

# Texas Administrative Code

**Title 37**      **Public Safety and Corrections**  
**Part 11**      **Texas Juvenile Justice Department**  
**Chapter 351**   **Standards for Short-Term Detention Facilities**

## Subchapter A Definitions

### §351.1 Definitions

Effective Date: 9/1/03

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Alleged Victim--A juvenile alleged as being a victim of abuse, exploitation or neglect.
- (2) Attempted Suicide--Any action a resident takes that could result in taking his or her own life voluntarily and intentionally while detained or placed in a short-term detention facility.
- (3) Chemical Agents--Oleorsin Capsicum (OC) pepper spray, or Orthochlorobenzalmalonitrile (tear gas).
- (4) Chief Administrative Officer--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department or a multi-county juvenile judicial district.
- (5) Commission--The Texas Juvenile Probation Commission.
- (6) Contraband--Any item not issued to employees for the performance of their duties and which employees have not obtained supervisory approval to possess. Contraband also includes any item given to a resident by an employee or other individual, which a resident is not authorized to possess or use. Specific items of contraband include, but are not limited to:
  - (A) firearms;
  - (B) knives;
  - (C) ammunition;
  - (D) drugs;
  - (E) intoxicants;
  - (F) pornography; and
  - (G) any unauthorized written or verbal communication brought into or taken from an institution for a resident, former resident, associate of or family members of a resident.
- (7) Design Capacity--The number of people that can safely occupy a building or space as determined by the original architectural design and any building modifications, licensing, accreditation, regulatory authorities, and building codes.
- (8) Facility Administrator--Individual designated by the Chief Administrative Officer or juvenile board, as the on-site program director or superintendent of a short-term detention facility.
- (9) Health Care Professional--Practitioner licensed or certified by:
  - (A) the Texas Board of Nurse Examiners;
  - (B) the Texas Board of Medical Examiners;
  - (C) the State Board of Physician Assistants; or
  - (D) the Texas Department of Health.
- (10) Mental Health Professional--Practitioner licensed or certified by:

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- (A) the Texas State Board of Examiners of Professional Counselors;
  - (B) the Texas State Board of Examiners of Marriage and Family Therapists;
  - (C) the Texas Department of Health;
  - (D) the Texas Commission on Alcohol and Drug Abuse;
  - (E) the Texas State Board of Examiners of Psychologists; and
  - (F) the Texas Board of Social Worker Examiners provided the licensure is either as an advanced practitioner or advanced clinical practitioner;
  - (G) the Texas State Board of Medical Examiners; or
  - (H) mental health professionals employed by the Texas Department of Mental Health and Mental Retardation or an entity that contracts as a service provider with the Texas Department of Mental Health and Mental Retardation.
- (11) Primary Control Room--A restricted or secure area from which entrance into and exit from a secure facility is controlled. The primary control room also contains the emergency, monitoring, and communications systems and is staffed 24 hours each day that residents are in the facility.
  - (12) Resident--A juvenile or other individual that has been admitted into a short-term detention facility.
  - (13) Short-Term Detention--The temporary secure custody of a juvenile or other individual pending the first hearing to be conducted under Texas Family Code §54.01.
  - (14) Short-Term Detention Facility ("Facility")--A facility used to provide temporary secure custody of a juvenile or other individual pending the first detention hearing to be conducted under Texas Family Code §54.01.
  - (15) Short-Term Detention Officer--A person whose primary responsibility is the supervision of the daily activities of the short-term detention facility's residents.
  - (16) TJPC Standard Screening Tool--An instrument approved by the Commission that screens the juvenile's needs in the area of mental health.

### Subchapter B

### Short-Term Detention Facility Standards

#### §351.2 Administration and Management

Effective Date: 9/1/10

- (a) Policies and Procedures. The juvenile board shall approve policies and procedures for the facility or approve the policies and procedures of a private provider operating a facility within its county under contract with the Juvenile Board and/or the County.
- (b) Certification and Registration. The juvenile board's current facility certification and the Commission's registration shall be posted within the facility in a public area.
- (c) Facility Administrator.
  - (1) There shall be a single facility administrator on-site that is designated to oversee the daily operations of the facility.
  - (2) The person designated as the facility administrator may be the county or judicial district's chief administrative officer.
  - (3) A short-term detention officer shall be designated to be in charge during the facility administrator's absence.

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- (d) Duties of Facility Administrator. The duties of the facility administrator shall include, but shall not be limited to the following:
- (1) reviewing the facility's policy and procedure manual on an annual basis and maintaining documentation of this review; and
  - (2) maintaining personnel records for each employee which shall include:
    - (A) proof of age;
    - (B) documentation of criminal background checks under §351.30(b)(4) of this chapter and Chapter 344, Subchapter C of this title;
    - (C) the application for employment;
    - (D) performance evaluations;
    - (E) training records; and
    - (F) documentation of promotion, demotion, termination and other personnel actions.

### §351.4 Intake, Admission and Release

Effective Date: 9/1/03

- (a) Intake. Any individual presented for admission for detention in a short-term detention facility and in need of emergency medical care due to injury, illness or intoxication or in need of mental health intervention shall not be admitted into the short-term detention facility.
- (1) The referring person shall be directed to a health care facility to have the individual evaluated and treated.
  - (2) Subsequent admission to the short-term detention facility is contingent upon written medical clearance provided by a medical or mental health professional.
- (b) Intoxicated Individuals.
- (1) Anyone admitted into a short-term detention facility shall be assessed to determine need for detoxification from alcohol or other substances.
  - (2) Intoxicated individuals who have been medically cleared for admission should be segregated from other residents and closely monitored by staff.
- (c) Intake and Release.
- (1) An intake or other officer authorized by the court shall be on duty at the facility or on call 24 hours a day.
  - (2) Written policy shall state the conditions under which the intake officer may authorize the conditional release of a resident referred to the facility.
- (d) Orientation.
- (1) A short-term detention officer shall orient each newly admitted resident to the facility.
  - (2) The orientation shall include an explanation of the following:
    - (A) facility's rules; and
    - (B) grievance procedures.
- (e) Personal Property. Written policy shall describe the procedures regarding the handling of residents' personal property held by the facility.
- (f) Bedding. Each resident shall be provided suitable clean bedding including sheets, pillow and pillowcase, mattress, and blankets.
- (g) Clothing. Clean clothing is to be provided upon admission.

