



FLORIDA MODEL JAIL STANDARDS



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FLORIDA MODEL JAIL STANDARDS

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CHAPTER 1 – DEFINITIONS

As used in this document, the following terms apply:

- 1.1 *ACTIVITY SPACE* – Any space other than a cell or day room, which is designated, for inmate programs, such as chapel, work, and study.
- 1.2 *ADMINISTRATIVE CONFINEMENT* – The segregation of an inmate for investigation, protection, or some cause other than disciplinary action.
- 1.3 *AUXILIARY CORRECTIONAL OFFICER* – Any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a county or municipal detention facility. For purposes of this document, no auxiliary officer shall be permitted to be assigned to a post within the secured area of the facility where such officer is not under the direct sight and sound supervision of a certified correctional officer at all times.
- 1.4 *CELL* – Any room in a detention facility, except a dormitory, that is designed to incarcerate one or more inmates.
 - a. *HOLDING CELL* – Any cell used to hold inmates awaiting some process, such as booking, interrogation or court appearances.
 - b. *ISOLATION CELL* – A single cell used for housing an inmate removed from the general population.
 - c. *MULTIPLE OCCUPANCY CELL* – A cell that contains sleeping space for two or more inmates with a partition between the cell and the day room space.
 - d. *SINGLE CELL* – A cell that contains sleeping space for a single inmate.
- 1.5 *CERTIFIED CORRECTIONAL OFFICER* – An officer certified by the Criminal Justice Standards and Training Commission pursuant to Chapter 943, Florida Statutes.
- 1.6 *CIVILIAN STAFF* – An employee, independent contractor, volunteer, or any other person who works or performs any service at a jail facility who is not certified as either a juvenile detention officer by the Florida department of Juvenile Justice or a correctional officer, law enforcement officer or auxiliary officer by the Criminal Justice Standards and Training Commission in accordance with Chapter 943, Florida Statutes. Civilian staff may not be utilized in the secure area of the jail facility to provide supervision, care, custody, or control of inmates with the exception of inmate workers. Civilian staff may be utilized to provide psychological and medical care, commissary, repair and maintenance services, property storage, education and religious services, and work in

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communications, food preparation, programs, booking, records, classification, laundry, sanitation, control rooms.

- 1.7 *CLOSE SUPERVISION* – Regular, documented, physical observation of an inmate by certified correctional officers or members of the medical staff at intervals not to exceed 15 minutes.
- 1.8 *CLOSELY MONITORED* – Regular documented, physical observation of an inmate by certified correctional officers or members of the medical staff at intervals not to exceed 30 minutes or as specified by medical authority and/or the officer in charge.
- 1.9 *COMMON AREA* – Any area of a detention facility, which is used for more than one purpose. It includes catwalks, walkways, halls, foyers, corridors, waiting rooms, entrances, porches, or other areas, which provide movement, space, or are part of the access to the facility and egress there from.
- 1.10 *COUNTY DETENTION FACILITY* – A county jail, a county stockade, a county work camp, a prison camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of a felony or a misdemeanor, regardless of whether such facility is operated by a board of county commissioners, a sheriff, or any other entity.
- 1.11 *DAY ROOM* – That area of a detention facility other than a cell, which is used, for the general purposes of the inmates.
- 1.12 *DETENTION FACILITY* – Includes a county detention facility and a municipal detention facility.
- 1.13 *DINING AREA* – Any area, other than a cell or day room, which is designated for feeding inmates or staff of the detention facility.
- 1.14 *DIRECT FILED JUVENILE* – A juvenile who at the time of commission of the alleged offense was at least 16 years of age and against whom an information has been filed by the state attorney transferring the juvenile for prosecution as an adult pursuant to the provisions of Chapter 985, Florida Statutes.
- 1.15 *DIRECT OBSERVATION* – Continuous visual observation 24 hours each day with physical observations documented at intervals not to exceed 15 minutes for adults and 10 minutes for juveniles.
- 1.16 *DIRECT SUPERVISION HOUSING UNIT* – A housing unit where the design capacity is such that it may effectively be managed by one (1) officer. An officer's post in this type of housing unit shall be located within the unit to ensure direct contact with inmates 24-hours a day. Such housing units shall contain sleeping areas, day rooms, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate capacity.

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- 1.17 *DIRECT SUPERVISION JAIL* – A management style of jail construction that ensures continuing direct contact between officers and inmates by the posting of officers inside housing units. Security, evaluation, and classification of inmates are ongoing and continuous functions of a direct supervision jail and are based on close staff contact and interaction with inmates in a housing unit.
- 1.18 *DISCIPLINARY CONFINEMENT* – The segregation of an inmate for disciplinary reasons.
- 1.19 *DISINTERESTED PARTY* – Refers to any individual who does not have a reason for a dispute to be resolved in any particular manner. A party who has nothing to gain from how an argument is decided. This individual may be internal or external to the criminal justice agency.
- 1.20 *DORMITORY* – Any housing area in a detention facility that is designed to incarcerate more than two inmates and that contains day room space in addition to sleeping space.
- 1.21 *EMPLOYEE* – Any person employed, under contract with, or appointed by a county or municipal government or officer whose primary responsibility is the supervision, protection, care, custody, and provision of support services and/or control of inmates.
- 1.22 *FMJS CERTIFIED JAIL INSPECTOR* – Any person who has successfully completed the FMJS Inspector Certification Course and is presently recognized by the FMJS Working Group to conduct correctional operations inspections.
- 1.23 *FMJS CERTIFIED MEDICAL INSPECTOR* – Any person who has successfully completed the FMJS Medical Inspector Certification Course and is presently recognized by the FMJS Working Group to conduct medical compliance inspections.
- 1.24 *HEALTH AUTHORITY* – The facility has a designated health authority with responsibility for health care services pursuant to a written agreement, contract, or job description. The health authority may be a physician, health services administrator, or health agency. When the health authority is other than a physician, final clinical judgments rest with a single, designated, and responsible physician. The health authority is authorized and responsible for making decisions about the deployment of health resources and the day-to-day operations of the health services program.
- 1.25 *HOUSING AREA* – That area of the facility where inmates are held after admission and intake to the facility.
- 1.26 *INDICTED JUVENILE* – A juvenile of any age indicted by a grand jury for an offense punishable by death or life imprisonment pursuant to the provisions of Chapter 985, Florida Statutes.

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- 1.27 *INMATE WORKER (Trusty)* – An inmate whose classification status allows him/her to perform work or services in or about the facility or county.
- 1.28 *INVASIVE BODY SEARCH* – A search involving a manual inspection of the breasts or a manual inspection using touch, insertion, or probing of the cavities of the human body, including genitals, buttocks, or anus. An invasive body search may only be conducted according to a correctional institution's written rules, policies, or procedures.
- 1.29 *JAIL STANDARDS* – The Florida Model Jail Standards established by the working group.
- 1.30 *JUVENILE* – A person who is under the age of 18.
- 1.31 *JUVENILE DETENTION OFFICER* – An officer certified by the Florida Department of Juvenile Justice pursuant to Rule 63H-2.007, Florida Administrative Code. Juvenile Detention Officers are authorized to provide supervision, protection, care, custody, and control of inmates within a juvenile detention facility.
- 1.32 *JUVENILE PREVIOUSLY FOUND TO HAVE COMMITTED AN OFFENSE AS AN ADULT:*
- a. A juvenile who has been indicted and has been found to have committed any offense for which he/she was indicted and against whom the court imposed adult sanctions, shall thereafter be handled as if he/she were an adult for any subsequent violation of Florida law pursuant to the provisions of Chapter 985, Florida Statutes.
 - b. A juvenile who has been transferred for criminal prosecution pursuant to a voluntary or involuntary waiver hearing or information and who has been found to have committed the offense for which he/she is transferred or a lesser included offense and against whom the court imposed adult sanctions, shall thereafter be handled as if he/she were an adult for any subsequent violation of Florida law pursuant to the provisions of Chapter 985, Florida Statutes (for Youth Detention Facilities, refer to Appendix C).
- 1.33 *JUVENILE WANTED IN ANOTHER JURISDICTION AS AN ADULT* – A juvenile who is wanted in another jurisdiction for prosecution as an adult pursuant to the provisions of Chapter 985, Florida Statutes.
- 1.34 *LOCK-DOWN* – That time when all inmates are physically restricted to their cell or housing area.
- 1.35 *MULTIPURPOSE SPACE* – Any space, which is designated or developed for the use of the inmates or the staff for a combination of programs, activity, dining, exercise, and training.

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- 1.36 *MUNICIPAL DETENTION FACILITY* – A city jail, a city stockade, a city prison camp, and any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of violation of municipal laws or ordinances, regardless of whether such facility is operated by a city or any other entity.
- 1.37 *NON-SECURE CUSTODY* – Holding the juvenile:
- a. In an unlocked multipurpose area such as a lobby, office or interrogation room which is not designated, set aside, or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes;
 - b. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
 - c. The use of the area is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
 - d. In no event shall the area be designed or intended to be used for inmate housing purposes;
 - e. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff while he/she is in non-secure custody.
- 1.38 *NOTABLE VIOLATIONS* – Any violation of the jail standards which is not a serious violation.
- 1.39 *OFFICER-IN-CHARGE* – The Sheriff, Chief Correctional Officer or any correctional administrator appointed by a City or County Board of Commissioners.
- 1.40 *PERMANENT FILE* – A record maintained as required by the Florida Department of State General Records Schedule GS1-SL for State and Local Governments, General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners, and General Records Schedule GS4 for Public Hospitals, Health Care Facilities and Medical Providers.
- 1.41 *PRISONER* or *INMATE* – A person who is lawfully detained in a detention facility (for Youth Detention Facilities, refer to Appendix C).
- 1.42 *QUALIFIED AND TRAINED FACILITY STAFF MEMBER* – Can be Correctional Officer that can oversee the administration of medication and has been trained to do so, when licensed medical staff are not on duty. It cannot be a Clinician licensed by the “Florida Board of Nursing” who is not authorized to administer medications under their respective scope of practice or whose license is not recognized by the Florida Board.

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- 1.42 *RECREATION AREA* – Any secure area (indoor/outdoor) designated to be used for inmate exercise or recreation activities other than a dayroom or multiple purpose space.
- 1.43 *REDUCED CUSTODY HOUSING AREA* – That area designed to hold a large number of inmates in a dormitory or barracks type setting. The area may or may not have a security exterior and limited access. A reduced custody housing area may have exterior walls constructed of canvas, cloth, or any material similarly flexible or woven, which is flame resistant and is supported by a structural frame of metal or similar durable material.
- 1.44 *REGULAR CONTACT WITH JUVENILES* – means sight and sound contact pursuant to the provisions of Chapter 985, Florida Statutes.
- 1.45 *RESTRICTIVE HOUSING* – housing some inmates separately from the general population of a correctional institution and imposing restrictions on their movement. The term includes placing the inmate in medical isolation or in the infirmary as pursuant to the provisions of Section 944.241, Florida Statutes.
- 1.46 *SALLY PORT* – Any entry area for vehicles or personnel where one door or gate must be closed prior to the opening of the other door or gate. Security vestibule is the same as sally port except it refers to an inside area of the detention facility.
- 1.47 *SECURE HOUSING AREA* – That area designed to house inmates that, as determined by a classification process, pose a threat to the custody, security, or welfare of others. This requires living quarters to be equipped with security hardware. The individual cells and day rooms are included in this area.
- 1.48 *SECURITY VESTIBULE* – A defined space that promotes security by the use of two (2) or more doors used to contain and observe those entering/exiting the inside area of a detention facility or secured housing area. Security vestibule doors shall be equipped with an interlock device to prohibit both doors being opened at the same time. Security vestibule doors shall be equipped with an override of interlock by Master Control during an emergency.
- 1.49 *SERIOUS VIOLATION* – A violation of these standards or other conditions or practices that appears to pose a substantial and immediate danger to the life, health, or safety of one or more inmates or employees, or any condition applicable as determined by the Florida Model Jail Standards Working Group. Standards for which a violation would be considered serious are indicated in bold italicized print and asterisked (within the standards and in all inspection report checklists).
- 1.50 *SHOULD* – when used in lieu of will, shall, or must is not a mandatory standard, and denotes a correctional practice that is desirable and conducive to good inmate management.
- 1.51 *SIGHT AND NORMAL SOUND* for the purposes of supervision within the facility – A security post is located to ensure visual contact with the inmate. This may be

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accomplished through means of electronic surveillance, provided that a certified officer is immediately available to hear and respond promptly to calls for help.

- 1.52 *SPECIAL HANDLING AREA* – Any cell or housing area used to house persons with special needs such as mental illness or who exhibit suicidal tendencies and those who must be observed on a more frequent basis. This area must meet all requirements of these regulations.
- 1.53 *SUPERVISION, CARE, CUSTODY, AND CONTROL* – A certified correctional officer or juvenile detention officer's duties including observing, watching, monitoring, moving, having custody of, exercising dominion and control over, safeguarding, taking charge of, restraining, overseeing, protecting, supervising, and directing inmates. This definition shall not include duties involving the automated opening or closing of doors within the facility when such duties are performed under the direction and observation of a certified correctional officer or certified juvenile detention officer.
- 1.54 *TEMPERED* – A mixture of hot and cold running water, under pressure, that is thermostatically controlled to temperatures ranging between 100- and 120-degrees Fahrenheit.
- 1.55 *TEMPORARY CUSTODY OF A JUVENILE* – The holding of a juvenile for a period not to exceed six hours in a secure booking area of a jail or other facility intended or used for the detention of adults for the purpose of fingerprinting or photographing the juvenile or awaiting appropriate transport to the Department of Juvenile Justice provided no sight and sound contact between the juvenile and adult inmates or inmate workers is permitted and provided the receiving facility has adequate staff to supervise and monitor the juvenile's activities at all times pursuant to the provisions of Section 985.115, Florida Statutes.
- 1.56 *WAIVED JUVENILE* – A juvenile who is at least 14 years of age and whose case has been certified and transferred for trial as if the juvenile were an adult pursuant to the provisions of Chapter 985, Florida Statutes.
- 1.58 *WORKING GROUP* – The Florida Model Jail Standards Working Group as provided in s. 951.23(4)(a).

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CHAPTER 2 – STANDARDS WORKING GROUP GUIDELINES

2.1 Jail Operational Requirements:

Each sheriff, county, city, or other entity that operates a municipal detention facility or a county detention facility shall adopt, at a minimum, the Florida Model Jail Standards approved by the Working Group.

2.2 Florida Model Jail Standards Working Group Composition:

- a. There is established the Florida Model Jail Standards Working Group to develop and maintain model standards for county and municipal detention facilities. The seven-member working group shall consist of:
 1. Three (3) currently elected sheriff's, appointed by the Florida Sheriff's Association.
 2. A physician licensed in this state with at least two (2) years of experience in correctional health care, appointed by the Florida Sheriff's Association.
 3. A currently elected county commissioner, appointed by the Florida Association of Counties.
 4. An experienced jail administrator of a county jail operated by a county, appointed by the Florida Association of Counties.
 5. A psychiatrist licensed in this state with at least two (2) years of experience in correctional psychiatry, appointed by the Florida Association of Counties.
- b. The Committee members' responsibility is to serve two (2) year terms.
- c. By majority vote, the Committee shall elect a Chairperson. Each elected Chairperson shall preside for a two (2) year term.

2.3 Working Group Procedures:

- a. A minimum of four (4) Working Group Members shall be present in order to conduct any official Working Group business.
- b. The Working Group shall develop and review minimum standards for jails including, but not limited to operations, construction, medical care, maintenance, food services, housing and space requirements, sanitation, cleanliness, disciplinary actions, and furnishings.
- c. The Working Group shall, at a minimum, conduct biannual reviews of all existing

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standards.

- d. Any proposed amendments and/or changes to existing or future standards shall require a minimum of four (4) affirmative votes for implementation.
- e. All approved amendments and/or changes to the FMJS shall take effect on October 1 of that same year, unless otherwise specified.

2.4 Notifications and Announcements of Working Group Business:

- a. Notice of all proceedings shall be prepared and provided to all county/municipal detention facilities throughout the entire state.
- b. Notice of any standard adoption, amendment, or repeal, shall be prepared and provided to all county/municipal detention facilities throughout the entire state.
- c. Notice of any official Working Group business shall be made available, upon request, to the public.

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CHAPTER 3 – INSPECTIONS

3.1 The Officer-in-Charge shall contract or arrange for a FMJS Certified Inspector(s) for the purpose of inspecting all county and municipal detention facilities. The FMJS Inspector(s) shall inspect for compliance with all applicable Florida Model Jail Standards. At a minimum, one complete FMJS Facility Inspection shall be conducted annually. Additionally, the completed annual FMJS Facility Inspection shall be completed no later than December 31 of each year. The FMJS Facility Inspection process shall consist of two separate components: (a) Correctional Operations, and (b) Medical Compliance. The criteria for each type of inspection are listed below:

a. Correctional Operations Inspection – As certified by the FMJS Working Group, these FMJS Inspectors shall only inspect for compliance with all applicable correctional operations standards as listed in the Florida Model Jail Standards (see Adult Detention Facility Checklist).

1. Facilities shall not be self-inspected.

b. Medical Compliance Inspection – As certified by the FMJS Working Group, these FMJS Medical Inspectors shall only inspect for compliance with all applicable medical standards as listed in the Florida Model Jail Standards (see Medical Checklist).

1. Facilities shall not have their medical units self-inspected.

2. A facility with the same medical vendor cannot inspect that facility, as it would be considered a self-inspection.

3.2 Technical Assistance

a. FMJS Compliance Assistance – The Sheriff or Officer-in-Charge may contact the Chair of the FMJS for assistance in achieving compliance with the FMJS.

b. D.O.C. Technical Assistance – The governing board of a county or municipality may enter into an agreement with the Department of Corrections authorizing the Department to inspect the local detention facilities under the jurisdiction of the governing body. A governing board of a county or municipality may enter into such agreements with the Department upon consultation with the Sheriff if the Sheriff operates the detention facility. The inspections performed by the Department shall be consolatory in nature and for the purpose of advising the local governing bodies concerning compliance with the standards adopted by the detention facility's chief correctional officer. Such agreements must include but are not limited to, provisions for the physical and operational standards that were adopted by the Chief Correctional Officer of the detention facility, the manner and frequency of inspections to be conducted by the Department, whether such inspections are to be announced or unannounced by the Department, the type of

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access the Department may have to the detention facility, and the amount of payment by the local governing body, if any, for the services rendered by the Department. Inspections and access to local detention facilities shall not interfere with custody of inmates or the security of the facilities as determined by the Chief Correctional Officer of each facility. Any fees collected by the Department pursuant to such agreements must be deposited into the Grants and Donations Trust and shall be used to pay the cost of the services provided by the Department to monitor local detention facilities pursuant to such agreements (for Youth Detention Facilities, refer to Appendix C).

