

Title 12. Law Enforcement, Emergency Management, and Military Affairs
Chapter VIII. Office of Criminal Detention Facilities Review Coordinator,
Arkansas Commission on Law Enforcement Standards and Training,
Department of Public Safety
Subchapter A. Generally
Part 51. Juvenile Detention Facility Standards

Codification Notes. Acts 2023, No. 306, § 1 provided:

"Cabinet-level department transfer of criminal detention facility review committees and Office of Criminal Detention Facilities Review Coordinator from Department of Corrections to Department of Public Safety.

(a) The criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator are transferred by a cabinet-level department transfer under § 25-43-101 et. seq. from the Department of Corrections to the Department of Public Safety.

(b) The administrative functions of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator are transferred by a cabinet-level department transfer under § 25-43-1402 from the Department of Corrections to the Department of Public Safety.

(c) The statutory authority, powers, duties, functions, records, personnel, property, contracts, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator, are transferred to the Department of Public Safety.

(d)(1) The transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator does not affect the orders, rules, regulations, directives, or standards made or promulgated by the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator before the effective date of this act.

(2) The orders, rules, regulations, directives, or standards under subdivision (d)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

(e) The members of the criminal detention facility review committees, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the criminal detention facility review committees.

(f) The Department of Corrections shall grant access to and provide all information requested by the Department of Public Safety to accomplish transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator and the mission criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator."

Subpart 1. Generally

12 CAR § 51-101. Definitions.

(a) The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Chief executive" means the elected or appointed person on whom rests the ultimate authority and responsibility for the administration and operation of the juvenile detention facility and for the care and confinement of the detainees confined herein, and for all facility personnel;

(2) "Director" means the individual employed, either salaried, hourly, or by contract, who is charged with the direct, day-to-day responsibilities for administration, operation, supervision of staff and/or juveniles, and maintenance of the juvenile detention facility and/or the hold-over detention facility (seventy-two (72) hours);

(3) "Family in need of services" means any family with a valid court order whose juvenile evidences behavior which includes, but is not limited to, the following:

(A) Being habitually and without justification absent from school while subject to compulsory school attendance;

(B) Being habitually disobedient to the reasonable and lawful commands

of his or her:

- (i) Parent;
- (ii) Guardian; or
- (iii) Custodian; or

(C) Having absented himself or herself from his or her home without sufficient:

- (i) Cause;
- (ii) Permission; or
- (iii) Justification;

(4)(A) "Full-service detention facilities" means programs that detain juveniles for up to ninety (90) days and offer complete residential services such as education and recreational opportunities.

(B) The time limit does not apply to juveniles charged as adults and detained in the facility;

(5)(A) "Health authority" means a licensed:

- (i) Physician;
- (ii) Health administrator; or
- (iii) Agency.

(B) When this authority is a person other than a licensed physician, final medical judgment rests with a single responsible physician who is licensed in Arkansas, who has been so designated by the chief executive;

(6) "Holdover detention facility" (seventy-two (72) hours excluding weekends and holidays) means a secure area separate from an adult jail that is used to hold an accused juvenile offender only, prior to a detention hearing;

(7) "Juvenile" means an individual who is under eighteen (18) years of age, whether married or single, and is adjudicated delinquent, is a juvenile member of a family in need of services, or has been found to be dependent or dependent-neglected by the juvenile division of circuit court prior to eighteen (18) years of age and for whom the juvenile division of circuit court retains jurisdiction;

(8) "Juvenile detention facility" means any facility for the temporary care of

juveniles alleged to be delinquent, or adjudicated delinquent and awaiting disposition, or charged or convicted of a criminal offense, which require secure custody in a physically restricting facility designed and operated with all entrances and exits under the exclusive control of the facility's staff;

(9)(A) "Juvenile detention staff" means one whose primary responsibility is the supervision of the daily activities of detained juveniles.

(B) Administrative, food services, janitorial, and other auxiliary staff are not considered to be juvenile detention staff;

(10) "Licensed dietician" means a person licensed by the Arkansas Dietetics Licensing Board;

(11) "Nonoffender" means a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile with the exception of a FINS with court order; and

(12)(A) "Status offender" means a juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(B) A status offender is not considered a FINS under valid court order.

(b) The use of the terms he and him within this part shall also mean she and her.

(c) Use of the word shall within this part denotes a mandatory standard.

(d) Use of the word should within this part denotes a recommended standard.

Authority. Arkansas Code § 12-26-103.

Codification Notes. "FINS" means family in need of services.

Subpart 2. Administration, Organization, and Management

12 CAR § 51-201. Governing authority — Not applicable to holdover facilities.

The governing authority will hold meetings at least semiannually with the facility administrator to:

- (1) Facilitate communication;
- (2) Establish policy;
- (3) Explore problems;
- (4) Ensure conformity to legal and fiscal requirements; and
- (5) Implement programs.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-202. Nonoffenders.

Juveniles who have not been charged with a status offense or a criminal offense shall not be held in the facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-203. Maintenance.

Service personnel, other than facility staff, shall perform work in the facility only under direct and continuous supervision of facility staff in those areas permitting contact with juveniles.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-204. Policies and procedures.

The facility shall adopt and enforce written policies and procedures which:

- (1) Provide for a communications system within the facility that requires at a minimum that the facility administrator meets at least monthly with all staff members;
- (2) Specify that the facility administrator participates in the formulation of goals for the facility and establishes policies and priorities related to them;
- (3) Provides that the facility administrator report at least annually to its

governing authority regarding major problems and plans for resolving them;

(4) Provides a policy/procedures manual that specifically describes the facility's purpose, programs, and services offered, which is reviewed at least annually and updated as necessary;

(5)(A) Provides an operations manual that delineates written policies and procedures for operating and maintaining the facility.

(B) The manual shall be explained and made available to all employees at the time of their employment;

(6) Describes the roles and functions of employees of other public or private agencies that provide a service to the facility as they relate to the authority and responsibility of the facility administrator;

(7) Provide that legal assistance is available to the facility administrator;

(8) Require that the juvenile court served by the facility is advised at least annually of the extent and availability of services and programs for juveniles;

(9) Specifies that the facility administrator is responsible for all applicable standards; and

(10) Requires a representative of the Juvenile Justice Reform Subcommittee of the Arkansas Supreme Court Commission on Children, Youth and Families to ensure updating of all policy and procedure recommendations for the commissioners to take action.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-205. Organizational chart — Not applicable to holdover facilities.

There is an organizational chart for the facility staff that accurately reflects the structure of authority, responsibility, and accountability within the facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-206. Rules for private facility operation.

If not a governmental entity, the facility has bylaws approved by the governing authority which are filed with the local and state body and include at a minimum:

- (1) Membership (types, qualifications, community representation, rights, duties);
- (2) Size of the governing authority;
- (3) Method of selection;
- (4) Terms of office;
- (5) Duties and responsibilities of officers;
- (6) Times authority will meet;
- (7) Committees;
- (8) Quorums;
- (9) Parliamentary procedures;
- (10) Recording of minutes;
- (11) Method of amending the bylaws;
- (12) Conflict of interest provisions; and
- (13) Specification of the relationship of the facility administrator to the governing authority chief executive.

Authority. Arkansas Code § 12-26-103.

Subpart 3. Management Information Systems

12 CAR § 51-301. Information retrieval.

The facility administrator has access to and uses an organized system of information retrieval and review that is part of the decision-making process.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-302. Criteria for evaluation.

