

“Juvenile” means an individual who is under the age of 18 years. (N.J.S.A. 2A:4A-22a). For purposes of this chapter, juvenile also includes any individual who is properly detained under the law in a juvenile detention facility and has reached the age of 18 years.

“Medication assistance staff” means a senior level child care worker who works in secure detention and has successfully completed the Statewide standardized training program which utilizes the approved State Board of Nursing’s Medication Assistance Curriculum, and who is supervised in tasks related to medication assistance in accordance with the provisions of the State Board of Nursing rules at N.J.A.C. 13:37-6.2.

“New detention facility” means a detention facility which is specified for operation by the Commission after May 1, 2000.

“Recommendation” means a goal which is proposed for attainment but which is not now mandatory.

“Special daily schedule” means an alternative schedule developed for juveniles whose disruptive behavior warrants restriction from the juvenile population beyond 24 hours. This schedule requires that the restricted juvenile be provided with daily opportunities to engage in program activities, such as education and large muscle exercise, as his or her behavior permits. These program activities may be engaged in separately or with the general population, based on the discretion of the facility administrator or his or her designee. The number of opportunities to engage in daily program activities shall increase as the juvenile’s behavior improves.

“Suicide-resistant” means a product which has been designed to significantly reduce the risk of a juvenile using the product in a suicide attempt.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Rewrote the definition of “Delinquency”.
Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.
Amended by R.2005 d.372, effective November 7, 2005.
See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Added definition “Special daily schedule”.
Amended by R.2011 d.092, effective March 21, 2011.
See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

Added definitions “Gesture” and “Isolation”.
Petition for Rulemaking.
See: 45 N.J.R. 1971(b), 2277(a).

13:92-1.3 Objectives of detention

(a) The objectives of detention are:

1. To provide secure custody for those juveniles who are deemed a threat to the physical safety of the community and/or whose confinement is necessary to insure their presence at the next hearing.

2. To minimize the potentially damaging effects of confinement in a secure setting by supporting the juvenile’s

physical, emotional, and social development, in an atmosphere which is as non-threatening as possible.

3. To meet the needs of juveniles through a constructive program offering educational, recreational, religious, and social opportunities.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

SUBCHAPTER 2. LEGAL PROVISIONS

13:92-2.1 Legal authority of Commission

(a) N.J.S.A. 2A:4A-37 provides that the Juvenile Justice Commission shall specify the place where a juvenile may be detained, and that no juvenile shall be placed in detention in any place other than that specified by the Juvenile Justice Commission.

(b) In accordance with the above statutory requirements, the rules in this chapter are applicable to county juvenile detention facilities. In order to receive juveniles, a detention facility shall demonstrate to the satisfaction of the Commission through such methods and procedures as may be prescribed, that it complies with each of the rules in this chapter, which shall be interpreted as constituting minimum standards only.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

In (a), added the sentence pertaining to Reorganization Plan 001-93.
Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-2.2 Inspection provision

(a) In accordance with N.J.S.A. 2A:4A-37, and 52:17B-170, 171 and 176, the Commission has the power of visitation and inspection of all juvenile detention facilities.

(b) Each juvenile detention facility specified for use by the Commission shall be subject to announced and unannounced inspection visits by the Commission. These visits shall be for the purpose of inspecting and observing the physical condition of the facility, the methods of management and operation and the physical condition, care, treatment and discipline of the juveniles detained therein. In addition, any equipment or materials deemed necessary to carry out the Commission’s inspection responsibilities shall be permitted into the facility.

(c) All books, records, accounts, and reports, past and present, shall be available for review. At all times a representative from the Commission shall be allowed to observe and interview juveniles and staff concerning any matter pertaining to the health, safety, treatment, training, and general well-being of the juveniles or pertaining to the operation of the detention facility itself.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).
Extended (a) to N.J.S.A. 30:1B-10.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Substituted references to the Commission for references to the Department throughout; and in (a), changed N.J.S.A. reference.

Amended by R.2011 d.092, effective March 21, 2011.

See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

In (b), deleted a comma following "operation" and "treatment" and inserted the last sentence.

