

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2 ■

Do Not Mark In This Box

FILED

2002 JUN 24 P 4: 36

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Juvenile Services TITLE NUMBER: 101

RULE TYPE: Legislative CITE AUTHORITY: WV Code § 31-20-9a

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 1

TITLE OF RULE BEING PROPOSED: West Virginia Minimum Standards for Structure,
Operation, and Maintenance of Juvenile Detention and Correctional Facilities

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 7/25/02 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Division of Juvenile Services

1200 Quarrier Street - 2nd Floor

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

3-60

BRIEF SUMMARY

STATEMENT OF CIRCUMSTANCES

Under West Virginia Code §31-20-9a the legislative body of the State of West Virginia mandated that standards be put in place to guide the operation of all facilities within the Division of Juvenile Services.

The Governor has appointed that commission and these standards are the product of the Commission's work.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: Division of Juvenile Services

Address: 1200 Quarrier Street - 2nd Floor

Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of Above Estimates:

Standards and Procedures have no cost.

3. Objectives of These Rules:

Establishes minimum standards and procedures for juvenile detention and correctional facilities in West Virginia, under the jurisdiction of the West Virginia Division of Juvenile Services. These standards apply to juvenile detention and correctional facilities completed after January 1, 2002, but shall serve as guidelines for any 1 facility in operation before that date.

Rule Title: West Virginia Minimum Standards for Structure, Operation and Maintenance of Juvenile Detention and Correctional Facilities

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Standards and Procedures have no cost.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

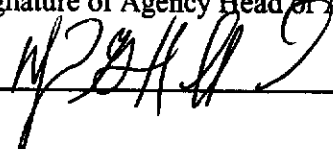
Standards and Procedures have no cost.

C. Economic Impact on Citizens/Public at Large.

Standards and Procedures have no cost.

Date: 6/25/02

Signature of Agency Head or Authorized Representative:



101CSR1

FILED

**TITLE 101
LEGISLATIVE RULE
JUVENILE FACILITIES STANDARDS COMMISSION**

2002 JUN 24 P 4: 37

SERIES 1

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**WEST VIRGINIA MINIMUM STANDARDS
FOR STRUCTURE, OPERATION,
AND MAINTENANCE OF JUVENILE
DETENTION AND CORRECTIONAL FACILITIES**

§101-1-1. General.

1.1. Scope. This legislative rule establishes minimum standards and procedures for juvenile detention and correctional facilities in West Virginia, under the jurisdiction of the West Virginia Division of Juvenile Services. These standards apply to juvenile detention and correctional facilities completed after January 1, 2002, but shall serve as guidelines for any facility in operation before that date.

1.2. Authority. W.Va. Code §31-20-9a.

1.3. Filing date.

1.4. Effective date.

101-1-2. Administration, Organization, and Philosophy.

2.1. Organization and Administration. The juvenile detention and correctional facilities in West Virginia shall be administered and managed by the West Virginia Division of Juvenile Services as provided in W. Va. Code §49-5E et seq.

2.2 Philosophy, goals and policies. The Juvenile Facilities Standards Commission is responsible for the formulation and approval of desirable standards for the care of juveniles. The standards shall be updated through consultation with the Division of Juvenile Services, the juvenile detention and correctional facilities operated under the direction of the Division of Juvenile Services and the Division of Juvenile Services Advisory Board. The standards at a minimum shall be based upon those juvenile standards established by the American Correctional Association. The West Virginia State Licensing Requirements for Group Residential Facilities shall also be a source for the updating of these standards. A written mission statement shall be prepared by Division of Juvenile Services that describes the philosophy, goals and policies of the facilities under its control, and is to be reviewed annually and updated as necessary. This statement shall be made available to staff, residents and the general public.

§101-1-3 Personnel

3.1. General. The Division of Juvenile Services shall abide by the rules and regulations of 143CSR1, West Virginia Division of Personnel Administrative Rules and follow the statutory provisions for personnel and human resource matters.

§101-1-4 Training and Staff Development

4.1. General. A written policy outlining procedure and practice will provide that a qualified supervisory employee shall plan, coordinate and supervise the facility's employee staff development and training program. The training plan/curriculum will be reviewed annually and developed, evaluated and updated based on an annual assessment that identifies current job related training needs. The facility's training plan and curriculum will be developed by an advisory training committee composed of the Division of Juvenile Services training coordinator and representatives from other institutional departments.

§101-1-5 Management Information and Research.