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- (h) Personal Hygiene. Residents shall be required to bathe or shower upon admission.
- (i) Notice. Each resident shall be informed of the procedures in which health care services shall be provided.
- (j) Assessment Period. Upon entering a short-term detention facility, a resident may be placed in room confinement for purposes of assessing the risks and needs of the resident in accordance with the following:
  - (1) the assessment period shall not last more than 24 hours;
  - (2) short-term juvenile detention officers shall document their assessment of residents during this 24-hour period; and
  - (3) short-term juvenile detention officers shall conduct and record room checks at staggered intervals not to exceed 15 minutes.
- (k) Health Screening. Within one hour of admission, a health screening shall be conducted on each resident. Information obtained shall include but is not limited to:
  - (1) mental health problems;
  - (2) suicide risk in accordance with §351.13(d)(1)(A)(ii) of this chapter;
  - (3) current state of health including:
    - (A) allergies;
    - (B) other chronic conditions;
    - (C) tuberculosis;
    - (D) sexually transmitted diseases; and
    - (E) other infectious diseases.
  - (4) current use of medication including type, dosage, and prescribing physician;
  - (5) dental problems;
  - (6) vision problems;
  - (7) drug and alcohol use;
  - (8) physical disabilities; and
  - (9) evidence of physical trauma.
- (l) Screening Results. Any finding of the health screening that indicates a significant potential health risk to the staff and residents shall be immediately reported to the facility administrator and the affected resident shall be placed in medical confinement until proper medical clearance is obtained.
- (m) Screening. The TJPC Standard Screening Tool shall be administered to each resident that is admitted into the short-term detention facility.
  - (1) The tool shall be administered within 24 hours from the time the resident is admitted into detention.
  - (2) A copy of the completed tool shall be provided to the supervising juvenile probation officer.
  - (3) A copy of the completed tool shall be provided to the receiving pre-adjudication secure detention facility upon transfer from the short-term detention facility.
- (n) Release. Procedures for releasing residents shall include:
  - (1) verification of identity of the person receiving custody;
  - (2) verification of release authorization;
  - (3) signed release by resident for return of personal property; and
  - (4) receipt signed by person receiving custody.

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### §351.5 Supervision

Effective Date: 9/1/03

- (a) Gender.
- (1) If residents of both genders are housed within the short-term detention facility, short-term detention officers of both genders shall be on duty and available to the residents for every shift.
  - (2) Short-term juvenile detention officers of one gender shall be the sole supervisors of residents of the same gender during showers, physical searches, pat downs, disrobing of suicidal youth, or during other times in which personal hygiene practices or needs would required the presence of a short-term detention officer of the same gender.
- (b) Ratios.
- (1) The short-term juvenile detention officer to resident ratio shall not be less than 1 short-term detention officer to every 8 residents.
  - (2) An individual hired as a short-term detention officer may count toward meeting the detention officer to resident ratio under subsection (b)(1) of this section so long as the individual:
    - (A) has received training in recognizing and reporting abuse, exploitation and neglect;
    - (B) has been certified in
      - (i) first aid;
      - (ii) cardio-pulmonary resuscitation; and
      - (iii) a TJPC approved physical restraint technique; and
    - (C) has received training on the contents and implementation of the suicide prevention plan.
- (c) Level of Supervision.
- (1) When present outside of their rooms, residents shall be in the constant physical presence of a short-term detention officer.
  - (2) Private visitation between one resident and an attorney, authorized visitor or clergy does not require the constant physical presence of a short-term detention officer.
  - (3) When residents are placed inside of their rooms, the short-term detention officer shall:
    - (A) visually observe each resident at staggered intervals not to exceed 15 minutes; and
    - (B) document each observation made with the time of the observation and a general description of the resident's behavior.
- (d) Communication. At least one short-term detention officer on every shift shall carry on their person two-way radio communication with local law enforcement.
- (e) Technology. Video and audio monitoring devices shall not substitute for supervision by short-term juvenile detention officers.

### §351.6 Data Collection

Effective Date: 9/1/03

The facility administrator shall ensure that accurate annual statistics are gathered and recorded, including:

- (1) total number of admissions;
- (2) total days of care provided;
- (3) residents' age;
- (4) residents' gender;

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- (5) residents' race;
- (6) referring offense of those detained;
- (7) length of stay;
- (8) average cost per resident per day;
- (9) total number of physical restraints applied;
- (10) total number of mechanical restraints applied;
- (11) total number of room confinements;
- (12) total number of resident related injuries to detention staff; and
- (13) total number of incidents where chemical agents were applied.

### **§351.7 Residents' Records**

Effective Date: 9/1/03

- (a) Facility Records. The facility shall maintain:
  - (1) dated and signed record of entries by the staff supervising the residents;
  - (2) a daily report of admissions and releases; and
  - (3) a single document to identify all residents in the facility and their housing assignment.
- (b) Admission Records. At the time of admission, the following information will be documented in each resident's admission record:
  - (1) date and time of admission;
  - (2) name;
  - (3) nicknames and aliases;
  - (4) social security number;
  - (5) last known address;
  - (6) detention criteria as required by the Texas Family Code §53.02(b);
  - (7) referring offense;
  - (8) name of attorney;
  - (9) name, title, and signature of delivering individual;
  - (10) gender;
  - (11) race;
  - (12) date of birth;
  - (13) place of birth;
  - (14) citizenship;
  - (15) current education level;
  - (16) last school attended;
  - (17) name, relationship, address, and phone number of parents, guardian, or persons with whom the resident resides at admission; and
  - (18) health assessment.
- (c) Residents Records Maintenance. Resident records shall be maintained in accordance with:

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- (1) a uniform format for identifying and separating files, and
  - (2) procedures to ensure confidentiality of records.
- (d) Resident Record Contents. Each resident's record shall include at least the following:
- (1) offense report, offense narrative, arrest warrant, or directive to apprehend;
  - (2) signed inventory of cash and property surrendered signed by the resident and short-term detention officer;
  - (3) list of approved visitors;
  - (4) name of assigned probation officer;
  - (5) record of resident's notification of program rules and disciplinary policy;
  - (6) record of resident's notification of the facility's grievance procedures;
  - (7) behavioral record including any special incidents, discipline, or grievances;
  - (8) referrals to other agencies;
  - (9) a copy of the completed TJPC standard screening tool; and
  - (10) final release or transfer report.

