



SUPREME COURT OF MISSOURI

en banc

February 18, 2014
Effective January 1, 2015

In re:

Repeal of Appendix A, entitled "Standards for Operation of a Juvenile Detention Facility," to the Rules of Practice and Procedure in Juvenile and Family Court Divisions of the Circuit Court and in lieu thereof adoption of a new Appendix A, entitled "Standards for Operation of a Secure Juvenile Detention Facility," to the Rules of Practice and Procedure in Juvenile and Family Court Divisions of the Circuit Court.

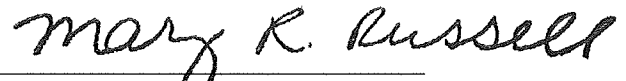
ORDER

1. It is ordered that effective January 1, 2015, Appendix A, entitled "Standards for Operation of a Juvenile Detention Facility," to the Rules of Practice and Procedure in Juvenile and Family Court Divisions of the Circuit Court be and the same is hereby repealed and new Appendix A, entitled "Standards for Operation of a Secure Juvenile Detention Facility," adopted in lieu thereof to read as attached.

2. It is ordered that notice of this order be published in the Journal of The Missouri Bar.

3. It is ordered that this order be published in the South Western Reporter.

Day - to - Day

A handwritten signature in cursive script that reads "Mary R. Russell". The signature is written in black ink and is positioned above a horizontal line.

MARY R. RUSSELL

Chief Justice

Appendix A.

STANDARDS FOR OPERATION OF A SECURE JUVENILE DETENTION FACILITY

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SECTION 1 PHYSICAL PLANT

The construction of new facilities or a capital improvement project made to an existing structure shall incorporate the following standards during design and construction.

Essential Elements

- 1.1. The facility shall be geographically located to be reasonably accessible to law enforcement agencies, the court, community resources, attorneys and family members of juveniles who may be held therein.
- 1.2. The facility shall be readily accessible to visitors, staff and juveniles with disabilities and must comply with local, state and federal laws, codes and regulations including the Americans with Disabilities Act (ADA).
- 1.3. The facility shall be designed and constructed to maximize communication and interaction between personnel and juveniles.
- 1.4. The facility shall conform to applicable building and fire safety codes and have a written policy and procedure in place for all emergencies.
- 1.5. The rated bed capacity shall be adequate for the juvenile population served in the facility.
- 1.6. Sleeping rooms shall have at least 70 square feet of floor space for single occupancy and at least 100 square feet of floor space for double occupancy.
- 1.7. Sleeping rooms shall have natural lighting and a bed above floor level. Toilet and wash basin facilities shall be in the room or readily accessible by direct communication to facility personnel.
- 1.8. The facility shall have an indoor activity area consisting of day space, dining area, educational space, visiting facilities and exercise area, excluding sleeping rooms, equal to at least 100 square feet per juvenile.
- 1.9. The facility shall have adequate outdoor recreation areas for the population served.
- 1.10. The facility shall have adequate secure storage facilities for the juvenile's personal belongings.
- 1.11. The facility shall have adequate storage for surplus clothing, bedding and supplies.
- 1.12. The facility shall have proper storage space for restraining devices, provided in a secure area and readily accessible only to authorized personnel.

Cross-References

Missouri Revised Statutes

§ 211.011 "Purpose of Law . . ."

§ 211.151 "Places of Detention . . ."

§ 211.331 "Detention Facilities . . ."

Missouri Supreme Court Rules

Rule 110.04 "Definitions"

Rule 127.03 "Designation of Detention Facility"

**SECTION 2
ADMINISTRATION**

Essential Elements

- 2.1. The facility shall have a written policy and procedure that describes its purpose, programs and services. This statement shall be updated as needed and reviewed on an annual basis.
- 2.2. The facility shall have a manual detailing the written policy and procedure for the operation of the facility available to all employees of the facility and personnel of the Juvenile or Family Court. This manual shall be updated as needed and reviewed on an annual basis.
- 2.3. The facility shall have an organizational chart clearly outlining the lines of authority and accountability for facility and court personnel and published job descriptions inclusive of qualifications for the facility personnel. This organizational chart shall be updated as needed and reviewed on an annual basis.
- 2.4. A daily report of information as to every juvenile in the facility shall be maintained and minimally include information regarding the juvenile's identifying and demographic information, the reporting reason causing the detention of the juvenile, the date of admission, the deputy juvenile officer or case manager assigned to the juvenile's case and the number of days the juvenile has been detained since the date of admission.
- 2.5. The facility shall have a written policy and procedure for the inspection and examination of the facility and equipment therein and protocols for replacement and/or repair as needed.
- 2.6. The facility shall have a written policy and procedure that ensures direct and continuous supervision of all service providers or persons not employed or serving in a contractual capacity with the facility in any area of the facility where contact with the juveniles may occur.
- 2.7. The facility shall have a written policy and procedure for the reporting of any allegation of child abuse or neglect.
- 2.8. The facility shall have a written policy and procedure for compiling and reporting, on at least an annual basis, statistical information including the average daily population and average length of stay in the facility, general demographic information, fiscal information, and information regarding the programs and services delivered.
- 2.9. The facility administration shall establish criteria for evaluating the overall performance of the facility.
- 2.10. The facility shall have a written policy and procedure for inventory control and management of facility property, supplies and other assets.
- 2.11. The facility shall have a written policy and procedure relating to the receipt, security, and disbursement of all monies, including those in the possession of a juvenile admitted to the facility. The same shall minimally include clearly delineated internal controls, provisions for all cash transactions including "petty cash" and shall be subject to applicable statutes and be consistent with generally accepted accounting practices.
- 2.12. The facility shall have a written policy and procedure to specify the relevance of any research project to be conducted and the benefits desired from the research. Juveniles shall not be used for medical, pharmaceutical or cosmetic research. Participation in any authorized research project shall be voluntary.
- 2.13. The facility shall have a written policy and procedure to ensure reasonable accommodations for juveniles with identified disabilities.