- 3.3 The FMJS Inspector(s) will report directly to the Officer-in-Charge or designee. The FMJS Inspector(s) may confer privately with any employee or inmate. They shall also have access to all facility records and areas.
- 3.4 Within 14 days of completing an inspection of a facility, the FMJS Jail and/or Medical Inspector shall forward a complete official report to the Officer-in-Charge, Sheriff (if they operate the jail), Florida Model Jail Standards Chairman, and the Florida Sheriffs Association (see Adult Detention Facility Checklist and/or Medical Inspection Checklist).
 - a. When an inspector's report indicates one or more violations, the Officer-in-Charge or designee shall formulate a corrective action plan.
 - b. The corrective action plan shall specify, with respect to each violation, the corrective action to be taken, the timetable for such corrective action, and the resources to be used. The corrective action plan shall provide for correction of all violations within 30 days and must be reinspected within 10 days after the 30-day correction period, or upon the facility notifying the commission that it has corrected its noncompliance, whichever is earlier.
 - c. Within 30 days after receipt of the inspection report, the Officer-in-Charge or designee will forward a complete official report with Corrective Action (if applicable) to the FMJS Chairperson.
 - d. The Officer-in-Charge or designee will forward a copy of the inspection report(s), the response, and corrective action plan to the County Commission within 14 days of completion.
 - e. Inspection reports, responses, and all other reports or documents prepared by the FMJS Inspector(s) or Officer-in-Charge shall become public records, and shall be subject to review under 119, Florida State Statutes.
- 3.5 Inspection Evaluation Process
 - a. Serious violations

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1. Serious violations are any violations to these standards or other conditions, or practices that appear to pose a substantial and immediate danger to the life, health, or safety of one or more inmates or employees.
Noncompliance of any bold italicized standards shall automatically be considered serious violations.
2. When a facility inspector observes a serious violation, he/she shall immediately notify the Officer-In-Charge or designee of the violation and of he/she duty to correct the violation. The inspector(s) shall also, within 24 hours of the time he/she first observe any such serious violation, prepare and provide the Officer-in-Charge a special written report describing the violation, the notification given, and the corrective action required.
3. The Officer-in-Charge or designee shall ensure corrective action regarding any such serious violation within 24 hours. Also, the Officer-in-Charge or designee shall submit a written report in response to the serious violation. These reports and responses shall be public records under the guidelines outlined in Chapter 119, Florida Statutes.
4. The inspector(s) shall re-inspect within 48 hours of the time he/she first observed any serious violation to determine whether it has been corrected and shall prepare a written report of the re-inspection.
5. The following deficiencies shall be serious violations and subject to provisions of this section:
 - a. Failure of the policy and procedure directives to contain:
 1. Emergency Plans and
 2. Tool, knife, and firearms control.
 - b. Persons assigned to food service areas known to have or suspected of having communicable diseases, open wounds, sores, or respiratory infections.
 - c. Failure to provide modified diet when ordered by the Health Authority. The facility inspector will ensure, through review of medical files or confirmation by a physician, that denial of such a modified diet would be immediately detrimental to the health and wellbeing of the inmate(s).
 - d. Failure to provide separate storage for poisons and hazardous chemicals away from food.

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- e. Failure to establish agreement with one or more health care providers to provide emergency services.
 - f. Failure to maintain first aid supplies on premises.
 - g. Failure to have at least one staff member on duty trained in the delivery of first aid care and CPR.
 - h. Permitting firearms and ammunition in secure areas of the facility except in case of an emergency and approved by the Officer-in-Charge.
 - i. Failure to meet fire, safety, and prevention standards identified by a certified state fire inspector as being life threatening (see section 13.4 – Fire Safety Inspections).
 - j. Failure to comply with the requirements of sections 13.17, 13.19, and 13.21.
- b. Notable violations
- 1. Notable violations shall include any discrepancy to these standards, which is not included under "Serious Violations".

3.6 Type and Frequency of Inspections

- a. The jail standards requires that each detention facility be inspected, at a minimum, twice annually for compliance with the jail standards.
 - 1. One inspection must include an inspection for compliance with all jail standards. The Officer-in-Charge shall notify the Chairman of the Florida Model Jail Standards Working Group with a reasonable advance notice of the date on which this inspection will occur. The completed annual inspection shall be completed no later than August 31 of each year. The FMJS Annual Facility Inspection process shall consist of three separate components:
 - (a) Correctional Operations Compliance;
 - (1) Correctional Operations Inspection – As certified by the FMJS Working Group, these FMJS Inspectors shall only inspect for compliance with all applicable correctional operations standards as listed in the FMJS Adult Detention Facility Checklist. Facilities shall not be self-inspected.
 - (b) Medical Compliance; and

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- (1) Medical Compliance Inspection – As certified by the FMJS Working Group, the FMJS Medical Inspectors shall only inspect for compliance with all applicable medical standards as listed in the FMJS Medical Checklist.
 - (c) The Officer-in-Charge shall contract or arrange for a FMJS Certified Inspector(s) for the purpose of inspecting all county and municipal detention facilities. The FMJS Inspector(s) shall inspect for compliance with all applicable Florida Model Jail Standards.
- 2. One inspection must include an inspection for serious violations only. This inspection must be an unannounced inspection with no advance notice provided to a detention facility.
- b. Each inspection must occur at least 120 days apart.
- c. A detention facility may not refuse to be inspected or prevent access to the detention facility.

3.7 Reinspections

- a. If an inspection finds a detention facility to be noncompliant with the jail standards for a notable violation:
 - 1. The detention facility must correct the noncompliance within 30 days; and
 - 2. Must be reinspected within 10 days after the 30-day correction period, or upon the detention facility notifying the working group that it has corrected its noncompliance, whichever is earlier.
 - 3. If upon reinspection the detention facility is still found to be noncompliance, the detention facility must correct the noncompliance within 15 days and must have a second reinspection within 48 hours thereafter.
- b. If an inspection finds a detention facility to be noncompliance with the jail standards for a serious violation:
 - 1. The detention facility must correct the noncompliance within 24 hours; and
 - 2. Must be reinspected within 48 hours after the violation was first observed.

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3. This does not prevent reinspection from occurring before the expiration of the 24-hour period if a detention facility notifies the working group that it has cured the noncompliance before such time.

3.8 Appeal Process

- a. The detention facility must file a notice of appeal within 10 days after the inspection is completed.
- b. If a notice of appeal is not timely filed, the right to appeal may be lost.
- c. The FMJS Working Group will look at the FMJS Inspection Reports and the appeal submitted by the detention facility when deciding an appeal. They may also request the FMJS Inspector who conducted the inspection appear before the FMJS Working Group to present a brief on the inspection results.
- d. The decision made by the FMJS Working Group to approve or deny the appeal shall be final and shall be made within 15 working days after receiving the appeal.

3.9 Penalties for noncompliance with the Florida Model Jail Standards

- a. If an inspection reveals that a detention facility is noncompliance with the jail standards for a notable violation, and the noncompliance is not corrected within 30 days, the detention facility must pay into the detention facility's inmate welfare fund the following amounts for each day the detention facility is noncompliance with the jails standards:
 1. \$500 per day for the 31st day through the 60th day of noncompliance;
 2. \$1000 per day for the 61st day through the 90th day of noncompliance; and
 3. \$2000 per day for the 91st day and all remaining days the detention facility is not in compliance.
- b. If a detention facility fails to correct a serious violation, the detention facility must pay into the detention facility's inmate welfare fund \$2000 per day until the serious violation has been corrected.
- c. In addition to the penalties set forth above, if a second reinspection for a notable violation or a reinspection for a serious violation reveals that detention facility is noncompliance with the jail standards, the detention facility must cease operations as a detention facility within 14 days and must contract with one or more other detention facilities to house the noncompliance facility's inmates until such time as the facility is determined to be in compliance with the jail standards.
- d. The 14 day time period shall commence upon:

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1. The expiration of an appeal process;
 2. The detention facility failing to file a timely appeal; or
 3. Upon the conclusion of the appeal process specified in section [3.8](#) with a denial of the appeal resulting in a finding that the detention facility is noncompliance with the jail standards.
- e. The receiving detention facility or detention facilities must be in compliance with the jail standards in order to house the noncompliant detention facility's inmates.
 - f. If a detention facility consists of separate detention campuses, only the campus determined to be noncompliant with the jail standards must cease operations.
 - g. The noncompliant detention facility is responsible for the costs accrued by another detention facility or detention facilities for housing the noncompliant detention facility's inmates.
 - h. This may not limit or prevent any other remedies or causes of action against a detention facility or any entity that operates a detention facility which may be brought under any other law, ordinance, or rule.
 - i. If any person in charge of a detention facility refuses to provide access to the detention facility or allow an inspection of the detention facility, the person's salary must be withheld for each day he or she refuses such inspection or access, and the amount withheld must be deposited into the detention facility's inmate welfare fund. This applies regardless of whether the person refusing to allow the inspection or refusing access to the detention facility is elected, appointed, or an employee of a county, a city, or any other political subdivision of the state.

3.10 Inspection Methodology

- a. Inspect to the standard;
- b. Interview staff and inmates
- c. Interview a percentage of the inmates based on the population of the facility.
- d. Interview staff in various areas of the facility.

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CHAPTER 4 – GENERAL PROVISIONS

- 4.1 These standards have been adopted by the Florida Sheriffs' Association and the Association of Counties and filed with the Department of State pursuant to applicable Model Jail Standards (Chapter 951, Florida Statutes). Amendment or repeal of any provision herein is within the discretion of the Standards Working Group. The supervision, care, custody, treatment, housing, and general handling of inmates will be in accordance with these standards. Sections pertaining to contact visiting, work, and study release, canteen or commissary privileges, and exercise are not applicable to inmates that are held less than 36 hours. In addition, a holding cell need not meet all housing standards set forth in this chapter, provided that the cell complies with the following requirements (for Youth Detention Facilities, refer to Appendix C):
- a. The inmate is always within sight and normal sound of an officer certified in accordance with Chapter 943, Florida Statutes. This may be accomplished through means of electronic surveillance, provided that a certified officer is available to respond to calls for help;
 - b. Inmates have reasonable access to toilet, sink, and drinking water facilities;
 - c. The cell meets the requirements of the State Fire Codes at all times;
 - d. The cell complies with sanitation standards as prescribed in Chapter 14 of this document;
 - e. There is sufficient lighting to observe inmates and to meet all security requirements;
 - f. Inmates will not be held in a holding cell in excess of eight (8) hours.
 - 1. It is understood that there may be occasions when an inmate's behavior may prevent him or her being placed into general population. Therefore, inmates who are unruly and/or intoxicated may be kept in a holding cell beyond the eight (8) hour limit.
 - 2. Any exceptions to the eight (8) hour rule must be fully documented indicating the justification for and includes 15-minute documented checks.
- 4.2 FMJS Certified Jail Inspector – Any person who has successfully completed the FMJS Inspector Certification Course and is presently recognized by the FMJS Working Group, to conduct correctional operations inspections. Additionally, this FMJS certification is only valid until December 31 of their fourth-year certification anniversary date. All FMJS inspectors are required to successfully complete a classroom re-certification every four (4) years and pass the test with an 80% and submit final test scores and supporting documentation prior to a new certification being issued. Additionally, all FMJS Jail Inspectors are required to successfully complete a re-certification class every four (4)

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years in order to maintain the certification. In addition, each FMJS Jail Inspector must complete one (1) jail inspection per year in the four (4) year period of their certification in order to maintain their certification. In addition, all new jail inspectors will serve a one (1) year probation period and must complete a jail inspection within their first year of certification. The Jail Inspectors shall report their inspection activity to the FMJS Working Group Chair and the Florida Sheriff's Association each year for compliance.

- a. To become a Florida Model Jail Standards Inspector, the candidate's qualifications must include:
 - 1. Actively employed and/or retired certified with eight (8) years' experience in the care, custody and control of inmates or a civilian employee with ten (10) years of experience in the jail operations and;
 - 2. Written endorsement(s) from the candidate's Sheriff.
- b. If the candidate is not employed by a Sheriff's Office, written endorsement must be submitted from the Chief Executive Officer of the correctional facility with which the candidate is employed.

4.3 FMJS Certified Medical Inspector – Any person who has successfully completed the FMJS Medical Inspector Certification Course and is presently recognized by the FMJS Working Group to conduct medical compliance inspections. Additionally, this FMJS certification is only valid until December 31 of their fourth-year certification anniversary date. All FMJS Medical inspectors are required to successfully complete a re-certification course every four years, in order to maintain the certification. In addition, each FMJS Medical Inspector must complete one (1) medical inspection per year in a four (4) year period of their certification in order to maintain their certification. In addition, all new Medical Inspectors will serve a one (1) year probation period and must complete a medical inspection within their first year of certification. The Medical Inspectors shall report their inspection activity to the FMJS Working Group Chair and the Florida Sheriff's Association each year for compliance.

- a. To become a Florida Model Jail Standards Medical Inspector, the candidate's qualifications must include:
 - 1. State of Florida Licensed Health Professional (restricted to physicians, nurses, advanced practice registered nurse, and physician assistants, EMT's and Paramedics), and;
 - 2. Actively employed or retired from active employment in a jail or prison setting for a minimum of three (3) years, and;
 - 3. Written endorsement from the candidate's Sheriff and if services are contracted, an endorsement from the candidate's employing Chief Executive Officer.

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- a. If the candidate is not employed by a Sheriff's Office, written endorsement(s) must be submitted from the Chief Executive Officer of the correctional facility with which the candidate is employed.
 - b. FMJS certification is only valid until December 31 of the fourth certification anniversary date.
 - c. To recertify as a FMJS Medical Inspector the following is required:
 - 1. Successfully complete a classroom re-certification course every four (4) years and pass the test with an 80% and submit final test scores and supporting documentation prior to a new certification being issued; and
 - 2. Successfully complete a refresher course once every four years, in order to maintain certification.
- 4.4 Each facility shall keep records as outlined by the Florida Department of State General Records Schedule GS1 for State and Local Governments, General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners, and General Records Schedule for GS4 for Public Hospitals, Health Care Facilities and Medical Providers pertaining to:
 - a. Visitation – the name of the inmate, date, length of visit, names of visitors, relationship to inmate, visitor's address, whether contact visit or non-contact visit.
 - b. Exercise – the name of the inmate, date, time for exercise, whether it was outdoor or indoor, and if the inmate refused. In those facilities where access to exercise is unrestricted, documentation shall be by exception (i.e., where the inmate is denied exercise).
 - c. Medical observation – all pertinent medical information shall be recorded in the inmate's medical file.
 - d. Showers – name, date, whether accepted or refused. This paragraph shall only apply to inmates confined in administrative or disciplinary confinement who do not have unrestricted access to a shower.
- 4.5 Policy and procedure directives for the employees and inmates concerning the operation of each detention facility will be developed and maintained by each facility. The Officer-in-Charge shall ensure at least one (1) formal review of his/her agency's policies and procedures is conducted on an annual basis. Additionally, employees should certify that they have read and understand all such applicable policy and procedures on an annual basis. When conducting detention facilities inspections, the inspector(s) will examine the

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content of the directives for compliance with facility rules and timely updating. The policy and procedure directives shall include the following:

- a. Emergency plans in the event of fire, riot, escape, natural disaster, epidemic disease, and hostage situations;
- b. Tool, knife, and firearms control;
- c. Contraband control;
- d. Inmate property and "in-cell" belongings;
- e. Daily log and count procedures;
- f. Inmate grievances;
- g. Visiting procedures and control;
- h. Disciplinary procedures;
- i. Admission, classification, and release procedures;
- j. Health services;
- k. Food services;
- l. Inmate contact with attorneys, the court, public officials, and the press;
- m. Procedures for direct observation and close supervision;
- n. Local agency rules and regulations;
- o. Supervision of staff;
- p. Care, custody, and control of inmates;
- q. Provisions for administrative and disciplinary confinement;
- r. Procedures establishing conditions under which inmates will be screened and tested for infectious disease.

- 4.6 The Officer-in-Charge shall certify the maximum number of inmates, which may be housed in each detention facility based on a specified unit of floor space and analysis of other pertinent factors. "Specified unit of floor space" shall be that amount of cell space that is reasonably necessary for each inmate incarcerated in a detention facility, thereby establishing the maximum number of inmates that may be housed. Such space

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requirements will be established by a combined analysis of cell size; design or renovated capacity; access to program, exercise, day room, and activity space; level of secure custody needed for each inmate; the structural configuration of the facility; and such other contributing factors which may be peculiar to a detention facility. The maximum number of inmates that may be housed in facilities constructed before October 1, 1996 shall be based on the factoring principles as set forth in section 18.1 (a) (5).

- 4.7 Beds in medical and disciplinary confinement cells shall not be included in determining facility capacity. However, specific beds which are dedicated to the separate housing of inmates with chronic or terminal illness, severe injury or highly contagious or infectious illness shall be included in capacity determination upon the written certification of the chief correctional officer and the health authority.
- 4.8 D.O.C. Informational Reports – Pursuant to Section 951.23(2), Florida Statutes the Officer-in-Charge or designee shall submit population reports to the Department of Corrections on a monthly basis (for Youth Detention Facilities, refer to Appendix C).
- 4.9 Compliancy Enforcement – If corrective action has not been taken, a facility may be subject to action in accordance with the following provisions of Section 951.23 (6) (a), (b), and (c), Florida Statutes. Removal of prisoners to another county or municipality (for Youth Detention Facilities, refer to Appendix C):
 - a. When a circuit court finds that county or municipal prisoners are detained in a county or municipal detention facility that does not meet these minimum standards and requirements, the court may then order the prisoners, or any part of them, removed to and confined in a county or municipal detention facility that does meet such standards and requirements, whether it is in the same county or municipality or in some other county of municipality. (Section 951.23, Florida Statutes)
 - b. The expense of maintaining prisoners removed to another county or municipality under the provisions of paragraph (a) shall be borne by the county or municipality from which they are removed. (Section 951.23, Florida Statutes)
 - c. Promptly upon the making of any order authorized by paragraph (a), copies thereof shall be sent to the Officer-in-Charge of the county or municipal detention facility from which the county or municipal prisoners affected by such order are required to be removed, to the board of county commissioners of the county or the city commissioners of the municipality in which such county or municipal detention facility is situated, and to the Officer-in-Charge of the county or municipal detention facility to which they are required to be removed. If the order requires the removal of county or municipal prisoners to a county or municipal detention facility in another county or municipality, a copy thereof shall also be promptly sent to the board of county commissioners of the county, or to the city commissioners of the municipality, in which it is situated. (Section 951.23, Florida Statutes).