### §351.8 Physical Plant

Effective Date: 9/1/03

- (a) Sleeping Units. All sleeping rooms constructed and/or placed into operation on or after the effective date of this standard shall be utilized as single occupancy.
- (1) Sleeping rooms constructed and/or placed into operation on or after the effective date of this standard shall have a minimum ceiling height of seven and one-half feet.
  - (2) Sleeping rooms constructed and/or placed into operation on or after the effective date of this standard shall have a minimum of 60 square feet of floor space.
  - (3) Residents held in sleeping rooms shall have access to a toilet above floor level, a washbasin, drinking water, running water, and a bed above floor level.
  - (4) There shall be separate sleeping rooms for male and female residents.
- (b) Exits. Facility exits shall be clear of obstruction and properly marked for evacuation in the event of fire or other emergency.
- (c) Storage. Storage of cleaning supplies and equipment shall not be accessible to residents.
- (d) Safety Plan. Written policies shall promote the safety of residents, staff, and visitors. The policies shall be reviewed annually with written documentation submitted by a qualified fire prevention and safety officer. These shall include, but shall not be limited to:
- (1) maintenance of a current fire drill log;
  - (2) proper disposal of combustible refuse;
  - (3) a posted plan for prompt evacuation of the facility;
  - (4) required quarterly fire drills on all shifts; and
  - (5) procedures for use and control of flammable, toxic, and caustic materials.
- (e) Safety Codes. The facility shall conform to the provisions set forth in the Life Safety Code, National Fire Protection Association (NFPA), 101 and/or any applicable state and local fire safety codes. The Life Safety Code may be substituted with local government ordinances/codes only if said ordinances/codes are specifically written to include building occupancy for detention and correctional usage.

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- (1) A formalized facility Life Safety/fire safety inspection shall be completed prior to the facility becoming operational.
- (2) All subsequent Life Safety/fire safety shall be conducted at least annually.
- (3) All inspection reports shall be reduced to written documentation which shall include:
  - (A) an enumeration of the specific codes used during the inspection;
  - (B) any corrective action required;
  - (C) the name and title of person conducting the inspection; and
  - (D) the date(s) of the inspection.
- (f) Population. The population of the facility shall not exceed the rated capacity of the facility.
- (g) Lighting. There shall be lighting available for the residents.
- (h) Lavatory. There shall be a toilet and washbasin for at least every five residents.
- (i) Facility Design. All housing areas shall provide for the following:
  - (1) an operable shower or bath with hot and cold running water for at least every ten residents;
  - (2) fully functioning:
    - (A) heating systems;
    - (B) ventilation systems; and
    - (C) cooling systems.
  - (3) access to a drinking fountain.
- (j) New Facilities. All facilities placed into operation on or after the effective date of this standard shall provide for the following:
  - (1) Natural Lighting. All housing areas shall provide natural light available from a source within 20 feet of the area.
  - (2) Disabled Residents. Rooms or housing units used by disabled residents shall be designed for their use and provide for their safety and security in accordance with state and federal law.
  - (3) Personal Property. Space shall be provided for secure storage of the resident's personal property.
  - (4) Alternate Power Source. The facility shall have an alternate source of power to operate:
    - (A) operate lights;
    - (B) communications systems; and
    - (C) electric door locks.
  - (5) Preventive Maintenance.
    - (A) A written plan shall provide for emergency repair or replacement of equipment.
    - (B) Power systems shall be tested at least every two weeks, the results documented and any deficiencies corrected.
    - (C) All emergency equipment and systems shall be tested at least monthly, the results documented and any deficiencies corrected.
  - (6) Ventilation. An alternate means of ventilation shall be maintained in case regular power is interrupted.
  - (7) Access for Individuals with Disabilities. All parts of the facility that are accessible to the public shall be accessible to and usable by staff and visitors with physical disabilities in accordance with the Americans with Disabilities Act.



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- (8) Secure Storage. There shall be a location for secure storage of restraining devices, and related security equipment. This equipment shall be readily accessible to authorized persons.
- (k) Co-located Facilities. If the short-term detention facility is located in the same building or is on the grounds of any type of adult corrections facility, it shall be a separate, self-contained unit. All applicable federal and state laws pertaining to the separation of juveniles from adult inmates shall apply.

### §351.9 Security and Control

Effective Date: 9/1/03

- (a) Policy. Written policies for security and control of the facility shall include the following:
  - (1) procedures to continue operation in the event of a work stoppage;
  - (2) key control;
  - (3) control of the use of:
    - (A) tools;
    - (B) medical equipment; and
    - (C) kitchen tools; and
  - (4) provisions to prevent firearms from entering the secure area of the facility.
  - (5) Written procedures for coordination with law enforcement authorities in the case of riot, rebellion, escape, or other situations requiring assistance from city, county, or state law enforcement agencies.
- (b) Searches. Searches shall be conducted according to written policies limited to the following conditions:
  - (1) residents may be required to submit to a pat down/frisk search to prevent concealment of contraband and as necessary for facility security;
  - (2) residents may be required to submit to an oral cavity search to prevent concealment of contraband, to ensure the proper administration of medication, and as necessary for facility security;
  - (3) residents may be required to surrender their clothing and submit to a search as necessary for facility security;
  - (4) residents may be required to undergo an anal or genital body cavity search only if there is probable cause to believe that they are concealing contraband; and
  - (5) an anal or genital body cavity search may be conducted only by a physician.
- (c) Special Incidents.
  - (1) All special incidents including, but not limited to, riots, rebellion, the taking of hostages, escapes, and assaults shall be reported in writing to the facility administrator.
  - (2) A copy of the report shall be placed in the permanent file of the resident(s) involved in the incident.
- (d) Perimeter Security. The facility shall be constructed so that residents remain within the premises and the general public is denied access without authorization. Perimeter security shall be maintained at all times.

### §351.10 Rules and Discipline

Effective Date: 9/1/03

- (a) Prohibited Sanctions. The following sanctions shall be prohibited:
  - (1) corporal punishment;
  - (2) humiliating punishment;
  - (3) one resident sanctioning another;
  - (4) group punishment for the acts of an individual;

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- (5) deprivation of food;
  - (6) deprivation of clothing;
  - (7) deprivation of sleep;
  - (8) deprivation of medical services; and
  - (9) physical exercise used for discipline, compliance, or intimidation.
- (b) Enforcement.
- (1) Rule violations and corresponding staff actions shall be recorded in the resident's record.
  - (2) Law Violations. When a resident is alleged to have committed a felony or a class A or B misdemeanor while in the facility, the case shall be referred to a law enforcement agency for possible investigation and/or prosecution.