There are specific, written definitions of criteria for evaluating overall facility performance.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-303. Daily population report.

Facility staff maintains a daily report of juvenile population movement.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-304. Collection and retention of information.

The facility administrator participates in the review of policies and practices regarding the collection and retention of information pertaining to the juveniles assigned to the facility at least annually.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-305. Data processing of records.

- (a) Facilities are required to maintain active files.
- (b) The files of juveniles will be purged when the juvenile reaches the age of twenty-one (21).

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-306. Record management.

(a) Written policies and procedures govern record management and include but are not limited to:

- (1) The establishment, utilization, content, privacy, security, and preservation of records; and
- (2) A schedule for the retirement or destruction of inactive case records.

(b) These policies and procedures are reviewed annually.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-307. Intake form.

An intake form is completed for every juvenile admitted to the facility and contains at least the following information:

- (1) Date and time of admission and release;
- (2) Name and nicknames;
- (3) Last known address;
- (4) Legal status (authority for admission);
- (5) Name of attorney, if any;
- (6) Name, title, and signature of delivering officer;
- (7) Specific charge or charges;
- (8) Sex, date of birth, place of birth, race/nationality;
- (9) Education and school attended;
- (10) Employment, if any;
- (11) Religion/denominational preference;
- (12) Health status;
- (13) Medical consent forms;
- (14) Name, relationship, address, and telephone number of the parent or parents, guardian or guardians, or person or persons the juvenile resides with at time of admission;
- (15) Driver's license number, Social Security number, and Medicaid number if applicable;
- (16) Court and disposition, if any;
- (17) Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, tattoos, etc.);
- (18) Person recording data;
- (19) Inventory of property; and

(20) Emergency contact person or persons.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-308. Policies for records.

Written policies and procedures require the responsible staff members to make all entries into the records assigned to them and date and sign each entry.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-309. Master file.

There is a single master file identifying all juveniles detained in the facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-310. Release of Information Consent Form.

(a) Information, other than authorized by law, can be released only with a consent form signed by parents, guardian or guardians, legal custodian or custodians, and juvenile.

(b) The Release of Information Consent Form shall be signed before the release of information as required by statute or rule.

(c) The consent form must comply with applicable federal or state statute, rule, or regulation and a copy of the form shall be maintained in the juvenile's record.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-311. Access to records.

Consistent with statute and rule, written policies and procedures provide that individuals and agencies may have access to records for the purposes of research, evaluation, and statistical analysis in accordance with a formal written agreement that:

- (1) Authorizes access;
- (2) Specifies uses of data; and
- (3) Ensures confidentiality and security.

Authority. Arkansas Code § 12-26-103.

Subpart 4. Fiscal Management

12 CAR § 51-401. Budget.

- (a) The facility budget shall include provisions for:
 - (1) Salaries and fringe benefits;
 - (2) Cost of food;
 - (3) Cost of clothing;
 - (4) Cost of medical and related services;
 - (5) Cost of psychological and psychiatric services, if applicable;
 - (6) Adequate physical facilities and equipment and maintenance of same;
 - (7) Cost of indoor and outdoor recreational materials and/or services;
 - (8) Cost of special services as may be required;
 - (9) Budget for education;
 - (10) Training and travel; and
 - (11) Transports.
- (b) The director participates in budget reviews conducted by the parent agency.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-402. Accounting.

- (a) The fiscal system accounts for all income and expenditures on an on-going basis.
- (b) The facility has written policies and procedures that describe:
 - (1) The methods used for collecting, safeguarding, and disbursing moneys in

compliance with accepted accounting procedures;

(2) The provisions for:

(A) Internal controls;

(B) Petty cash procedures;

(C) Signature control on all checks;

(D) Handling of juvenile funds; and

(E) Employee expense reimbursement; and

(3) Facility insurance coverage that includes workers' compensation, vehicles, civil liability, and public employee blanket bond.

Authority. Arkansas Code § 12-26-103.

Subpart 5. Security and Control

12 CAR § 51-501. Juvenile detention staff.

(a) Sufficient staff must be available so that juveniles are not left unsupervised at any time.

(b)(1) During daylight hours, there shall be a ratio that provides a minimum of one (1) staff per twelve (12) juveniles.

(2) During sleeping hours, there may be one (1) staff per sixteen (16) juveniles.

(c) When both male and female juveniles are present and housed in the facility, there shall be a minimum of one (1) male and one (1) female staff person present.

(d) At no time shall there be less than two (2) staff members on duty.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-502. Security devices.

(a) Written policies and procedures govern the availability, control, and use of chemical agents and related security devices.

(b) Chemical agents and related security devices are used only at the direction of the facility administrator or designee.

(c) A written report is prepared following all use of force and is submitted to the facility administrator.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-503. Facility security.

Written policies and procedures require that all security perimeter entrances, exterior doors, and all doors the facility administrator determines should be locked are kept locked except when used for admission or exit of employees, detained juveniles or visitors, and in emergencies.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-504. Population accountability.

The facility has a system to physically count juveniles that includes strict accountability for juveniles assigned to work and educational release, furloughs, and other approved, temporary absences.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-505. Daily logs.

Written policies and procedures require that supervisory staff maintain a permanent log and prepare shift reports that record routine and emergency situations.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-506. Security device maintenance.

(a) Written policies and procedures provide for weekly inspection and maintenance

of security devices.

(b) Corrective action is initiated when necessary.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-507. Weapons control.

(a) No weapons are permitted in the secure section of the facility except in emergency situations.

(b) Secure weapons lockers will be provided within the facility for storage of weapons as defined in the facility's policy.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-508. Equipment control.

Written policies and procedures govern the control and use of:

- (1) Keys;
- (2) Tools;
- (3) Medical equipment; and
- (4) Culinary equipment.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-509. Shift assignments.

(a) There are written operational shift assignments that state the duties and responsibilities for each assigned position in the facility.

(b) These shift assignments are reviewed at least annually and updated as necessary.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-510. Unlawful flight.

- (a) There are written procedures for handling:
 - (1) Escapes;
 - (2) Runaways; and
 - (3) Unauthorized absences.
- (b) These are reviewed at least annually and updated as necessary.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-511. Emergency procedures.

- (a) There are written plans that specify procedures, including evacuation route or routes from or within facility, staff in charge, and areas of responsibility which must be followed in emergency situations, e.g., natural disasters including fire, earthquake, tornado, or similar severe weather disturbances, human-made disasters, other similar extreme disturbances, or taking of hostages.
- (b) These plans are made available to all applicable personnel and they are reviewed and updated at least annually.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-512. Restraints/use of force.

- (a) Written policies and procedures provide that instruments of restraint are never applied as a method of punishment and are applied only with the approval of the facility administrator or designee.
- (b) Written policies and procedures limit the use of physical force to instances of self-protection, protection of the juvenile or others, prevention of property damage, prevention of escapes, and in accordance with appropriate statutory authority.
- (c) A written report is prepared following all use of force and is submitted to the facility administrator.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-513. Vehicle security.

Written policies and procedures govern safety and security precautions pertaining to facility and staff vehicles.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-514. Policies governing transportation.

Written policies and procedures govern the emergency and nonemergency transportation of juveniles outside the facility and from one jurisdiction to another.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-515. Security checks.

(a) For those juveniles who have known mental or behavioral problems, detention personnel shall check at five-minute intervals and a check shall be documented.

(b) All other juveniles will be checked at fifteen-minute intervals.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-516. Juvenile authority prohibited under all circumstances.