13:92-2.3 Enforcement

(a) If, upon completion of the inspection, the detention facility is found to be in violation of any parts of these standards, it shall be given notice by the Commission of these violations with 45 days to abate the said violations. In cases of severe violations or in cases where violations remain unabated, the Commission may withdraw its specification of the facility as an appropriate legal setting for the detention of juveniles.

(b) The Commission, in accordance with N.J.S.A. 52:17B-170e and 171, has the authority to institute such legal proceedings or processes as may be necessary to remedy improper conditions in the detention facilities.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

In (b), substituted the provision allowing the Department to institute legal proceedings or processes for a general civil action provision.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Substituted references to the Commission for references to the Department throughout; in (a), substituted "45 days" for "a reasonable length of time" in the first sentence, and substituted "remain unabated" for "are not abated within a reasonable length of time" in the second sentence; and in (b), changed N.J.S.A. reference.

13:92-2.4 Variance

(a) If, in the enforcement of these rules, the Commission finds that to require a particular detention facility to comply strictly with one or more of the provisions of these rules is unreasonable, and it is shown clearly and convincingly to the Commission that compliance will result in undue hardship to the programs or goals and services, and if the detention facility is in substantial compliance with these rules and its general purpose and intent and, in addition, it complies with such specific conditions as the Commission may deem necessary for the protection of the health, safety, and welfare of juveniles, a variance may be granted specifically and in writing by the Commission.

1. An application for a variance stating the specific facts or reasons for the request shall be made in writing to the Commission.

2. The Commission shall grant a variance only if it is presented with convincing evidence that the variance is necessary and justified.

3. The Commission may periodically review and re-evaluate the continuing necessity and justification for the variance.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-2.5 Other legal authority

(a) Detention facilities shall conform to all applicable public health, safety, and fire codes, building regulations, laws, and regulations set forth by the State of New Jersey, the county, and municipality in which it is located.

(b) Each facility shall comply with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, P.L. 102-586, 42 U.S.C. §§ 5633 et seq., and 28 C.F.R. Part 31 and related State and Federal laws and regulations involving: the deinstitutionalization of status offenders and non-offenders; and prohibited contact between juveniles and incarcerated adults.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rewrote (b).

SUBCHAPTER 3. ORGANIZATION AND ADMINISTRATION

13:92-3.1 Responsibilities of the County Boards of Chosen Freeholders or County Executive

(a) Among the responsibilities of the County Boards of Chosen Freeholders or the County Executive, as appropriate, or their duly authorized representatives shall be the following:

1. To secure and maintain fire insurance on the detention facility as well as comprehensive liability insurance for the staff and juveniles. Workers' compensation insurance shall also be provided for all staff of the detention facility.

2. To select and appoint a facility administrator to administer and give professional leadership to the facility and its program.

3. To assure adequate financial support for the facility.

4. To approve an annual budget for services and programs for the ensuing year prior to the end of each fiscal year, based on anticipated needs and projected plans.

5. To appraise continuously the adequacy and quality of the services provided by the detention facility.

6. To keep a written record of official actions, including those pertaining to administration of funds and development of programs and services.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

the required screenings, the juvenile shall be placed on a "special daily schedule" as provided for in N.J.A.C. 13:92-7.4(g). In addition, this juvenile shall be placed on, and remain under, increased supervision by staff until he or she receives all required screenings.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

In (a)1 substituted the provision allowing a judge to order the release of a juvenile from detention for a provision governing what an officer must do; deleted former (a)2 and renumbered the remainder.

Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), changed N.J.A.C. references in the introductory paragraph and 2, inserted a reference to the behavior management system in 5, substituted a reference to rules and regulations for a reference to policies and procedures and substituted "shall" for "should" in 6, rewrote 8 through 10, substituted "shall" for "should" in the introductory paragraph of 11, and added 12.

Amended by R.2005 d.372, effective November 7, 2005.
See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rewrote (a).

Amended by R.2011 d.092, effective March 21, 2011.
See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

In the introductory paragraph of (a), deleted "in accordance with the code's criteria for such placement as noted in N.J.A.C. 13:92-5.1," following "detention"; in the introductory paragraph of (a)9, deleted a comma following the first occurrence of "worker" and following "marks", and inserted the second and sixth sentences; in the introductory paragraph of (a)14, substituted "48" for "72", inserted "or designee" twice, deleted the former second sentence and inserted the current second sentence; and added (a)14iv and (a)18.