- 2.14. The facility shall have a written policy and procedure to ensure that services are available for juveniles with limited English proficiency.
- 2.15. The facility shall have a written critical incident debriefing policy and procedure that provides coordination and feedback with involved staff as soon as possible after any incident.
- 2.16. The facility shall have a written policy and procedure regarding release of information to parents, professionals working with the juvenile, the public and the media.
- 2.17. The facility shall have a written policy and procedure to comply with the Prison Rape Elimination Act Standards.

Cross-References

Missouri Revised Statutes

- § 210.115 "Reports of Abuse . . ."
- § 211.011 "Purpose of Law . . ."
- § 211.031 "Juvenile Court . . ."
- § 211.151 "Places of Detention . . ."
- § 211.331 "Detention Facilities . . ."

SECTION 3 PERSONNEL MANAGEMENT

Essential Elements

- 3.1. Each facility shall have a personnel policy manual which shall be made available to all staff of the detention center. Policies shall be consistent with those outlined in Court Operating Rule 7 for positions governed by Court Operating Rule 7. For positions not governed by Court Operating Rule 7, the policies may be consistent with those outlined in Court Operating Rule 7 and/or local personnel policies. The policies shall include, but not be limited to the following:
 - A. Organization including a table of organization;
 - B. Nondiscriminatory practices regarding recruitment, selection, transfer, promotion and retention on the basis of specified qualifications;
 - C. Job qualifications, descriptions and responsibilities including salary determinations and if applicable, a physical fitness policy;
 - D. In-service training;
 - E. Employee performance review based on defined criteria that address problem areas and recognize exemplary performance;
 - F. Full-time, part-time and emergency employment;
 - G. Disciplinary, grievance and appeal procedures including but not limited to provisions as follows:
 1. Staff shall be responsible and held accountable for adhering to the facility's written policy and procedures, and local, state and federal laws.
 2. Disciplinary sanctions may result in suspension, demotion, and pay adjustment to a lower salary in the assigned pay range, termination and/or other appropriate action affecting pay, classification or tenure of employee.
 3. Staff members who have engaged in inappropriate contact with any juvenile shall be reported to appropriate authorities and any relevant licensing bodies and shall be subject to disciplinary action up to and including dismissal.
 - H. Probationary service of at least six months, but not beyond one year;
 - I. Personnel records which at a minimum shall include an application, and/or resume, criminal background check, child abuse neglect registry check, documentation of orientation and training, driver's license if applicable, performance review and dates of employment;
 - J. Benefits;
 - K. Holidays, leave and work scheduling;
 - L. Retirement, resignation and termination;
 - M. Staff/juvenile relations;

- N. Employee code of ethics such as outlined by the National Partnership of Juvenile Services (NPJS); and
 - O. Child abuse and neglect reporting procedures.
- 3.2. Potential candidates for employment shall undergo a thorough background investigation including a check of references, criminal records and central registry of suspected child abuse and neglect reports. The policy shall include a periodic re-screening for all detention staff or a clause requiring the employee to inform the employer of arrests and convictions.
 - 3.3. There shall be sufficient staff at the facility to provide adequate and continuous supervision of juveniles, visitation, transportation and programming.
 - 3.4. There shall be a minimum of a 1 to 8 ratio of direct care staff to juveniles within the facility.
 - 3.5. Direct care detention staff shall be defined as staff that provides immediate supervision to residents. This does not include staff assigned to a control center or admissions office, teachers, cooks, medical or mental health staff, janitorial staff or other persons or staff whose duties may bring them into contact with residents but which does not involve immediate supervision of such residents.
 - 3.6. There shall be a minimum of three detention staff in the facility at all times.
 - 3.7. Staff of both genders shall be available for juveniles at all times if the facility houses both genders.
 - 3.8. Staff of one gender shall be the supervisor of juveniles of the same gender during showers, physical searches, pat downs, or during other times in which personal hygiene practices or needs would require the presence of a staff of the same gender.
 - 3.9. Video and audio monitoring devices shall not substitute for supervision of juveniles.
 - 3.10. The facility administrator or designee shall hold regular meetings with staff, make regular tours of the living and common areas, review logbooks, incident reports, records of force, restraints, isolation, grievances, recreation records, staff and juvenile injuries, contraband reports and all significant property damage by juveniles.

Cross-References

Missouri Revised Statutes

§ 211.331 "Detention Facilities . . ."

§ 211.381 "Compensation of Juvenile Court Personnel . . ."

Missouri Supreme Court Rules

Rule 127.03 "Designation of Detention Facility"

SECTION 4 EDUCATIONAL AND RECREATIONAL SERVICES

Essential Elements

- 4.1. Services shall be applied equally to all juveniles in detention.
- 4.2. The provision of an education program by the local school district as required by law for all juveniles shall begin as early as possible; but no later than 72 hours after entering the facility.
- 4.3. Instructional and educational services shall be provided by a certified and licensed teacher in accordance with state law.
- 4.4. Procedures for the delivery of recreational programming that focuses on healthy developmental activities for all juveniles shall include:
 - A. A minimum of one hour of large muscle activity per day;
 - B. For the majority of time juveniles are out of their rooms, they should be participating with staff or volunteers in structured recreational, cultural or educational activities with the inclusion of unstructured free time as well;

- C. Staff shall keep juveniles occupied through a comprehensive multi-disciplinary program. Staff shall post and adhere to a daily schedule of activities for each living unit that incorporates both structured and free time. Staff shall log the date and reasons for any deviations from the scheduled activities;
- D. Staff, volunteers, and community groups may provide additional programming reflecting the interests and needs of various racial and cultural groups within the facility that are gender-responsive. When possible, programming should be provided by community-based programs that offer the opportunity for continuity once the juvenile is released.

