RA 26-190

CORRECTIONS DEPARTMENT[201]

Regulatory Analysis

Notice of Intended Action to be published: 201—Chapter 51
"Temporary Holding Facilities"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 356.36

State or federal law(s) implemented by the rulemaking: Iowa Code sections 17A.10, 17A.12, 80B.11A, 356.36 and 356.43 and chapter 356A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 25, 2026 10:30 to 11:30 a.m.	Via Google Meet: meet.google.com/cwv-fguh-evv Or dial: 1.385.246.2955 PIN: 719 985 663#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Corrections no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

The purpose of this proposed rulemaking is to conduct a comprehensive review of Chapter 51 in accordance with the mandates of Executive Order 10. While this chapter was reviewed through the lens of reducing redundancy, the Department has determined that the current language is neither obsolete nor unnecessary. Given the high-risk nature of temporary holding facility operations and the specific compliance needs of local facilities, the existing language is essential for maintaining clear, unambiguous minimum standards. Rule language has been intentionally retained to provide a single comprehensive operating manual for jail administrators. Reducing information in these sections or relying solely on statutory cross-references would create a fragmented regulatory landscape, increasing the risk of operational errors and safety failures at the local level. Because these rules serve as the primary benchmark for mandatory annual inspections across Iowa's six temporary holding facilities, maintaining the current level of detail is necessary.

Rather than broad rescission, the Department implemented targeted updates to clarify standards and improve operational safety, specifically:

- **Rule 201—51.3(356,356A) Inspection and compliance:** Updated to clarify the notification process for noncompliance and the formal listing of deficiencies to chief administrators.

- **Rule 201—51.9(356,356A) Minimum standards for facility personnel:** Updated to clarify personnel qualifications and align rules and terminology with the Law Enforcement Academy under 501—Chapter 9.
- **Rule 201—51.10(356,356A) Training for facility personnel:** Revised to require recorded acknowledgment, by written or electronic means, from jailers and supervisors attesting to their knowledge of jail standards and policies.
- **Rule 201—51.11(356,356A) Standard operating procedures manual:** Updated to identify specific methods for providing advance notice to detainees before a staff member or visitor of the opposite sex enters a housing unit.
- **Rule 201—51.13(356,356A) Medical services:** Updated to reflect that the responsibility for the costs of medical services and products remains that of the detainee as allowed by Iowa Code section 356.7.
- **Rule 201—51.15(356,356A) In-house food services:** Refined language to ensure food preparation areas, storage, and sanitation practices remain clean and sanitary in accordance with State health standards regulating institutions and food establishments.
- **Rule 201—51.19(356,356A) Records:** Updated paragraph 51.19(13)"d" to explicitly define the 24-hour notification window for the State Jail Inspection Unit regarding major incidents, such as deaths, attempted suicides, fires, or escapes.
- **Administrative rule and Iowa Code references:** Updated citations throughout the chapter to ensure all internal cross-references to the Iowa Administrative Code and references to relevant statutes are accurate and current.

These specific standards are developed in consultation with stakeholders pursuant to Iowa Code section 356.36, including the Iowa State Sheriffs' and Deputies' Association (ISSDA), the Iowa Chiefs of Police Association, Iowa State Association of Counties (ISAC), and the League of Cities, that have reached a consensus that these standards are the essential baseline for safe facility management.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no classes of persons that will bear any additional or new costs from this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

The general public, Department personnel, facility administrators and staff, and detainees will benefit from a set of administrative rules that clarify operational expectations.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no known quantitative or financial impact.

- **Qualitative description of impact:**

There is no known qualitative impact.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no additional implementation or enforcement costs borne by the Department or any other State agency since these updates align administrative rules with current operational practices.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit of this proposed rulemaking is an accurate, streamlined, and legally compliant chapter that satisfies Executive Order 10 at no additional cost. Inaction is not permissible.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or less intrusive methods exist. Rulemaking is the legally required method to maintain an administrative framework that complies with the Iowa Code and the mandates of Executive Order 10.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Alternative methods were not considered because formal rulemaking is required to bring the chapter into compliance with Executive Order 10 directives.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 201—Chapter 51 and adopt the following **new** chapter in lieu thereof:

CHAPTER 51
TEMPORARY HOLDING FACILITIES

201—51.1(356,356A) Definitions.

