TITLE 81 - JAIL STANDARDS BOARD

CHAPTER 1 - STANDARDS FOR JAIL FACILITIES - DEFINITIONS AND PURVIEW

**001 Policy** It is the policy of the Jail Standards Board that the following clarification of terminology and parameters be applied in the promulgation of Standards for all jail facilities within the jurisdiction of the State of Nebraska.

**002 Definitions.** ~~Except where~~ Unless the context otherwise ~~provides~~ requires, the following definitions shall apply to the Title 81 Standards for Jail Facilities:

**002.01 Administrative segregation** - A form of separation from the general population administered by the classification committee or other authorized group when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution.

**002.02 Admission** - The process of entry into a facility. During admission processing, the adult offender is booked, and receives an orientation to facility rules and regulations. If the offender is to be housed, assignment to housing is completed at this time.

**002.03 Arrestee** - A person who has been taken into legal custody by a law enforcement agency.

~~002.01 "approved rated capacity~~ **002.04 Approved rated capacity** - ~~shall mean~~ ~~t~~The number of inmates which may be housed in any cell, room unit, building, jail facility, or combination thereof. This shall not limit a facility administrator from expanding this capacity during an emergency situation.

~~002.02 "average daily population~~ **002.05 Average daily population** - ~~shall mean~~ ~~t~~The average number of inmates housed in a jail facility on any day of the year.

**002.06 Booking** - An official recording of an arrest and the identification of the person, place, time, arresting authority, and reason for the arrest. It is a procedure for the admission of a person cited with or convicted of an offense, which includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

**002.07 Classification** - A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

**002.08 Contraband** - Any item possessed by confined offenders or found within the facility that is illegal by law or prohibited by the facility policy and procedure.

**002.09 Correspondence** - Any papers, documents or mail delivered to the facility for an inmate which can be accepted into the facility. An item may be considered rejected if it is not accepted into the facility.

~~002.03 "design"~~ **002.10 Design** - ~~shall mean~~ ~~t~~Those essential areas or features which comprise the physical layout of a jail facility. Essential areas or features shall include, but not be limited to, the following:

> ~~002.03A single~~ **002.10A Single occupancy cell**~~.~~ - A room or secure space designed to house one (1) inmate.
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> ~~002.03B multiple~~ **002.10B Multiple occupancy cell**~~.~~ - A room or secure space designed to house two (2) to eight (8) inmates with a partition between the cell and dayroom space.
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> ~~002.03C dayroom~~ **002.10C Dayroom** - That portion of the housing unit which is separate and distinct from the cell area, but immediately adjacent and accessible therefrom.
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> ~~002.03D dormitory~~ **002.10D Dormitory** - A room or secure housing unit which is designed for occupancy by nine (9) or more inmates and includes both dayroom and sleeping space within the same area.
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> ~~002.04E housing~~ **002.10E Housing unit** - The total living area available to a group or classification of inmates in a jail facility. This area may consist of a dormitory or a combination of the space in each cell cluster and adjacent dayroom.
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> ~~002.03F isolation~~ **002.10F Isolation or administrative segregation cell** – An individual housing unit designated to separate an inmate from the general inmate population.
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> ~~002.03G temporary~~ **002.10G Temporary holding cell** - A room or secure area designed for the temporary confinement of inmates for less than eight (8) hours, prior to housing assignment or awaiting transfer or release.
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> ~~002.03H detoxification~~ **002.10H Detoxification cell** - A room or secure area designed for the temporary confinement of inmates who are intoxicated or under the influence of a controlled substance, and cannot be assigned to regular housing.
>
> ~~002.03I safety~~ **002.10I Safety cell** - A room or secure area which is padded or otherwise designed for the temporary confinement of inmates presenting an advert need for quarters which offer maximum personal safety.

~~002.03J mimimum~~ **002.10J Minimum security** - This is a custody level which describes those inmates which do not present a threat to the security of the jail or risk of escape. Dormitory housing may be utilized to house minimum security inmates.

**002.11 Detainee** - Any person confined in a local detention facility not serving a sentence for a criminal offense.

~~002.04 "detention facilities"~~ **002.12 Detention facilities** - ~~shall mean t~~Those Type III facilities used for the confinement of inmates beyond ninety-six (96) hours. Inmates held less than ninety-six (96) hours, excluding holidays and weekends, shall not be classified as being held in a detention facility even though, in fact, the facility is so qualified. Such inmates shall be subject to holding facility Standards.

~~002.05 "emergency"~~ **002.13 Emergency** - ~~mean a~~Any significant disruption or threat of disruption of normal facility procedure, policies, or activities caused by; riot, fire, earthquake, attack, strike, escape, demonstration, force majeure, or other similar disturbances.