### **§351.11 Food**

Effective Date: 9/1/03

- (a) Nutritional Requirements. Meals shall be well balanced and nutritious.
- (b) Modified Diets. Modified diets shall be provided in the following circumstances:
  - (1) upon the recommendation of a physician or dentist; or
  - (2) when a resident's religious beliefs require it.
- (c) Staff Meals. Facility staff on duty where residents are eating need not eat, but if they do, they shall eat the same food served to the residents unless:
  - (1) a special diet has been ordered by staffs' physician or dentist; or
  - (2) a special diet is required by staff's religious beliefs.
- (d) Daily Schedule.
  - (1) Three meals shall be provided daily.
  - (2) Two of the meals shall be hot.
  - (3) No more than 14 hours may elapse between the evening meal and breakfast unless a snack is provided.
  - (4) Residents shall be allowed no less than 10 minutes to eat.

### **§351.12 Hygiene**

Effective Date: 9/1/03

- (a) Bedding and Towels. Bed linens shall be clean.
- (b) Housekeeping Plan. A written housekeeping plan shall be followed which promotes cleanliness, facility sanitation, and control of vermin and pests.
- (c) Clothing. Clean socks and underclothing shall be issued daily.
- (d) Personal Hygiene. Residents shall be required to bathe or shower daily.
- (e) Hygiene Plan. Residents shall be given appropriate instruction on hygiene and shall be required to comply with acceptable rules of personal cleanliness and oral hygiene.

### **§351.13 Health Care Services**

Effective Date: 9/1/03

- (a) Medical Referral. If a staff member believes any resident to be in need of immediate medical attention or if a resident requests treatment, the resident shall be referred for medical services.

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- (b) Medical Release. Documentation of consent for medical treatment received in accordance with Texas Family Code Section 32.001, shall be maintained in applicable resident files.
- (c) Medication. In accordance with Texas Human Resources Code Section 142.005, the juvenile board shall adopt a policy concerning the administration of medication to residents. The policy shall include which facility employees are authorized to administer medication to residents.
- (d) Suicidal Youth.
  - (1) Prevention Plan.
    - (A) Each facility shall have a written suicide prevention plan developed in consultation with a mental health professional that addresses the following components:
      - (i) definitions of high risk and moderate risk suicidal behavior;
      - (ii) screening methodology to assess a resident's risk of suicide upon admission and upon any indication a resident previously screened may now be at moderate or high risk for suicidal behavior;
      - (iii) communication among facility staff, mental health professionals, the resident, and the resident's parent or guardian including communication regarding observations or indications a resident previously screened may now be at moderate or high risk for suicidal behavior;
      - (iv) level of supervision for residents assigned to moderate or high risk for suicidal behavior;
      - (v) policy and procedure for intervening in suicide attempts;
      - (vi) reporting of resident suicides and attempted suicides in accordance with any applicable state law, administrative standard, or local policy or ordinance;
      - (vii) training on the contents and implementation of the suicide prevention plan;
      - (viii) housing of residents assigned to moderate or high risk of suicidal behavior including the removal from the resident's presence any dangerous objects; and
      - (ix) mortality reviews designed to review the facility's compliance and possible needed revisions to the suicide prevention plan following a resident's suicide.
    - (B) All short-term juvenile detention officers shall be trained annually in the implementation of the suicide prevention plan.
    - (C) Review.
      - (i) The suicide prevention plan shall be reviewed on an annual basis in consultation with a mental health professional.
      - (ii) The suicide prevention plan shall be included in the facility administrator's review of the facility's policies and procedures in accordance with §351.2(d)(1) of this chapter.
  - (2) Level of Supervision.
    - (A) Moderate Risk for Suicidal Behavior. During non-program hours, or any time a resident classified as a moderate risk for suicidal behavior is confined or restricted from the general population:
      - (i) The resident shall be visually checked by a short-term juvenile detention officer at staggered intervals not to exceed every 10 minutes.
      - (ii) The short-term juvenile detention officer shall document each visual observation made with the time of the observation and a general description of the resident's behavior.
    - (B) High Risk for Suicidal Behavior.
      - (i) Supervision. During non-program hours, or any time a resident classified as high risk for suicidal behavior is confined or restricted from the general population:

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- (I) the resident shall be under the continuous, uninterrupted visual supervision of a short-term juvenile detention officer; and
- (II) the short-term juvenile detention officer shall document physical observations of a high risk resident at staggered intervals of no less than every 30 minutes.
- (ii) Required Documentation. The following documentation shall be maintained for high-risk residents and shall be posted where it is immediately accessible to the short-term juvenile detention officer providing supervision to the high risk resident:
  - (I) the date and time the resident was classified as high risk;
  - (II) who classified the resident as high risk;
  - (III) a description of the resident's behavior that caused the resident's classification as high risk;
  - (IV) who has been assigned to supervise the resident;
  - (V) the location for the resident's supervision;
  - (VI) the date and time the resident was reclassified as no longer being high risk; and
  - (VII) the name of the mental health professional who reclassified the resident as no longer being high risk.
- (C) A short-term juvenile detention officer assigned to work in a facility's primary control room may not provide supervision under paragraph (2)(A) or (2)(B) of this subsection.
- (D) Video and audio monitoring devices shall not substitute for supervision by a short-term juvenile detention officer under paragraph 2(A) or (2)(B) of this subsection.
- (3) Mental Health Referral.
  - (A) The facility shall refer a resident classified as exhibiting a high risk for suicidal behavior to a mental health professional as defined by §351.1(10)(A), (B), (E), (F) and (G) of this chapter within 24 hours from the time the resident is classified as a high risk for suicidal behavior.
  - (B) The facility shall maintain written documentation that the referral under subparagraph (A) of this paragraph was made. The documentation shall include:
    - (i) who notified the mental health professional or mental health agency;
    - (ii) the date and time of the notification;
    - (iii) the method of notification; and
    - (iv) a brief description of the response provided by the mental health professional or mental health agency.
  - (C) Prior to being removed from a high risk for suicidal behavior designation/classification, a mental health professional as defined by section §351.1(10)(A) (B) (E) (F) and (G) of this chapter shall conduct an assessment of the resident's suicide risk and issue a written recommendation which addresses the following:
    - (i) the need to re-classify the resident's suicide risk level;
    - (ii) the need for intervention strategies and/or services during the resident's period of incarceration within the facility; and
    - (iii) the need for additional assessment(s).
  - (D) The mental health professional's written recommendation shall be maintained in the resident's record.
  - (E) Only the facility administrator or their designee may remove a resident from being designated/classified as being a high risk for suicidal behavior paragraph (2)(B) of this section.