13:92-5.4 Electronic Monitoring Programs

(a) A detention facility may administer an electronic monitoring program, meaning a program in which designated juveniles live in the community and are monitored by electronic monitoring devices. In such case, the facility shall submit an Electronic Monitoring Procedures Manual to the Commission that:

1. Identifies the program's target population; and
2. Sets forth standards and procedures for both initial placement in and removal from the program.

(b) On or before January 10th of each year, a detention facility shall submit a report to the Commission identifying any significant changes to its Electronic Monitoring Procedures Manual.

New Rule, R.2011 d.092, effective March 21, 2011.
See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

SUBCHAPTER 6. RECORDS AND REPORTS

13:92-6.1 Intake information

(a) In accordance with N.J.A.C. 13:92-5.3, Intake and admission procedures, the detention staff (preferably a member of the social work staff) shall obtain from the newly admitted juvenile, the law enforcement officers and the parents, if possible, pertinent factual and identifying information including:

1. Name (and nickname), sex, date of birth, age, date and time of admission, and person recording data;
2. Religion, race;
3. Name, address, phone number, and relationship to juvenile of person with whom juvenile was living at time of admission;
4. Name, address, and phone number of father, mother, or foster parent, if different from above;
5. Name, address, and phone number of person to notify in an emergency;
6. Names, ages and sex of siblings;
7. School attended, grade, and employer, if any;
8. Name, address and phone number of person/agency bringing juvenile to detention facility, and name of person (Family Court or intake worker) authorizing placement;
9. Reason for apprehension of juvenile and attempts made to contact an appropriate adult custodian;
10. Dates and lengths of stay of previous admissions and releases; and,
11. Medical history, psychiatric history, chronic conditions, past serious illnesses, allergies, special diet, and drug history.

Amended by R.1995 d.293, effective June 5, 1995.
See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).
Amended by R.2000 d.189, effective May 1, 2000.
See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), changed N.J.A.C. reference, deleted "upon admission," following "procedures," and inserted "newly admitted" preceding "juvenile" in the introductory paragraph, inserted a reference to names in 6, rewrote 8, deleted a former 10, recodified former 11 and 12 as 10 and 11, and in the new 11, inserted a reference to psychiatric history.

13:92-6.2 Individual case records

(a) Individual case folders shall be maintained for each juvenile admitted to the detention facility. These folders shall include, but not be limited to, the following records:

1. Intake information;
2. Medical reports;
3. Social service worker's reports;
4. Incident and accident reports;
5. Progress or status reports;
6. All available court related documents;
7. A record of the names of all persons authorized to visit the juvenile, as well as the names of those individuals not authorized to visit and the reason(s); and
8. Copies of any grievance(s) filed by the juvenile, if any, and the resolution.

(b) All information which is contained in individual case records is confidential, and employees shall not disclose or

knowingly permit the use of any information concerning the juvenile or his or her family, directly or indirectly, except in the performance of official duties.

(c) All records shall be preserved until the juvenile's 18th birthday, provided that at least two years have elapsed since his or her last discharge from the facility.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), added 7 and 8; and in (b), neutralized a gender reference.

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

In (a)3, added "service" following "social".

13:92-6.3 Master log book

(a) In addition to intake information maintained for each juvenile's folder, the following information shall be recorded in a master log book which denotes admissions chronologically:

1. Name, age, race, and sex of the juvenile;
2. Date of admission;
3. Alleged criminal charge(s) specifying the actual offense(s) such as theft, burglary or assault;
4. Referring agency;
5. Municipality of the juvenile's residence;
6. Number of previous admissions;
7. Date of discharge;
8. Total number of days at the facility; and,
9. To whom or to which agency the juvenile was discharged.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), inserted a reference to race in 1, and rewrote 3.

13:92-6.4 Medication log

(a) A medication log shall be maintained for those situations where juveniles are administered medication. The following information shall be recorded each time a juvenile is given medication:

1. The name of the juvenile;
2. The date and time the medication is given;
3. The name and type of medication;
4. The dosage of medication;
5. The reason for the medication;
6. The name and position of the person authorizing the medication; and
7. The name and position of the person administering the medication.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), rewrote 3 and 4.

