

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

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WEST VIRGINIA SECRETARY OF STATE
ADMINISTRATIVE LAW DIVISION

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY WV Division of Juvenile Services NUMBER: 101

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

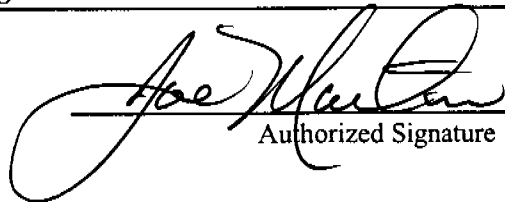
TITLE OF RULE BEING PROPOSED: WV Minimum Standards for Structure,
Operation and Maintenance of Juvenile Detention & Correctional Facilities

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2615

SECTION 64-6-2, PASSED ON March 6, 2003

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: May 5, 2003


Authorized Signature

101CSR1

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

SERIES 1

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

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OFFICE OF THE CLERK
LEGISLATIVE SERVICES DIVISION
STATE OF WEST VIRGINIA

§101-1-1. General.

- 1.1. Scope. This legislative rule establishes minimum standards and procedures for juvenile detention and correctional facilities under the jurisdiction of the West Virginia Division of Juvenile Services (“Division”). These standards apply to juvenile detention and correctional facilities completed after January 1, 2003, but shall serve as guidelines for any facility in operation before that date.
- 1.2. Enforcement: Any issues of noncompliance with these standards established by this rule will be reported by the Governor’s Committee on Crime, Delinquency and Correction to the Director of Juvenile Services (“Director”) and the Chairman of the Juvenile Facilities Standards Commission, (“Commission”) who will report the findings to the full Commission. The Commission will review the findings and make recommendations to the Regional Jail Authority and the Director, which will determine the appropriate remedial action, up to and including closure of the facility.
- 1.3. Authority. W.Va. Code §31-20-9a.
- 1.4. Filing date.
- 1.5. 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 Division

as provided in W. Va. Code §49-5E et seq.

- 2.2 Philosophy, goals and policies. The Commission is responsible for the formulation and approval of desirable standards for the care of juveniles. The Commission's standards shall be updated through consultation with the Division, the respective juvenile detention and correctional facilities operated under the direction of the Division and of the Division's Advisory Board. The standards in this rule shall be the minimum standards established by the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time. The West Virginia State Licensing Requirements for Group Residential Facilities, 78CSR3, shall also be a source for the updating of the Commission's standards. The Division shall prepare a written statement that describes the philosophy, goals and policies of the facilities under its control, and is to be reviewed annually and updated as necessary. The Commission shall make available this statement to staff, residents and the general public upon request.
- 2.3 The policies and procedures of the facility will correlate and adhere to all provisions of West Virginia State Code, particularly those related to child-care practices and "reporting" procedures in the case of child neglect or abuse including "institutional abuse."

§101-1-3 Personnel

- 3.1. The Division 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.
- 3.2. A criminal record check is conducted on all new employees in accordance with state and federal statutes.

§101-1-4 Training and Staff Development

- 4.1. The Director will issue a written policy, outlining a statewide training program, which includes a training plan, curriculum and staff development. The Director will designate a training coordinator, who will plan, coordinate and supervise the training program. An advisory committee will be established by the Director and will include, at a minimum, the training coordinator and at least one staff member from each of the Division's facilities. The training plan and curriculum will be developed, reviewed annually, evaluated and updated based on an annual assessment by the advisory training committee.

- 4.2. The Director's written policy will require all new full-time employees to receive forty hours of orientation training before undertaking their assignments, including, at a minimum, the following: orientation to the purpose, goals, policies, and procedures of the institution and parent agency; working conditions and regulations; employees' rights and responsibilities; and an overview of the correctional field. Depending on the employee(s) and the particular job requirements, orientation training may include preparatory instruction related to the particular job.
- 4.3. The Director's written policy will require all administrative and managerial staff to receive forty hours of training, in addition to orientation training, during their first year of employment and during every year thereafter, covering, at a minimum, the following areas: general management; labor law; staff/management relations; the juvenile justice system; and relationships with other service agencies.
- 4.4. The Director's written policy will require all new juvenile workers to receive an added one hundred, twenty hours of training during their first year of employment and an added forty hours of training each subsequent year of employment covering, at a minimum, the following areas: security procedures; supervision of juveniles; suicide management; report writing; juvenile rules and regulations; rights and responsibilities of juveniles; safety procedures; social/cultural lifestyles of the juvenile population; communication skills; first aid; and CPR.
- 4.5. The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-5 Management Information and Research.