"Capacity" means the number of prisoner or detainee occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

"Cell" means single-occupancy bedroom space with toilet and lavatory facilities.

"Classification" means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

"Detainee" means any individual confined in a temporary holding facility.

"Detention area" means that portion of the facility used to confine detainees.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Existing facility" means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

"Facility" means a temporary holding facility as defined by these rules.

"Holding cell" means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means an individual detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail inspector" means the DOC employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Juvenile" means any person under the age of 18 years.

"Mail" means anything that is sent to or by a detainee through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing facility and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for no more than six detainees.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing temporary holding facilities duties" means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

"Physical jeopardy" means, due to the detainee's physical or mental condition, the detainee is in peril of serious physical harm.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Temporary holding facility" means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency.

"Temporary holding facility administrator" means the executive head of any law enforcement agency, or the executive's designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

"Temporary holding facility inspector" means the DOC employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Temporary holding facility supervisor" means any person who is responsible for the routine operation of the facility during the person's assigned duty hours. This person need not be on the premises at all times, but must be readily available for consultation.

"Unencumbered space" means floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

201—51.2(356,356A) General provisions. These rules apply to all temporary holding facilities regulated by Iowa Code chapter 356 or 356A.

51.2(1) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient detainees to bring the number of persons confined into compliance with the rated capacity.

51.2(2) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect temporary holding facilities and may do so on an unannounced basis. Facility personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a temporary holding facility or to the detainees confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

51.2(3) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided these standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No facility shall be operated without substantially meeting these rules unless operating under a waiver granted according to the provisions of 201—Chapter 2504.

51.2(4) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

51.2(5) *Nondiscriminatory treatment.* Each facility administrator shall ensure that staff and detainees are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age, absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs and activities.

201—51.3(356,356A) Inspection and compliance. The chief inspector or authorized representatives shall visit and inspect each facility within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the temporary holding facility administrator and the governing body responsible for the facility.

51.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a temporary holding facility is not in compliance with established minimum standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

51.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 51.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the facility in question or any portion thereof closed, that further confinement of detainees or classifications of detainees in the noncomplying facility or any portion thereof be prohibited, or that all or any number of detainees then confined be transferred to and maintained in another facility, or any combination of remedies as set forth in subrule 51.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

51.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—51.4(356,356A) Physical plant—general.

51.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

51.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a facility cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air-conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the facility operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 51.3(1) and 51.3(2).

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

51.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for detainees and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

51.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and wash basin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

51.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Lighting adequate to observe persons within the cell area shall be maintained at all times. All entrances, exits and hallways shall be equipped with independent emergency lighting sources. Hallways, entrances and exits shall be sufficiently lit to observe persons entering or exiting. Light controls shall be out of the control of detainees. Housing areas may be variably illuminated to allow sleep, but continuous observation of detainees must be possible.

51.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

51.4(7) *Electrical facilities.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

51.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for operation of the facility.

b. Adequate storage space for detainees' personal clothing and property shall be provided. Space provided shall be secure and the detainee's name or identity shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized detainee access. Janitorial supplies and equipment shall not be stored in detainee living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to detainees and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

51.4(9) *Firearms lockers.* A place inaccessible to detainees shall be provided where officers entering the security area can store firearms.

51.4(10) *Noise level.* Detainee noise inside the facility shall be controlled to ensure an orderly and secure facility operation. The policy and procedures manual shall include a rule pertaining to noise level. Detainees must be advised of the rule.

51.4(11) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

201—51.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all facilities in existence prior to June 30, 1984. In cases where an existing facility undergoes major remodeling, rule 201—51.7(356,356A) shall apply to the area being upgraded.

51.5(1) Each single-occupancy cell for detainees in normal status shall have a minimum floor area of 40 square feet.

51.5(2) Multiple-occupancy cells must have 40 square feet of floor space for the first occupant and an additional 20 square feet for each additional occupant.

51.5(3) Except in emergency situations, no multiple-occupancy cell shall house more detainees than the designed capacity.

51.5(4) Each cell shall provide a minimum of 7 feet from floor to ceiling height.

