facility maintains an adequate supply of recreation materials for use during recreation times.
4. Staff, volunteers, or community groups may provide additional programming that reflects the interests and needs of various racial and cultural groups within the facility, and that is gender-responsive. The facility is encouraged to provide a range of activities such as art,

music, drama, writing, health, fitness, meditation/yoga, substance abuse prevention, mentoring, and voluntary religious or spiritual groups. When possible, community-based programming that offers the opportunity for continuity once the youth is released should be offered.

5. Equivalent programming exists for female and male youth in the facility. “Equivalent” does not mean that programming for males and females is identical, but that girls have reasonable opportunities for similar activities and an opportunity to participate in programs of comparable quality.
6. Facility shall provide youth in the facility, including youth in room confinement, at least one hour of large muscle exercise each and every day. Large muscle exercise can be accomplished through the facility school’s physical education class so long as the one-hour minimum requirement is met. Facility shall afford youth the opportunity to exercise outside, weather permitting and to the extent the facility allows.
 - a. Facilities built prior to the effective date of these standards are not required to comply with outdoor recreation if their physical plants do not have such space available and they provide for other appropriate exercise space.
 - b. The one-hour daily minimum of large muscle exercise does not count towards the 330-minute educational instruction provided by the sponsoring school district, even if provided by the sponsoring school district.
7. Except during sleeping hours, brief periods of transition, such as shift changes, or during scheduled unstructured free time, youth are not to remain in their rooms. Facility shall provide structured recreational, cultural, or educational activities throughout the day to keep youth occupied. Unstructured free time shall be included in the youths’ daily schedule.
8. Facility keeps sufficient recreational equipment to provide a variety of physical education activities.
9. Reading materials appropriate for the age, interests, ability and literacy levels of youth are available in sufficient variety and quantity to the youth. Youth are allowed reading materials in their rooms.
10. Any limitations on reading materials must be reasonably related to the security of the facility, or the health and development of youth in the facility.
11. Work.
 - a. Work assignments shall not be used as a substitute for recreation.
 - b. Juveniles shall be prohibited from performing such duties as:
 - i. Personal services for the staff;

- ii. cleaning or maintaining areas away from the facility;
- iii. replacing employed staff;
- iv. any work experience defined as hazardous by the Mississippi Department of Human Resources regulations governing child labor.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.3 Religion

1. Facility provides youth the opportunity to participate in organized religious activities. Youth are not compelled to participate in religious activities.
2. Facility provides youth the opportunity to meet or speak with clergy of the religion of their choice.
3. Facility provides youth any special diet to accommodate a sincerely held religious belief.
4. Youth are allowed religious books and reading materials in their rooms.
5. Staff do not restrict religious practices and materials absent a compelling government interest.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.4 Positive Behavior Management

1. Facility shall maintain a written behavior management system to provide a graduated scale of incentives for positive behavior.
2. Facility shall explain the behavior management system's rewards and sanctions system during orientation.
3. Staff shall implement the rewards and sanctions system fairly and consistently.
4. The behavior management system is facility-wide and a youth's status or points in accordance with the behavior management system follows the youth in the event the youth is transferred from one unit to another.
5. To the extent possible, the culture of the facility shall emphasize rewarding success in lieu of focusing on or punishing failure.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.5 Mail

1. Staff do not limit the number of letters a youth may receive, including youth on any disciplinary status. Staff provide youth with a reasonable amount of paper, access to writing implements, postage for correspondence and encourage youth to write to their families, including youth on any disciplinary status.
2. Staff shall only read mail upon reasonable suspicion based on specific information that the mail itself constitutes a criminal act or threat to the security of the facility, youth, or staff. Such specific information should be documented and maintained by the facility.
3. Staff may open mail for youth outside their presence if they have reasonable suspicion to believe that the mail contains contraband or other threats to the security of the facility, youth, or staff.
4. The facility shall establish written policies, procedures, and actual practices regarding mail to ensure staff, youth, and their families and guardians understand any limitations on those persons with whom the youth may correspond.
 - a. In the event that the facility or child knows that the child's parent or guardian is incarcerated, and the child is permitted to communicate with that parent or guardian, the facility shall assist the youth in communicating with that parent or guardian.
5. Should staff withhold mail for any reason, staff shall inform the youth, log the date, time and reason for the action, place the mail in the youth's private property, and advise the youth that he or she may file a grievance over the decision to withhold the mail, unless such information would compromise an ongoing criminal investigation.
6. Staff distributes mail within 24 hours of arrival at the facility. Staff posts outgoing mail within 24 hours from the receipt of mail from youth or on the postal service business day.
7. Correspondence to and/or from a youth's legal counsel is privileged and shall not be read by facility staff.
8. First class letters and packages shall be forwarded after transfer or release of each juvenile.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.6 Telephone

1. Facility shall provide youth with reasonable access to telephones.
2. After a connection is established, youth are permitted to talk on facility provided telephones for at least five minutes per call, at least twice a week.
3. Calls from youth are available free of charge or calls from youth are charged at reasonable rates. Staff make provisions to accommodate youth who need to make long distance calls.