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- 4.10 Reimbursement Authority under Section 951.033, Florida Statutes may be used by the Officer-in Charge or designee under the following:
- a. The Legislature finds that there is an urgent need to alleviate the increasing financial burdens on local subdivisions of the state caused by the expenses of incarcerating prisoners. In addition to a prisoner's cash account on deposit in local detention facilities, many prisoners have sources of income and assets outside of the facility, which may include bank accounts, inheritances, real estate, social security payments, veteran's payments, and other types of financial resources.
 - b. The local detention facility shall determine the financial status of prisoners for the purpose of paying from their income and assets all or a fair portion of their daily subsistence costs. In determining the financial status of prisoners, any income exempt by state or federal law shall be excluded. Consideration shall be given to the prisoner's ability to pay the liability or potential liability of the prisoner to the victim or guardian or the estate of the victim, and his or her dependents.
 - c. The Chief Correctional Officer of a local subdivision may direct a prisoner to pay for all or a fair portion of daily subsistence costs. A prisoner is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.
 - d. An order from the Chief Correctional Officer directing payment of all or a fair portion of the prisoner's daily subsistence costs may survive against the estate of the sentenced prisoner.
 - e. The Chief Correctional Officer may seek payment for the prisoner's subsistence costs from:
 - 1. The prisoner's cash account on deposit at the facility; or
 - 2. A civil restitution lien on the prisoner's cash account on deposit at the facility or on other personal property.
 - f. If the prisoner's cash account at the local detention facility does not contain sufficient funds to cover subsistence costs, the Chief Correctional Officer may place a civil restitution lien against the prisoner's cash account or other personal property. A civil restitution lien may continue for a period of three (3) years and applies to the cash account of any prisoner who is re-incarcerated within the county in which the civil restitution lien was originated.
- 4.11 The Public Safety Coordinating Council (Section 951.26, Florida Statutes) shall meet at the call of the chairperson for the purpose of assessing the population status of all detention or correctional facilities owned or contracted by the county, or the county consortium, and formulating recommendations to ensure that the population capacities of

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such facilities are not exceeded. Such recommendations shall include an assessment of the availability of pretrial intervention or probation programs, work release programs, substance abuse programs, gain time schedules, applicable bail bond schedules, and the confinement status of the inmates housed in each facility owned or contracted by the county, or the county consortium.

- 4.12 ***The Officer-in-Charge shall establish a zero tolerance policy in order for the detection, prevention, elimination and responding to sexual abuse/harassment, sexual activity, and staff sexual misconduct of inmates, to address the safety and treatment needs of inmates who have been a victim of a sexual act, and to discipline and seeks to prosecute those who perpetrate these acts upon inmates. ****

The standard shall include the following:

- a. Staff Training – required as part of the new employee orientation and annual refresher training. All staff shall be trained to:
 - 1. Recognize the physical, behavioral, and emotional signs of a victim of sexual abuse;
 - 2. Understand the identification and referral process when an alleged abuse occurs; and
 - 3. Have a basic understanding of sexual abuse prevention and response techniques.
- b. ***Inmate Education – required as part of inmate orientation. All inmates will be provided the following information:***
 - 1. ***Methods inmates can use to protect themselves from becoming victims, while incarcerated;***
 - 2. ***Treatment options available to victims of sexual abuse, and***
 - 3. ***Methods of reporting incidents of sexual abuse,***
 - 4. ***A written copy of information summarizing this topic; i.e., pamphlet, inmate handbook, etc. ****

- 4.13 Non-secure Custody – Holding the juvenile:

- a. In an unlocked multipurpose area such as a lobby, office or interrogation room which is not designated, set aside, or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes;

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- b. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
- c. The use of the area is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
- d. In no event shall the area be designed or intended to be used for residential purposes;
- e. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff while he/she is in non-secure custody.

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CHAPTER 5 – EMPLOYEE REGULATIONS

- 5.1 Each employee's conduct shall at all times be consistent with the maintenance of proper security and welfare of the facility and of the inmates under their supervision.
- 5.2 No employee shall:
- a. Report to duty or exercise supervision or control over inmates while under the influence of an intoxicant;
 - b. Report for duty or exercise supervision or control over inmates while under the influence of a narcotic, barbiturate, hallucinogenic drug, or central nervous stimulant. Exception will be made only when such medication has been prescribed and is taken under a doctor's care and if it does not impair the employee from carrying out their assigned duties;
 - c. Use profane or abusive language in supervising inmates;
 - d. An employee will not threaten, intimidate, or otherwise harass or retaliate against an inmate for complaining about treatment of conditions of confinement, reporting abuse, filing, or seeking to file a grievance, communicating with counsel, or seeking redress through the courts;
 - e. Trade, barter with, or accept anything of value from an inmate, his/her friends, or family except as provided in the policy and procedure directive for the facility;
 - f. Introduce into or remove from the property of any detention facility any article without authorization from the Officer-in-Charge or designee;
 - g. Recommend or furnish any legal advice or any other advice concerning the selection of a specified lawyer or bonds person for an inmate. If requested by an inmate, a directory or list of names of all area lawyers or bonds persons should be made available for the inmate's use;
 - h. Have keys to any area of a detention facility, which have not been issued to him/her by an authorized employee;
- 5.3 Use of Force.
- a. Each agency shall develop policy and procedures on the use of force, which is consistent with local, state, and federal laws. In any case where force is used, a written and signed report shall be made by the employee to the Officer-in-Charge or designee, who shall review the report, have an investigation made when warranted, and shall approve or disapprove the force used. All such written reports shall be retained in a file. An inmate involved in a "Use-of-Force" incident shall be examined by a physician or other medical personnel, as soon as practical

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following the incident. Acknowledgment of the medical examination shall be annotated on the "Use-of-Force" report. The results of the examination shall be documented in the inmate's medical file.

- b. All authorized weapons shall only be used with caution by employees trained in its use, when use of force is necessary, when this level of force is the least likely to cause injuries to staff or inmates, and only if in compliance with and if authorized by the policy and procedure directives for the facility. In all cases where chemical agents or electronic weapons are used on inmates, each inmate shall be examined by a physician or other medical personnel as soon as practicable. Acknowledgment of the medical examination shall be annotated on the Use-of-Force Report.
- 5.4 No Officer-in-Charge or other employee shall knowingly permit any subordinate, inmate, or other person to commit any act or engage in any conduct, which would violate these standards.
- 5.5 All correctional officers and juvenile detention officers shall be in the process of obtaining certification and be certified within six (6) months of employment. The Officer-in-Charge or designee will inspect all personnel records to confirm compliance with Criminal Justice Standards and Training and Department of Juvenile Justice Certification.
- 5.6 Employees shall make a complete written report to the Officer-in-Charge or designee on all unusual incidents that occur during a tour of duty. Examples:
- a. Assault/battery by an inmate on an employee or another inmate;
 - b. Any occasion in which an employee discharges firearms or uses chemical agents;
 - c. Attempts by inmates to bribe an employee;
 - d. Escapes or attempted escapes;
 - e. Death, serious illness, or serious injury; and
 - f. Strikes, riots, and other disturbances.

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CHAPTER 6 – ADMISSION, CLASSIFICATION, AND RELEASE

- 6.1 When receiving and admitting an inmate to a detention facility, the certified staff responsible for such admission shall inquire and reasonably determine that established rules, regulations, and legal procedures for such admission are met. Any legal or procedural questions concerning the admission of a person to a detention facility must be clearly resolved prior to completing the admission process. When a foreign citizen is received/admitted to a detention facility for any reason, the detention facility shall make notification using the guidelines as set forth by the U.S. Department of State.
- 6.2 During the admission and booking process the inmate shall be examined for contraband, medically screened, and permitted to bathe unless the inmate is belligerent and unruly to the point of being unmanageable. In case the inmate cannot be controlled on entry, he/she will be allowed to bathe as soon as the inmate's manageability permits. A body cavity search shall only be conducted by licensed medical personnel. Birth control devices or other foreign matter shall be removed by the inmate or licensed medical personnel. A written report documenting such action shall be submitted to the Officer-in-Charge or designee.
- 6.3 Inmates shall be searched by certified staff when being admitted to a detention facility. Cross-gender pat searches will be permitted, providing there are exigent circumstances. The provision of Section 901.211, Florida Statutes, shall apply to such searches.
- a. Inmate being admitted to the facility for traffic, regulatory or non-violent misdemeanor offenses will be strip-searched only for cause. A strip search will be conducted by a person of the same gender as the arrested person and in such a manner that the search cannot be seen by persons not physically conducting or observing the search. Any person observing shall be of the same gender as the arrested person.
 - b. *A body cavity search shall only be made for cause and shall be conducted by licensed medical personnel.**
 - c. *A written report documenting such action shall be submitted to the Officer-in-Charge or designee.**
- 6.4 Male correctional facility employees may not conduct a pat-down search or body cavity search on an incarcerated woman unless the woman presents an immediate risk of harm to herself or others and a female correctional facility employee is not available to do the search.
- a. If a male correctional facility employee conducts a pat-down search or body cavity search, the male correctional facility employee shall document the incident, including the circumstances necessitating the male correctional facility employee's actions, no later than three (3) days after the incident. The correctional facility shall review and retain all documentation.

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- 6.5 *Detention facilities shall not admit an unconscious person or a person who appears to be seriously ill or injured. Any such person shall be afforded necessary medical attention prior to admission. **
- 6.6 Persons brought to the jail pursuant to Section 397.677, Florida Statutes, will be housed in an area designated for that use. A person will be held no longer than necessary to meet the requirements of the statute.
- 6.7 A female employee shall be present to admit and process female inmates. A male employee shall be present to admit male inmates.
- 6.8 During the classification process, each inmate shall be given or provided access to a copy of the rules and regulations pertaining to inmates.
- a. If the rules and regulations are issued to the inmate, he/she will sign documentation of the receipt.
 - b. If the inmates are provided access to the rules and regulations, he/she will be instructed on their location and, if appropriate, how to access the rules and regulations. The inmate will sign a form indicating the notification was provided.
- 6.9 An inmate record shall be started and maintained on each individual when admitted. This record shall include:
- a. Full name and known aliases;
 - b. Age, date of birth, and sex;
 - c. Date admitted;
 - d. Race;
 - e. Height;
 - f. Weight;
 - g. Offense with which the inmate is charged, or held for other agencies, or for which the inmate has been sentenced;
 - h. Signature of persons delivering and receiving inmate;
 - i. A written descriptive, or electronically captured, inventory of all monies, valuables, or other personal property. All items allowed to be kept by the inmate and those taken and stored will be recorded. The inmate and the receiving officer will verify and sign the inventory. If the inmate refuses to sign, a notation will be

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placed on the property inventory and a second employee will witness and sign the inventory. After the initial receipt is completed, any changes authorized in the personal property inventory must also be documented, verified, and signed by the inmate and the employee making the transaction.

- j. Current or last known address;
 - k. Name and address of next of kin;
 - l. Marital status;
 - m. Religion.
- 6.10 All persons booked into a facility on criminal charges shall be photographed and fingerprinted.
- 6.11 During the admission process, inmates shall be permitted reasonable access to a telephone in order to contact their attorney, family members, or others.
- 6.12 As soon as practical following admission to a detention facility, each inmate shall be classified. The classification process shall include all information available or obtainable from the social, legal, and self-reported medical history of the inmate.
- 6.13 The primary objective of classification is to place inmates in the type of quarters that best meet their needs and to provide reasonable protection for all inmates. Each facility shall have designated classification personnel.
- 6.14 Insofar as facilities permit, no inmate shall be subjected to more restrictive conditions of confinement and out-of-cell time than is justified by the inmate's classification.
- 6.15 Classification criteria as to housing, programs, and privileges shall be written and incorporated into the facility's rules and regulations.
- 6.16 Inmate records shall be maintained on each inmate. Such information shall not be accessible to other inmates. Such records shall be placed in one file or database at the time of the inmate's release and should contain such information as:
- a. Legal authority for commitment;
 - b. All information contained in the booking record;
 - c. Classification information and progress reports;
 - d. Sustained disciplinary reports including investigation and disposition;
 - e. All absences from the detention facility;

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- f. Photograph when taken;
 - g. Record of any detainees or other civil or criminal process;
 - h. Personal property records;
 - i. The date and terms or conditions of release, the authority for release, and of the releasing employee;
 - j. Medical information, pursuant to law is maintained in a separate file.
- 6.17 In determining custody grade, special handling, housing and programs for each inmate, a uniform classification process shall be applied to all inmates. The aforementioned classification process in (6.12) and (6.13) above shall follow the inmate throughout incarceration as a method of assisting in his/her handling or treatment. The inmate's adjustment should result in the gaining or loss of privilege, reduced custody housing, extended visiting time, involvement in better job assignments, etc.
- 6.18 ***Inmates will be released only in accordance with the written instructions as contained in the rules and regulations of the institution, which will include the proper authority and procedure for the release. Positive identification must be made of all inmates prior to being released.****
- 6.19 At the time of release, the inmate will sign for the return of his/her property, which has been held by the facility. This form will be countersigned by an employee.

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CHAPTER 7 – HOUSING

- 7.1 A female correctional officer must be on duty at all times when the facility houses female inmates.
- a. Male correctional facility employees shall announce his presence upon entering a housing unit for female inmates.
 - b. Male correctional facility employees may not enter an area of the correctional facility in which an incarcerated woman may be in a state of undress or an area where an incarcerated woman in a state of undress may be viewed, including, but not limited to, restrooms, shower areas, and medical treatment areas.
 - c. If a female correctional facility employee is not available or if a female correctional facility employee requires assistance, a male correctional facility employee may enter such area only in the event of a medical emergency or if an incarcerated woman presents an immediate risk of harm to herself or others.
 - d. If a male correctional facility employee enters a prohibited area in an emergency situation as provided in paragraph (c), the male correctional facility employee shall document the incident, including the circumstances necessitating the male correctional facility employee's actions, no later than three (3) days after the incident. The correctional facility shall review and retain all documentation.
- 7.2 Male and female inmates shall not share the same cell and shall be separated by sight and normal sound in housing areas. For purposes of housing, sound separation is defined as restricting normal verbal communications
- 7.3 a. Inmates should be separated in the following manner whenever possible:
1. Adult female felons;
 2. Adult female misdemeanants;
 3. Adult female non-sentenced;
 4. Adult female sentenced;
 5. Adult male felons;
 6. Adult male misdemeanants;
 7. Adult male non-sentenced;
 8. Adult male sentenced.

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- b. Dangerous felons shall not be housed with misdemeanants. However, non-dangerous felons may be housed with misdemeanants.
- c. The determination whether an inmate is considered a dangerous felon shall be made on a case-by-case basis by the officer-in-charge or designee as defined in the agency's directives.

7.4 Special Needs Inmates

- a. Inmates who have been determined by the health authority to be mentally ill, suicidal, and alcoholic or drug addicted going through withdrawal and in need of close monitoring shall be defined as "Special Needs Inmates."
 - 1. Special housing shall be provided to Special Needs Inmates for medical reasons upon orders of the health authority.
- b. Until such time as the health authority determines otherwise, in writing, any inmate who is identified by correctional staff as a suicide risk shall not be housed in a "single cell" unless the inmate is observed by direct visual observation by an employee as described in chapter one of these standards, 24 hours each day. Such observation for suicidal inmates shall include regular, documented physical checks by corrections officers and/or medical staff persons at intervals not to exceed 15 minutes.
- c. Inmates who pose a threat to staff, or other inmates, or property shall be separated and closely monitored. When restrictions are placed on their movement or privileges, documentation outlining these restrictions shall be maintained and readily available to housing unit staff (for Youth Detention Facilities, refer to Appendix C).

7.5 Inmates shall be assigned housing based on a classification process as described in 6.12 and 6.13 above with particular care to the assignment of those persons who have a recorded or demonstrated history of, or exhibit aggressiveness toward other inmates.

7.6 Hygiene Items

- a. Upon admission and thereafter if indigent, inmates shall be issued toothpaste, toothbrush, a comb, soap, and a clean towel.
- b. ***Inmates to be held longer than 24 hours shall be issued clothing and have reasonable access to personal comfort items, such as soap, clean towels, comb, toothbrush, and toothpaste.***
 - 1. ***Female inmates shall be provided with necessary hygiene items and certain health care products, subject to certain requirements.***

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2. *In addition to items in 7.6 (b), incarcerated women shall be provided with feminine hygiene products, including tampons, moisturizing soap that is not lye-based, and any other health care product the correctional facility deems appropriate.**
 3. The correctional facility is required to make health care products available in common housing areas and in medical care facilities.
 - c. Razors and blades may be issued on a controlled basis. Razors shall be restricted or issued for use only under observation when it is determined that issuance of such equipment would pose a threat to the safety of the inmate, staff, or other inmates.
- 7.7 Hair grooming will be made available.
- 7.8 Inmates shall be required to bathe at least twice weekly.
- 7.9 Each inmate in general population will be allowed to shower daily.
- 7.10 Inmates shall not be discriminated against, based on:
- a. Race;
 - b. National Origin;
 - c. Creed;
 - d. Disability – as defined and prescribed in the Americans with Disabilities Act;
 - e. Economic status;
 - f. Political belief;
 - g. Sex – except that males and females shall be housed separately.
- 7.11 Drinking cups shall be provided unless the living area is provided with drinking bubblers or fountains.
- 7.12 The Officer-in-Charge or designee shall determine what personal items may be kept in the cell or stored with the inmate; however, an inmate shall be allowed to retain a reasonable amount of personal property including but not limited to his or her legal material, personal hygiene items, writing paper and writing instrument, and authorized reading material, in reasonable quantities, as approved by the Officer-in-Charge or designee. Personal items will be kept in an orderly manner. Fire potential is reduced by limiting the amount of personal property in the cells.