Cross-References

Missouri Revised Statutes

- § 178.296 "Educational Programs for Juveniles . . ."
- § 178.297 "Cost of Programs . . ."

Missouri Supreme Court Rules

- Rule 127.03 "Designation of Detention Facility"

SECTION 5 TRAINING AND STAFF DEVELOPMENT

Essential Elements

- 5.1. The facility shall have an annually updated orientation and training program that documents prior and in-service training for all personnel and volunteers.
- 5.2. New detention personnel shall receive orientation/familiarization training during their first 40 hours of employment that shall include, at a minimum, the National Partnership of Juvenile Services (NPJS) Juvenile Detention Careworker Curriculum or an equivalent program. The Office of State Courts Administrator shall provide materials and opportunities to assist the facilities in the training of facility staff.
- 5.3. Until all orientation training requirements have been met, new detention direct care staff shall be teamed with properly trained co-workers.
- 5.4. Additional training shall be completed as soon as possible, but shall be within the first year of employment. This training shall include:
 - A. Adolescent Development;
 - B. Basic Health Care and Admissions Screening;
 - C. Behavior Management;
 - D. Behavior Observation and Recording;
 - E. Conflict Resolution;
 - F. Critical Issues Impacting Juvenile Justice;
 - G. Cultural Diversity;
 - H. Interpersonal Communication Skills;
 - I. Juvenile Rights;
 - J. Principles of Supervision;
 - K. Managing Special Needs;
 - L. Reentry;
 - M. Safety and Security;
 - N. Ethics and Professionalism;
 - O. Sexual Harassment Prevention;
 - P. Suicide Risk Reduction;
 - Q. Gender Specific Skills.
- 5.5. Within the first year of employment new detention direct care staff shall receive a minimum of 40 hours of Fundamental Skills Training or its equivalent.

- 5.6. All detention direct care staff shall receive a minimum of 24 hours of updated and specialized training each year to reinforce and enhance their ability to meet the requirements of their specific duties.
- 5.7. Volunteers and support staff shall receive orientation and updated training appropriate to their respective duties and obligations.
- 5.8. All detention direct care staff shall be trained by a certified instructor in basic first aid and cardiopulmonary resuscitation.

Cross-References

Missouri Revised Statutes

§ 211.326 "State courts administrator--valuation of services, development of standards. . ."

§ 211.327 "Data to be provided to state courts administrator--orientation training, continuing education"

Missouri Supreme Court Rules

Rule 127.03 "Designation of Detention Facility"

SECTION 6 SCREENING, INTAKE AND ADMISSIONS

Essential Elements

- 6.1. Written policy and procedures regarding decisions whether to detain a juvenile shall comply with Court Operating Rule 28 utilizing the Juvenile Detention Assessment (JDTA). Any decision to override the JDTA shall require clear documentation as to the rationale for that decision.
- 6.2. Prior to placing a juvenile into detention, alternatives to detention shall be considered, subject to JDTA scoring, availability of alternatives and due process considerations. Efforts will be made to identify and establish such alternatives to detention, which may include, but not limited to the following:
 - A. In-home detention under rules of supervision;;
 - B. In-home detention with electronic monitoring;
 - C. Monitoring of juvenile with a global positioning system;
 - D. Day reporting programs;
 - E. Evening reporting programs;
 - F. Drug or alcohol treatment;
 - G. Residential placement for medical, psychological or psychiatric treatment;
 - H. Temporary shelter care arranged with a residential treatment facility;
 - I. Consensual placement with a relative;
 - J. Any combination of alternatives; and
 - K. Any other alternative available to the juvenile office and court.
- 6.3. All facilities shall establish an orientation procedure for incoming juveniles to be administered as soon as possible upon admission. The orientation shall include written and oral notification of rights, review of detention processes and procedures, and information regarding the rules and expectations of the facility.
- 6.4. All facilities shall establish procedures for the admission of a juvenile that, at a minimum, shall include:
 - A. Verification of authority to detain;
 - B. A search of the juveniles and their possessions consistent with the search policy in Section 11 of these standards;
 - C. Notification to custodians that the juvenile has been detained;
 - D. Allowing the juvenile to make at a minimum of two total successful contacts with his/her parents, legal guardians, foster parents, custodians or attorney;
 - E. Shower and visual inspection of the juvenile, consistent with the search policy in Section 11 of these standards;

- F. Issuance of laundered clothing;
 - G. Securing and recording of all personal property and money of the juvenile;
 - H. Initial medical screening and mental health screening;
 - I. Recording of personal data and information; and
 - J. Assignment to primary residential unit/room.
- 6.5. Facility procedures shall require that each juvenile upon admission is properly screened for injuries or possible sign of abuse or neglect. Any physical inspection of the juvenile shall be conducted in compliance with Sections 3 and 11 of these standards. Upon suspicion of injuries or abuse/neglect, the personnel staffing the facility shall report the basis of that suspicion to the Missouri Department of Social Services, Children's Division by contacting the Child Abuse/Neglect Hotline or appropriate authorities.
- 6.6. Juveniles suspected of being under the influence of alcohol or drugs shall only be admitted to the facility after being medically examined by a licensed health care professional and determined fit for confinement.
- 6.7. The procedures of the facility shall provide that all juveniles shall continue to be advised of their rights (including right to counsel), expectations and responsibilities from the point of intake and admission throughout the period of detention, including procedures for reporting any concern or complaint.
- 6.8. Upon entry of each juvenile into detention, the facility shall begin to assemble accurate and comprehensive data regarding the juvenile as may be required by the Supreme Court and the Office of State Court Administrator. The data collected shall allow for analysis of information which may be requested by the Office of State Courts Administrator, to include but not limited to the following:
- A. The total number of juveniles detained during a particular period;
 - B. The gender, race, age, and ethnicity of the juveniles detained;
 - C. Average length of stay;
 - D. The total number of times that the JDTA was overridden in a particular period, excluding admissions from other jurisdictions; and
 - E. Reason for detention.
- 6.9. The facility shall have a written policy and procedure to assure that as soon as practicable upon admission, juveniles shall be provided the same accommodations and programming as other juveniles without extended room segregation.