No juvenile shall:

- (1) Exercise any authority over other juveniles;
- (2) Be given access to records of other juveniles; or
- (3) Be permitted to have access to, or use of, keys that control facility security.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-517. Search procedures.

Searches are conducted in these circumstances only:

(1)(A) A juvenile may be required to surrender his or her clothing, undergo an anal or genital bodily cavity search, and submit to a search only if there is probable cause to believe he or she is concealing contraband.

(B) A body cavity search may be conducted only by a licensed medical professional; and

(2)(A) All special incidents including but not limited to the taking of hostages, escapes, assaults, staff use of restraint devices, and physical force are reported in writing to the director.

(B) The report is also placed in the file of the juvenile concerned.

Authority. Arkansas Code § 12-26-103.

Subpart 6. Personnel

12 CAR § 51-601. Hiring requirements.

The facility has written policies and procedures that describe:

(1) That the facility is in compliance with Titles VI and VII of the Civil Rights Act of 1964 and operates, manages, and delivers services without regard to:

- (A) Age;
- (B) Religion;
- (C) Handicap;
- (D) Sex;
- (E) Race;
- (F) Color; or
- (G) National origin;

(2) The selection, retention, and promotion of all personnel based on merit and specified qualifications;

(3) The requirement for a criminal records check for all new employees and shall be in accordance with local city or county policies;

- (4) The requirement for a physical examination of all employees by a physician at the time of employment to include drug testing in accordance with county policy;
- (5) The requirement for a psychological evaluation of all juvenile detention staff as defined in 12 CAR § 51-201 et seq. (see Addendum A);
- (6) A written grievance procedure available to all employees;
- (7) A written annual performance evaluation of each employee based on defined criteria which are reviewed and discussed with the employee;
- (8) The personnel benefits, including at a minimum:
 - (A) The number of holidays;
 - (B) Other leave allowances; and
 - (C) Expectations concerning work hours, including flex-time;
- (9) The requirements regarding staff-juvenile relationships;
- (10) The requirements regarding physical fitness requirements;
- (11) The availability of and requirements regarding in-service training; and
- (12) Juvenile detention personnel shall be at least twenty-one (21) years of age.

Authority. Arkansas Code § 12-26-103.

Codification Notes. Title VI of the Civil Rights Act of 1964 is codified at 42 U.S.C. § 2000d et seq.

12 CAR § 51-602. Acknowledging policies.

- (a) The facility shall provide a copy of personnel policies and procedures to all employees.
- (b) Each employee shall sign a statement acknowledging receipt of the policies and procedures and his or her responsibility for being aware of their contents.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-603. Annual review of policies.

The facility administrator shall review the personnel policies at least annually and submit recommended changes to the parent agency or governing authority.

Authority. Arkansas Code § 12-26-103.

Subpart 7. Training and Staff Development

12 CAR § 51-701. Training requirements.

Written policies and procedures provide that all training programs are presented by persons who are qualified in the areas in which they are conducting training.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-702. Training curriculum.

The training curriculum/program is developed, evaluated, and updated based on an annual assessment that identifies current job-related training needs.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-703. In-service training.

(a) Written policies and procedures provide that all new full-time employees receive juvenile orientation/training before being independently assigned to a particular job.

(b) This orientation and training shall include at a minimum forty (40) hours of in-service training the first year and then, after, sixteen (16) hours of continuing education to include:

(1) Discussion of the purpose, goals, policies, and procedures of the institution and parent agency;

(2) Working conditions and regulations;

(3) Responsibilities and rights of employees;

(4) An overview of the juvenile justice and correctional field; and
(5) The following additional areas are specific requirements for staff who supervise juveniles:

- (A) Security procedures;
- (B) Supervision of juveniles;
- (C) Use of force regulation;
- (D) Report writing;
- (E) Juvenile rules and regulations;
- (F) Rights and responsibilities of juveniles;
- (G) Fire and emergency procedures;
- (H) Key control;
- (I) Interpersonal relations;
- (J) Social/cultural lifestyles of the juvenile population;
- (K) Child growth and development;
- (L) Communication skills;
- (M) First aid/CPR;
- (N) Crisis resolution;
- (O) Mandated child abuse reporting procedures;
- (P) Suicide prevention;
- (Q) Defensive tactics and de-escalation training; and
- (R) ADD/ADHD training.

Authority. Arkansas Code § 12-26-103.

Codification Notes. "CPR" means cardiopulmonary resuscitation.

"ADD" means attention-deficit disorder.

"ADHD" means attention-deficit hyperactivity disorder.

12 CAR § 51-704. Training received.

Written policies and procedures will provide a method for acknowledging and giving credit for prior training received.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-705. Orientation for clerical support.

Written policies and procedures provide that all clerical/support employees who have minimal contact with juveniles receive an orientation to the purpose, goals, policies, and procedures of the institution, as well as task orientation relative to their particular job assignments.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-706. Training of part-time employees and volunteers.

All part-time staff and volunteers working less than forty (40) hours per week receive training appropriate to their assignments.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-707. Compensation.

Written policies and procedures provide for compensating eligible staff for additional time spent in training or for replacement personnel when training occurs on the job.

Authority. Arkansas Code § 12-26-103.

Subpart 8. Admission, Procedure, and Criteria

12 CAR § 51-801. Admission procedure.

(a) No juvenile may be placed in secure detention in a jail, adult lockup, or other adult or juvenile detention facility except as authorized by the Arkansas Juvenile Code of 1989, Acts 1989, No. 273, §§ 12, 21, and 35.

(b) Written procedures for admitting new juveniles shall include, but are not limited to:

- (1) Verification of legal authority to detain;
- (2) Search of the juvenile and possessions;
- (3) Disposition of clothing and personal possessions and required inventory documentation;
- (4) Distribution of personal hygiene items;
- (5) Provision for shower and hair care;
- (6) Issuance of clean, laundered clothing, if necessary;
- (7) Notification of family, custodian, or guardian;
- (8) Assistance to juvenile in notifying their families of their admission;
- (9) Intake interview by a detention worker for risk assessment;
- (10) Completion of medical history questionnaire at time of admission;
- (11) Provision of written orientation materials;
- (12) Recording of basic personal data, excluding profiling;
- (13) Procedures for handling mail and visiting;
- (14) Assignment to a sleeping room; and
- (15) Notification of the appropriate intake officer.

(c) Medical screening should be conducted within forty-eight (48) hours, excluding weekends or holidays, by a licensed medical professional, unless the juvenile exhibits illness or injury, then the juvenile shall be referred for immediate medical care.

Authority. Arkansas Code § 12-26-103.

Codification Notes. The Arkansas Juvenile Code of 1989 is codified at Arkansas Code § 9-27-301 et seq.

12 CAR § 51-802. Documentation of orientation.

(a) Written policies and procedures shall provide that new juveniles receive an orientation in a manner and method which is understandable to the juvenile.

(b) Completion of orientation is documented by a statement that is signed and dated by the juvenile.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-803. Admission telephone use.

Written policies and procedures shall grant all juveniles the right to make a local or collect long distance telephone call to a family member, attorney, or other approved individual during the admissions process.

Authority. Arkansas Code § 12-26-103.

Subpart 9. Intake

12 CAR § 51-901. Detention of runaways.

(a) Written policies and procedures prohibit the placement in the facility of children who do not have delinquent or criminal charges filed against them except when they are runaways, living beyond a fifty-mile driving distance, or out-of-state and have absented themselves from their home for more than twenty-four (24) hours.