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CHAPTER 8 – FOOD

- 8.1 *All aspects of food service operations and food catered from outside sources, including contract services, shall meet the minimum requirements of the Department of Health and Rehabilitative Services standards (Chapter 64E-11, Florida Administrative Code).**
- 8.2 *No employee or inmate shall work in any area of food service operations if he/she is known to have or suspected of having a communicable disease, open wounds or sores, or respiratory infections.**
- 8.3 Clean outer garments will be worn, and all inmates working in food service or delivery will maintain a high degree of personal cleanliness.
- 8.4 *Food preparation will be by or supervised by an employee trained in culinary services and holding a Professional Food Manager certification as required by Rule 64E-11.012, Florida Administrative Code.**
- 8.5 *Inmates shall be given three substantial, wholesome, and nutritious meals daily. Not more than 14 hours may elapse between the evening meal and the morning meal. Hot meals shall be served at least once daily.** Seasonal fruits and vegetables are recommended in menu planning (this does not apply to extreme emergency situations, i.e., riots, fires, natural disasters, etc. or inmates assigned to outside work groups). For Youth Detention Facilities, refer to Appendix C.
- 8.6 Menus – The Recommended Dietary Allowances of the National Research Council - National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. Menus shall be planned for not less than 28 days in advance and certified by a nutritionist or dietitian licensed by the State of Florida.
- a. If a nutritionist/dietitian is not employed by the detention facility, nutritional advice will be obtained from a licensed nutritionist or dietitian from outside sources such as county health services, local schools, hospitals, or a professional dietary service.
 - b. *Modified diets shall be prepared for inmates when ordered by a physician or designee.**
 - c. Records of meals served shall be kept as a permanent file as described in (1.40) of these standards.
 - d. Food may not be withheld, nor the standard menu varied, as a disciplinary sanction or as a reward for an individual inmate.
 - e. *Special management meals meeting the minimum daily nutrition requirement as approved by a physician or other qualified medical staff member may be substituted for regular meals in the event an inmate throws or otherwise*

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*misuses food, beverage, food utensils, food trays, etc. This includes utilizing trays, cups, or utensils to throw human waste or other substances.**

- f. Inmates shall receive additional caloric intake in excess of regular meals if approved by a nutritionist or similarly qualified person, as being reasonably necessary because of work or labor being performed by the inmate. Religious diets may be provided to inmates if required by their faith (for Youth Detention Facilities, refer to Appendix C).
- 8.7 ***The Officer-in-Charge or designee shall inspect the food service area on a regular basis at least once a week and shall make corrections on deficiencies found. The inspection of the food service area shall be recorded and maintained for not less than one (1) year.***
- 8.8 All food supplies not in preparation are to be stored in a locked, clean, well-ventilated room, which is free from vermin.
- 8.9 ***A locked storage area separate from food supplies shall be provided for soaps, detergents, waxes, cleaning compounds, insect and rodent spray, and other poisons.****
- 8.10 The delivery of food to inmates in their quarters, day room or dining room shall be under the supervision of an employee. The serving of food shall be consistent with common sanitary measures. Trays shall not be placed on the floor or slid under a cell door. Inmates shall either be provided with single service cups or issued drinking cups. Inmates shall be provided an opportunity to clean or exchange the issued drinking cup once each day. Communal cups shall be prohibited.
- 8.11 All food service equipment will be of such material, design, workmanship, or installation to permit full compliance with the provisions of these standards. The equipment shall be kept clean and in good repair at all times.
- 8.12 Inmates should be served in a common dining area or adjacent day room, if available, unless their security, classification, and/or adjustment would preclude such dining.
- 8.13 ***The Food Service Supervisor shall maintain a procedure to keep an accurate accounting of all culinary equipment, specifically, knives, sharps, etc.****
- 8.14 Items from food service such as mace, nutmeg, raisins, and other items, which may be used for manufacture of contraband beverages, will be the joint responsibility of the Food Service Supervisor and the Officer-in-Charge. They will be considered a control item, whose use will be governed by rule or regulation.

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CHAPTER 9 – MEDICAL

- 9.1 *There shall be an agreement with a Health Authority licensed in the State of Florida for the provision of medical care and services as set forth herein. **
- 9.2 *There will be a standard operating procedure for the medical section of the detention facility that will be reviewed and updated annually by the Health Authority. The operating procedure will cover, at a minimum, the following:*
- a. *Receiving medical screening;*
 - b. *Health appraisal;*
 - c. *Physical examination;*
 - d. *Necessary medical, dental, and mental health services;*
 - e. *Emergency medical and dental services;*
 - f. *Notification of next of kin in cases of life-threatening illness, or injury, or death; (NOTE: All such notifications shall be in accordance with the parent agency's own policies and procedures.)*
 - g. *Prenatal care;*
 - h. *Delousing procedures to be implemented as designated by the Health Authority;*
 - i. *Detoxification procedures under medical supervision;*
 - j. *A procedure by the Health Authority proscribing standards for review of health appraisals and identification of problems to be reviewed by a physician, advance registered nurse practitioner, or physician assistant.*
 - k. *A policy and procedure for a Comprehensive Quality Improvement Program that defines an ongoing effort and dedicated resources to monitor and evaluate the quality and appropriateness of patient care objectively and systematically, to pursue opportunities to improve patient care, and to resolve identified problems. **
- 9.3 Each detention or intake facility will have a receiving medical screening procedure, which shall be performed during the admission process. The screening, at a minimum, will consist of completing a medical screening form, and visual observation of the inmate by a member of the staff. The screening shall include inquiry into and recording of:
- a. Current illnesses including health and psychological problems communicable diseases and other infectious diseases;

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- b. Medications taken and special health requirements;
 - c. Behavioral observation, including state of consciousness and mental status;
 - d. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, etc.;
 - e. Condition of skin, eyes, ears, nose, and throat, including rashes and infestations, and needle marks, or other indications of drug abuse;
 - f. Inquiry into use of alcohol and other drugs including type of drugs used, mode of use, amount used, frequency used, time and/or date of last use;
 - g. Screening of other health problems as designated by a member of the medical staff.
- 9.4 Medical records will be maintained on each inmate who is admitted to the facility, kept confidential, and kept separately from the inmate's custody record.
- 9.5 ***Each inmate shall be given a health appraisal, including a physical hands on examination by the health authority or designee within 14 days of admission to the facility.*** * If the inmate has received a health appraisal within the previous 90 days, a physician or designee shall determine whether a new health appraisal is required. The extent of the health appraisal, including the physical examination, shall be defined by the Health Authority, but shall include at least the following items:
- a. Review of medical screening forms by qualified health personnel as designated by a physician;
 - b. Collection of additional data to complete the medical, dental, and psychiatric histories, including a gynecological history for females;
 - c. Laboratory and diagnostic tests as determined necessary by the Health Authority to detect communicable disease, including sexually transmitted diseases and tuberculosis;
 - d. Recording of height, weight, pulse, blood pressure and temperature;
 - e. Other tests and examinations as appropriate;
 - f. Medical examination with comments about mental and dental status;
 - g. Review of the results of the medical examination, tests, and identification of problems by a physician or an advanced registered nurse practitioner when required by procedures as referenced in (9.2) (k) of this standard; and

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- h. The facility policy and procedure requiring a health appraisal shall be contained in the standard operating procedure for the medical section.
- 9.6 *Each detention facility shall have an agreement or understanding with one or more health care providers to provide services at each facility in the system or at a location designated by the health care provider.**
- 9.7 A schedule which lists the names, telephone numbers, and call days of the emergency physician and health care provider shall be available at each facility.
- 9.8 *Facility staff trained in the delivery of emergency first aid care and CPR shall be on duty at all times. First aid supplies as designated by the Health Authority shall be available on the premises and readily available at all times. The Health Authority or designee shall be responsible for monthly inspection of the first aid supplies.**
- 9.9 *A medical request procedure shall be established and maintained so that inmates may request medical assistance, which may or may not require a formal clinic visit. All inmates shall be provided with a confidential means to initiate a medical request forms upon notification to staff. All written medical requests shall be screened on a daily basis by medically trained personnel and appropriate referrals made for non-emergent illness and injury. In addition, any request received as a result of medication rounds or formal sick call shall be screened when received and referred as appropriate. Treatment shall occur within the time period as provided by the Health Authority.**
- 9.10 Each detention system shall have an agreement or understanding with a licensed dentist to provide emergency dental care.
- 9.11 *The facility's standard operating procedures for the proper management of pharmaceuticals shall include:*
 - a. *Adherence to federal and state regulations governing controlled substances;*
 - b. *Maximum security storage and perpetual inventory of all controlled substances, syringes, needles, sharps, and other instruments as defined by the Health Authority.**
- 9.12 *Medications shall be administered in accordance with the facility health care plan by licensed medical personnel or by qualified and trained facility staff members according to the directions of a designated physician, PA, or APRN.*
 - a. *Certified Nursing Assistants (CNA's) are authorized to administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medications under the following circumstances:*
 - 1. *CNA must be delegated such task by a Registered Nurse (RN);*

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2. *CNA must have satisfactorily completed an initial Florida Board of Nursing approved 6-hour training course; and*
 3. *CNA has been deemed competent to administer medication to a patient in a safe and sanitary manner.*
 4. *The administration of controlled medications may not be delegated to a CNA nor may the CNA draw up insulin. A CNA may administer prefilled insulins syringes from a pharmacy or an insulin pen prefilled by the manufacturer.*
- b. *The training, determination of competency, and initial and annual validation required under section 464.2035, Florida Statutes, must be conducted by a registered nurse licensed under this chapter or a physician licensed under Chapter 458 or Chapter 459.**
- 9.13 A copy of each inmate's medical record, either hard copy or electronic, shall be kept by the detention system for a period of not less than 7 years following the release, transfer, or death of the inmate. Destruction of records shall comply with Florida records law.
- 9.14 Summaries or copies of the health record shall be routinely sent to the facility to which the inmate is transferred. Confidentiality of the health record shall be maintained during the transfer process. All transferred printed health records shall be marked "Confidential Health Information". This includes county, state, or federal facilities to which the inmate is transferred. Health record information shall be transmitted to specific physicians or medical facilities in the community upon request by the physician or medical facility on the witnessed written authorization of the inmate.
- 9.15 Inmates who are determined to be under the influence of alcohol or drugs shall be separated from the general population and kept under close supervision for a reasonable period of time.
- 9.16 *Unless otherwise authorized in writing by the Health Authority or designee, inmates determined by medical personnel to have suicidal tendencies shall be assigned to quarters that have close supervision or direct observation.**
- 9.17 Safety provisions for inmates with a propensity for seizures shall be provided.
- 9.18 *Each detention system shall have an agreement with one or more health care providers to provide emergency services at the facility or at a location designated by the health care provider.**
- 9.19 *State licensure or certification requirements and restrictions shall apply to health care personnel working in the facility the same as those working in the community; copies of licensing or certification credentials shall be on file at a central location in the*

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*detention system.**

- 9.20 *Each county and municipal detention facility, in consultation with the Health Authority shall develop written procedures establishing conditions under which an inmate will be tested for infectious disease. These procedures shall be consistent with guidelines established by the Center for Disease Control and Prevention and the Florida Department of Health.**
- 9.21 Medical test results shall be confidential except for those who have a need to know such information. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this standard.
- 9.22 *Prenatal Care – Written policy and defined procedures require, and actual practice evidence, that pregnant inmates receive timely and appropriate prenatal care by a qualified practitioner that includes medical examinations, advice on appropriate levels of activity and safety precautions, nutritional guidance, and counseling.**
- 9.23 Every female who is arrested and not released or bond within 72 hours after arrest, must, upon her request be administered a pregnancy test within 24 hours of her submission of the request.
- 9.24 *An inmate confined in an isolation cell used for medical purposes shall be examined by a physician or designee within 48-hours following his/her confinement in such area or cell. A physician or designee shall determine when the inmate will be returned to the general population. The inmate shall remain in isolation if the physician or designee:*
- a. Finds that the inmate presents a serious risk to himself or others, and/or,*
 - b. Continues to provide the inmate with follow-up medical care and treatment during the entire time that the inmate remains confined in such area or cell as deemed necessary.**
- 9.25 *Any county or municipal detention facility which stocks medicinal drugs in quantities other than individual prescriptions shall be required to obtain the services of a consultant pharmacist or dispensing physician and shall be required to comply with the licensing requirements of Chapter 465, Florida Statutes.**
- 9.26 Any facility which maintains only individual prescriptions dispensed by a licensed pharmacist is not required to be licensed under Chapter 465, Florida Statutes.
- 9.27 Prescription drugs shall not be ordered or stocked in bulk quantities at those facilities which maintain only individual prescriptions (as reference in 9.26).
- 9.28 All individual prescriptions from pharmacies shall be properly labeled. Proper labeling consists of:

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- a. Name and address of the pharmacy;
 - b. Date of dispensing;
 - c. Name of prescribing practitioner;
 - d. Name of patient;
 - e. Directions for use;
 - f. Warning statements if necessary;
 - g. Name and strength of medication;
 - h. Prescription number; and
 - b. Expiration date.
- 9.29 *All medication, bulk over-the-counter and individual prescriptions, needles, and syringes shall be kept in a locked area at all times except when being issued. A maximum-security storage and perpetual inventory system of accountability will be maintained for sharps and instruments. Narcotics shall be kept behind a double lock.**
- 9.30 *All prescribed medication will be recorded on a Medication Administration Record (MAR) in either hard copy or electronic format developed by the facility which contains the information required by paragraph 9.31 of this standard.*
- a. **A system of accountability of DEA – controlled substances must be in place. The controlled substances are the medications that come under the jurisdiction of the Federal Controlled Substances Act. This record should contain the name of the drug, the date, the amount used or wasted, the amount remaining and the issuer’s signature or electronic signature.**
 - b. When the record is full, the amount remaining should be carried as balance forward. A record shall be kept of each controlled drug.
- 9.31 The Medication Administration Record will contain the following information:
- a. Name and number of the inmate;
 - b. Name and strength of medication;
 - c. Directions for use;
 - d. Date and time of issue;

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- e. Initials or electronic signature of official issuing medication;
 - f. Amount of medication issued;
 - g. Special restrictions or limitations on use.
- 9.32 Whenever an inmate refuses medication, the refusal shall be documented on the Medication Administration Record.
- 9.33 Unused medication shall be recorded when removed from circulation and stored in a separate container in a secure location with a list containing:
- a. The prescription number;
 - b. The name of the pharmacy issuing the prescription;
 - c. The quantity of the unused medicine in the prescription container.
- 9.34 Unused non-controlled medication shall be returned to the issuing pharmacy or destroyed as follows:
- a. Unused non-controlled medication will be destroyed by incineration whenever possible. Small amounts of drugs may be flushed into the sewer system, unless prohibited by local ordinance. An officer or medical staff member shall destroy the medication in an approved manner. A second officer or medical staff member shall witness this destruction and both persons shall sign and date the unused drug list attesting to the destruction of the medication and listing the method of destruction.
 - b. Unused controlled medication shall be disposed of in the proper manner as per the Florida Board of Pharmacy Rule 64B16-28.303, Methods of Destruction.
- 9.35 In order to maintain continuity of prescribed medication whenever an inmate is transferred to another facility, the inmate's medication log and three days dosage of the medication shall accompany the inmate's medical records to the receiving facility unless otherwise directed by the physician or designee.
- 9.36 ***Inmates who are taking prescription medication and are released from custody shall be given a minimum of 3-days dosage of the remainder of their medication to take with them, or a 3-day supply via a written prescription or voucher to have filled at the detention facility's designated pharmacy, unless otherwise directed by the physician, so they may continue the physician's prescribed treatment. If the inmate refuses the medication, the refusal shall be documented in the health record.****
- 9.37 Refrigerators.

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- a. Storage of medications which require refrigeration shall comply with the following:
 - 1. Drugs and nonprescription medications requiring refrigeration shall be stored in a refrigerator.
 - 2. When stored in a general-use refrigerator, medications shall be stored in separate, covered, waterproof, labeled receptacles.
 - 3. Refrigerators in which medications are stored shall be equipped with a thermometer, and the temperature of the refrigerator shall be maintained between 36 degrees Fahrenheit and 46 degrees Fahrenheit.
 - b. Medication refrigerators shall be cleaned and inspected monthly by Medical Staff.
 - c. A refrigerator checklist, or other form developed by the facility, shall be used to document the daily interior temperature of the refrigerator(s) and the monthly cleaning and inspection of refrigerators (excluding days when the medical staff is not on site).
- 9.38 All medical and laboratory supplies on the premises containing expiration dates shall be within the stated expiration dates and not beyond. The Health Authority or designee shall be responsible for monthly inspection of expiration dates of such supplies.

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CHAPTER 10 – CLOTHING AND BEDDING

- 10.1 ***Inmates shall be furnished a bed, fire retardant mattress, mattress cover sheet, sheet, pillow, pillowcase, and a towel.**** The provisions of this subsection shall not apply to cells or areas used for short term holding of inmates less than 8 hours.
- 10.2 Sheets, towels, and pillowcases will be laundered at least once each week. All bedding shall be washed before reissue.
- 10.3 Blankets shall be issued in sufficient number to the inmates and shall be laundered as necessary at least quarterly and before reissue.
- 10.4 ***Mattresses shall meet the applicable Florida State Fire Marshal's Fire Safety Standards, pursuant to Rule 69A-54.006, Florida Administrative Code, and shall be maintained in good repair, and in a sanitary condition.****
- 10.5 Inmate held beyond first appearance shall be issued a clean uniform. Inmates shall be given the opportunity to have their clothing laundered or exchanged for clean uniform at least twice each week. All issued clothing shall be washed prior to reissue (for Youth Detention Facilities, refer to Appendix C).
- 10.6 The Officer-in-Charge or designee may permit inmates to wear their personal shoes. When an inmate needs shoes and is without funds, footwear shall be provided. Shower slides are acceptable for inside use. Inmates who work shall be issued clothing and shoes suitable for the type of work and prevailing weather.
- 10.7 An inmate will not be deprived of clothing, bedding, or towels except when necessary to prevent the inmate from inflicting injury to self, to others, or to property and a record shall be maintained identifying the reason and length of time for such deprivation.

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CHAPTER 11 – PROGRAMS

- 11.1 The Officer-in-Charge or designee shall make all reasonable efforts to make use of programs available through local community resources. At least one employee in each detention system shall act as liaison between each facility within the system and the community agencies that offer needed programs and services.
- a. The following agencies may provide services to inmates: mental health centers; substance abuse programs; county health departments; local hospitals; county school boards; county libraries; county welfare departments; local universities and community colleges; program offices of the Department of Children and Family Services; legal services; ministerial associations; vocation rehabilitative services; and others.
- 11.2 The Officer-in-Charge or designee shall ensure that all representatives of outside agencies and volunteers will be familiar with facility regulations. Compliance with the regulations shall be agreed to in writing.
- 11.3 Mail (for Youth Detention Facilities, refer to Appendix C)
- a. General correspondence such as between the inmate, the family, and other persons should be encouraged.
- b. Incoming inmate mail may be monitored to ascertain any attempts to escape, security violations, or conspiracy to introduce contraband. Incoming mail may be inspected to intercept cash, checks, money orders or physical contraband.
- c. Outgoing mail shall not be interfered with except to open and inspect it to determine if:
1. The letter contained threats of physical harm against persons or threats of criminal activity;
 2. The letter threatens blackmail or extortion;
 3. The letter contains plans to escape;
 4. The letter contains plans for activities in violation of detention facility rules;
 5. The letter is in code;
 6. The letter contains information, which, if communicated, would create a clear and present danger of violence and physical harm to a human being.
- d. If correspondence is denied, the inmate shall be given written reasons as to why

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the correspondence has been denied.