4. Youth are permitted to use the telephone at times that are arranged in advance and that are convenient to staff and the recipient of the call.
5. Facility shall provide youth reasonable opportunities to make additional calls should the intended recipient not answer.
6. Facility shall make reasonable efforts to accommodate youth, parents, or guardians with hearing impairments when they wish to communicate with one another.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.7 Visitation

1. The facility permits youth to visit with those individuals approved by the facility administrator or his/her designee or the youth court judge.
2. The facility establishes a process to ensure that undocumented family members who are otherwise approved for visitation may visit their children.
3. Facility shall employ policies which clearly describe:
 - a. who may visit youth;
 - b. the mode and manner of visitation;
 - c. if and when contact visits may be available;
 - d. how to request a contact visit;
 - e. how to request a special, non-posted visit;
 - f. if the visit requires special arrangements; and
 - g. the approval procedure for visitors.
4. Family visiting occurs on several days of the week, including weekdays and weekends. Staff post a schedule of visiting hours and rules.
5. Facility allows family members to schedule visits at non-posted times with permission from the facility administrator or his/her designee. Written policies clearly describe procedures for special visits.
6. Visits are at least thirty minutes in length. Contact visits are encouraged.
7. Staff shall not deprive youth of visitation as a punishment, including youth on disciplinary status. Youth on disciplinary status may participate in visitation with family members unless such visits would pose an immediate threat to the safety and security of the facility.
8. Visitation area(s) are to be supervised by facility staff, but conversations are not routinely monitored, absent a reasonable suspicion that a crime or threat to safety or security may occur, or subject to court order.

9. Staff are to use the least intrusive measure when searching youth after a visit to protect against the introduction of contraband into the facility.
10. Facility shall post search policies, so visitors are aware of the facility's policies regarding searches.
11. Visitors are permitted to ask questions or register complaints about the treatment of youth. Staff or the facility administrator or his/her designee shall promptly respond to such questions or complaints within the limits of confidentiality prescribed by these regulations, professional ethical rules or state and federal law.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.8 Access to Counsel, the Courts, and Public Officials

1. Mail to and from attorneys, the courts, or public officials is privileged. Staff may open such mail in the presence of youth to check for contraband only but may not read such mail.
2. Attorney visits may occur at all reasonable times during hours that youth are awake. Attorney visits are not limited to family visiting hours.
3. Facility provides a space for in-person confidential attorney conversations.
4. Facility provides youth with the opportunity for free and confidential phone calls to attorneys. Staff assist youth in obtaining the phone numbers of their attorneys, if necessary.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 3.9 Access to Outside Support Services Related to Sexual Misconduct

1. Staff provide youth with access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. Staff enable reasonable communication between youth and these organizations and agencies, in as confidential a manner as possible.
2. Staff inform youth, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Part 9, Chapter 4: Restraints, Isolation, Due Process & Grievances

Rule 4.1 Physical Force, Mechanical Restraints, and Chemical Agents

1. Written policies, procedures, and actual practices ensure that:
 - a. Unit staff receive annual training in conflict management, de-escalation of confrontations, crisis intervention, management of assaultive behavior, and the facility's continuum of methods of control.
 - b. Unit staff receive annual training on situations in which use of physical force or mechanical restraints is or is not justified, permitted methods of physical force and restraints, appropriate techniques for application of force and restraints, and guidance to staff in deciding what level of physical force or restraints to use if that becomes necessary.
 - c. Unit staff follow a graduated set of interventions that limit the use of physical force or mechanical restraints, employ a range of interventions or actions before using force or restraints, and permit only that amount of force needed to ensure the safety of the minor and others.
 - i. Only staff specifically trained in the application of physical force and mechanical restraints may use such techniques or devices; staff only use approved techniques or devices.
2. Written policies and procedures in the facility set forth the principles below for use of force and mechanical restraints:
 - a. Staff only use approved physical force techniques when a youth's behavior threatens imminent harm to the youth or others or serious property destruction.
 - b. Staff only use physical force or mechanical restraints in the degree and for the amount of time necessary to bring the situation under control. As soon as a youth regains self-control, staff stop using physical force or mechanical restraints.
 - c. During transportation, staff may use mechanical restraints to prevent injury or escape. Based on the youth's behavior and on an individual basis, staff may restrict movement of youth's legs during transportation. Staff do not handcuff youth together during transportation.
 - d. Staff do not use belly belts or chains on pregnant girls. Any use of leg shackles or leg irons on pregnant youth is made on a case-by-case basis by the facility administrator or his/her designee.
 - e. During facility emergencies, staff may use handcuffs to prevent injury or escape. Staff remove handcuffs promptly after the youth is placed in his or her room, or is otherwise in a safe place. In an instance in which a youth is out of control, the facility administrator or his/her designee may authorize ongoing use of restraints until the youth is under control. Staff continuously monitor youth who are in mechanical restraints using one-on-one direct staff supervision. Except in exigent circumstances, staff contact the mental health provider if any youth is in mechanical restraints in his or her room for longer than 15 minutes.

