

Rule 6. Justice and Order

210 IAC 8-6-1 Male and female sleeping rooms

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 1. Male and female juveniles do not occupy the same sleeping room.

210 IAC 8-6-2 Timeout

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 2. (a) Written policy, procedure, and practice provide that juveniles are allowed to request a voluntary timeout. Timeout may be used as a sanction for a minor rule violation or as a “cooling off” period and is of short duration as to not restrict or deny program participation.

(b) When a juvenile is in timeout, the following must occur:

(A) The juvenile has the reason for placement in timeout explained and is given the opportunity to explain his or her reasons for the behavior leading to the restriction.

(B) Staff contact is made and documented at least every 15 minutes to continually assess the juvenile’s well-being and reassess the juvenile for their return to programming.

(C) The juvenile participates in determining the end of the timeout.

(c) A timeout cannot exceed sixty (60) minutes.

(d) Placement in timeout for juveniles previously identified as a suicide risk follows the observation guidelines contained in the facility suicide prevention plan.

210 IAC 8-6-3 Room confinement or isolation

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 3. (a) Written policy, procedure, and practice provide that juveniles are placed on room confinement or in isolation only:

(1) For the safety of the juvenile;

(2) For the safety of others; or

(3) To ensure the security of the facility.

(b) Room confinement is defined as the locked placement of a juvenile in his or her assigned cell or room for a period of time in excess of sixty (60) minutes. Isolation is defined as the locked placement of a juvenile in a room other than his or her assigned cell or room for a period of time in excess of sixty (60) minutes.

(c) Provisions for the use of room confinement and isolation shall include the following:

- (1) The juvenile has the reason for the restriction explained to him or her and has the opportunity to explain the behavior leading to the restriction.
- (2) The juvenile is advised of the disciplinary process and his or her due process rights.
- (3) Juveniles are checked visually by staff at least every fifteen (15) minutes.
- (4) If a juvenile is in room confinement or isolation longer than twenty-four (24) hours, at least every twenty-four (24) hours the facility administrator, or designee who was not involved in the incident, must review and determine the need for continued placement restriction.
- (5) If a juvenile is in room confinement or isolation longer than twenty-four (24) hours, the facility administrator or designee, in conjunction with a mental health, medical, or social service staff person will develop a plan outlining the behaviors and expectations required for release from room confinement, including a plan for the juvenile's reintegration into the facility programs and services.
- (6) Juveniles are visited at least once each day by staff from administration and from mental health, medical, or social services to continually assess the juvenile's well-being and to re-assess the juvenile for a less-restrictive placement.
- (7) A room confinement or isolation log is kept recording the following:
 - (A) The name and title of the individual who authorized the confinement and the reason.
 - (B) The name and title of persons visiting the juvenile.
 - (C) Record of time checks.
 - (D) The name and title of the person authorizing release of the juvenile from confinement.
 - (E) The time of release.
- (8) Juveniles placed in room confinement or isolation are afforded living conditions, programs, and services comparable to the general population, including the following services:
 - (A) Education.
 - (B) Recreation.
 - (C) Mental health.
 - (D) Medical services.
- (9) Room confinement for juveniles previously identified as a suicide risk follows the observation guidelines contained in the facility suicide prevention plan.
- (10) When the juvenile's assigned sleeping room is used as the location for the room confinement, the juvenile is only allowed access to items authorized by the facility administrator or designee.

(d) When a juvenile is placed in confinement in excess of seventy-two (72) consecutive hours, the placing agency is notified.

210 IAC 8-6-4 Reward system for positive behavior

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 4. Written policy, procedure, and practice provide for a system of rewarding the positive behavior of individual juveniles.

210 IAC 8-6-5 Facility rules and disciplinary regulations

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 5. (a) Written policy, procedure, and practice provide that the facility rules and disciplinary regulations define:

- (1) Major rule violations;
- (2) Minor rule violations; and
- (3) Sanctions.

(b) All rules and regulations pertaining to the juveniles are presented in one, or both, of the following ways:

- (1) Conspicuously posted in the facility.
- (2) Included in a handbook that is accessible to all:
 - (A) Juveniles;
 - (B) Parent(s) and guardian(s); and
 - (C) Staff.

(c) Facility rules and disciplinary regulations are reviewed at least annually and updated, as necessary

(d) Appropriate due process procedural safeguards are in place for major rule violations, to include the following:

- (1) A system of progressive discipline, which specifies prohibited acts and sanctions.
- (2) Report of incident and charge.
- (3) Notice of hearing.
- (4) Time to prepare for hearing.
- (5) Assistance, as needed.
- (6) Timely hearing.
- (7) Opportunity to present evidence.
- (8) Fair unbiased decision.
- (9) Written notice of decision.
- (10) Opportunity to appeal.