Cross-References

Missouri Revised Statutes

- § 210.115 "Reports of Abuse
- § 210.125 "Protective Custody . . ."
- § 211.061 "Arrested Child . . ."
- § 211.131 "Taking Custody . . ."
- § 211.151 "Places of Detention – photographing and fingerprinting restrictions . . ."

Missouri Supreme Court Rules

- Rule 122.01 "Open Records"
- Rule 122.03 "Law Enforcement Records of Juveniles to be Kept Separate"
- Rule 126.01 "Notification of Rights"
- Rule 127.01 "When Juvenile May Be Taken Into Judicial Custody"
- Rule 127.02 "Procedure Upon Taking Juvenile Into Judicial Custody"
- Rule 127.03 "Designation of Detention Facility"
- Rule 127.04 "Presentation of Juvenile to Juvenile Officer or Detention Facility"
- Rule 127.05 "Notice Upon Admission To Detention Facility"
- Rule 127.06 "Detention"
- Rule 127.10 "Rights During Secure Detention"

Missouri Supreme Court Operating Rules

- COR 4.24 "Confidential Records"
- COR 8.04.5 "Records Retention and Destruction"

SECTION 7 JUVENILE RIGHTS

Essential Elements

- 7.1. The facility shall have a written policy and procedure to assure the rights of juveniles are protected in accordance with state and federal law and Supreme Court Rule 127.10 while in detention, to include but not limited to the following:
- A. Freedom of speech: Restrictions on free speech shall be the least restrictive necessary to provide facility safety, security and accomplishment of program aims;
 - B. Religious activities: Juveniles shall have the right to participate in religious activities and meet religious advisors on a voluntary basis. Religious activity may only be restricted if there is a compelling reason to maintain security and order;
 - C. Access to courts and counsel:
 - 1. Juveniles shall have access to the courts and have the right to be represented by an attorney, to include but not limited to confidential contact with attorneys, or other authorized representatives through telephone, video conferencing, uncensored correspondence and personal visits. Authorized representatives include, but not limited to, guardian ad litem and court appointed special advocates.
 - 2. The facility shall provide a private area available for conferences between the juvenile and the attorney or authorized representative.
 - D. Health Care Services: Access to necessary medical and mental health services; and
 - E. Freedom from discrimination: Juveniles shall not be subjected to discrimination based on race, ethnicity, national origin, religion, gender, sexual orientation, and physical or mental disability.
- 7.2. The facility shall have a written policy and procedure regarding personal grooming and dress.
- 7.3. The facility shall have a written policy and procedure to address juvenile grievances, that is made available to all juveniles that includes at a minimum any violation of rights as defined by Section 7 of these standards and to include but not limited to the following:
- A. At least one level of appeal;
 - B. Written responses to all grievances, including the reasons for the decision,;
 - C. Response within a prescribed, reasonable time limit, with special provisions for responding to emergencies;
 - D. Supervisory review of grievances;
 - E. Guarantees against reprisals; and
 - F. Applicability over a broad range of issues.

Cross-References

Missouri Supreme Court Rules

Rule 126.01 "Notification of Rights"

Rule 127.05 "Notice Upon Admission to Detention Facility"

Rule 127.10 "Rights During Secure Detention"

SECTION 8 COMMUNICATION PROVISIONS

Essential Elements

- 8.1. Each facility shall establish a written policy and procedure for juveniles and their custodians governing the right to communication between the juvenile, the juvenile's custodians, counsel and significant others.