- f. If use of force is necessary, staff use approved defensive physical force techniques including evasion and deflection maneuvers or holding techniques that immobilize the body without locking joints or using pressure points.
3. Youth who are restrained have reasonable access to food, water, toilet facilities, and hygiene supplies.
4. Written policies, procedures, and actual practices prohibit:
 - a. Use of chemical agents, including pepper spray, tear gas, and mace.
 - b. Use of pain compliance techniques at the facility. Pain compliance techniques are different from defensive physical force.
 - c. Hitting youth with a closed fist, kicking or striking youth, or using chokeholds or blows to the head on youth.
 - d. Use of four or five-point restraints, straightjackets, or restraint chairs.
 - e. Hogtying youth.
 - f. Restraining youth to fixed objects, including beds, or walls.
 - g. Restraining youth in a prone position and putting pressure on the youth's back or chest.
 - h. Using physical force or mechanical restraints for punishment, discipline, or treatment.
 - i. Use of belly belts or chains on pregnant girls.
5. Staff document all incidents in which physical force or mechanical restraints are used including:
 - a. Name of youth.
 - b. Date and time physical force or mechanical restraints were used on youth.
 - c. Date and time youth were released from mechanical restraints.
 - d. The person authorizing placement of youth in restraints.
 - e. A description of the circumstances leading up to the application of force or restraints, and what occurred during and after the restraint.
 - f. Persons involved in the incident and other witnesses.
 - g. The alternative actions attempted and found unsuccessful or reasons alternatives were not possible.
 - h. The type of physical force or mechanical restraints used.
 - i. Referrals or contacts with health and mental health professionals including the date and time such persons were contacted.
6. Medical professionals document all contact with youth subjected to physical force or restraints, including the name and position of medical or mental health professionals, the date and time of initial contact, all subsequent monitoring, pertinent findings, instructions to staff, and follow up to the incident.
7. Staff and youth involved in serious use of force or restraint incidents and/or use of force or restraint incidents where youth are injured undergo an immediate debriefing process with

supervisory staff and mental health professionals to explore what might have prevented the need for force or restraint and alternative ways of handling the situation. Staff also make reasonable attempts to notify parents or guardians of serious use of force or restraint incidents and/or use of force or restraint incidents where youth are injured and ask for input and support on ways to prevent future such incidents.

8. The facility administrator or his/her designee regularly reviews and maintains a file in his or her office, for a period of at least one year after the incident, of reports on all incidents in which youth are subjected to physical force or placed in restraints.
9. A restraint review committee, to include the facility administrator or his/her designee, training staff, mental health staff, and line staff, regularly reviews all force and restraint incidents to identify departures from policy and issues needing policy clarification, to develop targeted training, and to provide feedback to staff on effective crisis management.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 4.2 Isolation

1. Facility shall have written policies and procedures in accordance with the following principles for the use of isolation:
 - a. Staff only use isolation if a youth's behavior threatens imminent harm to self or others or serious destruction of property.
 - b. Prior to using isolation, staff shall utilize less restrictive techniques, including de-escalation tactics.
 - c. Prior to using isolation, staff explain to the youth in the youth's primary language the reasons for the isolation, and the fact that he or she will be released upon regaining self-control.
 - d. Staff only keep youth in isolation for the amount of time necessary for the youth to regain self-control and no longer pose a threat. As soon as the youth's behavior ceases to threaten imminent harm to self or others or serious destruction of property, staff release the youth back to programming.
 - e. Staff notify the unit supervisor as soon as a youth is placed in isolation.
 - f. Youth are not kept in isolation for longer than one hour without explicit approval of the unit supervisor.
 - g. During the time that a youth is in isolation, staff provide one-on-one crisis intervention and observation at least every 15 minutes.
 - h. If a youth is in isolation for longer than one hour, a qualified mental health professional (QMHP) shall be notified and consulted as whether a crisis intervention plan is necessary.
 - i. Staff may not hold a youth in isolation for longer than four hours. If a QMHP determines that a youth needs to be in isolation for longer than four hours, staff arrange transportation for the youth to an appropriate health facility.

- j. If at any time during isolation, the level of crisis service needed is not available in the current environment, the youth shall be transported to a location where those services can be obtained (e.g., medical unit of the facility, hospital).
 - k. Youth in isolation have reasonable access to food, water, toilet facilities, and hygiene supplies.
- 2. Staff shall keep designated isolation rooms clean, appropriately ventilated, and at comfortable temperatures.
- 3. Designated isolation rooms shall be suicide-resistant and protrusion-free.
- 4. Staff document all incidents in which a youth is placed in isolation, including:
 - a. Name of the youth.
 - b. Date and time the youth was placed in isolation.
 - c. Name and position of the person authorizing placement of the youth in isolation.
 - d. Persons involved in the incident and other witnesses.
 - e. Date and time the youth was released from isolation.
 - f. Description of the circumstances leading to the use of isolation.
 - g. The alternative actions attempted and found unsuccessful, or reason alternatives were not possible.
 - h. Referrals and contacts with medical and mental health professionals, including the date, time, and person contacted.
- 5. The facility administrator or his/her designee regularly reviews the use of isolation and maintain copies of reports on all incidents in which youth are placed in isolation for a period of one year. After a year all records are preserved and maintained pursuant to state laws and regulations.
- 6. The facility administrator or his/her designee, in conjunction with mental health staff, reviews all uses of isolation to identify departures from policy and provides feedback to staff on effective crisis management. [See also Rule 1.25(D), Supervision of Staff.]