210 IAC 8-6-6 Facility handbook

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 6. (a) Written policy, procedure, and practice provide that within twenty-four (24) hours of admission, facility staff provide juveniles access to a facility handbook and discuss the following:

- (1) Rules governing juvenile conduct.
- (2) Chargeable offenses.
- (3) The range of penalties.

- (4) Disciplinary procedures.
- (5) Grievance process.
- (6) Incentives for good behavior.

(b) Juveniles acknowledge awareness and understanding of the content of the handbook via signed and dated documentation.

(c) When a literacy or communication problem exists, a staff member assists the juvenile. Juveniles receive written orientation materials or a translation of the materials in their language if they do not understand English. Interpreters are available, as required, for communicating with the juvenile in a manner the juvenile can understand.

(d) The handbook is reviewed at least annually and updated as necessary.

210 IAC 8-6-7 Training on rules of juvenile conduct

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 7. All personnel who work with juveniles receive sufficient training so that they are thoroughly familiar with the:

- (1) Rules of juvenile conduct;
- (2) Rationale for the rules; and
- (3) Sanctions available.

210 IAC 8-6-8 Minor juvenile misbehavior

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 8. Written policy, procedure, and practice provide that there are written guidelines for informally resolving minor juvenile misbehavior.

210 IAC 8-6-9 Violation of criminal law

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 9. Written policy, procedure, and practice provide that when a juvenile allegedly commits an act covered by criminal law, the case is referred to the appropriate court or law enforcement officials for consideration for prosecution.

210 IAC 8-6-10 Withholding food for discipline

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 10. Written policy, procedure, and practice provide that food including snacks, is not withheld, nor is the established menu varied, as a disciplinary sanction.

210 IAC 8-6-11 Disciplinary report for major rule violation

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 11. (a) Written policy, procedure, and practice provide that staff prepare a disciplinary report when there is a reasonable belief that a juvenile has committed a major rule violation or reportable minor violation.

(b) An appropriate investigation is begun within twenty-four (24) hours of the time the violation is reported and is completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

210 IAC 8-6-12 Due process

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 12. Written policy, procedure, and practice:

(1) Provide that:

(A) At the conclusion of an investigation into an alleged major rule violation; or

(B) Within twenty-four (24) hours of being charged with a major rule violation;

(2) A juvenile is:

(A) Given a written copy of the alleged rule violation;

(B) Advised of their right to request a due process or disciplinary hearing; and

(C) Advised of their right to request an impartial staff member(s) to be present to advise them during the hearing process.

210 IAC 8-6-13 Major rule violation disciplinary hearing

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 13. (a) Written policy, procedure, and practice provide that juveniles charged with major rule violations are scheduled for a due process or disciplinary hearing as soon as practical but no later than seventy-two (72) hours, excluding weekends and holidays, after being charged with a violation.

(b) Juveniles are notified of the time and place of the hearing at least twenty-four (24) hours in advance of the hearing.

(c) A hearing may be held within twenty-four (24) hours with the juvenile's written consent.

210 IAC 8-6-14 Disciplinary committee

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 14. (a) Written policy, procedure, and practice provide that an impartial person or panel of persons, referred to as the disciplinary committee, conducts disciplinary hearings on major rule violations.

(b) A record of the proceedings is made and maintained for at least six months.

210 IAC 8-6-15 Disciplinary hearing

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 15. (a) Written policy, procedure, and practice provide that a juvenile charged with major rule violation is present at the due process or disciplinary hearing unless they waive that right in writing or through their behavior.

(b) Juveniles may be excluded during the testimony of any juvenile whose testimony must be given in confidence. The reasons for the juvenile's absence or exclusion are documented.

210 IAC 8-6-16 Presenting evidence at disciplinary hearing

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 16. Written policy, procedure, and practice provide that juveniles have an opportunity to make a statement and present documentary evidence at the due process or disciplinary hearing and can request witnesses on their behalf. The reasons for denying such a request are stated in writing.

210 IAC 8-6-17 Request impartial staff member to advise

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 17. (a) Written policy, procedure, and practice provide an established process that allows juveniles to request an impartial staff member(s) to:

- (1) Advise them prior to requesting a due process or disciplinary hearing;
- (2) Represent them at the hearing; and
- (3) Question relevant witnesses.

(b) Staff representatives must be appointed when it is apparent that juveniles are not capable of effectively collecting and presenting evidence on their own behalf.

210 IAC 8-6-18 Disciplinary committee's decision

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 18. Written policy, procedure, and practice provide that the disciplinary committee's decisions are based solely on information obtained in the hearing process, including the following:

- (1) Staff reports.
- (2) Investigation findings.
- (3) Statements of the juvenile charged.
- (4) Evidence derived from witnesses and documents.

