

5139-35-01

Definitions.

- (A) "Admissions officer" means for purposes of this chapter, the admissions officer is that person responsible for carrying out the admissions process.
- (B) "Admissions process" means the point of entry into a program, during admission processing, the child receives an orientation to the goals of the program and program rules and regulations. Assignment to living quarters and to appropriate staff members is also completed at this time.
- (C) "Annual average daily population" means the number arrived at by adding up the official resident count taken at an appointed time each day consistently for a full fiscal year and dividing that figure by the total number of days in the year.
- (D) "Approval" means written authorization to operate a residential center from the department under state law and is issued by the department when a facility meets applicable standards.
- (E) "Chemical agent" means any chemical spray, gas, or powder used to temporarily incapacitate a person, including oleoresin capsicum (pepper spray), tear gas, and 2-chlorobenzalonnitrite gas~~an active substance, such as tear gas, used to deter activities that might cause personal injury or property damage.~~
- (F) "Child care staff member" means for the purpose of staff/child ratio, one whose duty is primarily the supervision of child or the immediate supervisor of child supervision staff. This would not include teachers, cooks, tradesmen, etc., whose child supervision duties are incidental to their primary responsibility.
- (G) "Code of ethics" means a set of rules describing acceptable standards of conduct for all employees.
- (H) "Community residential center" means a facility, referred to hereafter as CRC, in which children, including the children of any staff residing at the facility, are given care and supervision twenty-four hours a day.
- (I) "Community resources" means those social and welfare agencies, service clubs, citizen interest groups and citizen volunteers who have the potential to assist children. These various resources, which may be public or private, national or local, have the potential for held ranging from material and financial assistance, to guidance, counseling, and supportive services.
- (J) "Compliance" means compliance with this chapter shall be determined as follows:

- (1) Twelve months following the effective date of this chapter , and at all times thereafter, one hundred percent compliance with all standards labeled as "mandatory."
 - (2) Twelve months following the effective date of this chapter through twenty-four months after the effective date of this chapter, sixty per cent of standards labeled as "recommended" must be complied with.
 - (3) Twenty-four months and one day through thirty-six months following the effective date of this chapter, seventy per cent of standards labeled as "recommended" must be complied with.
 - (4) Thirty-six months and one day through forty-eight months after the effective date of this chapter, eighty per cent of standards labeled as "recommended" must be complied with.
 - (5) Forty-eight months and one day and thereafter, ninety per cent of those standards labeled as "recommended" must be complied with.
- (K) "Conflict of interest" means any employee action that adversely affects the interest of the agency. Outside concerns may bring undue pressure upon the employee in his/her effort to make decisions concerning official duties.
- (L) "Contraband" means any item possessed by children or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.
- (M) "Contractual arrangement" means an agreement between parties to provide services to children for remuneration.
- (N) "Corporal punishment" means any act of inflicting punishment directly on the body, causing pain or injury.
- (O) "Department" the Ohio department of youth services.
- (P) "Director" means the director of the Ohio department of youth services.
- (Q) "Dormitory" means any room sleeping more than five children.
- (R) "Emergency" any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster,
- (S) "Emergency care" means care an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call. Emergency care shall be provided to

the child population by the medical director, physician, other staff, local ambulance services and/or outside hospital emergency rooms. This care shall be expedited by following specific written procedures for medical emergencies described in Chapter 5139-14 of the Administrative Code.

- (T) "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area, whether or not enclosing a building or a set of buildings, which is used for the lawful custody and treatment of children.
- (U) "Facility administrator" means any official, regardless of local title (e.g., director, administrator, superintendent), who has the responsibility for day-to-day management of the facility.
- (V) "First aid" means care for a condition that requires immediate assistance from a person trained in first aid and care and the use of the facility's first-aid kits.
- (W) "Grievance" means a circumstance or action considered to be unjust and grounds for complaint.
- (X) "Health care" means the sum of all action taken, preventive and therapeutic, to provide for the physical and mental well being of the population of a facility. Health care includes medical and dental services, and environmental conditions.
- (Y) "Health care personnel" means individuals whose primary duties are to provide health services to residents in keeping with their respective levels of health care training or experience. (See qualified health personnel.)
- (Z) "Health trained personnel (medically trained personnel) means child care and administrative personnel who are trained and appropriately supervised to carry out certain specific duties with regard to the administration of health care.
- (AA) "Hearing" means a proceeding to determine a course of action, such as the placement of a child, or to determine guilt or innocence in a disciplinary matter. Argument, witnesses, or evidence are heard by a judicial officer or administrative body in making the determination.
- ~~(BB) "Isolation" means the physical placement of a youth in a room where his or her ability to egress is blocked.~~
- ~~(CC)~~(BB) "Least restrictive physical restraint" means the least amount of direct physical contact required on the part of a staff member to prevent a child from harming him/herself or others, or for the protection of property.

~~(DD)~~(CC) "Life safety code" means a manual published and updated by the national fire protection association specifying minimum standards for fire safety. Two chapters are devoted to corrections facilities.

~~(EE)~~(DD) "Living unit" means an area of a detention center which is comprised of the room(s) in which residents sleep, a day room and sanitation facilities. The day room and the sanitation facilities may be adjacent to the sleeping area.

~~(FF)~~(EE) "Medical screening" means a system of structured observation/initial health assessment to identify newly arrived children who pose a health or safety threat to themselves or others.