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 4.3 Voluntary Time Outs

- 1. Staff permit youth to have voluntary time outs for short periods of time at youth's request.
- 2. Staff document voluntary time outs.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 4.4 Due Process in Discipline

1. Staff provide the youth in the youth's primary language with a written list of prohibited behaviors and the sanctions or consequences of such behaviors. Staff post the rules of the facility in all living units in English. Staff provide to each youth in the youth's primary language a written and verbal explanation of the rules and sanctions of the facility. Sanctions include less restrictive interventions in addition to room confinement.
2. Due process protections apply when youth may be subject to discipline for all major rule violations (i.e., when room confinement may last longer than four hours). Youth are entitled to due process hearings within 48 hours of the incident (excepting weekends and legal holidays) and prior to the youth serving time in room confinement as a sanction.
3. Youth receive procedural due process protections prior to the implementation of discipline as the result of a major rule violation including:
 - a. Written notice to the youth of the alleged rule violation, the due process hearing procedures, and appellate procedure.
 - b. A hearing before a disciplinary committee comprised of impartial staff, meaning staff who were not involved in the incident leading to the alleged rule violation. The disciplinary committee gathers evidence and investigates the alleged violation. During the hearing, the youth is allowed to be present provided he or she does not pose a safety threat to self or others. The youth may have a staff member of his/her choosing present for assistance. The youth is allowed to present his/her case and present evidence and/or call witnesses.
 - c. Upon request, consultation with a QMHP regarding the youth's ability to understand and participate in due process, whether a youth's disability or mental illness contributed to his or her behavior when determining appropriate sanction, and whether the youth is capable of serving any assigned sanctions.
 - d. Following the hearing, the disciplinary committee renders a decision finding the youth at fault or not.
 - e. The youth shall receive a written notice of the committee's decision with the reason(s) for the decision.
 - f. The youth may appeal an adverse finding to the facility administrator or his/her designee assigned to the facility.
4. Under no circumstances is a youth deprived of his or her basic rights as part of discipline.
 - a. Basic rights for each youth include:
 - i. A place to sleep including a mattress, pillow, blankets and sheets.
 - ii. Full meals and evening snacks.
 - iii. A full complement of clean clothes.
 - iv. Parental or guardian and attorney visits.
 - v. Personal hygiene items.
 - vi. Daily opportunity for exercise.
 - vii. Telephone contacts with his or her attorney.
 - viii. The right to receive and send mail.

- ix. A regular education program.
- x. An opportunity for daily shower and access to toilet and drinking water as needed.
- xi. An opportunity to attend religious services and/or obtain religious counseling of the youth's choice.
- xii. Clean and sanitary living conditions.
- xiii. Access to reading materials.

5. Staff do not use group punishment as a sanction for the misbehavior of individual youth.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 4.5 Room Confinement

1. Youth are not automatically subjected to room confinement and/or isolation upon their admission to the facility.
2. Immediately upon a youth's placement in room confinement, staff notify the unit supervisor.
3. Staff may not keep youth in room confinement for longer than one hour without explicit approval of the unit supervisor. Staff may not keep youth in room confinement longer than four hours without explicit approval of the facility administrator or his/her designee.
4. Room confinement of more than 24 hours is reserved for the most serious violations, is approved by the facility administrator or his/her designee and is not to extend more than 48 hours continuously.
5. If a youth is in room confinement longer than 24 hours, at least every 24 hours the facility administrator or his/her designee who was not involved in the incident reviews and determines whether it is appropriate to authorize release.
6. If the youth repeatedly engages in behavior which results in room confinement, the facility administrator or his/her designee develops an individualized behavior plan for the youth.
7. Staff document all incidents in which a youth is placed in room confinement, including the name of the youth, the date and time the youth was placed in room confinement, the circumstances leading up to the confinement, less restrictive sanctions considered, the person authorizing placement in room confinement, the staff or youth involved in the incident, and the date and time the youth was released from the confinement.
8. The facility administrator or his/her designee regularly reviews and analyzes the use of room confinement and maintains a file in his or her office for a period of at least one year after the incident of reports on all incidents in which youth are placed in room confinement. After a year all records are preserved and maintained pursuant to state laws and regulations.

9. Unit staff receive regular training on the appropriate use of, and alternatives to, room confinement.
10. Staff are to monitor youth in room confinement in at least fifteen (15) minute intervals. Staff should maintain a monitoring log.
11. Youth in room confinement have reasonable access to water, toilet facilities, and hygiene supplies.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 4.6 Corporal Punishment

Staff shall not use corporal punishment or cruel or degrading punishment, either physical or psychological, at the facility.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016).*