- e. Privileged mail includes mail from attorneys, courts, and public officials. If incoming privileged mail is opened to determine that it is privileged mail and contains no contraband, it must be done in the presence of the inmate. Only the signature and letterhead may be read.
- f. Outgoing privileged mail shall not be opened, but it may be held for a reasonable time, not to exceed 72 hours, pending verification that it is properly addressed to a person or agency referred to above.
 - 1. The officer in charge may authorize the inspection of privileged mail prior to being sealed.
 - 2. Under no circumstances is staff to read privileged communication, only inspect the contents for contraband.
 - 3. The inspection is to be conducted in the presence of the inmate and upon completion; the inmate should seal the envelope.
- g. Indigent inmates – Inmates without funds will be supplied with writing materials and postage to correspond with attorneys and the court. In addition, inmates without funds will be supplied with writing materials and postage to correspond with their immediate family at reasonable intervals.
- h. Inmates shall receive their mail through the facility and shall be delivered to and from inmates without unnecessary delay.
- i. There shall be no approved lists of correspondents or limits on the volume of mail an inmate may receive or send.

11.4 Visiting (for Youth Detention Facilities, refer to Appendix C)

- a. Rules and regulations pertaining to the time and conduct of visitation shall be posted for the knowledge of the inmates and prospective visitors. A copy of these rules shall be given to each inmate held beyond first appearance. Visitation periods shall be permitted so that each inmate in general population has the opportunity for at least 2 hours of visitation each week.
- b. The Officer-in-Charge or designee may deny a particular visit or visitor in order to maintain the safety, security, and/or good order and discipline of the institution. All denials of visitation shall be documented, indicating why the visit was denied.
- c. All adult visitors shall be required to register and to record their name, address, and relationship to the inmate. The Officer-in-Charge or designee may reasonably require additional information, if necessary, in order to conduct that particular

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visit. Visitors may be searched, if necessary, to the security of the institution.

- d. The most common types of visitation used in correctional facilities include, but are not limited to, non-contact, contact, and video.
 - 1. The allowing of contact visitation on any special occasion shall be the prerogative of the Officer-in-Charge or designee.

11.5 Work (for Youth Detention Facilities, refer to Appendix C)

- a. Sentenced inmates may be assigned to work to the benefit of the facility, county, or municipality within the guidelines expressed in the paragraphs below. Non-sentenced inmates shall not be required to work beyond those duties necessary to maintain the cleanliness and good order of their own area and the common areas of the detention facilities. However, persons who are in pretrial status and held beyond first appearance should be given the opportunity to volunteer for available work programs.
- b. No inmate shall be compelled to labor more than ten (10) hours per day nor be subject to punishment for any refusal to labor beyond such limit; provided that the ten (10) hours shall be the time embraced from the leaving to the return of the inmate to his/her place of detention per Section 951.08 Florida Statutes. However, this ruling would not preclude a sentenced inmate from volunteering to labor more than ten (10) hours daily.
- c. All inmates shall have supervision in keeping with their custody level while outside the secure perimeter of the detention facility. Inmate workers shall be checked by staff to assure accountability and security.
- d. Work and study release, as authorized by the court or the facility, is encouraged. If work or study releases are housed in a detention facility, they should be separated, whenever practical, from the general population.
- e. Inmates may be required to work for other county or municipal agencies to the benefit of that county or municipality. If so, their supervisor shall acknowledge, in writing, the provisions of these regulations, particularly Chapter 5 and the policy and procedure directives of the facility. It is the intent of this paragraph to encourage the use of inmates in vocational and productive work programs which will benefit the inmate(s) and the county or municipality.
- f. Inmates may voluntarily work for charitable or nonprofit organizations under the following conditions:
 - 1. They shall be supervised by an employee of the facility or other county or municipal employee;

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2. The work shall have the prior written approval of the Officer-in-Charge or designee;
 3. No monetary remuneration may be made to the inmate or the facility for the work.
- g. ***An inmate shall be cleared by the health authority prior to assignment in a structured work program in accordance with the Americans with Disabilities Act.****
- 11.6 Exercise (for Youth Detention Facilities, refer to Appendix C)
- a. Inmates shall have the opportunity to have a minimum of 3 hours of exercise per week, in a recreation area weather permitting. Uncontrollable or violent inmates are not subject to the provisions of this paragraph.
 - b. Sufficient space and staffing to permit both individual activities and group activities shall be provided.
 - c. Inmates shall be allowed to remain in their housing areas or cells if they so desire.
- 11.7 Each detention system should appoint a chaplain to coordinate religious services and activities at each facility. Inmates shall be afforded a reasonable opportunity to practice their religious beliefs.
- 11.8 Each inmate shall have reasonable access to a telephone at reasonable times.
- 11.9 Pro se inmates are provided reasonable access to legal materials to assist them in filing any type of action cognizable in Florida courts.
- 11.10 All inmates, regardless of gender, shall have equal access to programs, privileges, exercise, visitation, and work release opportunities, unless deemed to be a threat to the safety of staff or other inmates or to security of the facility (for Youth Detention Facilities, refer to Appendix C).

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CHAPTER 12 – PRIVILEGES

12.1 Inmate commissary and welfare fund.

- a. A commissary may be operated in the detention facility. If a commissary is established, then an inmate welfare fund shall also be established. The Officer-in-Charge or designee will establish a procedure for providing commissary or access to commissary items for the benefit of the inmate(s). It is recommended that inmates routinely carry no money and that a check-off system from their account be implemented. If money is permitted, a limit shall be set and all money in possession in excess of that limit shall be confiscated and disposed of in accordance with Standard 16 – Contraband. A shopping list shall be developed and printed for the information of all inmates with the prices and special conditions governing each sale shown clearly on such a list. Valuable items purchased by inmates shall be added to their personal property list after purchase and marked for identification.
- b. Commissary prices shall be set at fair market value, which is not to exceed the average value for 3 to 5 comparable products sold in the community where the facility is located.
- c. Expenses involved in the commissary operations, including compensation for commissary employees, and gratuities for inmates who may assist such employees may be paid from the profit.
- d. Profits from the commissary shall be used for overall inmate welfare, and an inmate welfare fund committee shall recommend what expenditures are to be made. ***Activities of the committee shall be reviewed by the Officer-in-Charge or designee, who shall have final authority on expenditures.*** * It is recommended that the Jail Chaplain be a member of the committee.
- e. ***The Officer-in-Charge or designee shall be responsible for an audit of the fiscal management of the commissary by a disinterested party on an annual basis, which shall include certification of compliance with the pricing requirements of (12.1) (b) above.*** * Appropriate transaction records and stock inventory shall be kept current.

12.2 Other Privileges.

- a. Control of how and when radio and television sets are to be used, if present, shall be left to the discretion of the Officer-in-Charge or designee.
- b. A reading or library service shall be available to the inmates who are held beyond first appearance.
- c. It is recommended that a staff member be appointed to organize leisure time activities and to program exercise, recreation, and avocation.

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CHAPTER 13 – SECURITY AND CONTROL

- 13.1 *As required in Standard 4.10, General Provisions, the Officer-in-Charge or designee shall have comprehensive written plans for emergencies to include fire, riot, hostage situations, escape, medical emergency, and natural disaster. These plans shall be developed after consultation with fire departments, emergency medical personnel, and law enforcement agencies. The plans shall provide for:*
- a. *Alarm systems and notification;*
 - b. *Transmission of alarm to:*
 - 1. *Fire department;*
 - 2. *Emergency medical services;*
 - 3. *Other law enforcement officials.*
 - c. *Response to alarms;*
 - d. *Isolation of fire or disturbance areas and the control of mobilization area;*
 - e. *Specific equipment such as fire extinguishers and fire hoses to be located at specific appropriate places within the institution and inspection and preventive maintenance schedule for such equipment;*
 - f. *Release and evacuation activity;*
 - g. *Prevention of escape during evacuation;*
 - h. *Firefighting plans, the rendering of prompt medical aid, or the assistance of law enforcement agencies in quelling riots or disturbances;*
 - 1. *The chain of command to be followed in all such emergencies, including the specific responsibilities of staff and inmates;*
 - i. *Inspection schedules of hazardous areas and review of fire plans.*
 - j. *Documentation in the event of any such emergencies.**
- 13.2 *Fire exit drills and emergency evacuation drills shall be held with sufficient frequency to familiarize correctional personnel with proper procedures. Such drills shall be conducted for each shift of personnel, each calendar quarter. The actual movement of inmates to holding areas outside the building is not required. The drills shall be recorded and records shall be maintained in the facility.**

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- 13.3 *Regular Inspections – Security inspection procedures shall be carefully defined and shall cover every part of the detention facility. A general inspection of the facility will be made by the Officer-in-Charge or designee at least once each week. All cells, cell blocks, and other quarters within the detention facility shall be checked daily by correctional officers. Inspections and deficiencies shall be recorded and records shall be maintained in the facility. In addition, the person notified of a deficiency or requested to take corrective action, and the date and time of the corrective action taken shall be entered in the record.**
- 13.4 *Fire Safety Inspections – Each facility shall obtain a fire safety inspection performed by personnel certified by the State Fire Marshal's office as fire safety inspectors. Pursuant to Section 951.23(5), Florida Statutes, such inspections shall be performed at least once annually, and a report of the findings of said inspections shall be requested by the facility.*
- 13.5 *Each facility shall meet applicable fire safety and prevention standards promulgated by the State Fire Marshal for correctional facilities pursuant the rules of the State Fire Marshal, Chapter 69A-54, Florida Administrative Code.**
- 13.6 *A key control system will be designed to indicate the location of all keys and locks in the detention facility. The system will include:*
- a. *A complete inventory of all keys;*
 - b. *A written report of malfunctioning locks, broken or lost keys or other safety hazards that are key related;*
 - c. *Absolute control of security keys by correctional officers and/or civilian staff, but never*
 - d. *by inmates;*
 - e. *A full set of emergency keys maintained in a secure and easily accessible location away from the detention facility for use in the event of fire or other emergency;*
 - f. *A key control system, which provides a shadow board or other means of ensuring that staff can immediately identify missing keys.**
- 13.7 *Inmate counts shall be taken at the beginning of each shift daily and recorded in the detention facility log. At least one of the counts shall be a full lock-down count when all inmates are required to be immobilized and visually inspected. All inmates will be visually checked every hour between 11:00 p.m. and 6:00 a.m. unless involved in an outside program that precludes a personal check.* Juveniles will be visually checked on a schedule not to exceed 10 minutes. Checks will be entered in the daily log (for Youth Detention Facilities, refer to Appendix C).*

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- 13.8 *There shall be a tool control plan including the standard use of inventory shadow boards, etchings, or color coding of facility tools to ensure that such tools are not used to breach the security of the facility.**
- 13.9 *Tools brought into the facility for maintenance or repair shall be accounted for at all times.**
- 13.10 *Each facility will have a personnel identification system, which will ensure that employees, visitors, and inmates are positively identified, and that security measures are not bypassed.**
- 13.11 *No person will enter the secure area of the detention facility with firearms, ammunition, except in emergencies, and then only when authorized by the Officer-in-Charge or designee.**
- 13.12 *The following items are authorized to be carried and used inside detention facilities by certified correctional officers trained in its use, only if authorized by the policy and procedure directives for the detention facility:*
- a. *The chemical agent oleoresin capsicum or other such suitable agents are authorized to be carried inside the detention facility by certified correctional officers trained in its use, only if authorized by the policy and procedure directives for the facility. A weapons depository will be established near the secure entrance of the facility. Under no circumstances will weapons or ammunition be placed in a desk drawer or other container, which has common access.**
 - b. *Electronic Weapons are authorized to be used inside the detention facility by certified correctional officers trained in its use, only if authorized by the policy and procedure directives of the facility.**
 - c. A weapons depository will be established near the secure entrance of the facility for personnel not assigned to the facility to secure any items listed in this article. Under no circumstances will weapons or ammunition be placed in a desk drawer or other container, which has common access.
 - d. The Officer-in-Charge or designee may make an exception for sworn Law Enforcement personnel not assigned to the facility to carry the above listed items inside the secure area of the detention facility if authorized by policy and procedure directives of the detention facility.
- 13.13 Chemicals or other materials which could be flammable, toxic, or hazardous chemicals shall be inventoried, and shall be kept in a secure area and used under the direct supervision of an employee. Chemicals or other cleaning materials shall be stored separately from food supplies. When possible, all chemicals should be stored in their original container with the manufacturer's label intact. When chemicals are removed

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from the original to a secondary container, it will be labeled to identify the contents. The facility safety officer or designee must maintain a master index of all flammables, toxic, or hazardous chemicals used by the facility. Included with this, will be all Safety Data Sheets (SDS) on each chemical. Spills and disposals must be addressed in accordance with the guidelines indicated on the SDS sheet. At least annually, the control of flammable, toxic, and hazardous chemicals should be addressed with corrective action. SDS for all hazardous chemicals used in the facility shall be readily available to all employees.

13.14 Shackles or other personal restraints may be used within the secured areas of the facility. This standard should apply to inmates in transit or to inmates whose behavior presents an immediate danger to themselves, other inmates, or staff. Such inmates may be temporarily restrained by such devices only upon orders of the Officer-in-Charge or designee. Restraints shall never be used as punishment.

13.15 Restraint of Pregnant Inmates:

- a. Restraints may not be used on a pregnant inmate during labor, delivery, and postpartum recovery, unless the corrections official makes an individualized determination that the inmate presents an extraordinary circumstance, except that:
 1. The physician may request that restraints not be used for documentable medical purposes. The corrections officer or other officer accompanying the pregnant inmate may consult with the medical staff; however, if the officer determines there is an extraordinary public safety risk, the officer is authorized to apply restraints as limited by (b) (2).
 2. Under no circumstances shall leg, ankle, or waist restraints be used on any pregnant inmate who is in labor or delivery.
- b. ***If restraints are used on a pregnant inmate pursuant to paragraph (a):***
 1. ***The type of restraint applied and the application of the restraint must be done in the least restrictive manner necessary; and***
 2. ***The corrections official shall make written findings within 10 days after the use of restraints as to the extraordinary circumstance that dictated the use of the restraints. These findings shall be kept on file by the department/correctional facility for at least 5 years. ****
- c. During the third trimester of pregnancy, or when requested by the physician treating a pregnant inmate, unless there are significant documentable security reasons noted by the department/correctional facility to the contrary that would threaten the safety of the inmate, the unborn child, or the public in general:
 1. Leg, ankle, waist restraints may not be used;

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2. If wrist restraints are used, they must be applied in that the front so the pregnant inmate is able to protect herself in the event of a forward fall; and
- d. In addition to the specific requirements of paragraphs (a)-(c), any restraint of a pregnant inmate must be done in the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences.
- e. *Each correctional facility shall inform female inmates of the rules developed pursuant to paragraph (a) upon admission to the correctional facility, including the policies and practices in the inmate handbook, and post the policies and practices in locations in the correctional facility where such notices are commonly posted and will be seen by female inmates, including common housing areas and medical care facilities. **
- f. *Each county or municipal detention facility and each detention facility operated by a private entity shall adopt written policies and procedures relating to the use of restraints and the performance of invasive body searches on pregnant inmates. **

13.16 *Restrictive Housing of Pregnant Inmates:*

- a. *A pregnant inmate may not be involuntarily placed in restrictive housing, except as provided in paragraph (b) or paragraph (d).*
- b. *A pregnant inmate may be involuntarily placed in restrictive housing if the corrections official makes an individualized determination that restrictive housing is necessary to protect the health and safety of the pregnant inmate or others or to preserve the security and order of the correctional facility and there are no less restrictive means available.*

After placing a pregnant inmate in restrictive housing, the corrections official must write a report that includes:

1. *The individualized reason restrictive housing is necessary;*
 2. *The reason less restrictive means are not available;*
 3. *If a qualified healthcare professional at the facility objected to the placement; and*
 4. *A copy of the report must be provided to the pregnant inmate within 12 hours after placing the inmate in restrictive housing.**
- c. A pregnant inmate placed in restrictive housing must be:

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1. Seen by a qualified healthcare professional at least once every 24 hours;
 2. Observed by a correctional official at least once every hour;
 3. Housed in the least restrictive setting consistent with the health and safety of the pregnant inmate; and
 4. Given a medical treatment plan developed and approved by a qualified health care professional at the correctional facility.
- d. If a pregnant inmate needs medical care, a primary care nurse practitioner or obstetrician must provide an order for the inmate to be placed in a designated medical housing unit or admitted to the infirmary.
1. If a pregnant inmate has passed her due date, she must be placed in a designated medical housing unit or admitted to the infirmary until labor begins.
 2. A pregnant inmate who has been placed in a designated medical housing unit or admitted to the infirmary must be provided the same access to outdoor recreation, visitation, mail, telephone calls, and other privileges available to the general population unless:
 - a. The corrections official, after consulting with a qualified health care professional at the correctional facility, determines such access poses a danger to the safety and security of the correctional facility; or
 - b. A qualified health care professional at the correctional facility determines that such access poses a danger or adverse clinical consequences for the pregnant inmate or others and documents such determination in the pregnant inmate's medical file.
- 13.17 ***Each floor of a detention housing facility will have a correctional officer or certified juvenile detention officer present. Split level housing areas which share a common day room shall not require a second certified officer, provided observation is easily maintained from either level. The presence of two officers certified in accordance with Chapter 943, Florida Statutes, or Department of Juvenile Justice requirements, is required when moving high risk inmates in or out of a "housing area".****
- 13.18 A secondary means of egress or fire exit from each housing area and floor of a detention facility is required if inmates are housed or would otherwise be present on that floor.
- 13.19 ***Correctional officer posts shall be located to permit officers to hear and respond promptly to calls for help.****

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- 13.20 Inmates shall be prohibited from supervising, controlling, exerting, or assuming any authority over other inmates.
- 13.21 *There shall be sufficient staff on duty so that at all times inmates within the detention facility will be within sight or hearing distance of a correctional officer or juvenile detention officer. This may be accomplished by means of electronic surveillance. Civilian staff that is not certified as correctional officers by the Criminal Justice Standards and Training Commission or as juvenile detention officers by the Department of Juvenile Justice shall not be included as staff for purposes of this subsection.**

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CHAPTER 14 – SANITATION

- 14.1 Light fixtures shall be kept clean.
- 14.2 Floors, walls, ceiling, windows, doors, and all appurtenances of the structure shall be kept clean.
- 14.3 Plumbing fixtures shall be kept clean and sanitary at all times.
- 14.4 Sinks, toilets, water fountains, and floor drains shall be clean.
- 14.5 Laundry facilities shall be kept clean.
- 14.6 If laundry facilities are not available on site, sheets and blankets shall be sent to commercial laundries.
- 14.7 Utility closets, pipe chases, and corridors will be kept clean and free clutter at all times.
- 14.8 Garbage and Rubbish – All garbage, trash and rubbish shall be collected and removed from inmate residential areas at least daily, more often is recommended. Garbage shall be collected and stored in impervious leak proof and lock tight containers. All containers, storage areas, dumpsters, compactors, etc., on the surrounding premises shall be kept clean and free of vermin. Garbage shall be removed from the site as often as necessary to maintain sanitary conditions. If garbage or trash is disposed of on the premises, then the disposal shall not create sanitary nuisance conditions and shall comply with the provisions of Chapter 62, Florida Department of Environment Protection, Florida Administrative Code.
- 14.9 Bedding, Clothing, and Personal Items – Beds and bedding shall be kept in good repair, cleaned, and sanitized regularly. Used mattress and pillow covers shall be laundered when necessary and blankets laundered at least quarterly and always before reissue. Sheets and personal clothing shall be washed at least weekly. Sheets, blankets, and mattresses shall be stored in a clean, dry place between cleaning and reissue.
- 14.10 Housekeeping – Inmate residential areas shall be kept clean and sanitary at all times. Clutter shall be eliminated in all areas of the detention facility. Floors shall be swept and mopped daily and bars shall be kept clean. Books, magazines, newspapers, and other objects will not be placed on or between bars. Walls shall be kept clean and free of objects, which provide hiding places for vermin. Mops, brooms, and other cleaning equipment shall be stored in well-ventilated areas. Mop sinks and other janitorial facilities shall be kept clean. Garbage and trash receptacles shall be emptied and cleaned daily. Toilets, urinals, showers, and sinks shall be cleaned daily. All windows, sills, and screens shall be kept clean. Inmates shall be assigned housekeeping and janitorial duties as directed by the Officer-in-Charge or designee.

