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| Chapter: Rules for State-Operated Programs and Facilities | Effective Date: 2/15/16 |
| Subchapter: Security and Control | |
| Rule: Security Program | Page: 1 of 4 |
| ACA: 4-JCF-3B-10, 3C-03, 3C-04, 5G-03 | Replaces: GAP.380.9740, 9/1/09 |
| Statutes: N/A | |
| References: <i>Morales v. Turman</i> Settlement Agreement, Section (V)(B) | |

RULE

(a) **Purpose.**

The Texas Juvenile Justice Department (TJJD) operates Security Programs at its high-restriction facilities to temporarily remove youth who engage in certain dangerous or disruptive behaviors from the general campus population. This rule establishes admission criteria, service delivery requirements, security provisions, and requirements for due process and administrative review for youth admitted to the Security Program.

(b) **Applicability.**

This rule applies to TJJD-operated high-restriction facilities that operate security units.

(c) **Definitions.**

Security Unit--a designated building on the campus of a high-restriction TJJD facility that contains individual rooms and a central control station. Entry to and exit from the building are controlled exclusively by staff.

(d) **General Provisions.**

- (1) Confinement in the Security Program may not be used as punishment or as a convenience for staff.
- (2) Youth are afforded all basic youth rights established in [§380.9301](#) of this title while confined in the Security Program.
- (3) Except as otherwise authorized by the division director over residential services or designee on a case-by-case basis, confinement in the Security Program may not exceed five calendar days or a maximum of 120 hours.
- (4) The Security Program is operated within the security unit, except as provided or permitted by other TJJD administrative rules.

(e) **Admission Criteria.**

A youth may be admitted to the Security Program when there is a reasonable belief the youth has committed a minor rule violation that warrants referral to the security unit or a major rule violation and:

- (1) the youth is a serious and continuing escape risk;
- (2) the youth is a serious and immediate physical danger to others and staff cannot protect them except by admitting the youth to the Security Program;
- (3) confinement is necessary to prevent imminent and substantial damage to property;
- (4) confinement is necessary to control behavior that disrupts programming to the extent that the current program cannot continue except by admitting the youth to the Security Program; or

- (5) the youth is likely to interfere with a pending or ongoing investigation or a requested or scheduled due process hearing.

(f) **Admission Process.**

- (1) Within one hour after a youth's arrival at the security unit (or up two hours if an extension is approved by the facility administrator or designee), a staff member must:
- (A) return the youth to the general population; or
 - (B) hold a Level III hearing in accordance with [§380.9557](#) of this title to determine whether admission criteria have been met. The staff member who conducts the review must not have been involved in the referral to the Security Program.
- (2) If admission criteria are not met, the youth must be returned to the general population immediately.
- (3) If admission criteria are met, the youth may be admitted to the Security Program for up to 24 hours.

(g) **Extension Process.**

(1) **Extension Criteria.**

- (A) An extension may be authorized if the following criteria are met, as established through a Level III hearing conducted in accordance with [§380.9557](#) of this title:
 - (i) based on current behavior, one or more of the admission criteria listed in subsection [\(e\)\(1\)-\(5\)](#) of this section continue to be present; or
 - (ii) there is documented evidence that the youth is not complying with the Security Program rules of conduct.
- (B) Each extension is valid for up to 24 hours.
- (C) No more than four extensions may be authorized by facility staff without approval from the division director over residential services or his/her designee, as described in paragraph (2) of this subsection.

(2) **Extensions Beyond Five Days.**

- (A) The division director over residential services or his/her designee may approve extensions after the fifth day of confinement only when no less-restrictive placement is suitable for managing the youth's behavior and:
 - (i) the youth continues to present an immediate physical danger to others; or
 - (ii) the youth continues to be likely to interfere with a pending or ongoing investigation or a scheduled hearing.
- (B) Each extension is valid for up to 72 hours. However, facility staff must continue to hold Level III hearings every 24 hours to determine whether the extension criteria in subparagraph (A) of this paragraph continue to be met.

(h) **Release to the General Population.**

- (1) A youth must be released to the general population upon:
- (A) a determination that the youth's behavior no longer warrants confinement in the security unit;
 - (B) expiration of the 24th hour after the most recent Level III hearing; or
 - (C) a finding in a Level III hearing that extension criteria are not met.

- (2) A youth may be released from the Security Program only by the security dorm supervisor or a staff member authorized to conduct an admission hearing.

(i) **Administrative Reviews and Appeals.**

- (1) The security dorm supervisor or designee must review all admission and local extension decisions within one workday. The person reviewing the decision must not have been involved in the decision. If it is determined that admission or extension criteria were not met or appropriate due process was not provided:
 - (A) the youth must be returned to the general population immediately; and
 - (B) the youth's record must be corrected to reflect the overturned admission or extension decision.
- (2) The youth must be notified in writing of his/her right to appeal a Security Program admission or extension. Appeals are decided by the facility administrator or designee, unless:
 - (A) the admission or extension decision was made by the facility administrator, in which case the appeal is decided by the division director over residential services or designee; or
 - (B) the youth's current stay in the Security Program has reached 120 continuous hours, in which case the appeal is decided by the executive director or designee.
- (3) The youth must be notified in writing of the outcome of the appeal.

(j) **Security Program Requirements.**

- (1) Staff must visually check each youth at least once every 15 minutes and document youth activity and location during the check unless more frequent checks are required under [§380.9188](#) of this title.
- (2) Individual doors must be locked.
- (3) The Security Program must adhere to a standard schedule approximating that of the general population, including time out of the locked room as behavior permits.
- (4) The standard schedule and Security Program rules of conduct must be posted and reviewed with youth.
- (5) The following staff must visit the Security Program at least once each calendar day and speak with each youth present in the program:
 - (A) a nurse;
 - (B) a case manager; and
 - (C) a staff member from the administrative, psychology, and/or chaplaincy departments.
- (6) Youth must be provided:
 - (A) appropriate psychological and medical services;
 - (B) an opportunity to discuss with a case manager the behavior that resulted in the admission or extension;
 - (C) adequate access to restroom facilities and drinking water;
 - (D) access to shower and hygiene routine at least once every 24 hours, as behavior permits;
 - (E) the same food, including snacks, prepared in the same manner as for other youth except for special diets that are prescribed on an individual basis by a physician, dentist, or mental health professional or special diets approved by a chaplain;

- (F) access to education services during each scheduled instructional day for the duration of instructional minutes required by the campus master schedule;
- (G) education services that will enable the youth to meet the goals of the youth's individualized education program, if the youth is currently receiving special education services;
- (H) access to limited-English-proficient services for English language learners; and
- (I) one hour of large-muscle exercise out of the room or in an enclosed outdoor recreation area at least once every 24 hours, as the youth's behavior and weather permit.

See [INS.75.05](#) for implementation procedures.