51.5(5) All cells shall be equipped with bunks sufficient to ensure a bunk for each detainee assigned. Every cell will be equipped with a toilet and lavatory that function properly and supply adequate running water. Bunks must be of a size to accommodate a normal-sized male adult. Toilet and lavatory facilities must be accessible to detainees at all times.

51.5(6) Reserved.

51.5(7) Holding cells are multiple-occupancy space where detainees may be confined only while awaiting processing through administrative or legal procedures. These areas must have at least 40 square feet of floor space for the first detainee with 20 square feet for each additional detainee.

51.5(8) Dormitory units shall have a minimum of 60 square feet of floor space per detainee.

201—51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984. This rule shall apply to temporary holding facilities that are of new or remodeled construction or let for bid after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

51.6(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first detainee and an additional 50 square feet of floor space for each additional detainee. Dormitory units shall have a minimum of 35 square feet of unencumbered floor space per detainee.

51.6(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.6(3) Each new dormitory unit or single- and multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.6(4) The new facility shall be designed to admit natural lighting and to give access to outside viewing by detainees where practical.

51.6(5) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.6(6) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.6(7) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if the detainees are detained overnight in the holding cell.

201—51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001. This rule shall apply to temporary holding facilities that are of new or remodeled

construction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

51.7(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each detainee. Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space per detainee.

a. This paragraph shall apply to all temporary holding facilities that are of new or remodeled construction after December 28, 2005, and may apply to temporary holding facilities that were constructed prior to December 28, 2005.

(1) Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

(2) Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each detainee. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each detainee.

(3) Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space for each detainee.

(4) A facility may contain one or more single-occupancy cells, designated as special-needs cells, in which violent persons may be temporarily contained. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

b. Reserved.

51.7(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.7(3) Each new dormitory unit or single- or multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water for each group of nine detainees or portion thereof. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.7(4) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.7(5) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.7(6) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if detained overnight in the holding cell.

201—51.8(356,356A) Fire safety and emergency evacuation.

51.8(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal.

51.8(2) *Compliance with state fire marshal rules.*

a. No facility shall be occupied by a detainee unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months

documenting that the facility complies with the fire safety standards for temporary holding facilities included in administrative rules promulgated by the state fire marshal.

b. Temporary holding facilities may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the DOC, a temporary holding facility administrator, or the chief executive of an agency that administers a temporary holding facility may request the state fire marshal to inspect a temporary holding facility for compliance with fire safety standards. If the state fire marshal finds, based on such an inspection, that a temporary holding facility is not in substantial compliance with fire safety standards, the state fire marshal may require the facility administrator to submit a plan of correction of violations of these standards to the state fire marshal. The director of the DOC may initiate proceedings to close the temporary holding facility if the facility does not comply with the plan of correction.

51.8(3) *Evacuation plan.* The administrator of each facility shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced detainees. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all facility staff on at least an annual basis, and a record thereof shall be maintained according to subrule 51.19(9).

51.8(4) *Release of detainees.*

a. There shall be a reasonable expectation of the prompt removal of detainees in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of facility keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

51.8(5) *Fire extinguishers.* All temporary holding facilities shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

51.8(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure that no area will be left in darkness.

51.8(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each detainee to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

51.8(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted if possible and shall be located and protected from detainee access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 51.19(9).

51.8(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

51.8(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

51.8(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and are certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in temporary holding facilities. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

51.8(12) *Sprinkler.* If installed, sprinkler heads accessible to detainees not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

201—51.9(356,356A) Minimum standards for facility personnel.

51.9(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

a. Be 18 years of age or older.

b. Be able to read and write in English.

c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.

d. Be not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.

e. Have the ability to perform the essential elements of the position as defined in the department job specification.

f. Be an appropriate candidate for employment as demonstrated by qualified psychological screening.

51.9(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for facility employment, or who has repeatedly failed to observe these rules will not be retained.

51.9(3) *Conflict of interest.* A person working in a facility will not transact any business with a detainee nor arrange any business transaction with a detainee through another party. The facility will have a written code of ethics that the facility provides to all employees. At a minimum, the code will:

a. Prohibit staff from using their official positions to secure privileges for themselves or others.

b. Prohibit staff from engaging in activities that constitute a conflict of interest.