(b)(1) If the juvenile is a runaway and whose parent, guardian, or other person resides in this state, the center may hold this youth for no more than six (6) hours.

(2) If the juvenile's parent, guardian, or other person lives out-of-state, this youth may be held for twenty-four (24) hours, excluding weekends and holidays.

(c) A juvenile held under this section must be separated from detained juveniles charged or held for delinquent or criminal violations.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-902. Detention hearing.

(a) Written policies and procedures ensure that any juvenile placed in detention under the jurisdiction of juvenile court be brought before the court for a detention hearing as soon as possible but no later than seventy-two (72) hours after the juvenile was taken into custody or, if the seventy-two-hour period ends on a Saturday, Sunday, or holiday, on the next business day.

(b) If these time limits are not met, the juvenile shall be released.

Authority. Arkansas Code § 12-26-103.

Subpart 10. Release Preparation and Transfer Programs

12 CAR § 51-1001. Procedures for release.

Written procedures for releasing juveniles include but are not limited to:

- (1) Verification of identity;
- (2) Verification of release papers;
- (3) Completion of release arrangements, including the person or agency to which the juvenile is to be released;
- (4) Return of personal effects;
- (5) Completion of any pending action, such as:
 - (A) Grievances;
 - (B) Claims for damages; or
 - (C) Lost possessions;
- (6) Transportation arrangements;
- (7) Instructions on forwarding mail; and
- (8)(A) Written policies and procedures specify that the presence of a detainer is not an automatic bar to release.

(B) The basis of any such detainer is to be investigated to determine the status of the detainee and when appropriate, the juvenile is to be released to the

detainer.

Authority. Arkansas Code § 12-26-103.

Subpart 11. Juvenile Rights

23 CAR § 51-1101. Rights of juveniles.

(a) While being detained, the rights of juveniles shall be preserved.

(b) The rights of juveniles while in detention are not diminished or denied for disciplinary reasons.

(c) Written policies and procedures shall provide that juveniles are ensured their rights, subject only to the limitations necessary to maintain order and security in the facility.

(d) Included are the following juvenile rights:

(1) Freedom from discrimination because of:

(A) Race;

(B) National origin;

(C) Color;

(D) Creed;

(E) Sex; or

(F) Physical handicap;

(2) Equal access for male and female juveniles to all programs and services offered at a facility housing both sexes;

(3) A written grievance procedure which is explained and made available to juveniles and allows for at least one (1) level of appeal;

(4) Participation in religious services and religious counseling on a volunteer basis;

(5) Access to recreational opportunities and equipment including, when the climate permits, outdoor exercise;

(6)(A) Access to the courts and confidential contact with attorneys and their

authorized representatives.

(B) Such contact includes, but is not limited to:

- (i) Telephone conversations;
- (ii) Uncensored correspondence; and
- (iii) Visits;

(7) Not to be subject to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of living such as eating or sleeping;

(8) To receive visitors as per the facility's policies as outlined in the policies and procedures manual;

(9) To communicate or correspond with persons or organizations;

(10) Reasonable access to the general public through communications media subject only to the limitations necessary to protect the juvenile's rights;

(11) Media request for interviews shall be in writing;

(12) To determine the length and style of their hair, except in individual cases where such restrictions are necessary for reasons of health and safety;

(13) To keep facial hair, if desired, except in individual cases where such restrictions are necessary for reasons of health and safety;

(14) To wear personal clothing or combinations of their own and facility clothing consistent with the facility guidelines;

(15) To have supervision and control exercised by staff and/or trained volunteers while at the facility;

(16) To not participate in work assignments, unless the work is related to housekeeping, maintenance of the facility grounds, or personal hygiene needs, or the work is part of an approved vocational training program;

(17) To be free from sexual harassment;

(18) To be protected from harm; and

(19) Juveniles shall not be permitted to perform any work prohibited by state rules and federal regulations and statutes pertaining to child labor.

Authority. Arkansas Code § 12-26-103.

Subpart 12. Rules and Discipline

12 CAR § 51-1201. Rules of conduct.

(a) Written rules of juvenile conduct specify acts prohibited within the institution and penalties that may be imposed for various degrees of violation.

(b) The written rules are reviewed annually and updated if necessary.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1202. Rulebook.

(a)(1) A rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is posted in a conspicuous area.

(2) A copy is given to each juvenile and staff member and is translated into those languages spoken by significant numbers of juveniles.

(b) When a literacy or language problem prevents a juvenile from understanding the rulebook, a staff member or translator shall assist the juvenile in understanding the rules.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1203. Written guidelines.

There are written guidelines for informally resolving minor juvenile misbehavior.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1204. Room restriction.

(a) Written policies and procedures specify that room restriction for minor misbehavior serves only a cooling off purpose and is short in time duration, with the

time period no more than sixty (60) minutes.

(b) Room restriction beyond sixty (60) minutes requires approval of the director or designee.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1205. Disciplinary report.

(a) Written policies and procedures require that employees prepare a disciplinary report when they have a reasonable belief that a juvenile has committed a major violation of facility rules or reportable minor violations.

(b) Disciplinary reports prepared by staff members shall include, but are not limited to, the following information:

- (1) Specific rules violated;
- (2) An explanation of the event, which should include who was involved, what transpired, and the time and location of occurrence, including unusual juvenile behavior;
- (3) Staff witnesses;
- (4) Disposition of any physical evidence;
- (5) Any immediate action taken, including the use of force;
- (6) Reporting staff member's signature; and
- (7) Time and date report is made.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1206. Solitary confinement.

(a) When a juvenile has been accused of a major rule violation requiring solitary confinement for the safety of the juvenile or other juveniles, or to ensure the security of the facility, the youth may be confined for a period of up to twenty-four (24) hours.

(b) Confinement for periods of over twenty-four (24) hours is reviewed every twenty-four (24) hours by the administrator or designee who was not involved in the

incident.

(c)(1) Written policies and procedures specify that juveniles placed in confinement are afforded living conditions and privileges approximating those available to the general juvenile population.

(2) Exceptions are justified by clear and sustained evidence.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1207. Audience with staff.

Whenever juveniles are removed from the regular program, they are seen by the supervisor, counselor, or probation officer assigned as soon as possible, but not more than twenty-four (24) hours after removal.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1208. Review of disciplinary action.

Written policies and procedures provide for review of all disciplinary actions by the facility administrator to ensure conformity with policies and rules.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1209. Due process.

Written policies and procedures ensure that prior to room restriction or privilege suspension, the juvenile has the reasons for the restriction explained to him or her and has an opportunity to explain the behavior leading to the suspension.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1210. Report criminal activity.

Written policies and procedures provide that in instances in which a juvenile is

alleged to have committed a crime, the case is referred to appropriate law enforcement officials for possible prosecution.

Authority. Arkansas Code § 12-26-103.

Subpart 13. Medical and Healthcare Services

12 CAR § 51-1301. Healthcare plan.

Written policies and procedures provide for the delivery of healthcare services, including medical, dental, and mental healthcare services under the control of a designated health authority in accordance with Health Insurance Portability and Accountability Act laws.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1302. Medical authority.

(a) Medical, including psychiatric, and dental matters involving medical judgment are the sole province of the responsible physician and dentist, respectively.

(b) Security regulations that are applicable to facility personnel also apply to health personnel.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1303. Approval of healthcare policies.

Written healthcare policies and procedures are approved by the responsible physician and/or medical administrator.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1304. Who may provide health care.