- 5.1 System of Information. The Division shall establish an offender management system of information storage and retrieval relative to juvenile resident and operational needs. The Director will issue a written policy governing the security of the information and data collection systems, including certification, access to data and protection of the privacy of all juvenile residents in the custody of the Division. The information management system shall be developed in collaboration with criminal justice and service agencies in information gathering, exchanges and standardization, resident population accounting, evaluation, research, and resident participation.
- 5.2 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as

amended from time to time.

§101-1-6 Resident Records.

- 6.1 The Division shall record case resident information for every juvenile placed in the custody of the Division. The Director will issue written policy governing case record management, including at a minimum the following areas: the establishment, use, and content of juvenile records; right to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records. The Division will review the policies and procedures annually.
- 6.2 The case record on each juvenile will be maintained in a master file and include, at a minimum, the following information with regard to the juvenile: Name, age, sex, place of birth, and race or nationality; initial intake information form; authority to accept juvenile; referral source; case history/social history; medical consent form; name, relationship, address, and phone numbers, when applicable; court and disposition; individual plan or program; signed release of information forms, when required; progress reports on program involvement; program rules and disciplinary policy signed by juvenile; grievance and disciplinary record, if applicable; referrals to other agencies; final discharge or transfer report.
- 6.3 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-7 Physical Plant.

- 7.1 The Division shall conform to applicable federal, state and/or local building codes, as may be amended from time to time.
- 7.2 The Division will conform to applicable federal, state, and/or local fire safety codes, as may be amended from time to time. Compliance will be documented by the authority having jurisdiction of the facility. A fire alarm and automatic detection system will be required, as approved by the authority having jurisdiction of the facility, or a plan for addressing deficiencies. The authority will approve any variances, exceptions, or equivalencies that do not constitute a serious life safety threat to the occupants of the facilities operated by the Division.
- 7.3 The Director will issue a written policy requiring all housing areas to provide lighting according to tasks to be performed and heating, space, ventilation,

and acoustical systems to ensure healthful and comfortable living and working conditions for juveniles and staff.

- 7.4 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-8 Sanitation and Hygiene

- 8.1 The Division shall maintain its facilities in a condition that is clean, healthful and sanitary, and which conforms with applicable federal, state and local sanitation and health laws and rules, as may be amended from time to time. The Director shall develop and implement a written policy on 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. Juveniles will be provided complete sets of clean clothing, an approved shower schedule and necessary personal hygiene articles.
- 8.2 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-9 Medical and Health Care Services

- 9.1 The Director will designate a health care provider to be responsible for health care at the respective facilities pursuant to a written agreement, contract, or job description.
- 9.2 Personnel who provide health care services to juveniles must comply with appropriate state and federal licensure, certification, or registration requirements and restrictions. The duties and responsibilities of such personnel will be governed by job descriptions written and approved by the health care provider.
- 9.3 The Division will provide, or designate a health provider who will be responsible for providing, mental health services. These services include, but are not limited to, those provided by mental health professionals who meet the educational and license/certification criteria specified by their respective professional disciplines.

- 9.4 The Director will issue written policy providing for a suicide prevention and intervention program. This policy will be reviewed by a medical or mental health professional employed by the Division.
- 9.5 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-10 Resident Rules and Discipline

- 10.1 The Director shall issue written rules of conduct which specify acts prohibited within a facility and penalties that may be imposed for various degrees of violation. The rules of conduct shall contain chargeable offenses, ranges of penalties and disciplinary procedures and shall be posted within each facility in a conspicuous area accessible to residents and staff. In addition, a copy of the rules of conduct shall be provided to juveniles upon entry and staff members upon employment. The Director shall review these rules annually and update as needed.
- 10.2 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-11 Food Services

- 11.1 The Director shall issue written policy requiring food services to comply with the applicable sanitation and health codes promulgated by federal, state, and local authorities, as may be amended from time to time, and with health protection relating to food handlers and juveniles working in food services.
- 11.2 The food services supervisor of each facility shall comply with nationally recommended food allowances for basic nutritional needs of the juveniles in care.
- 11.3 The Division may contract for food services in compliance with federal, state, and local standards.
- 11.4 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-12 Academic and Vocational Education.