210 IAC 8-6-19 Disciplinary proceeding report in juvenile's file

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 19. Written policy, procedure, and practice provide that a copy of the disciplinary proceedings and relevant document are kept in the juvenile's file. If a juvenile is found not guilty of an alleged major rule violation, the disciplinary report is:

- (1) Removed from all of the juvenile's files; or
- (2) In the event records must be kept as part of a facility data collection system, clearly marked "not guilty".

210 IAC 8-6-20 Disciplinary process review

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 20. Written policy, procedure, and practice provide for the review of all due process or disciplinary hearings and dispositions by the facility administrator or designee to assure conformity with policy and regulations within fourteen (14) days.

210 IAC 8-6-21 Right to appeal

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 21. Written policy, procedure, and practice provide that juveniles are provided the right to appeal the disciplinary committee's decisions to the facility administrator or designee. Juveniles have up to ten (10) days of receipt of the decision to submit an appeal. The appeal is decided within ten (10) days of its receipt, and the juvenile is promptly notified in writing of the results. The appeal process should consider the following:

- (1) Whether there was substantial compliance with facility standards and procedures in handling the juvenile's discipline.
- (2) Whether the disciplinary committee's decision was based on substantial evidence.
- (3) Whether the sanction imposed was proportionate to the circumstances of the rule violation.

210 IAC 8-6-22 Confidential contact

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 22. (a) Written policy, procedure, and practice provide that juveniles have access to confidential contact with the following:

- (1) Attorneys.
- (2) Authorized representatives.
- (3) Courts.
- (4) Legal material.

(b) Contact includes, but is not limited to, the following:

- (1) Telephone communications.
- (2) Uncensored correspondence.
- (3) Visits.

210 IAC 8-6-23 Sexual harassment or discrimination

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 23. Written policy, procedure, and practice ensure juveniles are not subjected to sexual harassment or to discrimination based on the following:

- (1) Race.
- (2) Religion.
- (3) National origin.
- (4) Gender.
- (5) Sexual orientation.
- (6) Disability.
- (7) Political views.

210 IAC 8-6-24 Equal access to program

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 24. There is equal access to programs and services for male and female juveniles.

210 IAC 8-6-25 Corporal or unusual punishment

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 25. Written policy, procedure, and practice provide that juveniles are not subjected to the following:

- (1) Corporal or unusual punishment.
- (2) Humiliation.
- (3) Disease.
- (4) Property damage.

- (5) Mental or physical abuse or harassment.
- (6) Personal injury.
- (7) Punitive interference with the following daily functions of living:
 - (A) Eating.
 - (B) Sleeping.
 - (C) Education.
 - (D) Family contact, as long as security is not compromised.

210 IAC 8-6-26 Media access

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 26. Written policy, procedure, and practice provide juveniles reasonable access to the general public through the communications media, subject only to the limitations necessary to maintain order and security and to protect the juveniles' rights. Media requests for interviews and juvenile parental or guardian consents are in writing.

210 IAC 8-6-27 Grievance process

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 27. (a) Written policy, procedure, and practice provide that a grievance process with at least one level of appeal is made available to all juveniles. The grievance process is:

- (1) Conspicuously posted in the facility; or
- (2) Included in a handbook that is accessible to all:
 - (A) Juveniles;
 - (B) Parents or guardians; and
 - (C) Staff; or
- (3) Both.

(b) The grievance process is evaluated at least annually to determine its efficiency and effectiveness and is updated as necessary.

210 IAC 8-6-28 Correspondence for juveniles

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 28. (a) Written policy, procedure, and practice provide that all regulations governing correspondence for juveniles are:

- (1) Specified in writing;
- (2) Made available to all staff and juveniles; and
- (3) Reviewed annually and updated as needed.

(b) Regulations governing correspondence are available to parents or guardians upon request.

210 IAC 8-6-29 Provision of postage

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 29. Written policy, procedure, and practice provide that juveniles, who are unable to purchase or obtain postage, receive a specified postage allowance to maintain community ties. When the juvenile bears the mailing cost, there is no limit on the volume of letters juveniles can send or receive.

210 IAC 8-6-30 Sealed letters to specified class

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 30. Written policy, procedure, and practice provide that in accordance with confidentiality laws and attorney-client privilege, juveniles are allowed to send sealed letters to a specified class of persons and organizations, including but not limited to the following:

- (1) Courts.
- (2) Counsel.
- (3) Officials of the confining authority.
- (4) Administrators of grievance systems.
- (5) Members of the releasing authority.

210 IAC 8-6-31 Mail inspection

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 31. (a) Written policy, procedure, and practice provide that juveniles are provided the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security.