(a) Treatment by healthcare personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent provider is performed pursuant to written standing or direct orders by personnel authorized by law to give such orders.

(b) Nurse practitioners and physician assistants may practice within the limits of applicable laws and rules.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1305. Certifications.

Appropriate state and federal certification or registration requirements and restrictions apply to personnel who provide healthcare services to juveniles.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1306. Medical screening.

(a) Written policies and procedures require medical screening for all juveniles, including intersystem transfers, upon arrival at the facility.

(b) All findings are recorded on a printed screening form approved by the health authority.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1307. Emergency healthcare plan.

The facility administration provides twenty-four-hour emergency medical and dental care availability as outlined in a written plan which includes:

(1) Arrangements for the emergency evacuation of the juvenile from the facility;

(2) Arrangements for the use of an emergency medical vehicle;

(3) Arrangements for the use of one (1) or more designated hospital

emergency rooms or other appropriate health facilities; and

(4) Arrangements for emergency on-call physician and dental services when the emergency health facility is not located in a nearby community.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1308. Medication storage.

All medication shall be kept in a locked storage area.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1309. Staff training.

(a) Written policy and procedure provide that child care staff and other personnel are trained to respond to health-related situations.

(b) A training program is established by the responsible health authority in cooperation with the facility administration, which includes the following:

(1) Recognition of signs and symptoms, and knowledge of action required in potential emergency situations;

(2) Administration of first aid and cardiopulmonary resuscitation (CPR);

(3) Methods of obtaining assistance;

(4) Signs and symptoms of:

(A) Mental illness;

(B) Intellectual disability; and

(C) Chemical dependency; and

(5) Procedures for patient transfers to appropriate medical facilities or healthcare providers.

(c) All juveniles and staff will be screened for tuberculosis in accordance with standards promulgated by the Department of Health.

Authority. Arkansas Code § 12-26-103.

Subpart 14. Sanitation and Hygiene

12 CAR § 51-1401. Health codes/Department of Health requirements.

The facility administration complies with applicable federal, state, and local sanitation and health codes.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1402. Weekly sanitation inspection.

Written policies and procedures require weekly sanitation inspections of all facility areas.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1403. Housekeeping plan.

There is a written housekeeping plan for the facility's physical plant.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1404. Control of vermin.

Written policies and procedures provide for the control of vermin and pests.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1405. Waste disposal.

Written policies and procedures provide for waste disposal.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1406. Hair care services.

There are hair care services available to juveniles.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1407. Personal hygiene.

Written policies and procedures require that articles necessary for maintaining proper personal hygiene are provided to all juveniles.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1408. Linens and clothing.

Written policies and procedures provide that:

- (1) Clean bedding and linens with at least weekly changes are available;
- (2) Clean clothing is provided for juveniles, clean socks, underwear, and towels on a daily basis, and other clothing at least twice a week; and
- (3) The stored supply of clothing, linens, and bedding exceeds that required for the facility's maximum juvenile population.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1409. Shower schedule.

Written policies and procedures provide an approved shower schedule that allows daily showers and showers after strenuous exercise.

Authority. Arkansas Code § 12-26-103.

Subpart 15. Communications, Mail, Visitation, and Telephone

12 CAR § 51-1501. Correspondence.

Written policies and procedures governing correspondence of juveniles are made available to all staff and juveniles and are reviewed annually and updated as needed.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1502. Postage.

There is no limit on the volume of mail a juvenile may send or receive, except when the facility provides postage, and in this instance a limit should be set on the amount of outgoing mail, provided written policies and procedures allow a minimum of two (2) letters per week for each juvenile.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1503. Censorship.

(a) Written policies and procedures provide that juvenile letters both incoming and outgoing are not read except where there is clear and convincing evidence to justify such actions.

(b) If correspondence is read, the youth is informed in advance and is present when the letter is opened and the action is documented.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1504. Contraband.

Written policies and procedures govern inspection of juvenile letters or packages for money or contraband.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1505. Letters and packages.

Written policies and procedures require incoming and outgoing letters are held for

no more than twenty-four (24) hours and packages for no more than forty-eight (48) hours, excluding weekends and holidays.

Authority. Arkansas Code § 12-26-103.

15 CAR § 51-1506. Uncensored mail.

Written policies and procedures specify that juveniles are permitted to send sealed letters to a specified class of persons and organizations including, but not limited to:

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

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1507. Visitation.

Written policies and procedures should schedule regular and reasonable visitation hours and be reviewed annually and updated if needed.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1508. Visitors' log.

Written policies and procedures specify that visitors register upon entering into the facility and the circumstances under which visitors are searched.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1509. Special visits.

Written policies and procedures govern special visits.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1510. Access to telephone.

Written policies and procedures provide for juveniles' access to the telephone to make personal calls.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1511. Mail forwarding.

Written policies and procedures provide for the forwarding of first-class letters and packages after transfer or release.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1512. Access to publications.

Written policies and procedures govern juveniles' access to publications.

Authority. Arkansas Code § 12-26-103.

Subpart 16. Food Services

12 CAR § 51-1601. Menus approved by licensed dietician — Not applicable to holdover facilities.

The facility's administration and management system shall provide for and documentation shall be maintained which confirms that the facility's system of dietary allowance is reviewed at least annually by a licensed dietician or physician to ensure compliance with nationally recommended food allowances.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1602. Quarterly evaluations — Not applicable to holdover facilities.

(a) Quarterly evaluations shall be conducted to verify adherence to the nationally recommended basic daily servings as defined by the United States Department of Agriculture.

(b) Facilities which participate in the child care Food and Nutrition Services Program are exempt from this provision.

(c) A copy of the Department of Health inspection shall be sent to the Criminal Detention Facilities Review Coordinator.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1603. Meal schedules — Not applicable to holdover facilities.

(a) Written policies and procedures provide that food service staff develop in advance weekly, planned meal schedules and substantially follow such schedules.

(b) Planning for meals shall take into consideration:

(1) Food:

(A) Flavor;

(B) Texture;

(C) Temperature;

(D) Appearance; and

(E) Palatability; and

(2) Individual nutritional needs.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1604. Single menu for staff and juveniles — Not applicable to holdover facilities.

The food service plan shall provide for a single menu for staff and juveniles.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1605. Special diets.

Written policies and procedures provide for special diets as prescribed by appropriate medical or dental personnel.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1606. Record of meals served.

Written policies and procedures require that accurate records are maintained of all meals served.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1607. Health authority inspections.

(a) Written policies and procedures specify the food services comply with the applicable sanitation and health codes as promulgated by federal, state, and local authorities.

(b) A copy shall be sent to the Criminal Detention Facilities Review Coordinator.

Authority. Arkansas Code § 12-26-103.

Subpart 17. Safety

12 CAR § 51-1701. General.

(a) While this subpart deals with specific fire and safety measures, this subpart is not intended to be all-inclusive in regard to the safety and welfare of the individual juvenile.

(b) Because potential hazards are too numerous to detail, it is the responsibility of

the chief executive to establish rules, regulations, and inspection procedures for the facility to ensure, to the greatest degree possible, the health, safety, and well-being of the juvenile.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1702. Inspection.

The chief executive shall have the facility inspected at least once every year by the state or local fire marshal for fire prevention and safety measures, and a record of such inspections will be kept on file within the facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1703. Fire plans.

(a) A written fire plan concerning fire prevention shall be maintained to ensure the safety of the:

- (1) Juveniles;
- (2) Staff; and
- (3) Visitors.