- 8.2. The facility shall have a written policy and procedure which encourages family visits that are limited only by staff demands and the availability of visiting facilities. Regular visiting hours and contact visits shall be allowed for all juveniles, but shall be no less than three times per week, consistent with the safety and security requirements of the facility.
- A. A list of authorized visitors shall be established with input from the juvenile, custodians, facility administrator/designee and agency of jurisdiction;
 - B. The facility shall have a written policy and procedure for all visitors to verify identification before entry to the visiting area. A record of such visitors shall be maintained by the facility in accordance with the written policy and procedure of the facility;
 - C. The facility shall publish the operational procedures governing visits. This information shall be made available by the facility administrator/designee to each juvenile on arrival at the facility and shall be made available to visitors, if possible, prior to their arrival at the facility. The information shall include the following:
 - 1. Days and times for visiting;
 - 2. Approved visitors (parents, other family members, etc.);
 - 3. The number of visitors a juvenile is allowed to have at one time;
 - 4. Regulations concerning special visits;
 - 5. The possibility of being searched and items allowed into the visiting area by the juvenile and the visitor.
 - D. The facility administrator/designee may terminate or deny a visit based on the safety, security, and order of the facility. Visitors whose visits are terminated or denied shall be notified of the specific reason for the termination or denial. The incident shall be documented and the juvenile notified;
 - E. Approved volunteers shall be subject to all provisions of these procedures, except that their visits will not count against a juvenile's normal visiting schedule;
 - F. The use and procedures for internet based visitations, such as video conferencing, shall be up to the discretion of the facility administrator/designee, consistent with the established visitation policy.
- 8.3. Each juvenile shall have equal and adequate access to a telephone to maintain contact with the juvenile's family.
- A. A juvenile may make or receive a minimum of three telephone calls per week at times and length designated by the facility. A list of authorized phone contacts shall be established with input from the juvenile, custodians, facility administrator/designee and agency of jurisdiction;
 - B. A telephone log shall be established and maintained by the detention superintendent/designee for all juvenile telephone calls and shall include the identity of the caller and recipient of the call.
- 8.4. The facility shall recognize each juvenile's need for and right to maintain contact through correspondence and other deliveries with persons outside the facility and, that he/she may do so with a reasonable degree of privacy.
- A. The written policy and procedure governing juvenile correspondence shall be made available to all staff and juveniles. The amount of mail a juvenile may receive is unlimited. Excluding legal correspondence, the facility shall provide writing material and postage for a minimum of two one ounce letters each week for each juvenile;
 - B. A juvenile shall have the right to privacy in written correspondence. Incoming and outgoing mail shall be opened in the presence of the juvenile and documented to determine the presence of contraband;
 - C. Incoming and outgoing mail shall not be read unless there are reasonable grounds to suspect a threat to the security and safety. In such circumstances the detention staff shall appropriately document the reasons the mail was read;
 - D. Unless there is a clear and present danger to security or the safety, and with approval of the facility administrator or designee, no mail shall be withheld. Any reason for withholding mail shall be documented. The juvenile shall be notified when incoming or outgoing mail is withheld;
 - E. There shall be a written policy and procedure to document and secure cash, checks or other monetary instruments mailed or received;
 - F. Incoming and outgoing letters may be held by the facility for no longer than 24 hours, excluding weekends and holidays and emergency situations;

- G. A released or transferred juvenile shall be permitted to take all personal mail. Additional mail received shall be forwarded, unopened;
- H. Publications not authorized by the facility administrator/designee shall be prohibited.
- I. The use of and procedures for electronic communication, such as e-mail, shall be up to the discretion of the facility administrator/designee.

Cross-References

Missouri Supreme Court Rule

Rule 127.10 "Rights During Secure Detention"

SECTION 9 RULES AND DISCIPLINE

Essential Elements

- 9.1. Written policy and procedures shall be developed to establish rules of conduct that specify prohibited activity by residents within the facility and outline the possible range of disciplinary actions that may be taken when a rule is violated. The juvenile shall be informed of the reason for each disciplinary action.
- 9.2. The written rules of conduct shall be stated simply and posted conspicuously in housing units and intake areas, and made available to each juvenile upon admission. Reasonable accommodations shall be made for juveniles with disabilities and any juveniles having difficulties understanding each rule. Meaningful access shall be made for juveniles with limited English proficiency.
- 9.3. A written disciplinary report shall be prepared and promptly submitted to the facility administrator/designee when there is reason to believe a juvenile has committed a major violation of facility rules and regulations or has persistently engaged in minor violations. Disciplinary reports shall include:
 - A. Specific rules or regulations violated;
 - B. A formal statement of the offense;
 - C. A narrative report of the event, shall include:
 - 1. Who was involved;
 - 2. What occurred; and
 - 3. Time and location;
 - D. Witnesses - personnel or other juveniles;
 - E. Disposition of any physical evidence;
 - F. Immediate action taken, including the use of any mechanical or physical restraint;
 - G. Date and time report is made; and
 - H. Signature of reporting personnel.
- 9.4. All discipline imposed shall be pursuant to a written policy and procedure which shall include:
 - A. Limits on summarily imposed sanctions;
 - B. The appropriate use of room restrictions;
 - C. A juvenile's rights, as established by these standards, during discipline;
 - D. A prohibition stating the juvenile shall not be deprived of the implements of articles necessary to maintain an acceptable level of personal hygiene;
 - E. A prohibition against the use of restrictive diets as a form of discipline;
 - F. A prohibition against corporal punishment, physical restraint, chemical restraint, mechanical restraint, mental abuse, or loss of daily living needs used as a form of discipline;
 - G. A prohibition against the withholding of medication and/or treatment for the purpose of discipline;
 - H. A prohibition against discipline which is dehumanizing, including but not limited to bullying, profanity, or taunting; and
 - I. A prohibition against the deprivation of sleep as a form of discipline.

- 9.5. The facility's policy shall ensure that no juvenile shall impose any type of discipline on another juvenile.
- 9.6. Each facility shall have a policy regarding room restriction or confinement. The policy shall include a requirement that:
 - A. Staff will observe and interact with the juvenile in random intervals of 15 minutes or less;
 - B. Staff will be immediately available to the juvenile at all times;
 - C. A log shall be maintained recording the time restriction/confinement was authorized, staff observing the juvenile, the person authorizing release from restriction/confinement, and duration.

Cross-References

Missouri Revised Statutes

§ 211.011 "Purpose of Law . . ."

