

CHAPTER 1
ADMINISTRATION, ORGANIZATION AND MANAGEMENT

1-001 Applicability: The provisions of this rule shall apply to the Youth Rehabilitation and Treatment Centers and all other juvenile correctional institutions operated by the Department of Health and Human Services.

1-002 Legal Authority: Section 83-925.05 NRS Reissue 1994 provides that the Youth Rehabilitation and Treatment Centers be administered by the Department of Health and Human Services - Office of Juvenile Services. The Youth Rehabilitation and Treatment Centers have been established to provide for public safety through the care, custody, rehabilitation and treatment of youth committed to the Department.

1-003 Chain of Command: Each institution shall have a Chief Executive Officer designated who shall be responsible for all institutional operations and management. The Chief Executive Officer shall report to, and receive supervision from, the Protection and Safety Division Administration within the Department.

1-004 Mission Statement: Each institution shall have written vision, mission, and affirmation statements that describe its philosophy and goals, who it will serve, for what purposes, and what programs and services will be offered. Such statements shall comply with mission, values, philosophy and outcome statements of HHS as well as those deemed appropriate from other juvenile justice associations.

1-005 Policies and Procedures :The Chief Executive Officer of each institution shall develop and maintain a set of written policies and procedures describing all aspects of institutional administration and operation.

1-006 Emergency Suspension: The Chief Executive Officer, with the concurrence of the Protection and Safety Division Administration, shall have the power and authority to suspend any of these Rules in the event of an emergency that threatens the security, order, operation, or safety of the institution, resident youth, employees, or public. Written documentation of all temporary emergency suspensions shall be maintained by the Chief Executive Officer.

1-007 Variances: At any time the Chief Executive Officer believes the application of a provision of these Rules in a particular situation is contrary to the best interests of a youth or to the safety of the institution or community, the Chief Executive Officer may request permission from the Protection and Safety Administration to deviate from the specific provision at issue. The deviation should provide at least equivalent conditions as would be afforded by explicit compliance with the corresponding Rule. The variance, if granted, shall apply only to the particular situation for which the request is made.

1-008 Accreditation: Each institution shall participate in the accreditation program of the American Correctional Association and shall make all reasonable efforts to achieve and maintain accredited status with the standards related to its operation.

1-009 Definitions: The following definitions shall apply to these rules and regulations:

"Chief Executive Officer" shall mean the HHS employee designated by administrative action with the responsibility and authority for the operation and administration of a Youth Rehabilitation and Treatment Center or other juvenile correctional facility operated by the Department.

"Classification" shall mean a process for determining the risk and needs of those youth committed to the HHS Office of Juvenile Services and for assigning them to the appropriate housing, program, and/or custody level according to their risk and need profile.

"Code of Offenses" shall mean those acts which are prohibited within the institution and which, if violated, may be cause for disciplinary action.

"Community Resources" shall mean those social agencies, service clubs, citizen interest groups, self-help groups, educational institutions, and citizen volunteers who have the potential to assist juveniles in such areas as material and financial assistance, guidance, mentoring, and supportive services.

"Contraband" shall mean any item possessed by juveniles or found within the institution that is illegal or that is expressly prohibited by the institution.

"Corporal Punishment" shall mean any act of inflicting physical punishment directly on the body, causing pain or injury.

"Delinquent" shall mean a juvenile who has been adjudicated in juvenile court for a law violation and found to be as described in Section 43-247(1), (2), or (4) of the Nebraska Revised Statutes.

"Department" shall mean the Department of Health and Human Services.

"Disciplinary Hearing" shall mean a nonjudicial administrative procedure to determine if substantial evidence exists to find a juvenile guilty of a rule violation.

"Disciplinary Report" shall mean a written report prepared by an institutional staff person with appropriate authority, describing an alleged violation of the institution's rules or regulations.

"Disciplinary Segregation" shall mean the confinement of a juvenile to an individual room that is separated from the general population as a sanction for a serious rule violation.

"Emergency" shall mean a significant disruption of normal institutional activity or routine caused by riot, escape, fire, natural disaster, or other serious incidents.

"Force, Use of" shall mean physical force used in instances of justifiable self-defense, protection of others, protection of property, or prevention of escapes. Physical force is used only as a last resort and to the degree necessary to take control of the situation.

"Furlough" shall mean a period of time during which a juvenile is allowed to leave the program or institution in response to a personal or family emergency to participate in off-site employment-volunteer community service-recreation activity, a special earned privilege or recognition of accomplishment, an earned family outing, or to facilitate release planning and transition back to the community.

"Grievance" shall mean a description of a circumstance or action a juvenile believes to be unjust and grounds for a complaint related to their basic rights.

"Hearing" shall mean a proceeding to determine a course of action, such as the placement of a juvenile, or to determine the guilt or innocence in a disciplinary matter. Statements of witnesses, the accused, and other evidence are reviewed by a judicial officer or administrative body in making the determination.

"Incident Report" shall mean a written document reporting an unusual occurrence or event such as the discovery of contraband, a fire, use of force, fight, property damage, etc.

"Institutional Discharge" shall mean the discharge of a juvenile from state custody directly from the institution without subsequent parole supervision.

"Major Rule Violation" shall mean a rule infraction that represents a significant threat to safety and security and requiring imposition of due process procedures. Generally, major infractions include violations that may result in disciplinary segregation, violations for which punishment may extend the juveniles length of stay at the institution, or violations that may be referred for criminal prosecution.

"Minor Rule Violation" shall mean a violation of the institution's code of conduct that is not a threat to safety, security or order which does not require due process and may be resolved without the imposition of serious penalties.

"Parole" shall mean the conditional release of a juvenile from the institution to community supervision. Juveniles released on "parole" must abide by a stated release program or be subject to return to the institution through a revocation process.

"Policy" shall mean a definite, stated course of action that guides decisions and activities within the institution. It describes what action the institution will take with regard to a specific issue.

"Procedure" shall mean the detailed and sequential actions necessary to ensure that a policy is fully implemented. It describes the who, what, when, where, and how of implementing policy.

"Room Restriction" shall mean the temporary placement of a juvenile within his or her sleeping room for brief "cool down" period or as an informal sanction for a rule violation.

"Rulebook" shall mean a collection of the institution's resident rules of conduct, possible sanctions for rule violations, a description of the disciplinary process and a description of programs/services offered, listing of juvenile rights.

"Temporary Release" (see Furlough).

"Staff Development and Training" shall mean a process by which employees, student interns, volunteers, contract personnel are provided education about juvenile justice program, services, policies, or procedure so that they may carry out their duties/responsibilities.

"Vision, Mission, Affirmation, Philosophy, Goals, Outcomes". See 1-004.

"Work Programs" shall mean activities on site or off site where juveniles participates in work assignments to earn money.

1-010 Personnel Policies: Each institution shall adhere to the Department's written personnel policy and procedures.

1-011 Staff Development and Training: Each institution shall adhere to the Department's policies and procedures that specify pre-service and in-service training and staff development requirements for all personnel.