(b) The plan should detail staff responsibilities, cover evacuation procedures, and through a posted map or drawing show:

- (1) Locations of:
 - (A) Exits;
 - (B) Breathing apparatus;
 - (C) Fire hoses or fire extinguishers; and
 - (D) Evacuation routes; and
- (2) Any other features pertinent to fire safety.

(c) All personnel will be trained in the use of such equipment and such required training shall be documented and such documents kept on file within the facility.

(d) All personnel will be briefed as to location and use of emergency keys.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1704. Firefighting equipment.

(a) Basic firefighting equipment, to include at least fire extinguishers, plus emergency compressed air breathing apparatus shall be maintained in a secure but accessible storage area.

(b) The self-contained breathing apparatus needs to be mounted on the wall and all personnel need to be trained on its use.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1705. Other emergency plans.

(a) A written emergency plan which covers all emergencies other than fire shall be maintained and all personnel shall be trained and knowledgeable of their duties should an emergency occur.

(b) Evacuation procedures shall be detailed and duties assigned to all personnel and shall include the location of keys to emergency exits and instructions for usage.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1706. Exits.

(a) Facilities' exits must be plainly and permanently marked.

(b) All corridors and walkways leading to or from an exit shall be kept free of refuse, litter, and obstacles of all types which might cause problems under emergency conditions.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1707. Secure storage.

(a) Storage of flammable, toxic, and caustic materials must conform to local, state, and national laws, rules, or regulations.

(b) House cleaning supplies shall be kept in a secure and uncluttered closet or locker provided for those materials and shall not be permitted in secure areas occupied by juveniles.

Authority. Arkansas Code § 12-26-103.

Subpart 18. Programs

12 CAR § 51-1801. Minimum services.

The facility shall provide or make available the following minimum services and programs:

- (1) An educational program (not applicable to holdover facilities);
- (2) Visiting with parents and guardians;
- (3) Private communications with visitors and staff;
- (4) Counseling (not applicable to holdover facilities);
- (5) Continuous supervision of living units;
- (6) Medical service;
- (7) Food service;
- (8) Recreation and exercise; and
- (9) Reading materials.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1802. Programs available after admission.

Programs and services are initiated for all juveniles as soon as they have completed the admissions process.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1803. Educational opportunities — Not applicable to holdover facilities.

(a) Educational programs shall be available to all juveniles except in instances where the juvenile is disruptive or out of control.

(b) Once the juvenile has regained control or becomes nondisruptive, educational opportunities are to be made immediately available to the juvenile.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1804. Minimum time — Not applicable to holdover facilities.

(a) Educational programs in detention facilities are designed to assist detained juveniles in keeping up with their studies and are available a minimum of six (6) hours per day, Monday through Friday, excluding holidays.

(b) This is not limited to the normal school year.

(c) The educational program will be coordinated with the local school district in which the facility is located.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1805. Licensed instructors — Not applicable to holdover facilities.

Educational instructors are licensed or accredited by the state, or they are under the supervision of certified or licensed teachers.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1806. Exercise and recreation.

Written policies and procedures provide a recreational and leisure plan that includes, at a minimum, at least one (1) hour per day of large muscle activity.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1807. Counseling.

Detained juveniles are afforded access to religious counseling, mental health counseling, and crisis intervention services in accordance with their needs.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1808. Work assignments — Not applicable to holdover facilities.

Work assignments shall not conflict with educational programs.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1809. Work.

Juveniles shall not be permitted to perform any work prohibited by state rules and federal regulations and statutes pertaining to child labor.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1810. Preadjudicated juveniles.

Preadjudicated juveniles should only be responsible for performing housekeeping chores in their living areas.

Authority. Arkansas Code § 12-26-103.

Subpart 19. Citizen and Volunteer Involvement

12 CAR § 51-1901. Citizen involvement.

Written policies and procedures provide for securing citizen involvement in programs.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1902. Volunteer services program.

Written policies and procedures specify the lines of authority, responsibility, and accountability for the volunteer services program.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1903. Screening and selection.

Written policies and procedures provide for the screening and selection of volunteers, allowing for recruitment from all cultural and socio-economic segments of the community.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1904. Security and confidentiality.

Volunteers agree in writing to abide by all facility policies, particularly those relating to security and confidentiality of information.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-1905. Volunteer restrictions.

Written policies and procedures provide that the administrator curtails, postpones, or discontinues the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

Authority. Arkansas Code § 12-26-103.

Subpart 20. Existing Facilities

12 CAR § 51-2001. Definition.

For the purpose of this subpart, "existing facility" means a facility which is in operation on or before the adoption of this part.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2002. Inspections.

On-site inspections of detention facilities shall be the duty of the criminal detention facility review committee and they shall use this part to determine compliance.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2003. Documentation.

(a) Copies of all reports and documents pertaining to detention facilities shall be sent to the Office of Criminal Detention Facilities Review Coordinator.

(b) A master file of inspection reports on each facility shall be maintained by the criminal detention facility review committee at the county clerk's office in the county in which the facility is located.

(c) All reporting requirements shall be as set forth by Acts 1989, No. 515, or as amended.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2004. Environmental systems generally.

(a) Lighting will be appropriate to the activity for the area in question.

(b) Air circulation shall be provided and temperature shall be maintained between sixty-five degrees Fahrenheit and eighty-five degrees Fahrenheit (65° F – 85° F).

(c) All mechanical, plumbing, electrical, life safety, and security control equipment and systems shall be secure from unsupervised juvenile access.

(d) An automatic cut-in generator shall be provided of adequate capacity to operate electrical locking devices in facilities so equipped.

(e) Automatic cut-in battery backup emergency lighting to provide minimum illumination inside and outside the facility is acceptable.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2005. Fire alarm.

(a) Fire, smoke, and products of combustion detection equipment shall be provided in accordance with the latest adopted Arkansas Fire Prevention Code, 12 CAR pt. 15.

(b) Said equipment will be battery-powered or part of the emergency power system.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2006. Disabled accessibility.

(a) There shall be facilities available in which to house and care for disabled juveniles.

(b) Readily available alternative facilities may be used to meet this requirement.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2007. Exits.

(a) There shall be at least two (2) identifiable directions to travel from the door of the sleeping room or rooms to permit the prompt evacuation of juveniles and staff under emergency conditions.

(b) Required exits should lead directly to a hazard-free area where adequate supervision can be provided.

(c) The two (2) exits must be as remote from each other as possible.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2008. Intake, booking, and release areas.

(a) The intake/booking and release area should be located inside the security perimeter, and have the following components:

- (1) Booking area;
- (2) Access to:
 - (A) Drinking water;
 - (B) Toilet; and
 - (C) Wash basin;
- (3) Secure storage for juveniles' personal property; and
- (4) Temporary holding area or areas with seating.

(b)(1) Provisions should be made to ensure the safety of juveniles and personnel and the security of the facility.

(2) The intake area may also be used to process juveniles for release.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2009. General housing requirements.

All rooms shall have, at a minimum, access to the following facilities:

- (1) A toilet above floor level;
- (2) A wash basin and shower facilities, both with hot and cold running water;

and

- (3) A bed above floor level.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2010. Single occupancy housing.

- (a) The minimum square foot area of single sleeping or observation rooms will be fifty square feet (50 ft²) per juvenile.
- (b) If confinement exceeds twelve (12) consecutive hours per day, seventy square feet (70 ft²) per room will be provided.
- (c) Space is measured from interior to interior wall less the space occupied by plumbing chases and columns.
- (d) The space includes the area occupied by bed and plumbing fixtures.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2011. Multiple occupancy housing.