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- 14.11 The Officer-in-Charge or designee shall inspect all areas daily or cause them to be inspected. Appropriate disciplinary action should be taken against inmates who fail to have their area, the common areas, and their persons clean and orderly.
- 14.12 Insect and Rodent Control - Detention facilities shall be kept free of all insects and rodents. A program to control vermin (e.g., pest control) in all areas of the detention facility will be maintained on a scheduled basis. All outside openings shall be effectively sealed or screened to prevent entry of insects or rodents. All pesticides used to control insects or rodents shall be applied in accordance with instructions and cautions on the registered product label. Persons applying restricted use pesticides shall be certified by the State of Florida. Facilities not having certified pest control operators shall utilize commercial licensed pest control companies.
- 14.13 Outdoor Areas – If a facility has an outdoor exercise area, it shall be kept free of litter and trash. If toilet and lavatory facilities are provided, they shall be kept clean.
- 14.14 Industrial areas shall be kept clean.
- 14.15 The Officer-in-Charge or designee shall inspect all areas daily or cause them to be inspected.
- 14.16 ***The Officer-in-Charge or designee will conduct a formal sanitation inspection of the facility at least once a week, and any substantial deficiencies will be recorded and corrected. ****

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CHAPTER 15 – ORDER AND DISCIPLINE

- 15.1 Rules and regulations governing the conduct of inmates and visitors shall be posted and available to each inmate and all visitors.
- 15.2 The rules shall include prohibited acts and the disciplinary action that can be taken to ensure proper conduct. The rules shall also indicate the procedures for any disciplinary action and the method for the establishment and loss of privileges. The rules shall provide a list of prohibited acts which shall include, at a minimum, the following:
- 1) Assaulting any person;
 - 2) Fighting with another person;
 - 3) Threatening another with bodily harm, or any offense against another person or property.
 - 4) Extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection against others to avoid bodily harm, or under threat of informing;
 - 5) Engaging in sexual acts with self or others;
 - 6) Making sexual proposals or threats to another;
 - 7) Indecent exposure;
 - 8) Escape;
 - 9) Attempting or planning escape;
 - 10) Wearing a disguise or mask;
 - 11) Setting a fire;
 - 12) Destroying, altering, damaging or defacing government property or the property of another person;
 - 13) Stealing (theft);
 - 14) Tampering with or blocking any locking device;
 - 15) Adulteration of any food or drink;
 - 16) Possession or introduction of any explosive, ammunition, firearm, or weapon;

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- 17) Possession of contraband;
- 18) Misuse of authorized medication;
- 19) Loaning of property or anything of value for profit or increased return;
- 20) Possession of anything not authorized for retention or receipt by the inmate and not issued to them through regular institutional channels;
- 21) Mutilating or altering issued clothing, bedding, linen, or mattresses;
- 22) Rioting;
- 23) Encouraging others to riot;
- 24) Engaging in or encouraging a group demonstration;
- 25) Refusing to work;
- 26) Encouraging others to refuse to work or participating in work stoppage;
- 27) Refusing to obey an order of any staff member;
- 28) Un-excused absence from work or any assignment;
- 29) Malingering, feigning an illness or injury;
- 30) Failing to perform work as instructed by a supervisor;
- 31) Insolence toward a staff member;
- 32) Lying or providing a false statement to a staff member;
- 33) Conduct which disrupts or interferes with the security or orderly running of the institution;
- 34) Counterfeiting, forging, or unauthorized reproduction of any document, article, or identification, money, security, or official paper;
- 35) Participating in an unauthorized meeting or gathering;
- 36) Being in an unauthorized area;
- 37) Failure to follow safety or sanitation regulations;
- 38) Using any equipment or machinery contrary to instructions or posted safety

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standards;

- 39) Failing to stand count;
 - 40) Interfering with the taking of count;
 - 41) Making intoxicants or being intoxicated;
 - 42) Smoking where prohibited;
 - 43) Using abusive or obscene language;
 - 44) Gambling, preparing, or conducting a gambling pool, possession of gambling paraphernalia;
 - 45) Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted standards;
 - 46) Tattooing or self-mutilation;
 - 47) Unauthorized use of mail or telephone;
 - 48) Unauthorized contacts with the public;
 - 49) Correspondence or conduct with a visitor in violation of posted regulations;
 - 50) Giving or offering any official or staff member a bribe, or anything of value.
 - 51) Giving money or anything of value to or accepting money or anything of value from another inmate, a member of their family, or their friend. Translations for disabled and/or non-English speaking inmates will be provided. The course of action to be taken when there is a violation of rules by visitors shall be covered in the policy and procedure directives.
- 15.3 In addition to disciplinary action, inmates can also be required to pay for damaged, destroyed, or misappropriated property or goods. The rules and procedures for such administrative reimbursement sanctions should be in accordance with Rule 33-601.308, Florida Administrative Code.
- 15.4 A disciplinary committee and/or a disciplinary hearing officer shall be established/appointed by the Officer-in-Charge or designee. If a committee is established, it shall consist of at least three members, with one member to be designated as the chairperson. Any member of the disciplinary committee or any person appointed as a disciplinary hearing officer shall be disqualified if he or she has participated as an investigating officer or witness in the case against the inmate. All disciplinary committee members and all disciplinary hearing officers shall operate within the principles set forth

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by the facility, which, at a minimum, shall require that consideration be given to the causes of the adverse behavior, the setting, and circumstances in which it occurred, the inmate's accountability, and the correctional goals (for Youth Detention Facilities, refer to Appendix C).

- 15.5 When an infraction of the rules is alleged to have occurred, a disciplinary report shall be processed as required by the Officer-in-Charge or designee. The employee who witnessed the alleged violation shall prepare a written statement, and a disciplinary report shall be written to include:
- a. Date of infraction;
 - b. Place and time of infraction;
 - c. Date of report;
 - d. The specific charge, to include identification of the rule or statute violated;
 - e. Details of the infraction;
 - f. The actions taken by the employee;
 - g. The names of all witnesses. Where disclosure of witnesses would endanger the welfare of the inmate or staff, the names of witnesses and the names of confidential informants shall be maintained in a confidential file.
- 15.6 The Officer-in-Charge or designee will cause an investigation to be made of the allegations of acts of prohibited conduct or violation of criminal statutes. The report of investigation will be forwarded to the disciplinary hearing officer or committee described in subsection (15.4) above along with the original disciplinary report. The disciplinary report will include space for the required investigation; therefore, a separate form is not needed.
- 15.7 Inmates accused of infractions, who face disciplinary action, will be notified in writing of the charges against them and given at least 24-hours written notice prior to the hearing of such charges to prepare their defense. They will acknowledge the receipt of the charges, or there shall be a note in the record that the charges were delivered. The inmate may waive in writing the right to 24 hour advance notice of hearing.
- 15.8 A hearing shall be held as soon as possible after the alleged occurrence of the rule infraction or violation as circumstances permit, after allowing notification of the charges to the inmate and the required 24 hours for his/her assimilation of the charges against him/her, but within the seven (7) working days after the incident. For the purpose of this rule, "working days" shall mean Monday through Friday, excluding holidays. The disciplinary hearing officer or committee, through its chairperson, shall determine that the inmate properly understands the charges against him/her and the possible adverse

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actions that can result from the disciplinary hearing.

- a. There may be times, due to extenuating circumstances, when the hearing cannot be held within the seven (7) days of the incident. If this occurs, the circumstances regarding the continuance must be fully documented and approved by the Officer-in-Charge.
- b. In no circumstance may the hearing be postponed beyond ten (10) working days after the incident.

15.9 When holding a disciplinary hearing, the hearing officer, chairperson, or a majority of the members shall have the authority:

- a. To require the production of documents or to call witnesses;
- b. To review inmate requests for assistance, for witnesses requested by the inmate or for any evidence, which they wish to call or present provided, however, that witnesses shall not be called or certain information disclosed if doing so would create a risk of reprisal, undermine authority, or otherwise present a threat to the security of the institution. No witnesses shall be called if it is clear that such testimony would be irrelevant, immaterial, or repetitive. Notations shall be made in the report with reasons for declining to call requested witnesses or for restricting any information.
- c. To offer a staff member to assist the inmate during the hearing when the inmate is apparently illiterate, has a language barrier or the complexity of the issues makes it unlikely that the inmate would be able to properly represent him or herself. The disciplinary hearing officer or committee, through chairperson, should require the proper decorum throughout the disciplinary hearing.

15.10 An inmate shall have the following rights at a disciplinary hearing:

- a. An inmate charged with rule violations shall be present at the hearing unless he/she waives in writing their right to attend the hearing, refuses to attend the hearing, or he/she behavior during the hearing justified removal there from; the absence of an inmate from a hearing and the reason therefore shall be documented;
- b. The inmate shall receive a copy of the written decision;
- c. ***The time spent by an inmate in disciplinary segregation shall be proportionate to the offense committed but in no event shall be greater than 30 days per incident;****
- d. An inmate shall have the right to appeal the decision of the hearing officer or committee to the Officer-in-Charge or designee.

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- e. All steps in the disciplinary process shall be maintained as a written record. However, if the inmate is found not guilty, the disciplinary report shall be so noted and may be removed from the inmate's file.
 - f. The decision shall be based solely upon the evidence presented at the hearing and shall contain a statement of the reasons for the decision and the evidence relied upon.
- 15.11 After closed deliberations, the inmate shall be informed of the disciplinary hearing officer's or the committee's recommended decision. The recommendations will be forwarded to the Officer-in-Charge or designee for agreement or reduction and implementation. The Officer-in-Charge or designee shall not increase the disciplinary penalties suggested by the disciplinary hearing officer or committee.
- 15.12 ***Discipline shall not be arbitrary nor capricious, nor in the nature of retaliation or revenge. Corporal punishment of any kind is prohibited.****
- 15.13 Inmates may be placed in administrative confinement for the purpose of ensuring immediate control and supervision when it is determined they constitute a threat to themselves, to others, or to the safety and security of the detention facility. An incident report or disciplinary report shall follow each such action.
- a. The time of release for inmates in disciplinary or administrative confinement shall be recorded and filed in the inmate's file.
 - b. Each inmate in administrative confinement shall receive housing, food, clothing, medical care, exercise, visitation, showers, and other services and privileges comparable to those available to the general population except as justified by his/her classification status or special inmates as defined in Section 7.4 – Special Needs Inmates.
 - c. Such inmates should be checked by medical staff at intervals not exceeding 72 hours.
 - d. Inmates in administrative or disciplinary confinement shall be required to bathe twice weekly.
- 15.14 The Officer-in-Charge or designee shall see and talk to each inmate in disciplinary or administrative confinement at least once each morning and once each afternoon. At each of these times, the inmate's general condition and attitude shall be documented.

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CHAPTER 16 – CONTRABAND

- 16.1 No person shall introduce or cause to be introduced into or upon the property of a detention facility, or give to any inmate, any article of contraband; or give to any inmate anything which is not specifically authorized by written detention facility directive, or which has not been specifically authorized by the Officer-in-Charge or designee. The Officer-in-Charge or designee will establish and provide a list of articles or items, which inmates may have in their possession. All other items in the possession of an inmate shall be considered contraband.
- 16.2 Confiscated monies shall revert immediately to the inmate welfare fund, or deposited into the inmate's canteen account, unless it is needed as evidence in a trial or disciplinary hearing. If a detention facility does not have an inmate welfare fund, confiscated monies shall be receipted and placed in the inmate's personal property or inmate bank account. If the inmate is to be charged under the contraband statute, Section 951.22, Florida Statutes, any contraband shall be disposed of in accordance with Section 932.704, Florida Statutes.

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CHAPTER 17 – DIRECT SUPERVISION JAILS

- 17.1 Inmates shall not be housed in direct supervision units unless approved by the facility classification process in accordance with Section 951.23 (4), Florida Statutes.
- 17.2 Any agency utilizing a direct supervision mode of inmate management shall ensure that before accepting inmates, jail staff shall receive training in the philosophy of direct supervision. Training mandated by Section 943, Florida Statutes, is required in addition to the training requisites above.
- 17.3 Certified correctional officers or certified juvenile detention officers, who have received specific training regarding working in direct supervision jails, shall be in the facility at all times to perform each of the following duties:
- a. Provide direct supervision of inmates in the housing unit.
 - b. Provide emergency backup to the supervising officer as a priority of the employee's assigned duties.
- 17.4 Policies and procedures shall be developed by the Officer-in-Charge or designee for the operation of the facility. These policies and procedures shall reflect the rules for direct supervision jails as delineated in the Florida Model Jail Standards. All staff shall be knowledgeable of and have access to the policy manual and shall receive training in the implementation of said policies and procedures prior to being assigned as a housing unit officer.
- 17.5 Each officer assigned to a housing unit shall have a secondary means of communications at all times to summon assistance.
- 17.6 Furnishings and equipment, including bunks and tables, located within the direct supervision housing unit need not be of a security type.
- 17.7 When housed in a direct supervision housing unit, inmates should be subject to informal discipline as follows:
- a. Inmates shall not be required to remain in their individual sleeping areas for more than two (2) hours.
 - b. Any informal discipline shall terminate upon completion of the then current shift.
 - c. No inmate may be the subject of informal discipline more than twice in any seven (7) day period.
 - d. Inmates on informal discipline shall receive the same food, clothing, and visitation as any other inmate in the housing unit.

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CHAPTER 18 – PHYSICAL PLANT

18.1 The following housing standards apply to all facilities (for Youth Detention Facilities, refer to Appendix C):

a. Specified Unit of Floor Space:

1. Single cells shall contain a minimum of 63 square feet of floor space.
2. Multiple occupancy cells shall contain a minimum of 40 square feet of floor space per inmate in the sleeping area.
3. Dormitory housing units shall contain a minimum of 75 square feet of floor space per inmate, including both sleeping and day room areas. However, inmates who are allowed out of their unit for a minimum of 8 hours per day (e.g., work programs, treatment programs, educational programs, etc.) may be housed in areas designated with a minimum of 70 square feet of floor space per inmate (sleeping and day room areas included).
4. Day rooms shall contain a minimum of 35 square feet per inmate for all cell areas, except disciplinary and administrative confinement.
5. Any facilities constructed prior to October 1, 1996, may also use the applicable factoring procedures as set forth in Appendix A or B.

18.2 Each single cell will contain at least:

- a. A sink with cold and either hot or tempered running water;
- b. Flushable toilet;
- c. Bunk;
- d. Acoustics that ensure noise levels that do not interfere with normal human activities;
- e. Temperatures shall be maintained within a normal comfort range.

18.3 All other housing areas shall provide a minimum of:

- a. Toilets and sinks in the ratio of a minimum of 1 to 12 inmates. Urinals may be substituted for up to one-half of the toilets in male housing units;
- b. Shower facilities in the ratio of a minimum of 1 to 16 inmates;

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- c. Ready access during non-sleeping hours to tables and chairs or areas designed for reading or writing;
 - d. Temperatures shall be maintained within a normal comfort range.
- 18.4 Adequate heating facilities shall be provided to maintain a minimum temperature of 60 degrees Fahrenheit at a point twenty (20) inches above the floor in inmate sleeping areas.
- 18.5 Beds, Cots, and Bunks
 - a. Every bed, cot, or bunk shall have a space of at least twelve (12) inches from the floor.
 - b. There shall be a clear ceiling height of not less than thirty-six (36) inches above any mattress and there shall be a clear space of not less than twenty-seven (27) inches between the top of the lower mattress and the bottom of the upper bunk of a double deck facility.
 - c. Single beds, cots or bunks shall be spaced not less than thirty-six (36) inches laterally and end-to-end.
 - d. Sleeping arrangements shall ensure that a minimum distance of six (6) feet is provided between inmate's heads if a solid barrier is not used.
- 18.6 Sufficient space shall be provided in all living and sleeping quarters to satisfy sanitary needs of all individuals incarcerated.
- 18.7 All areas of the detention facility other than closets or cabinets shall be well lighted. Cell areas, dormitories, toilets, and day rooms shall have light fixtures capable of providing at least 20-foot candles of illumination at 30 inches above the floor to permit observation, cleaning, maintenance, and reading.
- 18.8 Floors, walls, ceiling, windows, doors, and all appurtenances of the structure shall be of sound construction and easily cleanable. Walls, ceilings, and area partitions shall be of light color.
- 18.9 Plumbing
 - a. Water supplies will be adequate to serve the demands of the detention facility and should be from an approved existing public supply where possible. When an on-site water supply is developed, the system shall be constructed, operated, and maintained in accordance with requirements of Chapter 62-550, Florida Administrative Code, to ensure that the water supply is of safe bacteriological and chemical quality. Routine water samples shall be submitted to determine that the quality of the water does not deteriorate.