Rule 4.7 Grievance Procedures

1. Facility grievance procedures assure a method for the expression and resolution of youth grievances and complaints about any aspect of the facility and its operation, including medical and mental health services.
2. Every youth and the youth's parent(s) or guardian(s) have the right to file grievances without fear of retaliation.
3. Staff provide to each youth in the youth's primary language a written and verbal explanation of the grievance procedures. Both the explaining staff member and the youth sign a written grievance procedure acknowledgment form developed by the facility. Failure of the youth to sign the written acknowledgment does not invalidate an otherwise properly given written and verbal explanation of the facility's grievance procedures.
4. Informal Grievance and Resolution
 - a. All youth and/or the youth's parent or guardian are given the opportunity to solve their complaints informally by allowing them to express their feelings and concerns about the complaint with the shift supervisor and/or detention officer.
 - b. If an acceptable resolution is not attained at this level, the youth and/or parent or guardian may then choose to file a formal grievance verbally or in writing, with identification or anonymously.
 - c. Staff do not require youth to use any informal grievance process or otherwise attempt to resolve with staff alleged incidents of sexual abuse.
5. Formal Grievance Procedure

- a. Unit staff do not interfere with the right to file a grievance by a youth, youth's parent or youth's guardian.
- b. Youth have access to grievance forms and envelopes, which are located in accessible areas throughout the facility by youth, parents or guardians. Upon request, the youth is given a pencil/pen and placed in a reasonably private area, such as the recreation area, computer lab, intake room, etc., to complete the form.
- c. Youth are not given a grievance form to complete while they are still exhibiting disruptive behavior.
- d. Upon request, staff not involved in the basis of the grievance provide assistance to youth in executing the grievance.
- e. Staff involved in the basis of the grievance are not to be in the presence of the youth as the youth completes any grievance form.
- f. Upon completion of the grievance form, facility staff allows the youth to place his/her form in the grievance envelope, seal the envelope, and place the envelope in a secured grievance box.
- g. Grievances may be submitted verbally and reduced to writing by staff at the youth's request.

6. Collection and Processing of Grievances

- a. Each morning all grievance(s) are collected from the grievance boxes located in the facility by either the facility administrator or his/her designee.
- b. On weekends and legal holidays the grievance(s) are collected each morning by the shift supervisor on duty and the shift supervisor places the unopened grievance(s) in the facility administrator or his/her designee's box and contacts the facility administrator or his/her designee to advise him/her if there are grievance(s) to review.
- c. The facility administrator or his/her designee communicates with the youth within 24 hours of receiving the grievance. This communication shall be documented and preserved.
- d. The grievance shall be fully investigated by the facility administrator or his/her designee.
- e. Upon conclusion of the investigation, the decision is documented, and the youth is informed of initial decision in writing within three days excluding weekends and legal holidays. Staff alleged to be involved do not conduct the investigation.
- f. The youth may appeal the initial decision.
- g. All steps of the grievance process, including 24-hour notification, initial decision, and all appeals are documented. Youth receive responses to grievances that are respectful, legible, and address the issue(s) raised.
- h. All grievances filed by parents or guardians are submitted to the facility administrator or his/her designee or the equivalent immediately.
- i. If a grievance is deemed meritorious, the facility administrator or his/her designee takes appropriate action, including but not limited to, providing counseling, supplemental training, reprimand, discipline, termination of the employee, and, in appropriate cases, the filing of child abuse or criminal charges.

- j. The facility administrator or his/her designee regularly analyzes grievance forms (granted and denied) for patterns or trends.
- k. The facility's health authority considers grievances related to health and mental health care services as part of ongoing quality improvement activities.

7. Distribution of Grievance & Grievance Resolution

- a. Once the grievance process is concluded, the original and copies of the grievance form and resolution are to be distributed as follows:
 - i. a copy of the grievance and resolution are given to the youth; and
 - ii. a copy of the grievance and resolution are maintained in the youth's file.
- b. The original copy of the grievance and resolution is maintained in the grievance log, which is located in facility administrator or his/her designee's office.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Part 9, Chapter 5: Physical Plant, Environment, and Safety

Rule 5.1 Positive Institutional Atmosphere

- 1. All persons in the facility are treated with respect. Written policies, procedures, and actual practices prohibit use of slurs, name-calling, and other disrespectful behavior by youth or staff.
- 2. Staff demonstrate an appropriate level of tolerance of normal adolescent behavior in their day-to-day working with youth.
- 3. The buildings and grounds are well maintained.
- 4. Staff recognize and celebrate important holidays, birthdays, and other dates of significance to youth.
- 5. Programming acknowledges, values and respects the diverse population of youth in the facility.
- 6. Youth are allowed to speak in their primary language. Staff may only impose restrictions for safety or emergency situations.

Rule 5.2 Transportation

- 1. Written policies and procedures shall govern the transportation of juveniles outside the facility and from one jurisdiction to another.
- 2. Transportation procedures and practice shall include, but not be limited to:

- a. Precautions to prevent escape during transfer; and
 - b. documentation of current, appropriate licensure for each facility driver.
3. Each transporting vehicle operated by the facility shall be equipped with an individual seat belt for the driver, each juvenile passenger and each additional passenger. The driver, each juvenile passenger and each additional passenger shall use the seat belts at all times.

