



Ohio Administrative Code Rule 5139-36-01 Definitions.

Effective: December 23, 2022

(A) "Absconder" means a juvenile under the authority of the court who fails to remain within the limits of confinement or who fails to return to a facility as directed and who's whereabouts are unknown.

(B) "Admissions process" means the point of entry into a program, when the juvenile receives an orientation to the goals of the program and program rules and regulations. Assignment to living area and to appropriate staff members is also completed at this time.

(C) "Approved Facility" a CCF approved by the department of youth services, division of courts and community and the bureau of community facilities, to operate and supervise juveniles placed by the court.

(D) "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.

(E) "Bureau of Community Facilities" means the bureau in the division of courts and community, under the direction of the chief, that includes oversight and funding of community correctional facilities, detention facilities and OJJDP compliance.

(F) "Bureau of criminal identification and investigation (BCII)" means BCII may assist in the investigation of all criminal violations and specializes in cases involving organized crime, narcotics, racketeering, public corruption, computer and financial frauds. BCII maintains computerized criminal records submitted by law enforcement agencies through the automated fingerprint identification system. Millions of sets of fingerprints are classified and on file.

(G) "Treatment plan" means a series of written statements that specify the particular course of therapy and the roles of medical and non-medical personnel in carrying out the current course of



therapy. A treatment plan is individualized and based on assessment of the individual's needs and includes a statement of the short and long term goals and the methods by which the goals will be pursued. When clinically indicated, the treatment plan provides residents with access to a range of supportive and rehabilitative services, e.g., individual or group counseling and/or self-help groups.

(H) "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.

(I) "Code of ethics" means a set of rules describing acceptable standards of conduct for all employees.

(J) "Community Corrections Facility" means a county or multi county rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(K) "Community resources" means those social service 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 help ranging from material and financial assistance, to guidance, counseling, and supportive services.

(L) "Confidentiality of records" means taking reasonable care to preclude unauthorized distribution of client and personnel information including the observance of federal privacy of information guidelines.

(M) "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.

(N) "Contraband" means any item possessed 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.



- (O) "Contractual arrangement" means an agreement between parties to provide services to children for remuneration.
- (P) "Department" means the Ohio department of youth services.
- (Q) "Direct-care staff member" means for the purpose of staff/child ratio, one whose duty is primarily the supervision of children or the immediate supervisor of child supervision staff.
- (R) "Director" means the director of the Ohio department of youth services.
- (S) "Emergency" means any significant disruption of normal facility or agency procedure, policy, or activity caused by disturbance, escape, fire, natural disaster, employee action, or other serious incident.
- (T) "Emergency care" means care for 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 juvenile population by the medical director, physician, other staff, local ambulance services and/or outside hospital emergency rooms.
- (U) "Emergency plans" means written documents that address specific actions to be taken in an institutional emergency or catastrophe such as a fire, flood, disturbance or other major disruption.
- (V) "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 juveniles.
- (W) "Facility administrator/director" means any official, regardless of local title (e.g., director, administrator, superintendent), who has the responsibility for day-to-day management of the facility.
- (X) "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.
- (Y) "Grievance" means violation of youth's right as defined by rule 5139-36-19 of the



Administrative Code.

(Z) "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.

(AA) "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).

(BB) "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.

(CC) "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.

(DD) "Room confinement" means the involuntary restriction of child in cell, room, or other area identified by the CCF 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 brief periods of transition not to exceed 15 minutes, such as shift changes. Eliminates the terms isolation or seclusion and uses a single term: room confinement. Medical isolation and self-confinement are not considered room confinement.

(EE) "Least restrictive response to resistance" 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.

(FF) "Living unit" means an area of the facility 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.



(GG) "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.

(HH) "Orientation" means the orientation period includes interviews, testing, and other admissions-related activities, including distribution of information about programs, services, rules, and regulations.

(II) "Physical punishment" means any act of inflicting punishment directly on the body, causing pain or injury.

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

(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 of direction of an organization within which the activities of the personnel and units must operate.

(LL) "Procedure" means the detailed and sequential actions that will 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.

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

(NN) "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.

(OO) "Rated capacity" means the number of juveniles 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.



(PP) "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, detainer, personal property receipts, visitor's lists, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

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

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

(SS) "Responsible health care authority" means the individual, government health agency, or health care contractor responsible for the facility's health care services, including arrangements for all levels of health and/or mental health care and the ensuring of quality of, and accessibility to health and/or mental health services. The health authority is led by a licensed physician or physicians who, virtue of education, experience and certification are capable of assuming responsibility for arranging and ensuring the quality of health and mental health services.

(TT) "Response to resistance" means 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.

(UU) "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.

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

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

(XX) "Search" means an examination falling into one of the following three categories:



(1) "Frisk search" means a search of a resident's clothes, head cavities, and a thorough "pat down."

(2) "Strip search" means a visual search of a resident's naked body and a search of the resident's clothing while they are not being worn.

(3) "Cavity search" means a probe of a resident's lower body cavity(ies) to be conducted by trained medical personnel only.

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

(ZZ) "Security devices" means locks, gates, doors, bars, fences, screens, ceilings, 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.

(AAA) "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. A situation containing an imminent threat to the security of the facility and/or to the safety of residents, employees, or visitors on the grounds of the institution.

(BBB) "Training" means formal classroom instruction: required readings; on-the job training under the direction of an instructor; training meetings or conferences that include a formal agenda and instruction by a teacher, manager, or official; physical training or other instructional programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion.

(CCC) "Volunteers" means persons who donate their time and effort to enhance the activities of the program. They are selected on the basis of their skills or personal qualities to provide services in areas such as recreation, counseling, education, or religious activities.