~~002.06 "existing facility"~~ **002.14 Existing facility** - ~~shall mean a~~Any jail facility in use, or for which bids have been let, prior to the effective date of these Standards.

~~002.07 "facility administrator"~~ **002.15 Facility administrator** - ~~shall mean t~~The sheriff, chief of police, superintendent, or other individual charged by law or designated by administrative action with the operation and administration of a jail facility.

~~002.08 "facility employees"~~ **002.16 Facility employees** - ~~shall mean t~~Those custodial personnel with titles such as jailer, deputy, counselor, correctional officer, or any other title which signifies the duty of supervision of inmates in the jail facility.

**002.17 Formulary** - A list of prescription and nonprescription medications that have been approved by the medical authority and are stocked or routinely procured for use in an institution.

~~002.09 "general maintenance"~~ **002.18 General maintenance** - ~~This term shall refer to t~~Those activities performed to keep the jail facility in good repair and condition. This may include, but not be limited to, replacement of worn out, broken, or defective hardware, fixtures, windows, mechanical systems and structure as part of a routine maintenance program.

**002.19 General population** - Any housing unit where the inmate will have access to other inmates on a regular and ongoing basis.

**002.20 Good time** - A system established by law whereby a convicted offender is credited a set amount of time, which is subtracted from his or her sentence, for specified periods of time served in an acceptable manner.

~~002.10 "governing body"~~ **002.21 Governing body** - ~~shall mean a~~Any council, commission, board, or office established or delegated as a source of legislative authority to provide the fiscal needs of the facility administrator so that he may carry out the provisions of these Standards.

~~**002.11** "he or his" shall be used in the generic sense relating to a specific class or group of persons. The term may refer collectively to both genders when sex is not specified.~~

**002.23 Medical/Mental health screen** - A structured inquiry and observation to identify newly arrived arrestees who pose a health or safety threat to themselves or others and to identify arrestees who require immediate medical or mental health attention.

~~002.12 "holding facilities"~~ **002.24 Holding facilities** - ~~shall mean t~~Those Type I and II facilities which confine inmates for a maximum of twenty-four (24) or ninety-six (96) hours respectively. These limitations shall not include holidays or weekends.

**002.25 Indigent** - An individual with no funds or source of income.

~~002.13 "inmate"~~ **002.26 Inmate** - ~~shall mean a~~Any individual confined or residing in any jail facility.

~~002.14 "jail facility"~~ **002.27 Jail facility** - ~~shall mean a~~Any holding or detention facility operated by a political jurisdiction or a combination of jurisdictions for the careful keeping, rehabilitative needs of adult or juvenile criminal offenders, or those persons being detained while awaiting disposition or charges against them.

~~002.15 "Jail Standards Division"~~ **002.28 Jail Standards Division** - ~~shall mean that~~ The division of the Nebraska Commission on Law Enforcement and Criminal Justice which provides staff support to the Jail Standards Board.

~~002.16 "Jail Standards Board"~~ **002.29 Jail Standards Board –** The entity created by Nebraska statute, hereafter referred to as the "Board", which is vested with the authority to establish minimum standards of construction, maintenance and operation of criminal detention facilities, juvenile detention facilities and staff secure juvenile facilities within the state of Nebraska. ~~shall mean that Board which was created by the Legislature to further such policy of the State of Nebraska.~~

~~002.17 "medical authority"~~ **002.30 Medical authority** - ~~shall mean a~~ A person licensed to practice medicine by the State of Nebraska. This includes physicians and mid-level practitioners.

**002.31 Mid-level practitioner** - Nurse practitioner or physician assistant licensed or credentialed to assume an expanded role in providing medical care under the supervision of a physican.

~~002.18 "New facility"~~ **002.32 New facility** - ~~shall mean a~~Any jail facility still in the planning stages for which the bids have not yet been ~~let~~ set.

~~002.19 "ordained clergy"~~ **002.33 Ordained clergy -** ~~shall mean Ana~~Any priest, rabbi, or minister that has been invested officially with ministerial or priestly authority and who performs pastoral or sacerdotal function in a Christian or non-Christian religion.

**002.34 Pat search** - The touching and feeling of an inmate's clothed body to detect contraband.

~~002.20 "policy"~~ **002.35 Policy -** ~~shall mean a~~ A statement or plan, principle, or course of action.

~~002.21 "political jurisdiction or combination of political jurisdictions"~~ **002.36 Political subdivision**- ~~shall mean a political/geographical area or combination of political/geographical areas created and~~ A unit of local government authorized by the State of Nebraska to construct, maintain, or operate a jail facility.

~~002.22 "pre trail detainee" shall mean any individual who is awaiting disposition of charges against him.~~

~~002.23 "procedure"~~ **002.37 Procedure -** ~~shall mean a~~ A way of doing something.