Rule 5.3 Sanitation

1. The facility shall comply with all local, state, and federal health and sanitation codes, and has documentation demonstrating such compliance.
2. Youth are encouraged, enabled, and expected to keep themselves, their rooms, and communal areas clean, but are not substitutes for professional janitorial staff.
3. Rooms, bathrooms, and common areas are clean and free of mold and debris.
4. Youth do not perform dangerous tasks (e.g., blood spill clean-up, floor stripping, use of hazardous chemicals, or roofing).
5. Youth do not perform housekeeping or other tasks that require them to miss school or interfere with normal sleeping hours.
6. The facility provides functioning toilets at a minimum ratio of at least one for every twelve youth in male units and one for every eight youth in female units. Urinals may be substituted for up to one-half of the toilets in male units. All housing units with five or more youth have a minimum of two toilets. Youth in “dry” rooms (without toilets) have immediate access to toilets. Immediate access per this regulation means no longer than a five (5) minute delay after a youth’s request.
7. Youth have access to operable sinks with hot and cold running water in the housing units at a minimum ratio of one (1) basin for every twelve (12) youth.
8. Youth have access to operable showers with temperature-controlled hot and cold running water at a minimum ratio of one (1) shower for every eight (8) youth. Water for showers is thermostatically controlled to temperatures between 100- and 120-degrees Fahrenheit.
9. Facility shall be free of insect and/or rodent infestations.
10. Staff allow youth to take showers every day and allow youth an opportunity to groom themselves before court or any other important event (ie. visitation, funerals, meetings with counsel).
11. Staff allow youth to brush their teeth after breakfast and dinner.

12. Staff allow youth to wash their hands before meals and after activities that may cause the spread of germs.
13. Staff provide youth with clean underclothing and socks daily. Staff provide youth with clean outer clothing, except footwear, not less than twice a week.
14. Staff provide youth with clean bed linens at least once weekly. Staff provide youth with clean towels daily.
15. Staff disinfect mattresses after each youth moves out of the room, before the next youth occupies the room. Staff repair or remove from circulation any mattresses that cannot be properly disinfected. Staff also disinfect garment bags and other storage spaces that hold youth's personal clothes after each use.
16. In order to be utilized, furnishings must be in a condition appropriate for their expected use.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.4 Food

1. The facility's food services comply with applicable local, state, and federal sanitation and health codes. Facility maintains documentation demonstrating such compliance.
2. Youth receive at least three meals per day. Two meals are required to be served hot, one of which is required to be dinner. No more than 14 hours between the evening meal and breakfast. Facility shall provide juveniles at least one snack per day.
3. Youth in the facility receive a wholesome, appetizing, and nutritionally adequate diet.
4. The facility provides meals stored and served at safe temperatures.
5. The facility provides meals for youth with special dietary requirements, with proper documentation, including, but not limited to, youth with allergies, pregnant females, youth with dental problems, and youth with religious beliefs that require adherence to religious dietary observation or practice.
6. There is no infestation of insects or rodents in food, food preparation and storage areas, the kitchen, or the dining area(s).
7. Youth eat meals in a cafeteria or common area unless on isolation or room confinement.
8. Youth have a reasonable time, at a minimum 20 minutes, for each meal.
9. Youth may/interact during meals absent safety or security reasons.

10. Staff may not withhold food for discipline. The facility does not serve deliberately unappetizing meals (e.g., food loaf) to youth.
11. Staff follow up with youth who do not eat provided meals to determine the reason. If appropriate, staff initiate a medical or mental health referral.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.5 Temperature, Ventilation, and Noise

1. Temperatures in indoor areas are appropriate to seasonal comfort zones, with no unhealthy extremes.
2. Facility maintains adequate ventilation in indoor areas.
3. Comfortable and appropriate noise levels are maintained in the facility at all times.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.6 Emergency Preparedness and Fire Safety

1. The facility has an emergency preparedness plan that includes, but is not limited to, fire and fire prevention, severe weather, natural disasters, disturbances or riots, national security issues, and medical emergencies. The plan covers:
 - a. The identification of key personnel and adequate staff and their specific responsibilities during an emergency or disaster situation;
 - b. Agreements with other agencies or departments including communication protocols with everyone concerned. Needs of youth with special needs are met through agreements with those agencies that can provide the needed services.
 - c. Transportation to pre-determined evacuation sites including the transportation of medication. Other supplies including food, drinking water, first aid supplies, flashlights, batteries, etc.
 - d. Notification to families.
 - e. Needs of youth with disabilities in cases of an emergency.
 - f. Immediate release of youth from locked areas in case of an emergency, with clearly delineated responsibilities for unlocking doors.
2. All facilities built after the effective date of these standards meet applicable fire codes as to exits and means of egress.
3. The facility has identification and lighting of all exits, including during emergencies.
4. The facility has smoke alarms in appropriate locations and in working condition at all times.