- (a) Where used, multiple occupancy sleeping rooms shall house no more than four (4) juveniles.
- (b) This area shall provide:
 - (1) The ability for observation by staff;
 - (2) A minimum floor area of thirty-five square feet (35 ft²) per juvenile; and
 - (3) Beds above floor level.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2012. Special housing — Not applicable to holdover facilities.

- (a) There shall be at least one (1) room for administrative segregation of juveniles which provides for staff observation.
- (b) Readily available alternative facilities may be used to meet this requirement.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2013. Activity rooms — Not applicable to holdover facilities.

- (a) Activity rooms in the facility must have sufficient air circulation, temperature,

and lighting for the activities being performed and access to toilets and wash basins within the area.

(b) These areas include:

- (1) Multipurpose rooms;
- (2) Recreation areas or program areas for juveniles; and/or
- (3) Work areas for staff.

(c) Where practical, activity rooms should have natural light provided by skylight or windows.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2014. Linen storage.

(a) Space shall be provided to store and issue facility clothing and bedding, and to provide for the exchange of personal and facility clothing when juveniles appear in court or are to be released.

(b) Storage space for clean bedding and facility clothing shall be convenient to juvenile housing areas.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2015. Exercise spaces — Not applicable to holdover facilities.

(a) Juveniles detained in excess of seventy-two (72) hours shall have access to outdoor or indoor exercise areas.

(b) Indoor exercise programs may be conducted in a multipurpose room or room specifically set aside for indoor exercise, in spaces in which lighting, temperature, and ventilation are appropriate for the activity to be conducted.

(c) Hallway areas will not be considered sufficient exercise space.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2016. Secure storage.

(a)(1) Space shall be provided for the secure storage of chemical agents and restraining devices and related security equipment.

(2) The equipment shall be located in an area which is accessible to authorized personnel only.

(b) Separate and secure space will be provided for evidence and contraband.

(c) Cleaning equipment and supplies shall be stored in a supervised area.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2017. Administrative space.

Adequate space will be provided for general administrative and staff functions.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2018. Food service.

Adequate space and equipment will be provided for food preparation and/or handling.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2019. Visitation and consultation area.

The area for approved visitors shall be inside the security perimeter of the facility.

Authority. Arkansas Code § 12-26-103.

Subpart 21. New Construction

12 CAR § 51-2101. Definitions.

(a) For purposes of this subpart:

(1) "New construction" means:

(A) Any new facility;

(B) Any area of construction added beyond outside walls and/or roof of an existing facility; and

(C) Any area of construction within an existing facility affecting more than fifty percent (50%) of the existing facility's overall floor area; and

(2) "Remodeling" means construction within the existing facility's structure affecting fifty percent (50%) or less of the existing facility's floor area.

(b)(1) The intention is to have all new areas of construction or remodeling either inside or outside an existing facility meet the specifically applicable section or sections as outlined in this subpart.

(2) For example, if plans are made to add a visitation or consultation area to an existing facility, the construction must be done in compliance with 12 CAR § 51-2126.

(3) Likewise, if plans are made to convert existing space into a detention area, the new detention construction must meet the requirements of this subpart.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2102. Plan review.

(a) All design plans shall be presented in person to the Criminal Detention Facilities Review Coordinator by the facility's architect or the architect's representative.

(b) The design plans shall also be accompanied by a written narrative explaining detailed compliance with this subpart.

(c) The coordinator will make himself or herself available to assist the requesting facility with review of plans for standard conformity, and the coordinator can suggest changes, but he or she has no official approval capacity.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2103. Plan approval.

(a) The criminal detention facility review committee shall have final approving authority of plans relating to compliance with this subpart for the construction of juvenile detention facilities.

(b) The criminal detention facility review committee will issue final written approval upon the incorporation of all changes requested by the Criminal Detention Facilities Review Coordinator and/or the criminal detention facility review committee.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2104. Documentation.

(a) Copies of all reports and documents pertaining to juvenile detention facilities shall be sent to the Office of Criminal Detention Facilities Review Coordinator.

(b) A master file of inspection reports on each facility shall be maintained by the criminal detention facility review committee at the county clerk's office in the county in which the facility is located.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2105. Building codes.

(a) All new construction, in addition to this subpart, will be designed and constructed in accordance with the codes and standards adopted by the State Fire Marshal, Department of Health, Building Authority Division, and others as required, and the latest edition of the Life Safety Code.

(b) If an addition increases the existing square footage by more than fifty percent (50%), the entire facility shall be made to conform to the entire code.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2106. Environmental systems generally.

- (a) Lighting will be appropriate to the activity for the area in question.
- (b) Air circulation shall be provided and temperature shall be maintained between sixty-five degrees Fahrenheit and eighty-five degrees Fahrenheit (65° F – 85° F).
- (c) Exceptions can be made in extreme conditions and emergencies.
- (d) All mechanical, plumbing, electrical, life safety, and security control equipment and systems shall be secured from unsupervised juvenile access.
- (e) Automatic cut-in generators shall be provided of adequate capacity to operate electrical security equipment and to provide minimum illumination within and around the facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2107. Fire detection.

- (a) Fire, smoke, and products of combustion detection equipment shall be provided according to the latest adopted Arkansas Fire Prevention Code, 12 CAR pt. 15.
- (b) Said equipment will be battery-powered or part of the emergency power system.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2108. Disabled accessible.

- (a) There shall be facilities available in which to house and care for disabled juveniles.
- (b) All areas of the facility including public areas shall be accessible to and usable by disabled persons.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2109. Exits.

(a) There shall be at least two (2) identified exits which can be traveled from the door of sleeping room or rooms to permit the prompt evacuation of juveniles and staff under emergency conditions.

(b) Required exits should lead directly to a hazard-free area where adequate supervision can be provided.

(c) The two (2) exits must be as remote from each other as possible.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2110. Floor drains.

(a) Floor drains shall be designed in accordance with the latest Arkansas Plumbing Code, 17 CAR pt. 65, to serve all housing and other areas where necessary to facilitate cleaning and prevent juvenile flooding of the facility.

(b) Floor drains shall be located outside areas occupied by juveniles to reduce the incident of tampering and flooding.

(c) Floor drain systems cannot drain into any sanitary sewer line within any area in which juveniles are housed or detained.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2111. Natural light — Not applicable to holdover facilities.

Natural light will be provided directly to all individual sleeping rooms and, if possible, to activity rooms and day rooms via skylight or windows, both of which are designed to minimize introduction of contraband or escape.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2112. Controlled access.

(a) All pedestrian entrances and exits to the facility shall be via sally port.

(b) Electric doors, if used, should be visible physically or electronically and be

operated from the control center.

(c) The vehicular sally ports should be located adjacent to the intake area for transportation of juveniles in and out of the facility.

(d) Interior sally ports should be located at points between the juvenile area and public areas.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2113. Intake, booking, and release area or areas.

(a) Intake/booking and release area shall be located inside the security perimeter and have the following components:

- (1) Booking area or areas;
- (2) Sally port vehicular and/or personnel;
- (3) Access to drinking water;
- (4) Access to shower facilities (not applicable to holdover facilities);
- (5) Secure storage for juveniles' personal property;
- (6) Telephone facilities;
- (7) Private interview space;
- (8) Temporary holding area or areas with seating; and
- (9) Operable toilets and wash basins.

(b)(1) This area shall be designed so that newly admitted juveniles may be processed in a thorough, humane, and orderly manner.