~~(GG)~~(FF) "New plant" means a facility which has been constructed, as contrasted to renovated, remodeled or added to.

~~(HH)~~(GG) "Orientation" means the process, or the period of time, in which a new employee is acquainted with all aspects of the detention center.

~~(II)~~(HH) "Parent governmental agency (parent agency)" means the administrative department or division to whom the agency seeking funding or approval reports; it is the policy setting body.

~~(JJ)~~(II) "Physical force" means physical contact between staff and child to protect the child from harming himself, herself, or others, to stop a child who presents danger of escape, or property destruction that involves threat to the child's safety or the safety of others in accordance with policy and procedures. ~~any violence, compulsion or constraint physically exerted upon or against a person's body by any means, including the use of firearms, chemical agents, clubs, or direct bodily contact.~~

~~(KK)~~(JJ) "Placing agency" means the agency which refers the child for out-of-home placement.

~~(LL)~~(KK) "Policy" means a course or line of action adopted and pursued by an agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel and units must operate. They are statements of guiding principle that should be followed in directing activities toward the attainment of objectives. Their attainment may lead to compliance with standards as well as compliance with the overall goals of the agency/system.

~~(MM)~~(LL) "Procedure" means the detailed and sequential actions that must be executed to ensure that a policy is fully implemented. It is the method of performing an operation, or a manner of proceeding on a course of action. It differs from a policy in that it

directs action in a particular situation to perform a specific task within the guidelines of policy.

~~(NN)~~(MM) "Program" means the plan or system through which a correctional agency works to meet its goals.

~~(OO)~~(NN) "Provisional approval" means the written authorization for residential center to operate under state law which may be issued by the department when a residential facility is temporarily unable to comply with one or more standards but is in the process of coming into full compliance.

~~(PP)~~(OO) "Qualified health care personnel" means physicians, dentists and other professional and technical workers who by state law engage in activities that support, complement or supplement the functions of physicians and/or dentists and who are licensed, registered or certified as appropriate to their qualification or registration.

~~(QQ)~~(PP) "Rated capacity" means the number of residents which a facility was originally designed to house, or currently has the capacity to house as a result of later, planned modifications, exclusive or extraordinary arrangements to accommodate overcrowded conditions.

~~(RR)~~(OO) "Records means information concerning the individual's personal, delinquent or criminal and medical history, behavior, and activities while in custody, including but not limited to: commitment papers, court orders, detainers, personal property receipts, visitors' lists, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

~~(SS)~~(RR) "Referral" means the process by which a child is introduced to an agency or service where the assistance needed can be obtained.

~~(TT)~~(SS) "Renovation" means a significant structural or design change in the physical plant of a facility.

~~(UU)~~(TT) "Residents" means all children who reside in a facility.

~~(VV)~~(UU) "Responsible health care authority" means the individual or medical resource such as a hospital or clinic to whom has been delegated the responsibility for the facility's health care services, including arrangements for all levels of health care and the ensuring of quality and accessibility of all health services provided to children.

~~(WW)~~(VV) "Restraining device" means any mechanical object designed to physically control or incapacitate a person. These include wrist manacles, ankle manacles, straight jackets, leg irons, restraining straps and other such devices.

~~(XX)~~(WW) "Restraint" means the extraordinary restriction of a child's freedom or freedom of movement.

(XX) "Room confinement" means the involuntary restriction of a child in a cell, room or other area identified by the director or designee where egress is blocked and the child is separated from the general population. Room confinement does not include normal sleeping hours or for brief periods of transitions, such as shift changes. Medical isolation and self-confinement are not considered room confinement.

(YY) "Safety equipment" means firefighting equipment, i.e., chemical extinguishers, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices, gas masks, fans, first-aid kits, stretchers, and emergency alarms.

(ZZ) "Search" means an examination falling into one of the following three categories;

(1) "Frisk search" means a routine search of a resident's clothes, head cavities, and a through pat down juvenile's person, which involves physical contact with the juvenile's outer clothing. The juvenile is not required to remove clothing, with the exception of shoes, hat, and/or jacket.

(2) "Strip search" means an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments. ~~a visual search of a resident's naked body and a search of the resident's clothing while they are not being worn.~~

(3) "Body cavity search" means an inspection of the anal or vaginal cavity of a person that is conducted visually or manually, by means of any instrument, apparatus, or object, or any other manner. Ohio Revised Code 2933.32 ~~Cavity search" means a probe of a resident's lower body cavity(ies) to be conducted by trained medical personnel only.~~

(AAA) "Security perimeter" means a secure boundary which encloses the entire portion of the facility in which residents are confined. Passage through this boundary must be strictly controlled.

(BBB) "Secure institution" means any facility or portion of that facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility' staff, thereby not allowing a child to leave the facility unsupervised or without permission.

(CCC) "Security devices" means locks, gates, doors, bars, fences, screens, ceiling, floors, walls and barriers used to confine and control detained persons. Also included

are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

(DDD) "Serious incident" means a situation in which injury serious enough to warrant professional medical attention occurs involving a resident, employee, or visitor on the grounds of the institution. Also, a situation containing an imminent threat to the security of the institution and/or to the safety of residents, employees, or visitors on the grounds of the institution.

Effective:

Five Year Review (FYR) Dates: 11/14/2018

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5139.04
Rule Amplifies: 5139.04
Prior Effective Dates: 02/03/2004, 01/30/2009