5. The facility has fire extinguishers in appropriate locations and in working condition. Staff receive training in the use of fire extinguishers. Fire extinguishers are regularly checked and serviced per fire codes, and this is documented.
6. The facility has an evacuation plan that staff conspicuously post in each area of the facility. Staff regularly conduct and document fire drills, at least monthly and on a rotating basis by shift. Staff document fire drills including how long it takes to unlock doors and get youth cleared from the building.
7. First aid kits are immediately available and fully stocked with non-expired items.
8. Potentially hazardous or flammable compounds are properly stored and secured.
9. Cut down tools are available on each living unit. Staff can quickly access the cut down tool and are trained in its use.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.7 Lighting

1. Individual rooms have adequate lighting, sufficient for reading.
2. The lights in youth rooms are turned out at night (or adequately darkened for sleep), unless the youth requests otherwise, or for security, health, or mental health reasons.
3. Dayroom and/or common areas used for recreation are adequately lit and include the use of natural light as much as possible.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.8 Clothing and Personal Items

1. Facilities should strive to provide detainees with non-prison-like clothing.
2. Youth wear their own underwear as approved by the facility or the facility provides them with clean and sanitized underwear. The facility provides girls with bras and underwear that fit and are appropriate for females. The facility allows transgender youth to wear underwear appropriate to their gender identity.
3. Youth receive outerwear that is appropriate to the season.
4. The facility housing units have lockers or other storage for youth's clothing and personal items.
5. Youth have access to adequate and culturally appropriate personal hygiene and toiletry supplies, including hygiene supplies specific for girls if girls are detained in the facility.

Items that could allow for spread of germs are not shared among youth (e.g., common toothpaste tube, deodorant, etc.).

6. Youth receive clean bedding and linen and sufficient blankets to provide reasonable comfort.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.9 Searches

1. The facility shall maintain written policies, procedures, and actual practices governing searches of youth, the facility, and visitors in accordance with applicable law. The facility posts a summary of the search policy at the entrance to the facility; in the intake/admissions area, day rooms, or in a handbook given to each youth; and in visiting areas. Written procedures address each of the following:
 - a. Intake searches may include pat-downs, metal detector, or clothing searches. If the facility permits strip searches or visual body cavity searches upon intake, they are conducted in accordance with applicable law. Strip searches are conducted only at admission or when there is a reasonable belief that the juvenile is carrying contraband or other prohibited material. A second staff person shall observe the staff member conducting the search to verify that the search was conducted in accordance with agency policies.
 - i. Staff do not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status.
 - ii. In the event a youth's gender is indeterminable, a qualified health professional shall be contacted to conduct a physical exam for the sole purpose of gender determination for youth classification and youth safety.
 - b. Youth who are returning from court, school, another facility, visits on the premises, or who have otherwise been continuously in custody, may be searched by a pat-down, metal detector, or clothing search. Staff may conduct strip or visual body cavity searches in such circumstances only with prior supervisory approval, upon reasonable suspicion that a youth is in possession of a weapon or contraband, and in accordance with applicable law. All strip and visual body cavity searches are documented, and the rationale is reviewed for appropriate basis.
 - c. Staff conduct facility and individual room searches when needed with the least amount of disruption and with respect for youth's personal property.
 - d. Staff may conduct searches of persons entering the premises by facility-approved pat down, metal detector, clothing searches, or other searches as permitted by applicable law, to ensure the safety of persons in the facility, to discover contraband, to inventory property, or to protect the security and sound operation of the facility.

- e. A list of items that may and may not be taken into the facility by visitors. This list is posted in the facility in an area visually accessible by visitors.
 - f. A list of items that may not be taken into the facility by staff. The facility provides staff with a list of items that may and may not be taken into the facility by staff. Staff are personally searched if probable cause exists that the staff member is in possession of a weapon or contraband.
3. Persons conducting pat-down searches and clothing searches are of the same gender as the person being searched except in exigent circumstances (i.e. immediate threat to self or others, possession of contraband). Staff conducting strip searches, visual body cavity searches, or collecting urine samples are of the same gender as the person being strip searched except when performed by medical practitioners. Staff document and provide written justification for all cross-gender searches.
 4. Staff conduct strip searches and visual body cavity searches with youth individually and in a private setting along with secondary staff.
 5. Only medical personnel may conduct physical body cavity searches. Staff notify parents or guardians if a youth is subjected to a physical body cavity search. Female staff are present during physical body cavity searches of females.
 6. Staff do not conduct searches of youth, youth rooms, or visitors as harassment or for the purpose of punishment or discipline.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.10 Overcrowding, Adequate Living Space, and Privacy

1. The total population of the facility and the population per unit does not exceed operational capacity.
2. The facility enables youth to shower, perform body functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances. Staff of the opposite gender entering a housing unit of the opposite gender shall announce their presence when entering.
3. The dayroom and/or common areas have sufficient chairs and tables to accommodate recreational activities.
4. Sleeping rooms are large enough to provide comfortable movement for in-room activities and hygiene for the number of youth in the room.
5. All new construction meets applicable standards pertaining to minimum square feet per youth. Portions of facilities that were built before the effective date of this standard are

exempt from this requirement.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.11 Youth are safe from physical assault, sexual misconduct, harassment, and intimidation by staff