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- b. Drinking water shall be accessible to all inmates.
- c. Showers shall have tempered running water under pressure and shall be available for inmates to take showers at least twice weekly (daily access to showers is preferred). The hot water supply to the shower shall not exceed 120 degrees Fahrenheit to prevent scalding.
- d. Sinks will have cold and either hot or tempered running water.
- e. All plumbing shall comply with requirements stated in Chapter 153, Florida Statutes.
- f. Plumbing fixtures such as toilets, water fountains, and sinks shall be constructed of smooth nonabsorbent easily cleanable material. Penal or security type fixtures may be used if construction meets the above requirements. If conventional toilets are installed, they shall be equipped with open front seats.
- g. Mop sinks or curbed areas where floor drains equipped with hot and cold running water shall be available in convenient locations throughout the facility for the proper disposal of cleaning water and to facilitate cleaning.
- h. All floor drains shall be equipped with tamper proof drain covers at all times. If self-priming floor drains are utilized, proper backflow devices shall be installed to prevent siphonage. All floor drain traps shall be kept wet to prevent sewer gas from entering the building.
- i. All sewage and liquid waste shall be disposed of into an approved public sewerage system, if available. The disposal system shall meet requirements stated in Section 381.0065, Florida Statutes.

18.10 All housing facilities shall be kept free of offensive odors with adequate ventilation.

- a. If natural ventilation is utilized, the opened window area for ventilation purposes shall be equal to one-tenth of the floor space in the inmate residential area.
- b. When mechanical ventilation or cooling systems are employed, the system shall be kept clean and properly maintained. Intake air ducts shall be designed and installed so that ducts or filters can be readily removed.
- c. In inmate residence areas and segregation cells with solid doors, mechanical ventilation systems shall provide a minimum of 10 cubic feet of fresh or filtered air per minute for each inmate occupying the areas.
- d. All toilet rooms shall be provided with direct openings to the outside or provided with mechanical ventilation to the outside.

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- 18.11 Laundry and Dry Cleaning – Where laundry facilities are provided, they shall be adequate to ensure an ample quantity of clean clothing, bed linens, and towels. Laundry facilities shall be of sound construction. Laundry rooms shall be well lighted and properly ventilated. Clothes dryers and dry cleaning machines shall be vented to the exterior. Exposure to dry cleaning solvents shall not exceed threshold limit values set by the American Conference of Governmental Hygienists.
- 18.12 Industrial areas – Noise levels shall not exceed an average of 90 dBA on a time weighted average for an eight-hour day as measured on the A scale of a sound level meter set at slow response, unless proper ear protection is provided. Thirty-foot candles of illumination shall be provided at task level. Adequate ventilation shall be provided to prevent exposure to dust and toxic gases or fumes.
- 18.13 Repair and Maintenance – The following items will be properly maintained and repaired:
- a. Light fixtures
 - b. Floors, walls, ceiling, windows, windowsills, window screens, doors, and all appurtenances of the structure
 - c. Plumbing fixtures
 - d. Sinks, toilets, water fountains, and floor drains
 - e. Laundry facilities
- 18.14 Preventative Maintenance – A preventative maintenance program will be established to include but not be limited to periodic painting, repairs, and other such maintenance as required.
- 18.15 Outdoor Areas – If a facility has an outdoor exercise area, it shall be well drained. If toilet and lavatory facilities are provided, they shall be maintained.
- 18.16 American with Disabilities Act – Compliance with the Florida Model Jail Standards will require that a correctional facility comply with Title II of the American Disabilities Act. Examples of best practices are set forth in the department of Justice ADA best practices toolkits for state and local governments.

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CHAPTER 19 – MINIMUM CONSTRUCTION STANDARDS

- 19.1 Any county or municipal government contemplating extensive renovation or new construction shall, prior to the conceptual development, establish the purposes and objectives of the facility. Such decisions should be the result of a consultation with the Public Safety Coordinating Council. The facility should obtain technical assistance in determining what type of renovation or construction of a new facility will best meet the needs of local government entities.
- 19.2 When renovation is contemplated, those items, which are to be renovated, must come into complete compliance with these standards. In addition, if any renovation affects square footage, bed space or out-of-cell time, then that part of the facility, which is to be renovated, must come into complete compliance with the standards established herein.
- 19.3 Design Standards – The following design standards are mandatory for all renovations, remodeling, or new construction:
- a. All aspects of design and construction shall conform to fire and safety standards and the Americans with Disabilities Act (A.D.A.) requirements.
 - b. All correctional facility designs shall provide for the maximum visibility of inmates by correctional officers and shall provide for the protection and safety of the correctional officers.
 - c. Entry of inmates into a detention facility by vehicle shall be through a secure vehicular sally port. This provision does not apply to facilities utilized exclusively as temporary holding facilities or to house reduced custody inmates.
 - d. Modular construction, other than pre-cast, shall comply with all safety and building codes.
 - e. All exterior confinement walls shall be either 6 inches of poured, reinforced concrete, 4 inches of pre-cast concrete, or other material deemed secure, or 8 inches of reinforced and filled concrete block. If concrete block is used, it must be reinforced horizontally with masonry reinforcing 16 inches on center and vertically with #4 steel reinforcing rods 16 inches on center and all voids filled with 3,000 PSI of concrete from top to bottom.
 - f. All interior walls surrounding a secure area shall meet the requirements for exterior walls. Wet areas shall conform to all safety and building codes.
 - g. All walls within a reduced custody housing area shall be standard masonry construction or other durable material to include, canvas, cloth, or any material similarly flexible or woven, which is supported by a structural frame of metal or similar durable material, is flame resistant, and provides for a secure exterior wall.

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- h. Ceilings in a secure housing area shall be either poured or pre-cast concrete. Poured in place concrete will be a minimum of 4 inches thick and reinforced. Pre-cast concrete panels will be 5,000 PSI reinforced concrete and shall be the manufacturer's standard thickness. Three quarters of an inch of cement plaster on ribbed metal lathe will be acceptable when the structural frame and secure walls of the building restrict escape routes. Cement plaster ceilings are required to cover pipe work, conduit, and duct work in areas where accessible to inmates.
- i. Single occupancy cells will be designed with a minimum of 63 square feet of floor space.
- j. Multiple occupancy cells will be designed with a minimum of 40 square feet of floor space per inmate in the sleeping area.
- k. Day room space shall be furnished providing a minimum of 35 square feet per inmate for all cell areas, except disciplinary and administrative confinement.
- l. Open dormitory or reduced custody housing units shall be designed with a minimum of 75 square feet of floor space per inmate, including both sleeping and day room area. However, inmates who are allowed out of their unit for a minimum of 8 hours per day (e.g., work programs, treatment programs, educational programs, etc.), may be housed in areas designated with a minimum of 70 square feet of floor space per inmate (sleeping and day room area included). The configuration of sleeping areas shall be such as to afford maximum visibility for the correctional officer.
- m. Holding cells will be designed to include sufficient space for seating of inmates. Holding cells shall be located within sight or normal sound of an officer at all times. Inmates in a holding cell shall have reasonable access to toilet, sink, and drinking water facilities upon request.
- n. Impervious floors shall be used in all areas. Suitable floor drains shall be installed so as to control vandalism.
- o. Provisions shall be made for emergency power to be constantly available for the purpose of maintaining essential services, security, and safety systems throughout the facility.
- p. Security vestibules are required whenever an entrance or exit penetrates the secure housing area or exterior confinement walls. Security vestibule doors shall be equipped with an interlock device to prohibit both doors being opened at the same time. Security vestibule door locks shall be either electrically or mechanically operated from a control box located remotely from the vestibule.
- q. Detention facilities shall provide a secure outside recreation area and multipurpose housing shall provide space for programs, visiting (including social

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and attorney visiting), and inside recreation. There shall also be adequate areas for medical examination and for storage of inmate property.

- r. Provision shall be made for secure sensitive storage and for a safe storage for items such as chemicals and flammable material.

19.4 All furnishings and equipment in secure housing areas shall be security type.

- a. Tool resistant steel of the latest industry standards shall be used in all security devices, which control access to the exterior of the facility.
- b. Window sash of all types located in inmates' secure housing quarters shall be of the security type. Detention windows, fixed or operable, shall not have a clear opening width exceeding 5 inches.
- c. Glass and glazing materials shall have the proper security values for the area in which they are used.
- d. View panels in security areas shall be security type with security type glazing.
- e. Doors leading into secure housing areas shall be either a minimum of 12 gauge sound deadened hollow metal with security glazed viewing panel or bar grille doors of not less than 7/8" steel bars, round or hexagonal spaced 5" on centers. These doors shall be a minimum of 3 feet wide.
- f. Cell doors shall be a minimum of 2'8" wide. Doors for single, multiple occupancy or dormitory type cells shall be of a material and design consistent with the security requirements of the area. Maximum-security cell doors shall be either 12 gauge sound-deadened hollow metal with security glazed panel or bar grille type.
- g. Doors to rooms in a reduced custody area or to individual cells in direct supervision areas shall be sound-deadened hollow metal or solid core wood with viewing panels.

19.5 Mechanical systems shall include the following:

- a. Heating, ventilating and/or air conditioning shall be designed to maintain temperatures at a normal comfort range in the occupied areas of the facility. Ducts penetrating inmates' access areas, which exceed 5 inches in length and width, shall have security grilles securely anchored wherever ducts penetrate secure walls, ceiling, or floors.
- b. Mechanical ventilation of all confinement areas not having adequate natural ventilation is mandatory.
- c. If natural ventilation is used, the window shall have a free area equal to one-tenth

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of the floor space. Cross ventilation is required.

- d. In secure housing areas, light fixtures shall be secure and tamper-proof with no exposed electrical conduit accessible to inmates. All switches and outlets with inmate access shall have a remote override.
 - e. All sinks and showers shall have cold and either hot or tempered water.
 - f. Single occupancy cells shall have a toilet and sink. Showers should be located in the day room area.
 - g. Multiple occupancy units, dormitory units, and direct supervision type housing units shall allow ready access to toilets, sinks, and showers.
 - h. Fixture counts shall be 2 toilets, 2 mirrors, 1 shower, and 2 sinks for each 16 inmates or fraction thereof. Stainless steel fixtures are recommended.
 - i. Bunks and tables in maximum-security housing areas shall be security type substantially anchored.
 - j. Flooding protection. Floor drains in inmate housing areas and holding cells shall be located to reduce the incidence of malicious tampering and flooding. Where practical, a drain shall be located in security corridors and not inside cells or day rooms.
- 19.6 All facilities shall be architecturally designed to satisfy all of the requirements of these standards.
- 19.7 Individual criteria. The aforementioned standards have been established for design and construction of correctional facilities to provide for security, custody, control, programs, and welfare of incarcerated inmates held under local authority.
- 19.8 USE OF REDUCED CUSTODY HOUSING AREA – Any county detention facility or municipal detention facility may provide for the custody on a temporary basis in a reduced custody housing area of sentenced or un-sentenced misdemeanants, non-dangerous felons, or such other inmates who are determined by the Sheriff or other Chief Correctional Officer to not present a risk of escape or a threat to the staff, other inmates, or themselves.
- a. Canvas, Cloth, or Facilities of Similar Materials. Pursuant to Section 951.23, Florida Statutes, inmates may be housed in a reduced custody housing area, which traditionally would have been an exterior security wall, but in lieu thereof, may be constructed of canvas, cloth, or any materials similarly flexible or woven, which is flame resistant and is supported by a structural frame of metal or similar durable material. Notwithstanding provisions of the otherwise applicable building code, a reduced custody housing area may be occupied by inmates or may be used

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for sleeping purposes. The Sheriff or Chief Correctional Officer shall provide that a reduced custody housing area shall be governed by fire and life safety standards, which do not interfere with the normal use of the facility and which effect a reasonable degree of compliance with rules of the State Fire Marshal for correctional facilities, Rule 69A-3.012 and Chapter 69A-54, Florida Administrative Code.

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CHAPTER 20 – ADMISSION, CLASSIFICATION AND RELEASE OF JUVENILES (FOR YOUTH DETENTION FACILITIES, REFER TO APPENDIX C)

- 20.1 When receiving and admitting a juvenile to an adult detention facility, the employees responsible for such admission shall inquire and determine that established rules, regulations, and legal procedures for such admission are met. Any legal or procedural questions concerning the admission of a juvenile to a detention facility shall be resolved prior to his/her admission.
- 20.2 A juvenile who has not been transferred to the adult system by direct file Section 985.557, Florida Statutes, waiver Section 985.556 Florida Statutes, or grand jury indictment (Section 985.56, Florida Statutes) or who has not been found to have committed a criminal offense as an adult, shall be held in temporary custody if release is not possible. Such juvenile shall only be held for a period not to exceed six hours in a secure booking area of a jail or other facility intended or used for the detention of adults for the purpose of fingerprinting or photographing the juvenile or awaiting appropriate transport to the Department of Juvenile Justice, provided no sight and sound contact between the juvenile and adult inmates or inmate workers are permitted and provided the receiving facility has adequate staff to supervise and monitor the juvenile's activities at all times pursuant to the provisions of Section 985.115, Florida Statutes.
- 20.3 ***When a juvenile is brought for placement in an adult jail, the intake officer shall assure that the juvenile is accompanied by certain documents, which, pursuant to Sections 985.201, 985.21 and 985.255, Florida Statutes, approve the placement of a juvenile in an adult jail. Such proper legal documentation shall remain in the juvenile's file at all times. Unless wanted in another jurisdiction as an adult, a juvenile shall not be placed in an adult jail unless one of the following documents is present:***
- a. ***Indicted juvenile. The arrest and booking report will be accompanied by the grand jury indictment.***
 - b. ***Waived juvenile. The arrest and booking report will be accompanied by a copy of the court order certifying that the juvenile has been waived for prosecution as an adult.***
 - c. ***Direct filed juvenile. The arrest and booking report will be accompanied by a certificate of filing of direct information by the state attorney.***
 - d. ***Pursuant to Sections 985.201 and 985.557, Florida Statutes, any juvenile who has been found to have committed a criminal offense as an adult and upon whom the court has imposed adult sanctions shall be treated as an adult upon admission pursuant to any subsequent arrest. The receiving facility shall contact the Court Clerk's Office, State Attorney's Office, or other appropriate agency to verify the offender's status.****
- 20.4 If a juvenile is taken into custody for a criminal traffic offense or a driver's license

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violation and the juvenile does not demand to be taken before a magistrate, the receiving facility shall immediately notify, or cause to be notified, the minor's parents, guardian, or responsible adult relative of the action taken. After making every reasonable effort to give notice, the arresting officer or booking officer may, pursuant to Section 316.635(3), Florida Statutes.

- a. Issue a notice to appear pursuant to Section 901.28, Florida Statutes, and release the minor to a parent guardian, responsible adult relative or other responsible adult;
- b. Issue a notice to appear pursuant to Section 901.28, Florida Statutes, and deliver the minor to an appropriate substance abuse treatment or rehabilitation facility or refer the minor to an appropriate medical facility as provided in Section 901.29, Florida Statutes. If the minor cannot be delivered to an appropriate substance abuse treatment or rehabilitation facility or in accordance with Section 985.56, Florida Statutes; or
- c. If the violation constitutes a felony and the minor cannot be released pursuant to Section 903.03, Florida Statutes, the minor may be released in accordance with Section 985.115, Florida Statutes.

20.5 However, except for a conviction of a traffic offense involving death or personal injury, a minor shall not be imprisoned in an adult detention facility pursuant to Sections 985.56 and 316.635, Florida Statutes. If a minor is imprisoned for a traffic offense involving death or personal injury, under no circumstances shall the minor be placed in the same cell as an adult. The facility shall have adequate staff to supervise and monitor the minor's activities at all times. *

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CHAPTER 21 – HOUSING OF JUVENILES

- 21.1 a. *When a juvenile has been transferred for prosecution as an adult by direct file, waiver or grand jury indictment or is wanted by another jurisdiction for prosecution as an adult, the juvenile shall be housed separately from adult inmates to prohibit the juvenile from having regular contact with incarcerated adults, including inmate workers. "Regular contact" means sight and sound contact. Separation of juveniles from adults shall permit no more than haphazard or accidental contact.**
- b. *The receiving jail or other facility shall contain a separate section for juveniles and shall have an adequate staff to supervise and monitor the juvenile's activities at all times. Supervision and monitoring of juveniles shall include physical observation and documented checks by receiving facility correctional officers at intervals not to exceed 10 minutes.**
- c. Nothing in this paragraph shall prohibit the placing of two or more juveniles in the same cell provided the cell meets the size requirements outlined in Section 19.3 – Design Standards.
- d. Under no circumstances shall a juvenile be placed in the same cell with an adult, pursuant to Section 985.215, Florida Statutes.

21.2 Pursuant to the provisions of Sections 985.56, 985.556, and 985.557, Florida Statutes, juveniles may be housed with adults if all the following conditions exist:

- a. The juvenile has been certified for prosecution as an adult by the courts by direct file, waiver or grand jury indictment; and
- b. The juvenile has been tried as an adult; and
- c. The juvenile has been found to have committed the offense for which he was charged or a lesser included offense; and
- d. The juvenile has been sentenced as an adult. However, no juvenile shall be placed in adult housing unless the juvenile's classification is the same as the adults with whom the juvenile is housed.

21.3 A juvenile who has been found to have committed a criminal offense as an adult and who has received adult sanctions may be housed as an adult on any subsequent admission. However, no juvenile shall be placed in adult housing unless the juvenile's classification is the same as the adults with whom the juvenile is housed.

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CHAPTER 22 – YOUTH DETENTION FACILITIES

Preface – The spirit of this chapter refers specifically to county operated youth detention facilities; the preceding FMJS Chapters 1 through 21 also applies to county operated youth detention facilities. However, FMJS Chapter 22 standards are designed to be specific to county operated youth detention facilities, **thereby signaling an acknowledgement that children in the juvenile justice system are fundamentally different than adults**, requiring certain departures from typical adult facility protocols. Failure to meet any standard in Chapter 22 would be considered a serious violation that may result in removal of certification and compliance authorization to operate the county operated youth detention facility by the FMJS Working Group. Youth detention facilities must comply with Federal requirements and inspections as well.