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### §351.14 Communications

Effective Date: 9/1/03

- (a) Visitation.
  - (1) Written policies shall allow for regularly scheduled visitation and procedures for emergency visitation.
  - (2) The parents or guardians of the resident shall be provided a copy of the visitation schedule.
  - (3) A registry shall be maintained to document the name and relationship to the resident of all visitors.
  - (4) Attorneys and their representatives may visit residents at any time.
- (b) Telephone.
  - (1) Written policies shall allow reasonable and fair access to telephones and detail the specific time, length, and other limitations on calls.
  - (2) The parents or guardians of the resident shall be provided a copy of the policy.
- (c) Mail.
  - (1) Limitations. A resident's rights to privacy and correspondence may not be limited except when:
    - (A) probable cause exists to suspect that the correspondence is part of an attempt to formulate, devise, or otherwise effectuate a plan to escape from the facility or to violate state or federal laws. If such cause exists, then facility staff shall:
      - (i) ask the resident's permission to read the letter;
      - (ii) if permission is denied, request a search warrant prior to opening and reading the letter; and
      - (iii) if a search warrant request is denied, the correspondence shall be provided to the resident;
    - (B) Communication with certain individuals is specifically forbidden by:
      - (i) the resident's court ordered rules of probation or parole; or
      - (ii) by the facility's rules of separation; or
      - (iii) a specific list of individuals furnished by a minor resident's parents or guardian indicating who they feel should not communicate with the resident.
      - (iv) Such incoming correspondence shall be returned unopened to the sender.
  - (2) Withholding mail. When mail is withheld from the resident, the reasons shall be documented.
  - (3) Materials and Postage. Upon request, residents shall be furnished with writing materials and postage for no fewer than two letters.
  - (4) Legal Correspondence. Residents shall be furnished adequate postage for legal correspondence.
  - (5) Forwarding Mail. Provisions shall be made to forward mail when the resident is released or transferred.
  - (6) Inspection. Mail may be opened by staff only in the presence of the resident with inspection limited to searching for contraband. Money received in the mail shall be held for the resident in their personal property inventory, with receipt provided, or returned to the sender.

### §351.15 Residents' Rights

Effective Date: 9/1/03

- (a) Illegal Discrimination. Residents shall not be subjected to discrimination based on race, national origin, religion, sex, or disability.

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- (b) Supervision. Residents shall not be subjected to supervision and control by other residents. Supervision is to be exercised only by short-term detention officers .
- (c) Legal Counsel. Residents have the right to confidential contact with attorneys through telephone, uncensored letters, and personal visits.
- (d) Work. Residents may not be required to work unless the activity is related to general housekeeping or as required by a court order or deferred prosecution agreement for community service restitution.
- (e) Visitation and Communication. Residents have the right to receive visitors and to communicate and correspond subject only to the limitations necessary to maintain facility security and control.
- (f) Use of Medication. Except upon the order of a physician, no stimulant, tranquilizer, or psychotropic drug shall be administered to residents.
- (g) Experimentation. Participation by residents in medical, pharmaceutical, or cosmetic experiments is prohibited.
- (h) Grievances. The facility shall have a written grievance procedure with at least one level of appeal.
- (i) Religion. Residents may participate in religious services and religious counseling voluntarily, subject to the limitations necessary to maintain facility security and control.
- (j) Services.
  - (1) Residents have the right to a program of services including:
    - (A) one hour of physical exercise per day outside of the resident's cell/sleeping unit; and
    - (B) one hour of unstructured activity per day outside of the resident's cell/sleeping unit.
  - (2) Denial of a service under paragraph (1)(A) and (B) of this section shall not be used as a means of disciplining a resident. Denial of a service under paragraph (1)(A) of this subsection and paragraph (1)(B) of this subsection may only occur during the resident's assessment period under §351.4(k) of this title or if the resident poses a threat to himself or others.
- (k) Treatment and Safety. Residents shall not be subjected to abuse, neglect or exploitation as defined in Chapter 261, Texas Family Code.

### **§351.16** Volunteers and Interns

Effective Date: 9/1/03

If a short-term detention facility has or develops a volunteer or internship program, the juvenile board shall adopt the following policies:

- (1) a description of the authority, responsibility and accountability of volunteers and interns who work with the department;
- (2) performance of a Texas criminal history background search (TCIC).
- (3) performance of a local law enforcement sex offender registration records check in the city or county where the volunteer or intern resides.
- (4) selection and termination criteria including disqualification based on criminal history;
- (5) orientation and training requirements including training on recognizing and reporting abuse, exploitation and neglect;
- (6) a requirement that volunteers and interns meet minimum applicable professional requirements; and
- (7) a provision for a volunteer and intern registry sign-in log.

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### §351.17 Waivers and Variances

Effective Date: 9/1/10

Unless expressly prohibited by another standard, the juvenile board, chief administrative officer or facility administrator may make an application for waiver and the juvenile board may make an application for variance of one standard or standards adopted by the Commission in accordance with §349.200 of this title.