1. Written policies, procedures, and actual practices ensure that the facility administrator or his/her designee regularly reviews, and appropriately responds to, incident reports, grievances, child abuse reports, and other indicia of inappropriate behavior by staff.
2. The facility administrator or his/her designee compiles and analyzes monthly statistics of violence, use of restraints, use of isolation, and use of physical force.
3. Any and all sexual misconduct between staff and youth is prohibited. Written policies, procedures and actual practices ensure that employees observe professional boundaries between themselves and youth. The facility:
 - a. prohibits any inappropriate contact or correspondence with current or formerly detained youth or their family members; and
 - b. requires that staff notify the facility administrator or his/her designee whenever one of their relatives or friends is admitted to the facility.
4. The facility has a plan for prevention, detection, reporting, and investigation of sexual misconduct which is also provided to staff.
5. Facility fosters an environment where youth feel safe from victimization by staff, including abuse, threats of violence, theft, sexual misconduct, and assault.
6. Youth can report incidents of threats or harm by staff without fear of reprisal. Staff not involved in the incident promptly investigate such reports to take effective action to protect youth from threats or harm.
7. Staff provide appropriate support to youth during the investigation stage following allegations of abuse.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.12 Youth are safe from physical assault, sexual misconduct and intimidation by other youth

1. Written policies, procedures, and actual practices ensure that the facility administrator or his/her designee regularly reviews, and appropriately responds to, incident reports, grievances, child abuse reports, and other indicia of intimidation or physical or sexual assault/harassment (including medical reports), by youth of other youth.

2. Staff conduct room checks when youth are in their rooms at intervals not to exceed 15 minutes.
3. Facility fosters an environment where youth feel victimization by other youth, including abuse, threats of violence, theft, sexual misconduct, and assault.
4. Youth can report incidents of threats or harm by other youth without fear of reprisal.
5. Staff address the behavior of youth who threaten or victimize others through appropriate means including the youth's individual behavior management plan.
6. Facility shall provide regular opportunities for youth to provide input on how the facility can be made safer.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.13 Staff in the facility are safe from physical or sexual assaults by youth

1. Written policies, procedures, and actual practices ensure that the facility administrator or his/her designee regularly reviews, and appropriately responds to, incident reports, grievances, child abuse reports, and other indicia of physical or sexual assaults (including medical reports), by youth on staff.
2. Unit staff are trained to handle assaultive behavior by youth, and backup support is available if necessary.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.14 Incident Reporting to the Licensing Agency

Facility shall report any incidents or alleged incidents of physical assault, sexual assault, sexual misconduct, or intimidation of youth by youth, youth by staff, or staff by youth to the licensing agency within 72 hours. Supporting documentation may continue to be supplemented after the 72-hour mandatory reporting period.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.15 Weapons are prohibited in the facility

1. Weapons are prohibited on facility premises.
2. The facility employs adequate security measures to ensure that neither youth nor staff bring weapons into the facility.
3. The facility properly stores and secures objects that can be used as weapons (e.g., kitchen utensils, chemicals, maintenance equipment).

4. No weapons shall be permitted in the facility. Secure weapons lockers shall be provided for storage of any weapons carried by visiting law enforcement officers.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.16 Implementation of the Prison Rape Elimination Act

The facility fully implements the regulations promulgated by the U. S. Department of Justice pursuant to the Prison Rape Elimination Act (PREA), 28 C.F.R. Part 115.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.17 Emergency, safety, security and control

1. Each facility shall develop a disaster plan to provide for the safety of juveniles in emergencies. The plan shall be reviewed at least annually and updated as needed.
 - a. The plan shall include provisions for the care of juveniles in disasters such as fires, tornadoes, storms, floods, and civil disorders, as well as occurrences of serious illness or injury to staff members and juveniles.
 - b. The personnel in the facility shall be informed of the disaster plans and the plans shall be posted in a prominent location and practiced.
 - c. Each facility which uses locked isolation shall have an effective policy and procedure to evacuate an isolated juvenile in the event of a fire or other emergency.
2. The facility shall have one fire drill and one tornado drill per month. [See also Rule 1.4(6)(i), Juvenile Detention Facility Licensing Procedure.]
3. Any incident of disaster shall be reported to the Unit within 24 hours excluding weekends and holidays. Any incident of fire shall also be reported to the state fire marshal within the same time frame.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.18 Policies relating to animals at the facility

1. If animals or pets are kept at the facility, written policies shall be developed for their care.
2. Animals shall have current immunizations as recommended by a veterinarian. A record of immunizations shall be kept on file at the facility.
3. Animals that represent a hazard to juveniles shall be excluded from the facility.

4. The pet area of each facility shall be maintained in a clean and sanitary manner. No animal or bird shall be in the kitchen while food is being prepared.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.19 Compliance with regulations

1. Facility licenses shall be prominently displayed.
2. A copy of these regulations shall be kept on the premises at all times.
3. Facilities shall be compliant with all applicable building codes and regulations. Each existing facility which makes any structural addition or alteration, shall come into compliance with current structural requirements pursuant to applicable building codes and regulations.
4. Each applicant or licensee may submit a written request for an exception to a regulation to the Unit. An exception may be granted if the Unit determines that the exception would not diminish the current level of juvenile care and if statutory requirements are not violated. The nature of the exception, the conditions and the duration of the exception shall be in writing. Written notification shall be given to the licensee. Decisions regarding exceptions may not be appealed.
5. Inspectors from the Juvenile Facilities Monitoring Unit may inspect the facility at any time, with or without notice.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.

Rule 5.20 Other Authority

Nothing contained in this Part shall be interpreted to misconstrue state and/or federal law, court orders or United States Department of Justice policy.

Source: *Miss. Code Ann. §§ 43-21-901 to 43-21-915 (Rev. 2016)*.