Pursuant to Florida Statutes as it pertains to and empowers the Florida Model Jail Standards, the following law was enacted in 2011:

985.688 Administering county and municipal delinquency programs and facilities. –

(11)(a) Notwithstanding the provisions of this section, a county is in compliance with this section if:

- 1. The county provides the full cost for pre-adjudication detention for juveniles;*
- 2. The county authorizes the county sheriff, any other county jail operator, or a contracted provider located inside or outside the county to provide pre-adjudication detention care for juveniles;*
- 3. The county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association; and*
- 4. The facility is inspected annually and meets the Florida Model Jail Standards.*
 - (a) A county or county sheriff may form regional detention facilities through an interlocal agreement in order to meet the requirements of this section.*
 - (b) Each county sheriff or other county jail operator must follow the federal regulations that require sight and sound separation of juvenile inmates from adult inmates.*
 - (c) A county or county sheriff that complies with this subsection is not subject to any additional training, procedures, or inspections required by this chapter.*

The supervision, care, custody, treatment, housing, and general handling of youths shall be in accordance with the following standards:

22.1 Technical Assistance and Re-inspection Protocol

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- a. FMJS Compliance Assistance – The Sheriff or Officer in Charge may contact the Florida Sheriff's Association (FSA) for assistance in achieving compliance with the FMJS.
 - 1. Each facility shall be pre-inspected by a FMJS inspector for compliance prior to operation.
 - 2. Annual regular inspections shall commence upon initial FMJS pre-inspection compliance.
 - 3. Any failed pre-inspections or regular inspections shall require a corrective action plan and re-inspection within 90 days to prove compliance.
 - 4. A second failure of FMJS compliance during re-inspection shall result in the denial of certification and compliance authorization to operate the facility by the FMJS Working Group. After a failed re-inspection, the Officer in Charge must submit, in writing, a request to the FSA for a subsequent inspection certifying that all failed standards have been met. Thereafter, the facility must pass a new inspection for the previous failures to meet previously deficient standards.

22.2 USE OF FORCE

- a. Each agency shall develop policies and procedures on use of force, which is consistent with the Florida Department of Law Enforcement (FDLE) Use of Force Continuum and/or the Florida Department of Juvenile Justice (FDJJ) Use of Force Continuum regarding resistance and control techniques as well as local, state, and federal laws.
 - 1. FDLE approved training for certified corrections officers is required
 - 2. FDJJ approved training for non-corrections certified employees is required
- b. Each agency will adopt a comprehensive annual training program for employees consistent with policies and procedures and the Florida Department of Law Enforcement (FDLE) Use of Force Continuum and/or the Florida Department of Juvenile Justice (FDJJ) Use of Force Continuum regarding resistance and control techniques.
 - 1. FDLE approved training for certified corrections officers is required
 - 2. FDJJ approved training for non-corrections certified employees is required
- c. Failure to abide by use of force policies and training requirements consistent with the Florida Department of Law Enforcement (FDLE) Use of Force Continuum

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and/or the Florida Department of Juvenile Justice (FDJJ) Use of Force Continuum regarding resistance and control techniques may result in removal of certification and compliance authorization to operate the facility by the FMJS Working Group.

1. FDLE approved training for certified corrections officers is required
 2. FDJJ approved training for non-corrections certified employees is required
- d. Employees shall use the minimal amount of force necessary (beginning with verbal intervention techniques) to effect control over a youth.
 - e. Verbal intervention techniques shall be the initial response by an employee to resistance by a youth except where physical intervention techniques are necessary to prevent physical harm to the youth, employee, or another person; property damage; or the youth is attempting escape or absconding from lawful supervision.
 - f. When resistance “escalates suddenly”, employees shall use an appropriate means to defend other youths and themselves, in accordance with policies and procedures, local, state, and federal laws given the existing circumstances.
 - g. In any case where force is used, a written and signed report shall be made by the employee to the Officer-in-Charge or designee, who shall review the report, have an investigation made when warranted, and shall approve or disapprove the use of force based upon policies and procedures, local, state, and federal laws.
 - h. All use of force reports shall be retained in compliance with the General Records Schedule and Chapters 119 and 257 of the Florida Statutes and made available to the Florida Department of Juvenile Justice (DJJ).
 - i. A youth involved in a "Use-of-Force" incident shall be examined by medical personnel, as soon as practical following the incident. Acknowledgment of the medical examination shall be annotated on the "Use-of-Force" report. The results of the examination shall be documented in the youth’s medical file.
 - j. Agency approved chemical and electronic weapons may be accessible in the juvenile facility to certified corrections officers.
 - k. Agency approved chemical agents and electronic weapons shall only be used by certified corrections officers trained in their use, when the use of force is necessary, when this level of force is the least likely to cause injuries to staff or youths, and only if in compliance with and if authorized by the policy and procedure directives for the facility. In all cases where chemical agents or electronic weapons are used on youths, each youth shall be examined by medical personnel as soon as practical. Acknowledgment of the medical examination shall be annotated on the Use-of-Force report.

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- l. Employees who are assigned to adult inmate duties shall not directly supervise in a county operated youth detention facility on the same shift unless the adult inmate duties come after youth detention duties; except in life-threatening situations. (Once adult inmate duties are performed, an employee shall not return to the direct supervision of youth duties during the same work-shift)
- m. Facility staff providing specialized services (medical care, food service, laundry, maintenance, engineering, etc.) who are not normally in contact with detainees, or whose infrequent contacts occur under conditions of separation of juveniles and adults, can serve both populations (subject to state standards or licensing requirements). **Adult inmates shall not be allowed to serve meals or provide miscellaneous duties in a youth detention facility.**
- n. Each juvenile detention facility will maintain an electronic video recording system and archive the recordings for at least 30 days.

22.3 CLASSIFICATION

The primary objective of a classification plan is to place youths in the type of housing that best meets their needs and to provide reasonable protection for all youths.

- (a) Each facility shall have a classification plan that includes the following:
Consideration of age, physical, gender, mental, social, educational maturity of the youth, medical disabilities, and other special needs.
- (b) Housing assignments for sexually aggressive youths will be made to protect other youths.

22.4 SUICIDE PREVENTION

- (a) Close Supervision – is reserved for a youth who is not actively suicidal but expresses suicidal ideations and/or has a recent prior history of self-destructive behavior and would be considered a low risk for suicide. Close supervision requires regular, documented, physical observation of the youth by staff or members of the medical staff at intervals not to exceed ten (10) minutes. A written directive by each agency shall address “close supervision” as for placement, participation, and removal.
- (b) Direct Observation – is reserved for a youth who is actively suicidal, either by threatening or engaging in self-injury and would be considered a high risk for suicide. Direct supervision requires the youth to be observed by a staff member on a continuous, uninterrupted basis with documented ten (10) minutes checks. A written directive by each agency shall address “direct observation” as for placement, participation, and removal.

22.5 CASE-RECORD MANAGEMENT

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Records shall be maintained on each youth.

- (a) A daily reporting system will be maintained by the facility and include information related to the admission, release, and current status of all youth in the facility. This information will be entered into the Florida Department of Juvenile Justice Information System (JJIS) daily; provided the DJJ makes the JJIS system available including training at no cost to the county facility.

22.6 BEHAVIOR MANAGEMENT

Rules and regulations governing the conduct of youths and visitors shall be posted and available to each youth and all visitors.

- a. A systematic behavioral management system of consequences and rewards shall be in place to encourage positive behavior from the youths.
- (b) The use of drugs to control youth behavior is prohibited, foregoing the administration of medication as prescribed by a licensed physician.

22.7 ACTIVITIES AND PROGRAMMING

Youth shall be provided the opportunity to participate in constructive activities that will benefit the youth as follows:

- (a) Gender-specific educational programming shall be available for at-risk girls and boys, to include topics such as physical and mental abuse, high-risk sexual behavior, mental health and substance abuse issues, and gang activity.
- (b) Educational programming shall be made available that includes life and social skill competency development, which help youths function more responsibly and successfully in everyday life situations, including social skills that specifically address interpersonal relationships.
- (c) Education for the youths shall be provided in accordance with State law and funding availability.
- (d) Recreation and physical activities shall be provided to promote physical growth and development, including daily large muscle exercise. Youths shall have the opportunity to have daily exercise, weather permitting. Uncontrollable or violent youths shall have their recreational time curtailed as required for safety.

22.8 HOUSING

Youth shall not be housed in direct supervision units unless approved by the facility classification process in accordance with Section 951.23 (4), Florida Statutes.

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22.9 MANDATORY CHILD ABUSE REPORTING PER FLORIDA STATUTE

Any facility employee who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined by Section 39.201, Florida Statutes, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, reports such knowledge or suspicion to the Florida Abuse Hotline, as prescribed in Section 39.201(1)(a), Florida Statutes.

- (a) Youths shall be allowed to self-report abuse as well.

22.10 TRANSPORTATION

- (a) All youths and employees shall wear seat belts during transportation.
- (b) Employees shall lock facility vehicles when not in use.
- (c) Staff performing supervision within the secure area of a juvenile detention center may not supervise adult inmates on the same shift prior to supervising youth inside the secure area of juvenile detention center. If a staff member supervising youth within the secure area of a detention center, then supervises adult offenders, the staff member may not return to supervising youth within the secure area of the detention center. This shall not apply to a transportation unit whose sole duties reside in moving adults and juveniles outside of the secure area but does not perform supervision duties within the secure area of a juvenile detention center or correctional facility. Adult inmates and juveniles shall not be transported together.

22.11 MEDICAL CARE AND TREATMENT

- (a) All medical care and treatment shall be governed by informed consent practices applicable in Section 743.0645, Florida Statutes. Emergency medical care or treatment may be rendered to minors without parental consent as defined in Section 743.064, Florida Statutes, with notification accomplished as soon as possible after the emergency medical care or treatment is administered. Per Section 743.0645 (1) (b), Florida Statutes: Medical care and treatment includes ordinary and necessary medical and dental examination and treatment, including ordinary immunizations, tuberculin testing, and well child care, but does not include surgery, general anesthesia, provision of psychotropic medications, or other extraordinary procedures for which a separate court order, power of attorney or informed consent as provided by law is required; except as provided in Section 39.407(3), Florida Statutes.
- (b) With the exception of emergency medical care and care that is required by Florida Statute, all medical treatment shall require informed consent of the parent or

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guardian. In the absence of parent or guardian consent, a court order may be required.

- (c) It is required that juveniles receive a health appraisal within 7 days of admission to the facility;
- (d) It is required that juveniles found to be under the influence of drugs or alcohol should not be admitted and be directed to the nearest hospital emergency room for evaluation and medical clearance.
- (e) Youths may not be confined in isolation for medical purposes unless the order is made by a medical professional and approved by a medical doctor. In addition, such youth should be examined by a physician or designee within 8-12 hours of his or her confinement.

22.12 BAKER ACT

Youth brought to the facility pursuant to Section 397.677, Florida Statutes, (protective custody/Baker Act) shall not be housed at the facility but will be referred to either a local hospital or designated Mental Health/Baker Act receiving facility until such time as it is determined that the youth no longer meet Baker Act criteria.

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APPENDIX A – CONSTRUCTION PRIOR TO OCTOBER 8, 1976

EXHIBIT 1

PER SPECIFIED UNIT OF FLOOR SPACE FACTORING PROCESS

This factoring process will apply to detention facilities constructed prior to October 8, 1976.

Recognizing that these facilities do not comply with current space requirements, this process has been developed to allow these facilities to house inmates in smaller quarters, provided they are allowed sufficient out-of-cell time to equal the requirements of this process. Inmates shall be afforded a square footage factor of 63 in cells of any type (22 of which must be sleeping space) and a square footage factor of 75 in dormitories, sleeping quarters, or reduced custody housing area (40 of which must be sleeping space).

As used in this process, cell refers to any type of cell as defined in subsection (1.4) of these standards.

Density (capacity) for each cell is determined by consideration of all the above square footage factors. It results in setting the number of persons who may be placed in each cell and only under the conditions described by the completed factoring process.

Programmed out-of-cell time will be factored on the following schedule based on reasonable activities in a detention facility. A square foot factor of 3 will be allowed for each hour of programmed out-of-cell time per week not to exceed the maximum allowable described below.

Sq. F.F. = Square Foot Factor

N.T.E. = Not to Exceed

Visiting (out-of-cell) NTE 27 (9 hours per week)

Outside Recreation/Exercise NTE 21 (1 hour per day)

Inside Recreation/Exercise/Programs NTE 21 (1 hour per day)

Common Dining NTE 21 (1 hour per day)

Work NTE 41 (Maximum allowable under process)

Total NTE 41 (Maximum allowable under process)

The limited factors (N.T.E.) allowed for out-of-cell time prevent the process from circumventing the minimum square footage requirement in cells. The maximum factor of 3, in most instances, will require access to at least two programs for those cells containing minimum square footage. Programs providing for out-of-cell factors shall be included in facility policies and procedures and accurate records maintained on required forms.

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APPENDIX B – CONSTRUCTION PRIOR TO OCTOBER 1, 1996

An adult county or municipal detention facility constructed prior to October 1, 1996 may house two inmates in a single cell of 63 square feet or more, provided the following conditions are met:

- (a) Inmates are permitted out of the single cell a minimum of 10 hours per day to a day room, dining area, exercise area or other area approved for inmate occupancy;
- (b) Neither inmate is classified as dangerous or special risk;
- (c) Both inmates are similarly classified;
- (d) The combined bed space does not exceed 22 square feet of floor space;
- (e) Additional staff, as determined by the Officer-in-Charge or designee, is provided for the supervision of inmates. The following criteria shall be evaluated in determining the additional staff needed:
 - (1) Admission, Classification, and Release, Chapter 6
 - (2) Housing, Chapter 7
 - (3) Medical, Chapter 9
 - (4) Clothing and Bedding, Chapter 10
 - (5) Programs, Chapter 11
 - (6) Privileges, Chapter 12
 - (7) Security and Control, Chapter 13
 - (8) Sanitation, Chapter 14
 - (9) Minimum Construction Standards, Chapter 19

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APPENDIX C – YOUTH DETENTION FACILITIES

- (a) (1.30) *Juvenile* is expanded to differentiate between people under the age of 18 within the juvenile justice system and other youth currently housed in adult jails, i.e., youth charged as adults or previously found to have committed an offense as an adult;
- (b) (1.41) *Prisoner* or *Inmate* is edited to add *juvenile* or *youth* to reflect the possibility that such individuals may be housed by sheriffs;
- (c) (4.1) Because detention is especially stressful for youth and the average length of detention for juveniles is 48 hours, the provision exempting FMJS sections regarding visitation and other privileges is edited to permit juveniles such visits and privileges regardless of how recently they arrived in the facility. Juveniles should be moved into regular programming as soon as practicable.
- (d) (3.2) Technical Assistance is expanded to include encouragement to facility operators to seek assistance from the FSA and DJJ;
- (e) A daily reporting system will be maintained by the facility and include information related to the admission, release, and current status of all youth in the facility. This information will be entered into the Florida Department of Juvenile Justice Information System (JJIS) daily.
- (f) (4.9) Compliance Enforcement is edited to make clear that a circuit court may order the transfer of juveniles to another county or the DJJ for noncompliance with the FMJS;
- (g) Chapter 6 and the FMJS must ensure that juveniles are not to be admitted to a county operated juvenile detention facility in violation of either Chapter 985, Florida Statutes, or the federal Juvenile Justice and Delinquency Prevention Act.
- (h) (7.4) Special Needs Inmates is expanded to include juveniles who are low functioning.

Section 393.063, Florida Statutes:

(12) "Developmental disability" means a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

(24) "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior that manifests before the age of 18 and can reasonably be expected to continue indefinitely. For the purposes of this definition, the term:

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(a) Adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of his or her age, cultural group, and community.

(b) "Significantly subaverage general intellectual functioning" means performance that is two or more standard deviations from the mean score on a standardized intelligence test specified in the rules of the agency.

Title 42 of the United States Code Chapter 144 and the Developmental Disabilities Assistance and Bill of Rights Act of 2000 defines the term “developmental disability” as:

(8) DEVELOPMENTAL DISABILITY.—

(A) IN GENERAL

The term "developmental disability" means a severe, chronic disability of an individual that—

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:
 - (I) Self-care.
 - (II) Receptive and expressive language.
 - (III) Learning.
 - (IV) Mobility.
 - (V) Self-direction.
 - (VI) Capacity for independent living.
 - (VII) Economic self-sufficiency; and
- (v) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

7.4 Special Needs Inmates is also expanded to include juveniles who are: (1) under the age of nine, (2) have a mental illness as determined by the health authority regardless of age, (3) have the characteristics of an intellectual disability regardless of age, or (4) have the characteristics of autism spectrum disorder.

(a) Characteristics of Persons with Intellectual Disabilities

1. May not communicate at age level (limited vocabulary, difficulty understanding/answering questions, mimics answers/responses,

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unable to communicate events clearly in his/her own words, unable to understand complicated instructions or abstract questions).

2. May not understand consequences of situations (unaware of seriousness of situations, easily led or persuaded by others, and/or naïve eagerness to confess or please authority figures).
3. May not behave appropriately (unaware of social norms, acts younger than actual age, may display childlike behavior, displays low frustration tolerance and/or poor impulse control, may “act out,” become emotional, or try to leave under pressure).
4. May have difficulty performing tasks (inability to read write or tell time, easily distracted, poor motor coordination).

b. Characteristics of Persons on the Autism Spectrum:

1. Non-verbal or has limited speech.
2. Avoids eye contact.
3. If verbal, may have trouble with correct speech volume.
4. Rocks back and forth.
5. Demonstrates apparent insensitivity or high tolerance for pain.
6. Responds in unusual manner to lights, sounds or other sensory input.
7. Exhibits avoidance of touch.
8. Seeks sensory stimulation, including heavy pressure.
9. Display inappropriate behaviors, like laughing or giggling at inappropriate things.
10. Echoes words or phrases.

- (i) (8.4) is edited to include a healthy snack for juveniles, in addition to 3 nutritious meals;
- (j) (8.6) Menus shall be clarified to note that juveniles have caloric and nutritional needs greater than adults and that pregnant girls have special dietary needs that must be met;
- (k) (10.5) is edited to permit juveniles clean clothes daily; including underwear.
- (l) (11.3)(g) All detained juveniles are *per se* indigent and supplied with writing materials and postage to correspond with attorneys and courts, as well as their family.
- (m) (11.4) Visiting – Juveniles shall be permitted visitation with family at least three (3) times a week.
- (n) (11.5) Work – Juveniles may not be required to work other than to clean their

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living area and secure common areas and shall be specifically exempted from this standard;

- (o) (11.6) Exercise – Juveniles shall be permitted at least 1 hour of large muscle exercise a day;
- (p) (11.10) is edited to make it clear that juveniles may not have access to work release.
- (q) (13.7) is edited to require logged visual checks of youth every 10 minutes.
- (r) (15.4) is edited to mandate that juveniles have an advocate assigned to them for the purposes of disciplinary hearings;
- (s) Chapter 20 does not apply to detention facilities that house pre-adjudicated youths in the juvenile justice system.
- (t) Effective October 1, 2011, youth detention buildings previously operated by the DJJ may be exempt from FMJS housing standard 18.1 when taken over by a Sheriff or County for the purposes of pre-adjudicated youth detention. Upon renovation or modification completion, all standards of 18.1, 18.2, and 18.3 shall be met.