(b) Juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband unless protected by attorney-client privilege. When based on legitimate facility interests of order and security, mail may be read, censored, or rejected.

(c) The juvenile is notified when incoming or outgoing letters are withheld in part or in full.

210 IAC 8-6-32 Monies received through mail

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 32. Written policy, procedure, and practice provide that all monies received through the mail are held for the juvenile in accordance with the procedures approved by the parent agency.

210 IAC 8-6-33 Mail and package delivery

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 33. Written policy, procedure, and practice provide that, excluding weekends and holidays, incoming and outgoing:

- (1) Letters are distributed to juveniles within twenty-four (24) hours; and
- (2) Packages are distributed to juveniles within forty-eight (48) hours.

210 IAC 8-6-34 Forwarding first-class mail

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 34. Written policy, procedure, and practice provide there is a provision for the forwarding of first-class letters and packages after transfer or release.

210 IAC 8-6-35 Phone calls

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 35. (a) Written policy, procedure, and practice provide that reasonably priced telephone services are accessible to juveniles. Notice is provided to juveniles that calls may be monitored by the facility or law enforcement, or both, unless protected by the attorney-client privilege. There are provisions for delivering and/or conveying messages.

(b) Telephones with volume control are made available to juveniles with hearing impairments. Juveniles are afforded access to a telecommunications device for the deaf (TDD) or comparable equipment if they have hearing, speech or visual disabilities or wish to communicate with parties who have such disabilities.

210 IAC 8-6-36 Juvenile visits

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 36. (a) Written policy, procedure, and practice provide juveniles the right to receive visits, subject only to the limitations necessary to maintain facility order and security.

(b) Visitation procedures include, but are not limited, the following:

- (1) Visitation days and hours.
- (2) Items authorized for the visitation area.
- (3) Authorized items visitors may bring and give to the juvenile.

- (4) The requirement that visitors register upon entry into the facility.
- (5) The circumstances under which visitors are searched.
- (6) The circumstances under which visits are supervised.
- (7) Provisions for special visits.

210 IAC 8-6-37 Visitation areas

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 37. Written policy, procedure, and practice provide that visitation areas provide for informal communication, including opportunity for physical contact, except in instances of documented security risks.

210 IAC 8-6-38 Child abuse or neglect MANDATORY

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 38. Written policy, procedure, and practice provide that all instances of child abuse or neglect are reported consistent with appropriate state law.

210 IAC 8-6-39 PREA

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 39. Written policy, procedure, and practice provide that the facility complies with PREA.

210 IAC 8-6-40 Sexual abuse or harassment MANDATORY

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 40. (a) Written policy, procedure, and practice provide that information is provided to juveniles during the intake process about:

- (1) The facility's zero tolerance policy regarding sexual abuse and sexual harassment; and
- (2) How to report incidents or suspicions of sexual abuse or sexual harassment.

(b) Within ten (10) days of arrival, the facility shall provide education to the juveniles regarding their rights to be free from sexual abuse and sexual harassment, including the following:

- (1) Prevention and intervention.
- (2) Self-protection.
- (3) Reporting sexual abuse and sexual harassment.
- (4) Treatment and counseling.

(c) The information is communicated orally and in writing, in a language clearly understood by the juvenile, upon arrival at the facility.

210 IAC 8-6-41 Sexual assault investigation MANDATORY

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 41. Written policy, procedure, and practice provide that an immediate investigation is initiated and documented whenever a sexual assault is alleged, threatened, or occurs. The alleged victim shall be kept safe. Housing assignments of either the alleged offender or victim may be modified during the course of the investigation.

210 IAC 8-6-42 Sexual conduct within the facility MANDATORY

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 42. Written policy, procedure, and practice provide that:

- (1) Sexual conduct between juveniles and:
 - (A) Staff;
 - (B) Volunteers; and
 - (C) Contract personnel;
- (2) Is:
 - (A) Prohibited; and
 - (B) Subject to administrative and criminal disciplinary sanctions.

210 IAC 8-6-43 Screening for sexually aggressive behavior

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 43. Written policy, procedure, and practice provide that juveniles are screened within twenty-four (24) hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly.

210 IAC 8-6-44 Follow-up meeting with mental health practitioner

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 44. Written policy, procedure, and practice provide that staff shall ensure a juvenile is offered a follow-up meeting with a mental health practitioner within fourteen (14) days of the intake screening when the screening process indicates:

- (1) A juvenile has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community; or

(2) A juvenile has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community.

210 IAC 8-6-45 Victim reporting sexual abuse

Authority: IC 11-8-2-5; IC-31-31-8-2

Affected: IC 31-31-8-2

Sec. 45. Written policy, procedure, and practice provide that juveniles who are victims of sexual abuse have the option to report the incident to any staff member other than an immediate point-of-contact line staff member.