201—51.10(356,356A) Training for facility personnel.

51.10(1) *Initial orientation.* Except in an emergency situation, all persons performing temporary detention duties shall meet the following requirements, and the provision of this information and training shall be documented.

a. The individual shall be fully knowledgeable of the administrative rules referring to facility standards.

b. The individual shall be fully knowledgeable of facility rules, written policies and procedures as adopted by the administrator.

c. The individual shall have been given specific orientation with respect to a detainee's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the person shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724.

e. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device and chemical control agents prior to their use in connection with the individual's duties at the facility.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff providing medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

h. The holding facility administrator shall, by either written or electronic means, record the acknowledgment of all staff performing temporary holding facility duties, attesting that they have full knowledge of the administrative rules referring to facility standards and the written policies and procedures governing the facility's operation.

51.10(2) *Training documented.* All temporary holding facility workers and administrators shall meet and document training requirements as specified by Iowa law enforcement academy training standards as found in 501—Chapter 9. The facility administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

a. The training shall include a minimum of ten hours of training within the first year of employment. Training shall include the following or comparable course content:

(1) Introduction to Iowa criminal procedure and criminal law as applicable to the temporary holding facility setting, including laws relating to the use of force.

(2) Security procedures, including procedures regarding the proper methods of transporting detainees.

(3) Supervision of detainees, including instruction on the basic civil rights of a detainee, which would be applicable to a temporary holding facility.

(4) Recognition of symptoms of mental illness, retardation or substance abuse.

(5) Specific instruction in the prevention of suicides.

b. During each fiscal year of employment, following completion of the required ten hours of training, temporary holding facility workers and administrators shall complete, at a minimum, five hours of in-service training, not to include hours spent in maintaining required certification or proficiency in first aid, life support, and handling of firearms.

51.10(3) *First aid.* At least one staff member on duty at the facility shall be trained in first aid (or the equivalent) and CPR.

a. The individual shall hold an American Red Cross standard first-aid certificate or the equivalent or one of the following:

(1) Certification as an Iowa law enforcement emergency care provider from the Iowa department of public health;

(2) Certification of completion of an emergency medical technician program; or

(3) Licensure to practice as a licensed practical nurse, registered nurse or medical practitioner in the state of Iowa.

b. The individual shall be certified as having successfully completed the basic life support training conducted under the program of the American Heart Association or the American Red Cross.

c. All certification or licensure required by this subrule must be maintained current according to the standards of the certifying or licensing agency.

201—51.11(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each municipality shall establish and the facility administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 51.2(4), 51.2(5), 51.4(3), 51.4(7), 51.4(10), 51.8(3), 51.8(4), 51.8(5), 51.8(7), 51.8(8), 51.8(11), 51.9(1), 51.9(2), 51.9(3), and 51.10(1) through 51.10(3) and rules 201—51.11(356,356A) through 201—51.19(356,356A) as noted. The following does not require written policy: subrule 51.13(4).

51.11(1) *Admission/classification and security.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of detainees shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial detainees from sentenced persons.

(3) Witnesses from detainees charged with crimes.

d. The following shall be kept physically separated:

(1) Detainees of whom violence is reasonably anticipated.

(2) Detainees who are a health risk to others.

(3) Detainees of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of detainees shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the detainee) to determine if the detainee is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the detainee show signs of depression?
2. Does the detainee appear overly anxious, afraid, or angry?
3. Does the detainee appear unusually embarrassed or ashamed?
4. Is the detainee acting or talking in a strange manner?
5. Does the detainee appear to be under the influence of alcohol or drugs?
6. Does the detainee have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the detainee:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?
3. Are you thinking about hurting yourself?

g. Housing for detainees with disabilities shall be designed for the detainees' use, or reasonable accommodations shall be provided for the detainees' safety and security.

h. Temporary holding facility personnel shall ask each detainee within 24 hours of the detainee's incarceration if the detainee is a military veteran. If so, facility personnel shall advise the detainee that the detainee may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the detainee with contact information for the county commission of veteran affairs and provide the detainee the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

