

Policy Considerations: Discipline

The intent of this policy consideration is to evoke discussion within your jurisdiction regarding best practices and key elements to include in policies and procedures. Jurisdictions should consider these policies in the context of their unique juvenile justice system structure; state and local mandates; risk tolerance level; and other individual needs.

Throughout the policy considerations the acronym “PP” is used. This stands for “policy and/or procedure.”

General

- The PP has a clear statement that describes the importance and intent of the policy and/or procedure and/or how it relates/ties to the agency’s mission.
- The PP includes clear definitions of key concepts in the PP (for example: can be understood, differences between related words/concepts are clear, etc.) – disciplinary hearing, isolation, room confinement, etc.
- The PP mentions how staff will be trained on relevant topic areas – mandatory new employee and minimally annual ongoing training.
- The PP clearly describes an effective quality assurance process such as include quarterly case file reviews, annual onsite audits, regular performance evaluations from supervisors, staff skills assessments and training, etc.
- The PP includes a description of how the agency will use data to ensure it is meeting targets in the policy and/or procedure area (for example: indicators of success, how often these data will be reviewed, how the data will be used and by whom, etc.).
- The PP will be available to staff for review.
- The PP reviewed for revision/modifications at least annually.

Youth Education

- The PP requires youth be informed (verbally and in written form) at intake of the facility’s code of conduct, due process rights, potential disciplinary sanctions for violations, the hearing process, and how to appeal a disciplinary decision.
- The PP requires posting of rules and potential disciplinary sanctions in common areas. Additionally, youth shall be able to retain a copy of the youth handbook which shall include information regarding the discipline process and consequences. The PP requires youth to sign and date an acknowledgement form indicating that they received information regarding the code of conduct, disciplinary appeals process, etc.
- The PP directs staff where this acknowledgment form will be stored (for example: youth case file).

Types of Consequences

- The PP includes categories of violations, definitions of offenses/violations, and provides specific guidance on consequences/disciplinary actions that are appropriate for each

infraction - for example: inciting a riot, escape, physical assault, sexual assault, sexual harassment, arson, possessing or manufacturing a weapon, tampering with fire alarm system, making a false report, possessing contraband, gang-related activities, gambling, etc.

- The PP provides examples of appropriate consequences (for example: writing assignments, loss of game room privileges, early bedtime, etc.). The consequences shall be age appropriate and individualized to the youth's cognitive and learning abilities.
- The PP prohibits certain consequences. These include not denying basic youth rights including, but not limited to, youth meals, clothing, sleep, school, treatment programming, exercise, access to the grievance process or phone calls to approved parents/legal guardians or attorneys.
- The PP prohibits the use of corporal punishment.
- The PP prohibits the use of group punishment as a consequence for negative behavior of individual youth.
- If the jurisdiction authorizes the use of isolation/room confinement, the PP prohibits using isolation/room confinement as a form of punishment or consequence, but rather only as a means for allowing youth to emotionally stabilize (for as brief duration as possible and only until they are no longer a threat to staff and youth safety).

Application of Consequences

- The PP details two processes for disciplining youth – informal and formal – and clearly describes each one (for example: the appropriate response from staff).
- The PP states staff will only use consequences to correct negative behaviors and hold youth accountable, **not** for retribution for past negative behaviors or retaliation of any kind (for example: reporting of sexual abuse and/or harassment, etc.).
- The PP describes tools staff should attempt to use to correct negative youth behaviors prior to issuing a consequence – for example: redirecting youth through verbal commands, de-escalation, motivational interviewing techniques, etc.
- The PP describes how consequences should be applied by staff – for example: fair, consistent, at the first incident of youth behavior, etc.
- The PP describes a process for issuing a rule violation:
 - Explain to youth the specific behaviors that did not meet program expectations (reason violation is being issued);
 - Consequence must be provided immediately following the negative behavior and be appropriate for the behavior violation;
 - Consequence must be as short as possible to extinguish the behavior;
 - Staff explain and/or role-model appropriate response and behavior to the youth as a way of preventing negative behavior in the future.
- The PP includes time limits for specific consequences – i.e. early bedtime no earlier than one hour; loss of group recreation privileges no more than 24 hours; etc.
- The PP requires staff to assist youth in “getting back on track” – i.e. once sanction is completed the youth has an opportunity to continue progressing in the program.
- The PP describes what to do with youth who are not progressing in program
For example, youth is at level one for 3 weeks due to a violation and still has not written the apology letter (consequence). The Multi-Disciplinary Team (MDT) will review the case to ensure the consequence is appropriate in consideration of

the youth's cognitive and learning abilities and develop a strategy to motivate and engage youth in progressing through the program.

