

TITLE 210 DEPARTMENT OF CORRECTION

Notice of Public Hearing LSA Document# 14-186

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 31, 2014 at 10:00 a.m. at the Indiana Government Center-South, 402 West Washington Street Conference Room #22, Indianapolis, Indiana the Department of Correction will hold a public hearing on proposed rules to the juvenile detention standards.

Since juvenile detention facilities are unique it is hard to determine which standards might fiscally impact each local detention facility specifically. Listed below are all of the changes to the juvenile detention standards which may require costs to certain local detentions centers.

Administration and Management Standards:

210 IAC 8-3-59 addresses the topic of “Training for clerical and limited contact staff”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Two (2) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with providing training to clerical staff, with their estimated costs ranging from “minimal” expense to an estimated \$1,000 annually.

Safety Standards:

210 IAC 8-4-3 addresses the topic of “Preventing fire and toxic smoke” and is a mandatory compliance standard. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to purchase 3-4 self-closing metal containers to store flammable items, with their estimated cost ranging between \$500-\$600.

210 IAC 8-4-32 addresses the topic of “Communication systems”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to purchase a base radio to connect the detention center’s communication system to the county’s communication system, with their estimated cost of being “unknown”.

Security Standards:

210 IAC 8-5-12 addresses the topic of “Control and distribution of security equipment”.

All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Two (2) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to purchase a security cabinet, with their estimated cost being “unknown”.

210 IAC 8-5-15 addresses the topic of “Chemical agents and equipment” and is a mandatory compliance standard. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for the cost associated with having medical personnel assess, and provide treatment if necessary, to youth following the use of chemical agents, with their estimated cost being “unknown”.

210 IAC 8-5-19 address the topic of “Search policy”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to purchase materials to post their Search Policy inside the facility, with their estimated cost being between \$100 and \$500.

Justice Standards:

210 IAC 8-6-39 addresses the topic of “Prison Rape Elimination Act (PREA)”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Seven (7) of the twenty-two (22) facilities indicated a fiscal impact, associated with the cost to provide staff training, and to contract services for a facility PREA audit, with the estimated cost ranging between \$5,000 and \$10,000 per facility.

210 IA 8-6-43 addresses the topic of “Screening for sexually aggressive behavior”.

All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for the cost associated with making available, a mental health professional to conduct follow-up session with a youth screened as demonstrating sexually aggressive behavior, with their estimated cost being “unknown”.

Food Service & Hygiene Standards:

210 IAC 8-7-14 addresses the topic of “Issuance of bedding and linens”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with providing bedding and linens to the juveniles, with their estimated cost is \$600.

Medical Standards:

210 IAC 8-8-16 addresses the topic of “Sexual assault”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with taking a victim of sexual assault to the emergency room, with their estimated cost ranging between \$500 and \$1,000 per trip.

210 IAC 8-8-17 addresses the topic of “Daily health care requests”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Two (2) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with increased hours by the medical provider, their estimated costs being “unknown”.

210 IAC 8-8-18 addresses the topic of “Intake health screening” and is a mandatory compliance standard. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to provide training to line staff to perform intake health screenings, with their estimated cost being “unknown”.

210 IAC 8-8-20 addresses the topic of “Health assessment and examination” and is a mandatory compliance standard. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Six (6) of the twenty-two (22) facilities indicated a fiscal impact; two (2) facilities indicated a fiscal impact for costs associated with an increase in the number of hours offered by a medical service provider, and four (4) facilities indicated a fiscal impact to test youth for Tuberculosis and for Sexually Transmitted Disease. Their estimated cost to increase provider hours is \$10,800 annually; and their estimated cost to administer TB and SDT tests ranged from \$455 to \$4,380 annually.

210 IAC 8-8-21 addresses the topic of “Health education and wellness”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with the health care authority approving the health education and wellness information provide to the youth, with their estimated cost being “unknown”.

210 IAC 8-8-29 addresses the availability of “First AID Kits and AED’s”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Two (2) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to purchase Automatic External Defibrillators (AED’s), with their estimated cost being between \$2,500 and \$3,500.

Mental Health Standards:

210 IAC 8-9-1 addresses the topic of “Mental health services”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Two (2) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with making available mental health services to youth, with their estimated costs ranged from \$8,500 to \$39,000 annually.

210 IAC 8-9-3 addresses the topic of “Mental health screening and follow-up”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with providing a mental health screening and then making available a mental health assessment to youth who score either “caution” or “warning” on the mental health screening tool, with their estimated cost at \$39,000 annually.

210 IAC 8-9-4 addresses the topic of “Mental health evaluation”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with making available a mental health evaluation to youth referred for evaluation, with their estimated cost being \$39,000 annually

210 IAC 8-9-5 addresses the topic of a “Suicide Prevention Program” and is a mandatory compliance standard. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Three (3) of the twenty-two (22) facilities indicated a fiscal impact, for the cost to have the facility’s suicide prevention program reviewed and approved by either a health care or mental health care authority, with their estimated cost being “unknown”.

210 IAC 8-9-10 addresses the topic of “Substance abuse screening or assessment”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. Three (3) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with the purchase of a substance abuse screening tool and the related cost to train staff to use the screening tool, with their estimated cost being approximately \$2,165.

Programs and Services Standards:

210 IAC 8-10-10 addresses the topic of “Library services”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for cost to make available reading materials, with their estimated cost being “unknown”.

Education Standards:

210 IAC 8-11-2 addresses the topic of a “Comprehensive Education Program”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs to increase teacher instructional days by 30 additional days, with their estimated cost being “unknown”.

210 IAC 8-11-3 addresses the topic of “Remedial reading services”. All twenty-two (22) juvenile detention facilities were questioned about their current level of compliance with this standard, and if noncompliant, the extent of any fiscal impact to achieve compliance. One (1) of the twenty-two (22) facilities indicated a fiscal impact, for costs associated with providing remedial reading services, with their estimated cost being “unknown”.

210 IAC 8-11-5: Special education

- Two facilities indicated a fiscal impact, for the cost to provide appropriately licensed professional staff.
 - o Their estimated cost was unknown.

210 IAC 8-11-6: High school equivalency

- One facility indicated a fiscal impact, for the cost to transport youth to a testing site.
 - o Their estimated cost was unknown.

Copies of these rules are available on the Department of Correction’s website at www.in.gov/idoc.

Copies of these rules are now on file at the Department of Correction, 302 W. Washington Street, Suite E334 and Legislative Services Agency, Register Office 100 N. Senate Avenue Rm. Suite N201 Indianapolis, Indiana 46204 and are open for public inspection.

Bruce Lemmon
Commissioner
Indiana Department of Correction