## Subchapter C Short-Term Juvenile Detention Officers

### §351.30 Employment of Short-Term Juvenile Detention Officers

Effective Date: 9/1/10

- (a) Qualifications for Employment.
- (1) Short-Term Juvenile Detention Officers and Supervisors of Short-Term Juvenile Detention Officers.
- (A) An applicant for the position of a short-term juvenile detention officer, or supervisor of short-term juvenile detention officers shall be at least 21 years of age; and
- (B) have either a high school diploma or a general equivalency diploma from a high school or issuing authority within the United States of America. An applicant with a high school diploma issued in a foreign country or who completed high school under home schooling may be hired contingent upon a successful validation of the applicant's high school diploma or high school education under subparagraph (C) of this paragraph.
- (C) Validation of High School Diploma or High School Education:
- (i) Method of Validation. An applicant with a foreign high school diploma, or who received a high school education through home schooling shall validate his/her high school diploma within 3 months from the applicant's date of hire using one of the following methods:
- (I) obtaining unconditional acceptance into a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;
- (II) receiving a general equivalency diploma;
- (III) obtaining evaluation of their high school diploma as the equivalent to a high school diploma received within the United States of America by an educational evaluation service approved by the Commission; and
- (IV) providing documentation of the conferral of a bachelor's or master's degree from a university or college accredited by an accrediting organization approved by the Texas Higher Education Coordinating Board.
- (ii) A short-term detention officer subject to subparagraph (C) of this paragraph who fails to validate his/her high school education within the three month time frame shall not be the sole supervisor of residents under §351.5(a)(2) of this title, nor count toward meeting the supervision ratio under §351.5(b) of this title.
- (2) Facility Administrator. An applicant for the position of facility administrator shall:
- (A) have a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board; and
- (B) have either:
- (i) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology; or

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- (ii) have one year of experience in full-time casework, counseling, community group work in criminal justice or a related field.
  - (C) If necessary, and in accordance with Title 37 Texas Administrative Code §341.39, the juvenile board, or chief administrative officer shall apply to the Commission for an exemption of the one year of experience or graduate study prior to the employment of an individual as the facility administrator.
- (b) Criminal Records Check. Prior to employing a person as a short-term juvenile detention officer, supervisor of short-term juvenile detention officers, or facility administrator, the facility administrator, chief administrative officer, juvenile board or their designee shall initiate a criminal history check in accordance with the following guidelines:
- (1) The following criminal history checks shall be conducted:
    - (A) a Texas criminal history background search (TCIC);
    - (B) a local law enforcement sex offender registration records check in the city or county where the applicant resides; and
    - (C) a Federal Bureau of Investigation fingerprint based criminal history background search (NCIC).
  - (2) In addition to the requirements of paragraph (1) of this subsection, if the applicant currently resides in one of the following states, or resided in one of the following states within the 10 years prior to the date the employment application was made, a state criminal history background search and state sex offender registration check shall also be conducted where available:
    - (A) Hawaii;
    - (B) Kansas;
    - (C) Kentucky;
    - (D) Louisiana;
    - (E) Maine;
    - (F) Massachusetts;
    - (G) New Hampshire;
    - (H) Rhode Island;
    - (I) Tennessee;
    - (J) Vermont; and
    - (K) the District of Columbia.
  - (3) An Internet based criminal background search shall not be used to conduct the background searches required under subsection (b)(1)(A) or subsection (b)(1)(C) of this section.
  - (4) A copy of the returned criminal history checks shall be retained in the facility's records.
  - (5) Continued employment shall be contingent upon the completion and return of criminal history checks that show the individual has no disqualifying criminal history in accordance with §351.30(c)(1) of this title.
- (c) Disqualification from Employment.
- (1) Criminal History. A person with the following criminal history shall be disqualified from employment as a short-term juvenile detention officer, supervisor of juvenile detention officers, or administrative officer.
    - (A) a felony conviction against the laws of this state, another state, or the United States within the past 10 years;



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- (B) a deferred adjudication for a felony against the laws of this state, another state, or the United States within the past 10 years;
  - (C) current felony probation or parole;
  - (D) a jailable misdemeanor conviction against the laws of this state, another state or the United States within the past 5 years;
  - (E) a deferred adjudication for a jailable misdemeanor against the laws of this state, another state, or the United States within the past 5 years;
  - (F) current misdemeanor probation or parole; or
  - (G) registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure
  - (H) Waiver/Variance. A request for waiver or variance under §349.200 of this title may not be requested for any Class A misdemeanor or felony under this section unless the person received a pardon based upon proof of innocence or the reversal of a finding of guilt by a trial or appellate court.
- (2) Revocations and Suspensions. An individual whose certification has been revoked by the Commission shall never qualify for employment as a juvenile detention officer, supervisor of detention officers or administrative officer.
- (A) An individual whose certification is currently under a suspension order issued as a result of a disciplinary action pursuant to Chapter 349 of this title shall not qualify for employment as a juvenile detention officer, supervisor of juvenile detention officers, or administrative officer so long as the suspension order remains in effect.
  - (B) An individual whose certification is currently under a mandatory suspension order issued as a result of failure to pay child support pursuant to §349.385 of this title shall not qualify for employment as a juvenile detention officer, supervisor of juvenile detention officers, or administrative officer until the Commission receives an order issued under Texas Family Code §232.013 staying or vacating the license suspension.
- (d) Applicability. This section applies to all individuals hired on or after the effective date of this subchapter.

### §351.31 Training

Effective Date: 9/1/03

- (a) Training Required Before Assuming Duties. Before assuming duties as the facility administrator and before providing supervision to residents, the facility administrator and all short-term detention officers shall be trained in recognition and reporting of abuse, exploitation and neglect, the contents and implementation of the facility's suicide prevention plan, and hold current certification in first aid, cardio-pulmonary resuscitation, and a physical restraint technique that has been approved by the Commission.
- (b) Training Required Within 60 Days from Date of Hire.
  - (1) Within 60 days from the date of hire, the facility administrator and short-term detention officers shall be trained in the following subjects:
    - (A) Introduction to Juvenile Detention;
    - (B) Juvenile Rights;
    - (C) Abuse, Exploitation and Neglect;
    - (D) Behavior Observation and Recording;
    - (E) Suicide Prevention and Identification;
    - (F) Legal Liabilities;
    - (G) Dynamics of Youth with Mental Illness in Detention Centers;
    - (H) Behavior Management;

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- (I) Risk Management, Safety, and Security;
  - (J) HIV/AIDS and other Communicable Diseases; and
  - (K) Medical and Health Services.
- (2) A short-term juvenile detention officer who fails to complete the training required under paragraph (1) of this subsection within 60 days shall not be the sole supervisor of residents under §351.5(a)(2) of this title, nor count toward meeting the supervision ratio under §351.5(b) of this title.