13:92-6.5 Log for temporary restriction and special daily schedule

(a) In accordance with the provisions of N.J.A.C. 13:92-7.4, Temporary restriction and special daily schedule, whenever a juvenile is removed from the group or ongoing program and temporarily restricted to his or her sleeping room or an isolation room, or placed on the special daily schedule, the following information shall be recorded in a log maintained for that purpose prior to the end of the shift on which the restriction occurred:

1. The name of the juvenile;
2. The date and time of the juvenile's temporary restriction;
3. The name of the staff member requesting temporary restriction;
4. The name of the administrator or his or her designee authorizing temporary restriction;
5. The reason for the temporary restriction;
6. The date and time of the juvenile's release from temporary restriction;
7. If the juvenile is placed on the special daily schedule, the name of the administrator, or his or her designee, authorizing placement is required;
8. The date and time the juvenile was placed on the special daily schedule; and
9. The date and time of the juvenile's release from the special daily schedule.

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

In (a), changed N.J.A.C. reference in the introductory paragraph.

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rule heading was "Log for the temporary restriction of juveniles; rewrote (a).

Petition for Rulemaking.

See: 45 N.J.R. 1971(b), 2277(a).

13:92-6.6 Mechanical restraint log

(a) Whenever a juvenile is placed in mechanical restraints, such as handcuffs, leather restraints, restraint chair or leg irons, except when used during transportation outside the secure area, the following information shall be recorded in a log maintained for that purpose prior to the end of the shift on which the restraint occurred:

1. The name of the juvenile;
2. The date and time restraints were used;
3. The type of restraint used;

4. The name of the staff member requesting use of restraints;
5. The name of the supervisor authorizing use of restraints;
6. The reason for the use of restraints;
7. The date and time the juvenile was released from the restraints; and
8. The name and title of the administrator or designee authorizing continued use of restraint, if necessary, beyond 30 minutes.

New Rule, R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rewrote (a).

Amended by R.2011 d.092, effective March 21, 2011.

See: 42 N.J.R. 2588(a), 43 N.J.R. 735(a).

In (a)8, substituted "administrator or designee" for "health professional" and "30" for "60".

SUBCHAPTER 7. CONTROL, DISCIPLINE AND GRIEVANCE PROCEDURE

13:92-7.1 Rules and regulations

(a) A written copy of the facility's rules and regulations shall be provided to each juvenile upon admission, including the grievance procedure, N.J.A.C. 13:92-7.2, and sanctions for infractions, N.J.A.C. 13:92-7.3 and 7.4. In addition, the following shall be obtained or provided as indicated:

1. A signed acknowledgment of receipt of the facility's written rules and regulations by the juvenile which shall be maintained in the juvenile's file;
2. A review of the rules and regulations by a staff member with each juvenile; and
3. A copy of the rules and regulations shall be posted in each of the living units.

(b) Such rules and regulations shall:

1. Be written in simple, clear, and concise language that most juveniles can understand;
2. Be designed to effectuate or protect important interests of the detention facility;
3. Be specific enough to give juveniles adequate notice of what is expected of them; and
4. Be reviewed at least annually, updated when necessary, and revisions made available to all juveniles.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-7.2 Grievance procedure

(a) Each detention facility shall have a written grievance procedure for the expression and resolution of juveniles' grievances or legitimate complaints, which contains the following elements:

1. A means and method for the filing of a grievance on a form that includes the juvenile's name, date, and all pertinent information relating to the grievance;
2. Assistance by staff not involved in the issue of the grievance shall be provided, if necessary;
3. A written response to all grievances filed, including the reason for the decision;
4. A response by a staff member designated by the facility administrator, or his or her designee, within a prescribed, reasonable time limit, that allows for responding to emergencies;
5. A provision for appeal to the facility administrator, or his or her designee;
6. Access by all juveniles to the grievance procedure and appeals process, with guarantees against reprisals; and
7. Applicability over a broad range of issues.