- 12.1 The Director will issue written policy in collaboration with Division of Institutional Education, Department of Education, which makes available academic, vocational, and work programs that are related to the individual needs of the juveniles placed in the Division's custody.
- 12.2 Space and equipment needs of academic and vocational programs shall be in compliance with School Building Authority standards set out in ___ CSR ___ and state and federal education law.
- 12.3 All academic and vocational training personnel must be certified by a state department of education or other comparable authority.
- 12.4 Education staff shall determine the need for and provide remedial education services.
- 12.5 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-13 Library Services.

- 13.1 Each facility will designate a specific person to coordinate and supervise library services. Library services may be rendered in a separate room or location distinguished as a "library," or by providing a variety of selected reading materials.
- 13.2 Library services shall be provided and will be made available to all juveniles.
- 13.3 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-14 Recreation and Activities.

- 14.1 Juveniles shall have access to recreational opportunities and equipment for indoor exercise and outdoor exercise, as weather permits.
- 14.2 A facility of fifty or more juveniles shall have a full-time recreation director responsible for planning and supervising all recreation programs. A facility of less than fifty juveniles shall have a staff member who has received training in recreation.
- 14.3 The Director's written policy will adopt, at a minimum, the American

Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

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

- 15.1 Each facility will provide juveniles in its care telephone access, visitation and mail services as outlined below.
- 15.2 Juvenile correspondence, both incoming and outgoing, shall not be read by staff, 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.
- 15.3 Juveniles will have access to the telephone to make and receive personal calls, as well as calls to and from attorneys, probation officers and social workers as needed.
- 15.4 Juveniles have the right to receive visits, subject to the limitations necessary to maintain facility order and security.
- 15.5 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-16 Religious observance.

- 16.1 Each facility shall provide residents with reasonable opportunities to practice their religion, with visits permitted by spiritual advisors.
- 16.2 Provisions will be made for residents to observe the requirements of their faiths, limited only by staff documentation of a threat to the safety of persons involved in such activity or that the activity disrupts order in the facility.
- 16.3 The Director's written policy will adopt, at a minimum, the American Correctional Association's Standards for Juvenile Detention Facilities, as amended from time to time.

§101-1-17 Institutional Abuse and Neglect:

- 17.1 Employees of the Division who have reasonable cause to suspect that a child

in the custody of the Division has been neglected or abused or who observe the child being subjected to conditions that are likely to result in abuse or neglect, shall immediately, and not more than forty-eight hours after suspecting this abuse, report the circumstances or cause a report to be made to the state Department of Health and Human Resources. (WV Code § 49-6A-2)

17.2

In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the Division of Public Safety and any law-enforcement agency having jurisdiction to investigate the complaint: Any person required to report under this article who is a member of the staff of a public or private institution, school, facility or agency shall immediately notify the person in charge of such institution, school, facility or agency, or a designated agent thereof, who shall report or cause a report to be made. (WV Code § 49-6A-2)

STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY
DIVISION OF JUVENILE SERVICES

MANFRED G. HOLLAND, DIRECTOR

BOB WISE
GOVERNOR

JOE MARTIN
SECRETARY

OFFICE OF THE DIRECTOR

2ND FLOOR
1200 QUARRIER STREET
CHARLESTON, WV 25301
TELEPHONE: (304) 558-6029•FAX: (304) 558-6032

May 5, 2003


Ms. Judy Cooper
Administrative Law Division
Secretary of State's Office
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Dear Ms. Cooper:

Enclosed is Notice of Final Filing and Adoption of a Legislative Rule Authorized by the West Virginia Legislature for Title 101, Series 01, WV Minimum Standards for Structure, Operation & Maintenance of Juvenile Detention & Correctional Facilities. As requested, a floppy disk is attached.

Thank you for all of the assistance you and your staff have rendered to the Division of Juvenile Services in this matter.

Sincerely,



Manfred G. Holland
Director

MGH:dal

- Enclosure: 1) Notice of Final Filing and Adoption of a Legislative Rule Authorized By the West Virginia Legislature (Form #6)
- 2) WV Minimum Standards For Structure, Operation, and Maintenance Of Juvenile Detention and Correctional Facilities
- 3) Floppy Disk

cc: Cindy Largent, Deputy Director
Denny Dodson, Assistant Director