- The PP requires a member of the MDT to review the negative behavior and talk with the youth to afford youth the opportunity to explain before the sanction is provided/confirmed.

Documentation of Violations

- The PP directs staff how to document rule violations – for example: behavior log, staff communication log, incident report, code of conduct violation report, etc.
- The PP requires staff to document the violation as soon as possible but not later than the end of their shift.
- The PP explains the expectations for documentation to include at a minimum the youth's precipitating behavior, staff's responses/interventions, youth's response to staff directives, time of incident, witnesses, and other relevant information.
- The PP requires the Shift Supervisor or mid-level manager to review all violations and subsequent consequences within 24 hours of the infraction to ensure staff response (consequence) was appropriate.

Formal Hearing Process

- The PP describes the violations which will require a formal hearing process to determine the consequences for the youth's negative behavior.
- The PP provides details about what the hearing process entails, including youth's due process rights, who runs the "code of conduct" hearing, and the structure of the hearing (for example: what are the goals and desired outcome; youth make a statement; witnesses testify; youth right to counsel, etc.).
- The PP explains the number of members on the "code of conduct" hearing committee and how many members are needed for a final decision/determination.
- The PP clearly defines the possible outcomes of the hearing (for example: guilty, not guilty, or dismissed).
- The PP states that the youth receives a copy of the conduct report and hearing outcome. The original copies shall be placed in the youth's file.
- The PP states if a youth is found not guilty, the conduct report will be removed from the youth's file.
- The PP describes appropriate consequences that may be required by the "code of conduct" hearing committee (for example: restitution, additional writing assignments, apology letter, etc.).
- The PP describes how consequences are decided (for example: criteria considered; discussion among hearing panel members; etc.).
- The PP describes if these hearing sessions will be recorded and if so, how the recording will be stored (by whom and where).
- The PP requires the formal hearing to take place as soon as possible but not later than 5 business days following the day the infraction occurred.
- The PP reserves youth the right to plead guilty and not participate in a formal hearing process.
- The PP describes who has the authority (for example: Facility Superintendent) to reduce sanctions provided by Hearing Officers based on youth's engagement in programming.

- The PP describes the process for documenting the reduction in sanctions (for example: memo to the Hearing Officer from the Facility Superintendent stating position, evidence for decision/rationale, etc.)

Appeals

- The PP describes the process for youth filing an appeal to the decisions/consequences from the formal hearing (for example: completing an official agency appeals form; submitting grievance and placing it in the grievance box; writing a letter directly to the Hearings Officer or Facility Superintendent; etc.)
- The PP provides a timeline for when the appeal must be filed (for example: within seven (7) days).
- The PP requires individuals responsible for responding to the appeal, to make a decision and inform youth in writing of the outcome within 5 business days.
- The PP provides a second level to the appeals process beyond the facility (for example: Division or Regional Director) in which, if the initial appeal is denied (Hearing Officer decisions are upheld) youth have a final opportunity for an appeal.
- The PP requires a decision for the second level appeal to be made and youth informed in writing of the final decision within 5 business days.
- The PP requires that in a situation in which the Facility Superintendent overrules a disciplinary decision as a result of an appeal, the Superintendent must formally document the overruling, provide rationale/evidence for overturning the verdict, and request the guilty verdict be eliminated from the youth's record.

Quality Assurance, Training, and Data

- The PP describes how staff will be trained to deliver rewards and consequences appropriately to youth during new employee training and mandatory annual training.
- The PP requires and describes managers and/or coaches to assist staff in becoming proficient in teaching youth skills and delivering rewards and consequences (consistent with policy and/or procedure expectations).
- The PP describes a formal quality assurance process/system for ensuring rewards and consequences are applied consistently (for example: certain youth are not being singled out unfairly) – and who is responsible for these quality assurance checks (for example: weekly audits by Multi-Disciplinary Team).
- The PP describes and/or references the agency/facility appeal process if youth does not feel consequences were fair (this may be part of another policy and/or procedure but should be stated that there is a formal process a youth can use as part of their basic rights).
- The PP requires a tracking system of discipline (youth's name, violation, outcome of hearing, consequence, etc.) and analyze data for disparity issues (for example: race, ethnicity, gender, etc.).