### §351.32 Requirements for Continued Employment

Effective Date: 9/1/03

- (a) Criminal History Checks.
- (1) The facility administrator, chief administrative officer, or juvenile board shall conduct a criminal history check in accordance with §351.30(b) of this title on every short-term juvenile detention officer, supervisor of short-term juvenile detention officers every two years.
  - (2) The chief administrative officer or juvenile board shall conduct a criminal history check in accordance with §351.30(b) of this title on the facility administrator.
  - (3) A person whose returned criminal history check reveals disqualifying criminal history as described under §351.30(c) of this title may not be the sole supervisor of residents under §351.5(a)(2) of this title, nor count toward meeting the supervision ratio under §351.5(b) of this title.
- (b) Training.
- (1) Certifications. The facility administrator and every short-term juvenile detention officer shall maintain a current certification in first aid, cardio-pulmonary resuscitation, and a physical restraint technique that has been approved by the Commission.
  - (2) Continuing Education. In addition to the certifications required under paragraph (1) of this subsection the facility administrator and every short-term juvenile detention officer shall receive 30 hours of training in a field related to the performance of their duties every two years.
  - (3) Abuse, Exploitation and Neglect. Short-term detention officers shall receive training on recognizing and reporting abuse, exploitation and neglect on an annual basis.

### §351.33 Certification

Effective Date: 9/1/10

The facility administrator of a short-term detention facility, may elect to certify a facility's short-term juvenile detention officers and supervisors of short-term detention officers as detention officers in accordance with 37 Texas Administrative Code Chapter 344. If the election to certify is made, every short-term detention officer within the facility comply with the certification standards found in Chapter 344.

## Subchapter D Restraints

### §351.40 Definitions

Effective Date: 9/1/03

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Approved Physical Restraint Technique ("physical restraint")--A professionally trained restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints. The approved physical restraint technique shall be approved for use by the Commission and adopted by the juvenile board.

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- (2) Approved Mechanical Restraint Devices ("mechanical restraint")--A professionally manufactured mechanical device to aid in the restriction of a person's bodily movement. The approved mechanical restraint shall be approved by the Commission and adopted by the juvenile board. The following are Commission approved mechanical restraint devices:
  - (A) Ankle Cuffs--Metal, cloth or leather band designed to be fastened around the ankle to restrain free movement of the legs;
  - (B) Anklets--Cloth or leather band designed to be fastened around the ankle or leg;
  - (C) Handcuffs--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;
  - (D) Plastic Cuffs--Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms or legs;
  - (E) Restraint Chair--A professionally manufactured security restraining device that may utilize a combination of handcuffs, leg cuffs, and restraining straps in a specially designed upright contoured chair to provide effective containment of a resident;
  - (F) Waist Band--A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body; and
  - (G) Wristlets--A cloth or leather band designed to be fastened around the wrist or arm which may be secured to a waist belt.
- (3) Chemical Restraint--The application of a chemical agent on a resident or residents.
- (4) Four Point Restraint--The use of mechanical restraint devices, applied to each of a resident's wrists and ankles, used to secure a resident face up to a professionally manufactured bed.
- (5) Physical Escort--Touching or holding a resident with a minimum use of force for the purpose of directing the resident's movement from one place to another. A physical escort is not considered a physical restraint.
- (6) Protective Devices--Professionally manufactured devices used for the protection of residents or staff that do not restrict the movement of a resident. Protective devices are not considered mechanical restraint devices.
- (7) Restraints--Physical, mechanical, or chemical restraint.

### §351.41 Requirements

Effective Date: 9/1/03

The use of restraints shall be governed by the following criteria:

- (1) restraints shall only be used by juvenile probation and detention officers;
- (2) prior to participating in any restraint juvenile probation officers and juvenile detention officers shall be:
  - (A) certified in the use of the approved physical restraint technique;
  - (B) trained in the use all approved mechanical restraint devices; and
  - (C) trained in the use of any approved chemical agents;
- (3) restraints shall only be used in instances of threat of imminent self-injury, injury to others, serious property damage, or prevention of escapes;
- (4) restraints shall only be used as a last resort;
- (5) only the amount of force and type of restraint necessary to control the situation shall be used;
- (6) restraints shall be implemented in such a way as to protect the health and safety of the resident and others; and

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- (7) restraints shall be terminated as soon as the resident's behavior indicates that the threat of imminent self-injury, injury to others, serious property damage, or prevention of escape has subsided.

### **§351.42 Prohibitions**

Effective Date: 9/1/03

Restraints that employ a technique listed below are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, intimidation, or as a substitute for room restriction or confinement;
- (2) restraints that deprive the resident of basic human necessities including restroom privileges, water, food and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a resident face down with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a resident face down with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the resident;
- (7) restraints that restrict the resident's ability to communicate;
- (8) restraints that obstruct the view of the resident's face;
- (9) any technique that does not require the monitoring of the resident's respiration and other signs of physical distress during the restraint; and
- (10) percussive or electrical shocking devices.

### **§351.43 Documentation**

Effective Date: 9/1/03

Documentation. Except as required by §351.48(c) of this title, all restraints shall be fully documented and maintained. Written documentation regarding the use of restraints shall require at a minimum:

- (1) name of resident;
- (2) staff member(s) name and title(s) who administered the restraint;
- (3) date of the restraint;
- (4) duration of the restraint including notation of the time the restraint began and ended;
- (5) location of the restraint;
- (6) description of preceding activities;
- (7) behavior which prompted the restraint;
- (8) type of restraint applied;
- (9) efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- (10) any injury that occurred during the restraint.

### **§351.44 Physical Restraint**

Effective Date: 9/1/03

In addition to the requirements found in §351.41, §351.42 and §351.43 of this chapter, juvenile probation and detention officers shall be re-certified in the approved physical restraint technique at least every two years.

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### §351.45 Mechanical Restraint

Effective Date: 9/1/03

In addition to the requirements found in §351.41, §351.42 and §351.43 of this chapter, the use of mechanical restraint, except the restraint chair shall be governed by the following criteria:

- (1) Requirements.
  - (A) mechanical restraints shall only be used in a manner consistent with their intended use;
  - (B) there shall be provisions for the inspection and maintenance of mechanical restraint devices; and
  - (C) mechanical restraints may be used when moving a resident from point to point within the facility. The mechanical restraint shall terminate upon completion of the resident's relocation.
- (2) Prohibitions.
  - (A) mechanical restraint devices shall not be altered from the manufacturer's design;
  - (B) a resident shall not be placed face down while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices;
  - (C) a mechanical restraint shall not secure a resident in a prone position with his or her arms and/or hands behind the resident's back and secured to the resident's legs;
  - (D) mechanical restraint devices shall not be secured so tightly as to interfere with circulation nor so loosely as to cause chafing of the skin;
  - (E) mechanical restraint devices shall not be secured to a stationary object except when complete immobilization is required by four-point restraint;
  - (F) a resident in mechanical restraints shall not participate in any physical activity; and
  - (G) plastic cuffs shall only be used in emergency situations.