Missouri Supreme Court Rule

Rule 127.10 "Rights During Secure Detention"

SECTION 10 JUVENILE DETENTION RECORDS

Essential Elements

- 10.1. Each facility shall maintain a written policy and procedure regarding the juvenile detention records of all juveniles served by such agency, including the:
 - A. Content of;
 - B. Maintenance of;
 - C. Access to;
 - D. Use of;
 - E. Confidentiality of;
 - F. Retention of;
 - G. Security of; and,
 - H. Destruction of such juvenile records.
- 10.2. Detention records shall include:
 - A. A completed admission record;
 - B. Log of telephone calls - date, time, number, name and relation;
 - C. Log of visitors - date, name, relation;
 - D. Detention-generated reports;
 - E. A log of current court appearances and relevant detention orders;
 - F. Agency referrals, visits, and placements;
 - G. Verification of the current release or transfer;
 - H. Missouri's juvenile detention assessment; and
 - I. Data from the Missouri electronic court case management system.
- 10.3. Data to be maintained for each juvenile shall include the following, if available:
 - A. Date and time of admission, and release;
 - B. Name (last, first, initial, nickname, alias, aka) and case number;
 - C. Date and place of birth, age, gender, race and ethnicity;
 - D. Address of resident;
 - E. Phone numbers of resident;
 - F. Name, relation, address and phone numbers of custodians;
 - G. Reason for admission, specific offense(s);
 - H. Name and department of delivering agent;
 - I. Assigned juvenile officer or agency worker;
 - J. Name, address and phone numbers of legal counsel;
 - K. Inventory of all personal possessions;
 - L. Data from the medical screening history, intake and condition of health;

- M. Data from the education screening and level of education;
 - N. Data from Needs Assessment screening if appropriate for facility programming, and
 - O. Religious affiliation.
- 10.4. Personnel shall appropriately enter all required data in the appropriate records, forms, logs and reports including the Missouri electronic court management system.

Cross-References

Missouri Revised Statutes

- § 211.321 "Juvenile Court Records . . ."
- § 211.322 "Reports on Delinquency . . ."
- § 211.327 "Data to be provided to state courts administrator--orientation training, continuing education"

Missouri Supreme Court Rules

- Rule 122.02 "Juvenile Court Records to be Confidential"
- Rule 122.04 "Sealing of Court Files and Destruction . . ."

Missouri Supreme Court Operating Rules

- COR 8.04.5 "Records Retention and Destruction"
- COR 4.01 "Uniform Record Keeping System"
- COR 4.24 "Confidential Records"

SECTION 11 SECURITY AND CONTROL

Essential Elements

- 11.1. The facility shall provide standards for the reasonable searches of facilities and juveniles for the purpose of controlling contraband, to recover missing or stolen property, or to prevent escapes and other disturbances in order to ensure a safe and secure environment.
- 11.2. Security and control procedures shall include:
- A. Admission and exit through all security perimeter entrances, exterior doors, and interior doors;
 - B. A designation by the facility superintendent of doors to be kept locked;
 - C. Maintenance of a written log recording, including:
 - 1. Daily activity, population intake and release information, daily routine information, emergency situations and any incidents;
 - 2. Detention staff reporting for duty shall be required to review information recorded in the logs for at least the previous 24 hours.
 - D. Searches of the facility and juveniles to control contraband;
 - E. The control and use of keys;
 - F. The control and use of tools, medical implements and culinary equipment;
 - G. The prevention and response to escapes, runaways, and unauthorized absences; and
 - H. Transporting of juveniles outside the facility and from one jurisdiction to another.
- 11.3. All movement by juveniles shall be regulated by staff.
- 11.4. Only staff specifically trained in the application of physical force and/or mechanical restraints shall use such techniques or devices. Mechanical restraints shall never be used as punishment.
- A. Each facility shall establish a written policy and procedure limiting the use of physical force to maintaining order, overcoming resistance, and protecting persons and property.
 - B. Staff shall use intervention processes which are typically progressive and begin at the lowest level of physical intervention practical. For example:
 - 1. Presence of staff near juveniles;
 - 2. Verbal persuasion;
 - 3. Physical escort;
 - 4. Manual restraint; and

5. Mechanical restraint.
 - C. Use of physical, manual and mechanical restraints shall be documented as to date, time, duration, reasons, authority and witnesses, and reported to the facility administrator as soon as practicable;
 - D. The use of mechanical restraints is limited to instances when a juvenile is uncontrollable and poses serious and imminent danger to himself/herself and/or others, and during transportation when necessary to assure public safety. Except during transportation, mechanical restraints shall not be utilized any longer than absolutely necessary for the juvenile to regain control. Restraints shall not be used longer than thirty (30) minutes, unless documented authorization is obtained from the facility administrator or designee and follow-up is sought from medical or mental health professional, as indicated. Any time mechanical restraints are used for any reason other than transportation, a written policy and procedure shall provide that prior approval must be obtained from the facility administrator or designee.
 1. Only staff who has received training in the use of mechanical restraints shall place a juvenile in restraints. Training shall occur on an annual basis and be documented. Medical follow-up shall occur as necessary.
 2. Direct visual observation by staff shall be continuous in order to assess juveniles for injuries or loss of circulation as a result of the use of mechanical restraint.
- 11.5. Written policy and procedure shall prohibit:
- A. Use of pain compliance techniques at the facility. Pain compliance techniques are those in which staff applies pain as the primary method of controlling juveniles, including holds that result in an abnormal rotation, extension or flexion of a joint. Pain compliance techniques are different from defensive physical force that may be needed by staff in emergency situations;
 - B. Hitting, kicking or striking juveniles; or using chokeholds or blows to the head of juveniles;
 - C. Use of straightjackets or restraint chairs;
 - D. Restraining juveniles to fixed objects, except in exigent circumstances involving the health and safety of juvenile or staff;
 - E. Using physical force or mechanical restraints for punishment, discipline, or treatment;
 - F. Use of belly belts or chains on pregnant females;
 - G. Use of any electronic control devices or firearms;
 - H. Use of medical restraints.