51.11(2) *Security and control.*

a. Supervision of detainees. The facility administrator shall develop and implement written policies and procedures for the facility that provide for the control of detainees and for the safety of the public and the facility staff. The policy and procedures shall include:

(1) Twenty-four-hour supervision of all detainees shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the facility, a staff person shall be in a position to hear detainees in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observations of individual detainees shall be made and documented. Detainees considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observations, shall be checked personally at least every 30 minutes until the condition is alleviated. Closed circuit television (CCTV)-audio monitoring system may supplement, but shall not replace, personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear

and distinct. Observation of shower and restroom activities shall be at the discretion of the facility administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the facility, at least one female staff member shall be on duty in the facility at all times, in accordance with Iowa Code section 356.5(6).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juveniles shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by detainees.

c. Searches.

(1) All detainees and detainees' property entering the facility shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a facility may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Detainee rules shall contain a clear definition of each item permitted in the facility. All other items shall be considered contraband.

(5) Random, unannounced, irregularly scheduled searches of areas accessible to detainees shall be conducted for contraband and weapons.

d. Key control. Facility keys must be stored in a secure area when not in use. There must be at least one full set of facility keys, separate from those in use, stored in a safe place and accessible only to designated facility personnel for use in the event of an emergency. The facility administrator will identify those persons who may have access to keys.

e. Detainees' property. All personal property of detainees shall be inventoried and accounted for according to the provisions of Iowa Code section 804.19.

f. Restraint devices. The facility administrator shall have a written policy on the restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes facility security. There shall be defined circumstances under which supervisory approval is needed prior to application. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, detainees shall be either clothed or covered in a manner that maximizes detainee privacy. Four/five-point restraints may be used only when other types of restraints have proven ineffective. If detainees are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous;

(2) Personal visual observation of the detainee and the restraint device application shall be made at least every 15 minutes;

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight; and

(4) All decisions and actions shall be documented.

g. Facility security.

(1) All areas of the facility shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of detainees by facility staff.

(2) All facility locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures must be reported to the facility administrator in writing. The facility administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The facility administrator shall develop written policy and procedures for the movement or transportation of detainees outside the secure area of the facility. The policy shall require procedures that will ensure the safety of the facility staff and the public and prevent detainee escape. The policy shall provide procedures for movement of detainees for medical treatment and to and from the courts and other facilities. The classification and security risk of the detainee to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The facility administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plan shall be made available to all applicable personnel and shall be reviewed by facility staff at least annually and updated as needed.

201—51.12(356,356A) Cleanliness and hygiene.

51.12(1) *Housekeeping.*

a. The temporary holding facility shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

b. Unless cleaning is done by staff, necessary cleaning equipment shall be provided to detainees. Cleaning equipment shall be removed from the cell when cleaning is complete.

c. The facility shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Detainees and staff shall not be directly exposed to the chemicals being used.

d. All clothing and linen, if provided, shall be clean and sanitary.

e. The facility shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

51.12(2) Reserved.

201—51.13(356,356A) Medical services. The facility administrator shall establish a written policy and procedure to ensure that detainees have the opportunity to receive necessary medical attention for the detainee's objectively serious medical and dental needs that are known to the facility staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment, or one that is so obvious that even a lay person would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency services day or night and a procedure for regular medical attention. Responsibility for the costs of medical services and products remains that of the detainee as allowed by Iowa Code section 356.7. However, no detainee will be denied necessary medical services, dental service, or medicine because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the detainee as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

51.13(1) *Medical resources.* Each facility shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of detainees as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

51.13(2) *Trained staff.*

a. All staff providing medication shall be trained in accordance with the Iowa State Sheriffs and Deputies Association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

51.13(3) *Detainee involvement.* No detainee shall be involved in any phase of delivery of medical services.

51.13(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff.

51.13(5) *Chemical control agents.* Detainees affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

51.13(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a facility.

b. Detainees suspected of having a contagious or communicable disease shall be separated from other detainees until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include annual staff training to recognize the potential for suicide, communication between staff, appropriate housing, and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22. The facility shall have a written plan to provide detainees access to services for the detection, diagnosis and treatment of mental illness.

e. Detainees shall be provided with information on how they can obtain necessary medical attention, and the facility's policy and procedure shall also reflect this.

