

Economic Impact Statement

LSA Document #22-72

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to this Rule:

The Department of Correction (department) estimates that zero small businesses will be impacted by this rule.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

The department estimates that zero small businesses will incur additional administrative expenses resulting from the imposition of the rule.

Estimated Total Annual Economic Impact on Small Businesses:

The department estimates that there will be approximately \$0 total fiscal impact on small businesses as a result of this rule.

Supporting Data, Studies, and Analyses:

In 2012, the Indiana Department of Correction (IDOC) determined the need for updated standards to reflect the growth and improvement of detention practices and conditions of confinement. The current rules do not allow for IDOC to evaluate facilities based on new federal laws and practices. These new rules also help to foster better educational and mental health requirements for incarcerated youth of Indiana. These rules also help to promote staff development and training. We have worked with each regulated entity to gather input and concerns regarding these rules. The regulated entities played an integral part in developing these rules.

In August 2012, the Commissioner appointed an Advisory Committee to make recommendations for new juvenile detention standards. The Advisory Committee met throughout 2012 and 2013.

The following documents and standards were used in the evaluation of the rules:

National Standards

- Current Indiana Juvenile Detention Standards
- American Correctional Association (ACA) 4th Edition, Juvenile Detention Facility Standards (draft)
- Annie E. Casey Foundation (AECF), Juvenile Detention Alternatives Initiative (JDAI), Conditions of Confinement Standards
- Council on Accreditation Standards
- Council of Juvenile Correctional Administrator (CJCA), Performance-base Standards
- U.S. Department of Justice, Prison Rape Elimination Act (PREA) Standards

Other Documents and Resources

- Indiana Department of Health, Division of HIV & STD
- Centers for Disease Control (CDC) and U.S. Prevention Task Force (USPTF)
- U.S. Departments of Education and Justice publications promoting improved supports for juveniles in confinement, June 9, 2014
- National Association of Counties (NACO)
- John D. and Catherine T. MacArthur Foundation, Models for Change, Systems Reform in Juvenile Justice
- Juvenile Detention Standards from other states, including: Illinois, Louisiana, New York
- Department of Justice – Investigation Reports and Settlement Agreements

This promulgated rule will raise the level of care provided to youth in detention centers across the state. This rule will clarify the standards to which detention facilities will be evaluated. This rule will bring IDOC and its partners into compliance with federal law and practice.

This rule will increase the level of training and increase and better the services to youth. This rule will help maintain safety and order inside facilities. The standards promulgated will provide better access to mental health treatment as well as provide for improved education. These promulgated rules could allow for a memorandum of understanding (MOU) to be executed between the juvenile facilities and schools and counties. This will provide additional services at no additional cost.

Regulatory Flexibility Analysis of Alternative Methods:

The Indiana Department of Correction (Department) is statutorily obligated to promulgate juvenile detention standards and audit the juvenile detention facilities for compliance ([IC 31-31-8-5](#)). The proposed rules will bring all facilities into compliance with federal statutes. If we keep the standards as they are, we will not be able to evaluate facilities bases on best practices. Most of the facilities are moving towards full compliance with these standards; this will give the Department the ability to effectively monitor juvenile detention facilities. There are no reasonable alternatives other than the passage of new rules.

These standards will not cost more than \$500,000. The estimated total is \$66,840.45. This number was determined by self-reporting of all regulated entities.

All financial numbers were provided by the regulated entities.

Conclusion:

We conclude the cost compliance will be minimal and IDOC is working with its partners to help defray costs. We believe there will be zero administrative costs as IDOC has provided training and technical assistance at no cost to the regulated entities. These new rules will bring facilities into federal compliance and lessen the chances for additional penalties and fines.

The proposed rule will not impose requirements or costs on small businesses under [IC 4-22-2.1-5](#).

Posted: 05/04/2022 by Legislative Services Agency
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