~~002.24 "qualified medical employee"~~ **002.38 Qualified medical employee -** ~~shall mean a~~ A person who works under the supervision and authority of a medical authority.

~~002.25 "renovation"~~ **002.39 Renovation -** ~~This term shall refer to t~~The alteration of the structure of any jail facility, or portion thereof, for the purposes of changing or improving its function. This may include, but not be limited to, altering the physical layout of essential areas within the facility or reconstruction of the existing structure, areas, or interior features.

**002.40 Sally port** – An enclosure situated in the perimeter wall or fence of a correctional facility containing gates or doors at both ends, only one of which opens at a time, ensuring there will be no breach in the perimeter security of the institution. The sally port may handle either pedestrian or vehicular traffic

**002.41 Segregation** – Confinement of an inmate to secure housing separated from the general population.

~~002.26 "shall" is mandatory; "may" is permissive. These Standards distinguish between what is required and what is optional by the language in the text. Where these Standards use the words "shall", "must", "is required", or similar expressions, a requirement is indicated. When the words "may", "should", or "is encouraged" are used, then these Standards indicate an option, and advisory instruction, or an aspirational standard.~~

~~002.27 "standard"~~ **002.43 Standard -** ~~shall mean a~~ A statement which describes a principle or model by which the quality and effectiveness of a facility and its maintenance, construction, or operation can be measured or evaluated.

**002.44 Strip search** - The visual inspection of a disrobed or partially disrobed subject which involves no touching. Includes any search of an area for which there exists a reasonable expectation of privacy, such as the breasts, genitals, or buttocks; may include opening of clothing to expose these areas or lifting the edge of under clothing.

~~002.28 "trained personnel"~~ **002.45 Trained personnel** - ~~shall mean t~~Those persons who have completed or met the appropriate requirements as set forth in Chapter 2, paragraph **002.01** of these Standards.

**002.46 Training** - An organized, planned, documented, and evaluated or assessed activity designed to impart knowledge and skills to enhance job performance. Training is based on specific objectives, is job related, from an appropriate source, of sufficient duration, relevant to organizational need, and delivered to appropriate staff.

**003 Authority to Inspect.** Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall have the power and authority to conduct jail inspections at any reasonable hour which they deem necessary to monitor each jail facility's compliance with these Standards.

**004 Certification of Compliance.** Each facility administrator shall prepare in writing and submit to the Board notification whereby compliance with these Standards is established. The filing of such written reports shall be within one (1) year of the initial evaluation performed by the staff. Updated notifications shall be submitted thereafter at the discretion of the Board, however, not more often than annually. Nothing herein shall prohibit a political ~~jurisdiction~~ subdivision or combination of political ~~jurisdictions~~ subdivisions operating a jail facility or facilities from adopting rules governing its own employees and facilities, provided such rules are not inconsistent with these Standards.

**005 Emergency Suspension.** The facility administrator shall have the power and authority to temporarily suspend any of these Standards in the event of an emergency which threatens the security, order, operation, or safety of the jail facility, facility employees, public, or inmates. Only such Standards as are directly affected by the emergency may be suspended. In no event shall the emergency continue more than thirty (30) days without the knowledge of the Chairman of the Board or the Jail Standards Division. The Chairman of the Board or the Jail Standards Division may specify a maximum time limitation after having been properly notified.

**006 Gender Specific Terminology.** References to gender specific terms in these standards, such as "he" or "his", shall be construed to refer to both genders unless specifically indicated otherwise.

**007 Mandatory and Permissive Standards.** These Standards distinguish between what is required and what is optional by the language in the text. Where these Standards use the words "shall", "must", "is required", or similar expressions, a requirement is indicated. When the words "may", "should", or "is encouraged" are used, then these Standards indicate an option, an~~d~~ advisory instruction, or an aspirational standard.

~~**006**~~ **008 Temporary Population in Excess of Rated Capacity.** When the average daily population of a facility constructed in conformance with Chapter 15 of these Standards becomes overcrowded, the Jail Standards Board may grant a temporary suspension of the living space

requirements of Chapter 15 to allow the installation of additional beds.

> ~~006.01~~ **008.01** **Suspension Duration**. Suspensions may be granted for a period of up to one (1) year. The Board may authorize a suspension beyond one year after review of progress being made to resolve the problem. Once the suspension is ended, the Board may require the additional beds to be removed.

~~007~~ **009** **Severability.** If any article, section, subsection, sentence, clause or phrase of these Standards is for any reason or reasons held to be unconstitutional, contrary to statute, or exceeding the authority of the Board, then such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of these Standards.

~~008~~ **0010** **Written Policies and Procedures.** Each facility administrator shall develop and implement written policies and procedures covering all areas identified in these Minimum Jail Standards.

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