51.13(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the facility and the amount of medication returned or destroyed when a detainee is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Detainees with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the facility administrator to determine if the present medication is appropriate.

51.13(8) *Medical records.* A separate medical record shall be maintained for each detainee receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the detainee's file jacket but must be labeled "confidential."

51.13(9) *Medication storage.*

a. Detainees' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature maintained between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit). All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the facility administrator or designee in the presence of a witness. A record of drug destruction shall be made in each detainee's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the facility administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Facilities utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

201—51.14(356,356A) General food service requirements.

51.14(1) *Detainee being held.* If a detainee is held over a meal period, a meal of adequate nutrition shall be provided.

51.14(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature: hot foods shall be reasonably hot and cold foods reasonably cold.

51.14(3) *Time of serving.* Meals shall be served at approximately the same time every day.

51.14(4) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented.

51.14(5) *Religious requests.* When a special diet is requested for a detainee due to a bona fide religious belief, the facility shall meet that need unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the detainee's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

51.14(6) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

51.14(7) *Inspection of facilities for outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

201—51.15(356,356A) In-house food services.

51.15(1) Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

51.15(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

51.15(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

51.15(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

201—51.16(356,356A) Communication.

51.16(1) *Telephone calls upon arrest.* Detainees shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest, at no charge if made within the local calling area, as required by Iowa Code section 804.20.

51.16(2) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit detainees upon request of the detainee at reasonable hours if security and daily routine are not unduly interrupted.

51.16(3) *General visitation.*

a. All detainees in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Facility staff shall document the date and time of visit, name and address of each person visiting, and the name of the detainee visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

51.16(4) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in the facility and shall be allowed to provide consular assistance. When a facility administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

51.16(5) *Detainee mail.*

a. Detainees held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a detainee from corresponding with a person who states in writing that the person does not want to correspond with the detainee. This mail restriction does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent detainees who are held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the detainee is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the detainee and then only to detect the presence of contraband; privileged correspondence will not be read except by the detainee. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;

(2) A judge;

(3) The governor of Iowa;

(4) The ombudsman office;

(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the detainee or post office.

201—51.17(356,356A) Access to the courts. Detainees shall be provided at their request pertinent sections of the Iowa Code or city ordinance pertaining to their offense and access to attorneys pursuant to rule 201—51.16(356,356A).

201—51.18(356,356A) Discipline and grievance procedures.

51.18(1) No detainee shall be allowed to have authority or disciplinary control over another detainee.

51.18(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

51.18(3) The following information shall be made available to all detainees and explained to any detainee unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A detainee grievance procedure that includes at least one level of appeal.

51.18(4) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury, to aid in escape, or interfere with the normal operation of the facility.

201—51.19(356,356A) Records. The following records shall be maintained by the facility administrator for two years unless a different period is specified.

51.19(1) Facility calendar. This record shall contain information required by Iowa Code section 356.6.

51.19(2) Visitor registration. This record shall contain the name and address of the person visiting; name of detainee visited; and the date, time and duration of the visit.

51.19(3) Facility inspection records. Facility inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the facility.

51.19(4) Medical history intake form. Notation of injury upon admission shall be included.

51.19(5) Records of medical care.

51.19(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the facility administrator in a separate injury file or referenced in the detainee file by log for a period of five years.

51.19(7) Disciplinary records.

51.19(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

51.19(9) Fire and disaster evacuation plan and record(s) of required fire drills.

51.19(10) Records of staff training.

51.19(11) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a detainee.

51.19(12) Supervisory checks. A record shall be made to document all required supervisory checks of detainees.

51.19(13) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, fires, detainee abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or detainees from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

51.19(14) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

201—51.20(356,356A) Nonsecure holds for juveniles.

51.20(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual mealtimes.

51.20(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The holding facility administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-detainee ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

51.20(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; and degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

51.20(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search the juvenile.

51.20(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill or, in the judgment of the arresting officer, is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the nonsecure room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, facility-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the facility for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. *Incident reports.* Reports of the following incidents shall be sent to the state jail inspection unit, DOC, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, DOC, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

51.20(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the provisions under 201—Chapter 2504.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43 and chapter 356A.