(b) A copy of the grievance and the resolution shall be given to the juvenile, a copy maintained in the juvenile's file, and a copy in a central grievance file.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

13:92-7.3 Behavior management

(a) Each detention facility shall establish a system of behavior management for the purpose of helping the juvenile conform to established standards of behavior and the rules and regulations of the facility.

(b) The behavior management system shall be designed to provide incentives for positive behavior and afford proportional measures of accountability for negative behavior.

1. Incentives for positive behavior may include, but not be limited to, such privileges as:
 - i. Special visits;
 - ii. Extra phone calls;
 - iii. Movies;
 - iv. Music; or
 - v. Special events.
2. Incentives shall not include any program, service, or physical amenity required by these rules or Federal, State, or local laws, rules, regulations or ordinances.

(c) The behavior management system shall provide written guidelines and parameters that are readily definable and easily understood by residents and staff.

(d) A verbal and written explanation of the behavior management system shall be provided to all residents as part of the formal orientation conducted by facility staff in accordance with N.J.A.C. 13:92-5.3(a)5.

(e) Disciplinary sanctions shall be objectively administered and proportionate to the gravity of the rule and the severity of the violation.

(f) The following disciplinary measures shall be prohibited:

1. The use of corporal punishment by any members of the staff. If any staff member is found to have utilized corporal punishment, this action can constitute grounds for dismissal. In addition, in accordance with N.J.S.A. 9:6-8.10, the incident shall be reported immediately to DYFS.

i. Corporal punishment does not include the right of staff to protect themselves or others from attack, nor does it include the exercise of appropriate physical restraint as may be necessary to protect a juvenile from harming himself, herself, or others;

ii. Physical contact between staff and detained juveniles, either through acts of self-defense or the use of force to protect a juvenile from harming himself, herself or others, shall be immediately reported in writing to the administrator of the detention facility. A copy of the written report shall be maintained in the juvenile's file;

2. Placement in a dark cell-like environment or forcing a juvenile to perform any cruel or degrading acts;

3. Any act or lack of care that injures or significantly impairs the health of any juvenile, or is degrading or humiliating in any way;

4. Delegation of the staff's authority for administering discipline and privileges to the juveniles;

5. The deprivation of a juvenile's meals, regular evening snacks, mail privileges, court appearances or regular family visits; and

6. The use of any mechanical restraint as a punishment.

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

Petition for Rulemaking.

See: 45 N.J.R. 1971(b), 2277(a).

13:92-7.4 Temporary restriction and special daily schedule

(a) Temporary restriction of a juvenile to his or her sleeping room, or isolation room, shall be used as a last resort only after other less restrictive measures have failed.

(b) A juvenile shall be placed in temporary restriction only if the juvenile's behavior poses a substantial physical threat to himself or herself and/or others or property. Room restriction shall not be used for punitive purposes, but rather to gain control of an acting-out juvenile and ensure the security and safety of the facility, staff and other juveniles.

(c) No juvenile shall be placed on temporary restriction without the approval of the administrator of the detention facility or his or her designee.

(d) Upon temporary restriction, the juvenile's name shall be recorded in the "Log for Temporary Restriction and Special Daily Schedule" as provided for in N.J.A.C. 13:92-6.5.

(e) A juvenile placed on temporary restriction shall be reassessed, at a minimum, every two hours by the administrator of the detention facility or his or her designee, to determine whether continued restriction is necessary. If the administrator or his or her designee determines that continued restriction is necessary the reason shall be recorded in the resident's file.

(f) Temporary room restriction shall not exceed 24 hours. Juveniles who require continued restriction shall be placed on the special daily schedule as described in (g) below.

(g) A juvenile whose disruptive behavior warrants restriction beyond the initial 24 hours permissible in (f) above, shall be placed on the special daily schedule. This alternative schedule requires that the restricted juvenile be provided with daily opportunities to engage in program activities, such as education and large muscle exercise, as his or her behavior permits. These program activities may be engaged in separately or with the general population, at the discretion of the facility administrator or his or her designee. The number of opportunities to engage in daily program activities shall increase as the juvenile's behavior improves.

(h) No juvenile shall be placed on the special daily schedule without approval by the facility administrator, or his or her designee.