### §351.46 Restraint Chair

Effective Date: 9/1/03

- (a) Requirements. In addition to the requirements found in §§351.41, 351.42 and 351.43 of this chapter, the use of the restraint chair shall be governed by the following criteria:
  - (1) only a professionally manufactured restraint chair approved by the juvenile board may be used in a juvenile facility;
  - (2) the restraint chair may only be used to prevent self-injury, injury to others, or when a resident displays extremely aggressive or disruptive behavior and other approved restraint techniques are inappropriate or ineffective to control the resident's behavior; and
  - (3) only a juvenile probation or detention officer who has been trained in the proper use of the restraint chair shall:
    - (A) be authorized to place a resident in the restraint chair; and
    - (B) provide supervision of a resident placed in the restraint chair;
  - (4) circulation checks shall be conducted by a juvenile probation or detention officer every 10 minutes;
  - (5) length of confinement
    - (A) a resident shall be released from the restraint chair as soon as the resident is no longer a threat to self or others and the resident can be reasonably controlled by staff;
    - (B) a resident shall be considered for removal from the restraint chair every ten minutes;
    - (C) the maximum confinement time in the restraint chair is one hour unless authorized by the facility administrator or designee after examination of the resident's condition by one of the following licensed medical professionals:

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- (i) emergency medical services (EMS/fire rescue);
  - (ii) paramedic;
  - (iii) registered nurse (RN);
  - (iv) physician (MD);
  - (v) licensed vocational nurse (LVN);
  - (vi) physician assistant (PA); or
  - (vii) emergency medical technician (EMT);
- (D) five hours is the maximum total time a resident may be restrained in a restraint chair within a twenty-four hour period;
- (6) each use of the restraint chair shall be authorized by the facility administrator or designee;
- (7) when occupied, the restraint chair shall be placed in an area with minimum visibility by other residents in the facility; and
- (8) there shall be provisions for the inspection and maintenance of the restraint chair.
- (b) Prohibitions.
  - (1) restraint chairs that have been altered, modified or customized in any way from their originally manufactured state and intended use; and
  - (2) the restraint chair shall not be used to confine any resident for the sole reason as having been designated as being at high risk of suicidal behavior.
- (c) Supervision of Resident in Restraint Chair.
  - (1) level of supervision.
    - (A) a resident placed in the restraint chair shall be under constant visual supervision until the resident is removed from the chair;
    - (B) the officer responsible for providing the constant visual supervision of a resident in the restraint chair may have limited concurrent duties only if those duties do not impede the constant visual supervision requirement; and
    - (C) a resident classified as high risk of suicidal behavior under §351.13(d) of this chapter who is placed in a restraint chair shall be supervised in accordance with §351.13(d)(2)(B) of this chapter;
  - (2) the officer responsible for providing the constant visual supervision of a resident in the restraint chair shall have physical possession of the key or other mechanism for unlocking or releasing the resident from the restraint chair;
  - (3) primary control room staff shall not be authorized to provide the constant visual supervision of a resident placed in the restraint chair; and
  - (4) audio and/or video monitoring cannot substitute for the constant visual supervision;
- (d) Required Training. Any juvenile probation or juvenile detention officer authorized to place a resident into a restraint chair shall be trained annually in the proper use of the restraint chair. Training topics shall include but not be limited to:
  - (1) circumstances that are appropriate for use of the restraint chair;
  - (2) proper use of the restraint chair, including how to get a resident in and out of the device safely;
  - (3) supervision procedures for a resident placed in the chair;
  - (4) monitoring the vital signs and critical circulation points of a resident placed in the restraint chair;
  - (5) emergency procedures for the removal of a resident from the restraint chair; and

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- (6) documentation required for use of the restraint chair.
- (e) Documentation of Chair Restraints. In addition to any documentation required under §351.43 of this chapter a ten-minute observation log shall be maintained that documents:
  - (1) justification for the resident's continued restraint in or removal from the restraint chair;
  - (2) the results of the circulation checks conducted under subsection (a)(4) of this section; and
  - (3) any medical checks conducted under subsection (a)(5)(C) of this section.
- (f) Review of Use of Restraint Chair.
  - (1) The facility administrator and the juvenile board shall review the use of the restraint chair annually.
  - (2) The review shall consider and evaluate:
    - (A) the frequency of use;
    - (B) the outcomes of the chair's use; and
    - (C) any needed modifications to policy and procedure concerning the chair.

### **§351.47 Chemical Agents**

Effective Date: 9/1/03

In addition to the requirements found in §351.41, §351.42 and §351.43 of this chapter, the use of chemical agents shall be governed by the following criteria:

- (1) the juvenile board shall authorize under which situations chemical agents may be used;
- (2) immediately following the use of a chemical agent, exposed residents shall be examined by a medical professional and treated if necessary;
- (3) in all cases, the use of a chemical agent shall be witnessed by a staff member other than the juvenile detention officer using the agent; and
- (4) any use of a chemical agent is to be reported to the facility administrator immediately after the incident.

### **§351.48 Transporting Residents Outside Facility**

Effective Date: 9/1/03

- (a) During transportation of a resident in a vehicle, the resident may not be affixed to any part of the vehicle.
- (b) During transportation in a vehicle, a resident may not be secured to another resident.
- (c) Mechanical restraints used during routine transportation in a vehicle, or movement of a resident from the facility to another location outside the facility are not required to be documented as a restraint.

## Subchapter E Facilities

### **§351.49 Retrofitted Adult Facilities**

Effective Date: 9/1/24

- (a) Before a short-term detention facility accepts residents, the juvenile board in the county where the facility is located must ensure the facility has been approved by TJJD.
- (b) TJJD will not approve a facility that was constructed or previously used for the confinement of adult offenders unless TJJD determines the facility has been appropriately retrofitted to comply with TJJD standards related to facilities.