11.6 Written policy and procedure on chemical restraints.

The use of chemical agents in the facility is strongly discouraged. The facility administrator may deem the use of a chemical agent is needed in the instances of serious harm or risk of death to persons within the facility.

Written policy and procedure shall set forth the requirements that shall be met in order to allow the use of chemical agents, specifically pepper spray, or like agents, including but not limited to the following:

- A. Only foam pepper spray or an agent that will not likely infiltrate the ventilation system of the facility;
- B. Staff authorized by the facility to administer the chemical agent shall successfully complete training on the use of chemical agents through a recognized training program;
- C. The chemical agent is to be stored in a locked location until such time as its use is determined to be necessary in order to prevent serious harm or risk of death to persons within the facility;
- D. Prior to deployment of the chemical agent, staff shall ascertain if the juvenile has any medical condition that would be adversely affected by the use of the chemical agent and therefore shall be prohibited. Adverse conditions include, but are not limited to pregnancy, heart conditions, or asthma;
- E. As soon as it is safe to do so after the deployment of the chemical agent, detention staff shall take steps to ease the effects of the chemical agent;

- F. The juvenile, or anyone who comes in contact with the chemical agent, shall be medically cleared by a licensed health care professional;
 - G. Use of the chemical agent shall be documented as to the incident, to include the date, time, reasons, authority and witnesses. The incident shall be reported to facility administrator or designee immediately as referenced in Section 2.15.
- 11.7. The facility shall have written policy and procedure that govern searches of juveniles, the facility and visitors consistent with applicable law. Any search of a juvenile or visitor shall be conducted in a manner and place respecting the privacy of the juvenile or visitor.
- A. A body cavity search of the anal or genital area shall be done only by a licensed medical professional and pursuant to a court order.
- 11.8. The facility shall have a designated area for the securing of firearms. Firearms shall not be permitted beyond this designated area except in emergency situations.

Cross-References

Missouri Revised Statutes

- § 211.151 "Places of Detention . . ."
- § 211.331 "Detention Facilities . . ."

Missouri Supreme Court Rules

- Rule 127.03 "Designation of Detention Facility"

SECTION 12 SAFETY AND EMERGENCY PROCEDURES

Essential Elements

- 12.1. There shall be provisions for periodic inspections by qualified fire and safety inspectors. Administrative personnel shall perform regular inspections of the facility. Documents of inspections shall be maintained by the facility administrator.
- 12.2. Written policy and procedure must be reviewed at least annually with qualified fire and safety inspectors to ensure their effectiveness and coordination with local emergency services. Written policy and procedure shall include at a minimum:
- A. Daily inspections of interior and exterior areas for hazards. Any hazard found shall be reported immediately for correction;
 - B. Use of drills for fire, natural disaster, riot, disturbance, escape, hostage, bomb threat, and man made disasters shall be conducted periodically for all staff and residents with documentation of the drill for each shift;
 - C. Establishment of a response notification list for the various incidents including all local available resources and parent notification;
 - D. Juveniles being admitted to the facility shall be advised of emergency procedures;
 - E. Provide a written evacuation plan.
- 12.3. The facility shall have an emergency power source to ensure maintenance of essential services in the event primary service is interrupted. Such emergency power source shall be regularly inspected and repaired or replaced as necessary.
- 12.4. The facility shall have procedures for the prompt release of juveniles from locked areas in the event of an emergency. An alternative system for release shall be provided.
- 12.5. Personnel shall be thoroughly trained in emergency procedures.
- 12.6. The facility shall have procedures to control access to and use of flammable, toxic, and caustic materials.
- 12.7. The materials and furnishings in the sleeping quarters shall be flame retardant and nontoxic.

Cross-References

Missouri Revised Statutes

§ 211.151 "Places of Detention . . ."
§ 211.331 "Detention Facilities . . ."

Missouri Supreme Court Rules
Rule 127.03 "Designation of Detention Facility"

SECTION 13 HYGIENE AND SANITATION

Essential Elements

- 13.1. The facility shall comply with applicable federal, state, and local sanitation and health codes on an annual basis.
 - A. Written policy and procedure as a minimum standard shall require daily sanitation inspections of all facility areas.
 - B. The facility's water source shall be approved by an independent outside source to be in compliance with Federal Safe Drinking Water Act Regulations.
 - C. The facility shall provide for waste disposal through the appropriate regulatory agency.
- 13.2. The facility shall have a written policy and procedure to provide for the control of vermin and pests.
- 13.3. Juveniles shall be showered upon admission and issued clean clothing to include: socks, underwear, and outerwear suitable to the juvenile.
- 13.4. Clean socks, underwear, and towels shall be issued daily and clean outerwear at least three times per week.
- 13.5. All juveniles shall shower daily.
- 13.6. The facility shall have procedures to govern the distribution of all implements or articles necessary to provide for proper personal hygiene.
- 13.7. Clean bedding, linens and sufficient blankets shall be issued to provide comfort under existing temperatures. Linens shall be laundered or changed at least weekly or as often as may be directed by health reasons.
- 13.8. The stored supply of clothing, linens, and bedding shall exceed what is required for the facility's juvenile population.
- 13.9. Hair care services shall be available to juveniles.
- 13.10. Juveniles' personal clothing shall be cleaned and, when necessary, disinfected after admission and before storage or before allowing the juvenile to retain and wear.

Cross-References

Missouri Revised Statutes
§ 211.011 "Purpose of Law . . ."
§ 211.151 "Places of Detention . . ."
§ 211.331 "Detention Facilities . . ."

Missouri Supreme Court Rules
Rule 127.03 "Designation of Detention Facility"

SECTION 14 HEALTH CARE SERVICES

Essential Elements

- 14.1. Health care services shall be coordinated by the facility administrator and a designated licensed health care professional.