(i) For a juvenile who is placed on the special daily schedule, the social service worker shall meet with the juvenile within 48 hours of placement and develop a plan to address the behavior which led to the restriction. The social service worker shall also ensure compliance with the requirements of (g) above. If a mental health problem is suspected, the social service worker shall immediately consult a mental health professional. The special daily schedule shall be maintained and all activities documented until the juvenile can be re-integrated into the general population.

(j) No juvenile shall be placed on either room restriction or on the special daily schedule for a pre-determined amount of time, for example, 72 hours, five days, etc.

(k) The special daily schedule shall be designed to allow the juvenile's improved behavior to serve as the determining factor for the reintegration of the juvenile into the general population. The juvenile's behavior shall be assessed daily by the administrator of the detention facility, or his or her designee, to determine whether the juvenile's behavior warrants reintegration. If the administrator or his or her designee determines that the resident cannot be reintegrated into the general population, the reason for keeping the resident on the special daily schedule shall be recorded on the form designated for this purpose as described in (l) below.

(l) Upon placement on the special daily schedule, all pertinent information regarding the placement shall be recorded on a form designed for this purpose. The information on the form shall include the name of the juvenile, the date and time of placement on, and release from, the special daily schedule, the name of the supervisor requesting placement, the name of the administrator or his or her designee authorizing placement, the reason for the placement, and the reason for continuing the resident on the special daily schedule. A copy of each completed form shall be filed in a separate folder maintained for this purpose.

(m) When a juvenile is temporarily restricted to quarters, or placed on the special daily schedule, the following procedures shall apply:

1. As a precaution, any potentially dangerous item on the juvenile or in the quarters shall be removed to prevent acts of self-inflicted harm.

2. During the period of temporary restriction or special daily schedule, the juvenile shall be checked at least every 15 minutes, including during regular sleeping hours, by the staff assigned to the unit and the juvenile's condition noted. The staff is to be alert at all times for indications of destructive behavior on the part of the juvenile, either self-directed or toward the juvenile's surroundings.

3. In all situations requiring a juvenile's separation from the group and restriction to quarters, an incident report shall be processed and filed with the administration by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in the juvenile's individual case folder and a central incident report file.

4. If the juvenile is restricted to quarters through a change of shifts, the relieving supervisor shall check the juvenile and the room prior to assuming his or her post and assure that the conditions set forth in these rules are being met. Under no circumstances shall a juvenile remain in restricted quarters when there is not sufficient personnel available to provide the supervision required by (m)2 above.

5. Restriction procedures shall include a means for the juvenile to communicate with staff at all times.

6. There is to be no reduction in food or calorie intake while a juvenile is restricted to quarters.

7. The restricted juvenile shall have access to bathroom facilities, including a toilet and washbasin.

8. The room in which the juvenile is restricted shall be maintained in accordance with temperatures at N.J.A.C. 13:92-4.3(e).

Amended by R.1995 d.293, effective June 5, 1995.

See: 27 N.J.R. 1101(a), 27 N.J.R. 2221(a).

Amended by R.2000 d.189, effective May 1, 2000.

See: 32 N.J.R. 651(a), 32 N.J.R. 1627(a).

Rewrote the section.

Amended by R.2005 d.372, effective November 7, 2005.

See: 37 N.J.R. 1417(a), 37 N.J.R. 4283(a).

Rule heading was "Temporary restriction"; rewrote (c) and (d); deleted former (e); added new (e)-(m).

Petition for Rulemaking.

See: 45 N.J.R. 1971(b), 2277(a).

13:92-7.5 Physical and mechanical restraints

(a) Written policy, procedure, and practice shall require a progressive response for juveniles who pose a danger to themselves, others, or property unless the circumstances do not permit a progressive response. The progression shall:

1. Begin with verbal calming;
2. Use the least aggressive physical restraint necessary to control the behavior;
3. Proceed to mechanical restraint only when other interventions are inadequate to deal with the situation; and
4. Require the least restrictive mechanical restraint necessary to control the behavior.

(b) Written policy, procedure and practice shall restrict the use of physical and/or mechanical restraints to instances of justifiable self-protection, the protection of others, the residents and property, and the prevention of escapes, and are to be used only as a last resort. Residents shall be removed from mechanical restraints when no longer posing a threat.