(2) Provisions should be made to ensure the safety of juveniles and personnel and security of the facility.

(3) The intake area may also be used to process juveniles for release.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2114. Juvenile separation.

(a) The facility shall be designed and constructed so that juveniles can be

separated according to existing laws, rules, and regulations, or according to the facility's written classification plan.

(b) The facility shall have a sufficient number of detention rooms or clusters of detention rooms in an appropriate configuration so that the various categories of juveniles can be housed separately.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2115. General housing requirements.

Activity rooms or detention rooms shall have, at a minimum, access to the following facilities:

(1) At least fifty percent (50%) of the facility's rated capacity shall be single occupancy sleeping rooms; and

(2) Sleeping rooms shall have, at a minimum, access to the following facilities:

(A) A toilet above floor level, a wash basin, and drinking water;

(B) Shower facilities;

(C) Hot and cold running water;

(D) A bed above floor level; and

(E) A desk or writing surface.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2116. Single occupancy housing.

(a) All single rooms shall have a minimum seventy square feet (70 ft²) of floor space.

(b) Space is measured from interior wall to interior wall less the space occupied by plumbing chases and columns.

(c) The space does include the area occupied by bed, desk, and plumbing fixtures.

(d) A minimal horizontal room dimension of six feet eight inches (6' 8") and a ceiling height of eight feet (8' 0") is required.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2117. Multiple occupancy housing.

(a) Where used, multiple occupancy sleeping rooms may house no more than two (2) juveniles.

(b) These areas will provide:

- (1) The ability for observation by staff;
- (2) A minimum floor area of thirty-five square feet (35 ft²) per juvenile in the sleeping area; and
- (3) Beds above floor level.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2118. Special housing — Not applicable to holdover facilities.

(a) There shall be at least one (1) room for administrative segregation for juveniles which provides for staff observation.

(b) Special housing shall have, at a minimum, access to the following facilities:

- (1) A toilet above floor level, a wash basin, and drinking water (all of which to be available without staff assistance);
- (2) Shower facilities;
- (3) Hot and cold running water;
- (4) A bed above floor level; and
- (5) A desk or writing surface.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2119. Day rooms — Not applicable to holdover facilities.

(a) The room shall have a minimum of thirty-five square feet (35 ft²) of floor space

per juvenile served from the separate and distinct adjacent sleeping area.

(b) Square footage is to be calculated exclusive of a three-foot wide circulation space directly in front of the room doors.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2120. Activity rooms — Not applicable to holdover facilities.

(a)(1) Activity rooms in the facility must have sufficient air circulation, temperature, and lighting for the activities being performed, and access to toilets and wash basins within the area.

(2) These areas include multipurpose rooms, recreation areas, or program areas for juveniles, and/or work areas for staff.

(3) These areas shall have a minimum aggregate total of thirty-five square feet (35 ft²) per juvenile based on the rated capacity of the facility.

(b) Square footage for dayrooms and activity rooms may be combined to achieve sixty-five square feet (65 ft²) per rated capacity.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2121. Linen storage.

(a) Space shall be provided to store and issue facility clothing and bedding and to provide for the exchange of personal and facility clothing when juveniles appear in court or are to be released.

(b) Storage space for linen, bedding, and facility clothing shall be convenient to juvenile housing areas.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2122. Exercise spaces — Not applicable to holdover facilities.

(a) Juveniles detained in excess of seventy-two (72) hours shall have access to both indoor and outdoor exercise areas.

(b)(1) Indoor exercise programs may be conducted in a multipurpose room or room specifically set aside for indoor exercise.

(2) This space shall have lighting, temperature, and ventilation which are appropriate for the activities to be conducted.

(3) Hallway areas in front of rooms will not be considered exercise space.

(c) The outdoor exercise space shall have a minimum of one hundred square feet (100 ft²) per juvenile based on the rated capacity of the facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2123. Secure storage.

(a) Space shall be provided for the secure storage of chemical agents and restraining devices and related security equipment.

(b) Equipment shall be located in an area which is accessible to authorized personnel only.

(c) Separate and secure space will be provided for evidence and contraband.

(d) Cleaning equipment and supplies shall be stored in a supervised area.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2124. Administrative space.

Adequate space will be provided for general administrative and staff functions.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2125. Food service space — Not applicable to holdover facilities.

(a) Dining area shall have a minimum of fifteen square feet (15 ft²) per person, to

include juveniles and staff.

(b) Kitchen area shall be a minimum of two hundred square feet (200 ft²) excluding food storage area.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2126. Visitation and consultation area — New language mirrors standards for adult jails.

(a) The area for visitation by the public shall be outside the security perimeter.

(b) The visiting area for the juvenile shall be inside the security perimeter.

(c) The visiting area shall be acoustically treated to reduce noise.

(d) These areas may also be used as private consultation rooms for law enforcement officers, attorneys, clergy, etc.

(e) Optional contact visitation spaces may be provided.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2127. Health room — Not applicable to holdover facilities.

(a) For health care delivered in the facility, adequate space, equipment, supplies, and materials shall be provided as determined by the designated health authority.

(b) A private examination room, which can serve other purposes when not used for medical/dental consultations, shall be provided.

Authority. Arkansas Code § 12-26-103.

Subpart 22. Juvenile Detention Facilities or Juvenile Holdover Facilities Within Adult Jails

12 CAR § 51-2201. Juvenile detention facilities or juvenile holdover facilities within adult jails.

(a) A juvenile detention facility falls under this category when it exists within the same building or on the same grounds as the adult jail.

(b) Application of this subpart does not preclude compliance with rules of the state standards as defined in 12 CAR § 51-2001 et seq., and 12 CAR § 51-2101 et seq.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2202. Separate spatial areas.

Total separation between juvenile and adult facility spatial areas is required such that there could be no haphazard or accidental contact between juvenile and adult detainees in the respective facilities, including:

- (1) Entrance;
- (2) Intake/processing;
- (3) Dining;
- (4) Indoor recreation;
- (5) Outdoor recreation;
- (6) Education;
- (7) Counseling;
- (8) Other programs;
- (9) Living units;
- (10) Visitation; and
- (11) Day rooms.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2203. Separate program activities.

Total separation in all juvenile and adult program activities within the facilities is required, including:

- (1) Recreation;
- (2) Education;

- (3) Counseling;
- (4) Health care;
- (5) Dining;
- (6) Sleeping; and
- (7) General living activities.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2204. Time-phasing.

Time-phasing spatial areas and activities between juvenile and adult detainees shall not occur.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2205. Separate staff.

Separate juvenile and adult staff is required, including:

- (1) Management; and
- (2) Juvenile detention staff.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2206. Specialized services staff.

(a) Specialized services staff who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults can serve both.

(b) Such staff includes the following:

- (1) Cooks;
- (2) Bookkeepers; and
- (3) Medical professionals.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2207. Staff rotation.

Juvenile facility staff and adult facility staff shall not be rotated between facilities based on the occupancy in either facility.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2208. Relief workers.

Adult facility staff shall not serve as relief workers for the juvenile facility on their regularly scheduled workdays in the jail, and may only enter the juvenile facility in emergency, life-threatening situations.

Authority. Arkansas Code § 12-26-103.

12 CAR § 51-2209. Adult resident trustees.

Adult detainees (trustees) shall never be permitted to supervise or direct services for juvenile detainees.

Authority. Arkansas Code § 12-26-103.

Appendix A. Psychological Examination Report

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/292/12CARpt.51AddendumA.pdf>