- 14.2. Procedures for the proper delivery of health care services shall include necessary medical, dental, and psychiatric services, subject to periodic review by the appropriate designated licensed health care professional.
- 14.3. When provided within the facility; health care services shall require the designation and availability of space, equipment, supplies, and materials. Health care materials and supplies shall be regularly inspected and kept current by the designated licensed health care professional.
- 14.4. A comprehensive health screening policy shall be developed by the facility administrator and the designated licensed health care professional requiring the screening of newly admitted juveniles upon arrival for admission. Medical and mental health history and other significant background information shall be sought and obtained from the child, parents, and/or referring party upon admission.
 - A. The screening shall consist of a structured interview and observations by admission personnel. Medical and mental health history and other significant background information shall be sought and obtained from the child, parents, and/or referring party upon admission;
 - B. Health and medical screenings shall include but not limited to:
 - 1. Inquiry into current and past illness, recent injuries, immunization records, history of medical and mental health problems and conditions, including suicidal or self-harm history;
 - 2. Current medications, allergies, use of drugs/alcohol, type and amount, frequency and last time used;
 - 3. Pregnancy status of females;
 - 4. Infectious diseases, dental problems, vision problems, medical and mental health hospitalizations;
 - 5. Observations by staff including state of consciousness, mental status, appearance including injuries, bruising, and conduct.
- 14.5. A physical examination policy shall be developed by the facility administrator and the designated licensed health care professional requiring the examination of newly admitted juveniles within five days of admission.
- 14.6. There shall be procedures for the identification of juveniles in need of special care who exhibit physical, medical, or emotional problems, including suicidal tendencies and/or contagious diseases; and detailed procedures outlining the appropriate course of action, including transfer to a health care and/or psychiatric facility, if indicated.
- 14.7. There shall be procedures requiring that every juvenile upon admission be properly informed, in writing, of the procedures to be followed to obtain health care services.
- 14.8. There shall be procedures for the immediate notification of a juvenile's custodian and the detention superintendent of any serious illness, injury, surgery, or death.
- 14.9. There shall be procedures for emergency 24 hour health care services as may be needed.
- 14.10. There shall be procedures for the management, storage, and dispensing of all pharmaceuticals and medical supplies under the supervision of a licensed health care professional. All dispensing of all pharmaceuticals shall be by personnel trained and certified in dispensing pharmaceuticals.
- 14.11. Use of any drugs and/or other pharmaceutical substance for the purpose of management and control of juveniles shall be prohibited unless medically prescribed by a licensed physician.
- 14.12. There shall be procedures to assure that health care screenings and/or services provided are properly documented and recorded in a health file for each juvenile.
- 14.13. Obstetrical and gynecological services shall be provided as needed for female juveniles.
- 14.14. There shall be procedures for the transfer of copies of current written health care instructions to the juvenile's custodian or transfer authority, as applicable, upon release from the facility.
- 14.15. There shall be a written suicide prevention and intervention procedure that is reviewed and approved by a licensed health care professional.

- 14.16. Written policy and procedure shall address the prevention and management of serious and infectious diseases.

Cross-References

Missouri Revised Statutes

- § 211.011 "Purpose of Law . . ."
- § 211.161 "Court May Require Physical or Mental Examination . . ."
- § 211.181 "Order for Disposition or Treatment . . ."
- § 211.202 "Mentally Disordered Children, evaluation . . ."
- § 211.203 "Developmentally Disabled Children, evaluation . . ."

Missouri Supreme Court Rules

- Rule 117.01 "Physical and Mental Examination of Juvenile"
- Rule 127.03 "Designation of Detention Facility"

SECTION 15 FOOD SERVICES

Essential Elements

- 15.1. The facility shall have a dietary system that is reviewed on a regular basis by a food specialist to ensure meals are nutritionally balanced and served in a manner that meets established local, state and federal codes. When the facility's food services are provided by an outside agency or individual, the facility shall verify that the outside provider complies with established local, state and federal codes regarding food service.
- 15.2. Menus shall be planned and posted in advance, and substantially adhered to.
- 15.3. Accurate dated records shall be maintained on all meals served including menu, number of meals served, substitutions and changes.
- 15.4. Documented special diets prescribed by appropriate medical or dental personnel shall be provided as specified. Upon request, accommodations for religious beliefs shall be recognized.
- 15.5. The facility shall provide three meals, of which two are hot meals, at regular meal times during each 24 hour period, with no more than 14 hours between the evening and breakfast meal. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands.
- 15.6. If staff is provided any meals within the facility, the meal provided shall be the same menu as provided for the juvenile.
- 15.7. The use of meals and scheduled snacks as a reward or punishment shall be prohibited.

Cross-References

Missouri Revised Statutes

- § 211.151 "Places of Detention . . ."
- § 211.331 "Detention Facilities . . ."

Missouri Supreme Court Rules

- Rule 127.03 "Designation of Detention Facility"

SECTION 16 RELEASE

Essential Elements

- 16.1. Written policy and procedure for release of a juvenile shall include:
 - A. Verification of release authority;

- B. Notification of custodian or transfer authority for purposes of release;
- C. Return of personal property and cash;
- D. Instructions on forwarding or return of first class mail and packages; and
- E. Transfer of appropriate records.

16.2 Written policy and procedure shall outline standard operating procedures when a juvenile is on a temporary leave in the community.

Cross-References

Missouri Revised Statutes

§ 211.141 "Child Returned to Parent . . ."

Missouri Supreme Court Rule

Rule 127.04 "Presentation of Juvenile to Juvenile Officer or Detention Facility"

Rule 127.09 "Release from Detention . . ."