1. If physical force is required, the use of force shall be reasonable under the circumstances existing at the moment the force is used.

(c) Only those physical and mechanical restraint techniques which are included in the New Jersey Police Training Commission (P.T.C.) approved Basic Course for Juvenile Detention Officers may be used to restrain juveniles in juvenile detention facilities.

(d) Detention staff shall not be approved to use physical restraints or mechanical restraints, unless they have been trained in the use of such restraints.

1. Training shall include methods of monitoring and assessing a restrained juvenile for injuries or loss of circulation as a result of the use of mechanical restraint.

(e) Mechanical restraints approved for use in juvenile detention facilities shall include:

1. Handcuffs;

2. Leather restraints;
3. Leg irons; and
4. Restraint chair.

(f) Application shall be made to the Commission for approval to use any other mechanical restraint. Written approval by the Commission shall be obtained prior to use of the restraint.

(g) The use of padded cells shall be prohibited.

(h) Juveniles shall not be mechanically restrained to any fixed object, such as room furnishings or fixtures, or hog-tied, or restrained in any unusual position.

(i) Mechanical restraints shall not be applied as punishment.

(j) Approval by the facility administrator, or his or her designee, shall be required prior to each use of any mechanical restraint except in emergency situations. In the event of an emergency situation, the administrator, or his or her designee, shall be notified at the earliest possible opportunity. The facility administrator, or his or her designee, shall be required to approve continued use of any mechanical restraint every 30 minutes. Approval of the facility administrator, or his or her designee, is not needed when mechanical restraints are used for the transportation of juveniles.

(k) Staff members shall ensure the safety of the juvenile(s) in mechanical restraints and maintain constant visual supervision of the juvenile(s).

(l) A juvenile in any mechanical restraint shall have access to water, meals, and toilet facilities.

(m) The facility administrator, or his or her designee, shall immediately assess the juvenile upon the application of a mechanical restraint for any injuries and to ensure the juvenile's circulation is not or was not impaired upon the application of the mechanical restraint, except for the transportation of juveniles. The facility administrator, or his or her designee, shall make repeated assessments of the juvenile's behavior and circulatory status every 15 minutes for the duration of restraint and document this in the juvenile's file. At the earliest possible opportunity, a medical professional such as a physician, licensed physician assistant, advanced practice nurse, registered nurse, or licensed practical nurse shall examine every juvenile involved in a physical and/or mechanical restraint and document this in the juvenile's medical file.

(n) Whenever a mechanical restraint is used for more than 30 minutes, except for the transportation of juveniles, the medical or social service staff, or facility administrator or designee if the medical or social service staff are not available, shall determine whether there is reason to suspect a

mental health problem and document this determination in the juvenile's medical file.

1. If a mental health problem is suspected, the medical or social service staff, or facility administrator, or his or her designee, if the medical or social service staff are not available, shall consult a licensed mental health professional and document the results of that consultation in the juvenile's medical file.

2. A new determination whether there is reason to suspect a mental health problem shall be made and documented at the end of each 30-minute period by the medical or social service staff, or facility administrator, or his or her designee, if the medical or social service staff are not available. If a mental health crisis is suspected, an emergency mental health crisis assessment shall be obtained which may result in the removal of the juvenile from the facility.

(o) Each use of a mechanical restraint, except when used during transportation outside the secure area, shall be documented in the mechanical restraint log prior to the end of the shift on which the restraint occurred (see N.J.A.C. 13:92-6.6).

(p) Each application of a physical or mechanical restraint, except when used to transport a juvenile, shall be fully documented in the juvenile's file, including:

1. The date;
2. The time a restraint was imposed and each time a mechanical restraint was removed to provide access to water, meals, and toilet activities;
3. The staff involved;
4. The circumstances;
5. The reason(s) for the use of a restraint;
6. The duration of the use of a restraint, at one time and cumulatively during any 24-hour period;
7. The type(s) of physical or mechanical restraint used;
8. Any less intrusive interventions that were tried and proved unsuccessful in managing the behavior;
9. The mental health evaluation and prescription for restraint, if applicable;
10. The name and title of the person authorizing the restraint;
11. The results of the assessment regarding injuries, illness or loss of circulation at the time mechanical restraint was imposed and removed; and