5.1 General. System of Information. The facility shall contribute to, have access to, and use an organized system of information storage and retrieval relative to both juvenile resident and operational needs. Policy and procedures shall govern the security of the information and data collection systems including certification, access to data and protection of the privacy of all juvenile residents under the jurisdiction of the Division of Juvenile Services. This shall include collaboration with criminal justice and service agencies in information gathering, exchanges and standardization, resident population accounting, evaluation, research, and resident participation.

§101-1-6 Resident Records.

6.1 General. Resident information shall be recorded for every juvenile admitted to the facility. The Division of Juvenile Services shall maintain the custody, privacy, security and preservation of records on all residents committed or assigned.

§101-1-7 Physical Plant.

7.1 General. The facility shall conform to applicable federal, state and/or local building codes. The facility shall conform to applicable zoning ordinances or, through legal means, attempt to comply with or change such laws, codes or zoning ordinances. The facility shall conform to applicable federal, state or local fire safety codes. The facility shall conform at a minimum to applicable standards for juveniles established by the American Correctional Association addressing the following: space, lighting and ventilation; housing of juveniles; sleeping rooms and day rooms; toilets and urinals; bathing and shower facilities; accommodations for juveniles with disabilities; and environmental conditions.

§101-1-8 Sanitation and Hygiene

8.1 General. The facility shall be maintained in a condition that is clean, healthful and sanitary, and which conforms with applicable federal, state and local sanitation and health laws and rules. The facility shall develop and implement a written policy on procedures and practice of sanitation and hygiene including any required periodic sanitation inspections of all facility areas. The policy shall address and provide for a waste disposal system; control of insects and vermin; a stored supply of clothing and bedding and accountability for each; a housekeeping plan; hot and cold water bathing facilities; a system of issuance and exchange of suitable, clean bedding, towels and linen; articles necessary for personal hygiene; and hair care services.

§101-1-9 Medical and Health Care Services

9.1 General. All residents shall have prompt access to necessary emergency, medical, dental and psychiatric care provided in a reasonable manner by licensed personnel. The facility shall have a written policy on procedures for screening and processing complaints regarding health care. The policy shall include a suicide prevention and intervention program which will be periodically reviewed by a qualified medical or mental health professional. All staff with responsibility for resident supervision shall be trained in the implementation of these services.

§101-1-10 Resident Rules and Discipline

10.1 General. Rules of conduct. The Director of the Division of Juvenile Services shall provide for written rules of conduct which specify acts prohibited within the facility and penalties that may be imposed for various degrees of violation. A rule book containing the chargeable offenses, ranges of penalties and disciplinary procedures shall be posted in a conspicuous and accessible area. A copy shall be provided to juveniles and staff members. The written rules shall be reviewed annually and updated as needed.

§101-1-11 Food Services

11.1 General. The facility shall have a full-time staff member supervise food service operations. Accurate records shall be maintained and shall include the number, cost, and type of all meals served. The food services supervisor of the facility shall document and review the facility's system of dietary allowance to insure compliance with nationally recommended food allowances for basic nutrition; compliance with sanitation and health codes as promulgated by federal, state and local authorities; and health protection relating to food handlers and juveniles working in food services. Facilities may contract for food services.

§101-1-12 Academic and Vocational Education.

12.1 General. The facility shall make available academic, vocational, and work programs that are relative to the individual needs of the residents. Space and equipment needs of academic and vocational programs shall be in compliance with School Building Authority standards and state and federal education law.

§101-1-13 Library Services.

13.1 General. The facility administrator shall have available a specific person to coordinate and supervise library services which may be a separate room or location distinguished as a "library," or a variety of selected reading materials. Library services shall be provided and will be made available to all juveniles.

§101-1-14 Recreation and Activities.

14.1 General. A facility of fifty or more juveniles shall have a full-time, qualified recreation director who plans and supervises all recreation programs. A facility of less than fifty juveniles shall have a staff member who is trained in recreation or a related field. It shall be the policy of the facility that access is provided to recreational opportunities and equipment for indoor and outdoor exercise as weather permits.

§101-1-15 Communication, Mail and Visitation.

15.1 General. The facility shall adopt and enforce written policies and procedures that shall provide telephone access, visitation and further provide that juvenile correspondence, both incoming and outgoing, shall not be read, unless the correspondence could be detrimental to the juvenile's well being or there is evidence of criminal conduct relating to the correspondence. If correspondence is read, the juvenile shall be informed in advance and shall be present when the correspondence is opened, and the action shall be documented.

§101-1-16 Religious observance.

16.1 General. Juvenile residents shall have reasonable opportunities to practice their religion, with visits permitted by spiritual advisors at reasonable times. Provisions will be made for residents to observe the requirements of their faith, limited only by documentation showing a threat to the safety of persons involved in such activity or that the activity disrupts order in the facility.