



**Youth Detention Facility
OPERATIONS ORDER**

**Discipline and Discipline Process –
Title XV 1390 and 1391**

Purpose and Scope

Discipline shall only be used as a consequence of a youth's negative behavior and shall be imposed at the least restrictive level which promotes the desired behavior. Staff should take into consideration trauma-informed approaches and positive behavior interventions with the youth under their supervision.

Each living unit will have posted in plain view, approved written rules and behavioral guidelines designated to promote acceptable behavior on the part of youth assigned to the living unit. The rules and guidelines will be verbally reviewed by staff with each youth upon arrival in the living unit.

Staff will not delegate disciplining to other youth in the unit. Only staff can impose discipline.

Disciplinary measures shall not include corporal punishment, group punishment, physical or psychological degradation.

Affected Personnel

All Sworn Staff - YDF

Authority

Title XV, Sections 1390 and 1391, BSCC

Effective Date

December 1, 2019

I. Guidelines

- A. Disciplinary measures shall not deprive youth of the following basic rights:
1. Bed and bedding;
 2. Daily shower, access to drinking fountain, toilet, personal hygiene items and clean clothing;
 3. Full nutrition;
 4. Contact with parent and attorney;
 5. Exercise;
 6. Medical services and counseling;
 7. Religious services;
 8. Clean and sanitary living conditions;
 9. The right to send and receive mail;
 10. Education;
 11. Rehabilitative programming;

II. Major and Minor Rule Violations

- A. Minor rule violations include the following but are not limited to:
1. Use of profanity or making obscene gestures towards staff or other youth;
 2. Not following staff instructions;
 3. Threats towards staff (could be considered major rule violation);
 4. Agitation which deliberately cause other youth to become upset;
 5. Covering window, cameras, lights, vents, or intercoms;
 6. Destruction or theft of another youth's property;
 7. Vandalism of County property;
 8. Not being properly dressed;
 9. Trading commissary items or food during meals;
 10. Note passing/unauthorized communication;
 11. Interfering with the opening and closing of doors;
 12. Gambling;
 13. Any gang related behavior, including gang signs, language or images;
 14. Engaging in horseplay, pushing, shoving or wrestling;
 15. Leaving one's seat without permission;
 16. Entering a staff area;
 17. Refusing school;
 18. Not having room clean;
 19. Possession of contraband, i.e., money, excess clothing, hygiene products, excess pictures, books, magazines, eating utensils.
- B. Major rule violations include the following but are not limited to;
1. Assault or attempted assault on staff or another resident;
 2. Threats towards staff or another resident;
 3. Assaults on other residents;

4. Sexual misconduct;
5. Significant destruction of County property;
6. Escape attempt;
7. Riotous behavior;
8. Smoking;
9. Contraband including: medications, drugs, alcohol, matches, lighters or a weapon;
10. Wristband removal;
11. Entering an area solely designated for staff.

III. Consequences include the following but are not limited to:

- A. Verbal counseling
 1. Advise the youth of expected conduct.
- B. Point loss (See YDF Policy and Procedure "Positive Reinforcement System" for further guidelines).
- C. Loss of commissary privilege
- D. Early bed
- E. Loss of bank points
- F. Demotion to a lower level
- G. Program separation

IV. Discipline Process

- A. Individual disciplinary actions that are a major rule violation and result Program Separation shall be subject to a single due process hearing. The due process hearing provides the opportunity for the resident to be heard, present evidence, and make a statement.
- B. A single due process hearing shall be conducted prior to any resident receiving the recommended discipline. Elements of a due process hearing include:
 1. Written notice of the violation prior to the hearing (Institutional Incident Report);
 2. Accommodations provided to youth with disabilities, limited literacy, and English language learners;
 3. Hearing by a person who is not a party to the incident;

4. Opportunity for the resident to be heard, present evidence, and testimony;
 5. Provision for the resident to be assisted by staff in the hearing process; and
 6. Provision for an administrative review.
- C. Staff member observing the major rule violation will:
1. Submit an Institutional Incident Report (IIR) to the Supervisor documenting the observed major rule violation, including the date and time of incident, names of staff present, evidence, and staff action taken.
 2. The IIR documenting the major rule violation must be written before the staff member goes off duty.
- D. The Supervisor will:
1. Review the IIR and determine an appropriate disposition.
 2. If Program Separation is the recommended pending discipline by the Supervisor, the Supervisor will request a due process hearing to be conducted by a Hearing Officer who was not a party to the incident.
 3. Conducting the due process hearing shall not impede staff in the performance of their duties in crisis situations. Staff has a responsibility to immediately intervene in crisis situations that involve a threat to persons, property, or the security and order of the institution.
- E. The Hearing Officer, a designated Senior Deputy Probation Officer, will:
1. Meet with the resident(s) pending discipline and conduct the due process hearing.
 2. Inform the youth of the major rule violation and recommended discipline;
 3. Ensure the youth has staff assistance, if requested.
 4. Ensure the youth has an interpreter, if needed.
 5. Obtain the youth's statement in regards to the violation.
 6. Obtain any evidence, if any.
 7. Interview witnesses, if any.


8. Have the youth sign and date the due process hearing form.
 9. Document a finding / recommendation, sign, date, and indicate time of hearing.
 10. May recommend to dismiss the potential discipline based upon the finding the youth did not commit the alleged act.
 11. Submit the due process hearing form to the Supervisor responsible for the disposition of the incident report.
 12. Advise the youth as to the final decision and his/her right to appeal upon the Supervisor's sustained findings.
- F. The following time constraints will be observed:
1. After the Supervisor's findings are documented, the Supervisor shall forward the due process hearing form to the Assistant Division Chief for an Administrative Review.
 2. The decision of the Supervisor is final yet subject to appeal through the disciplinary appeal procedure.

V. Appeal Process

- A. An appeal for imposed discipline as a result of a major rule violation must state specific reasons for the appeal and fit into one of the following criteria:
1. There is new evidence available which will affect the findings.
 2. There are procedural errors (i.e. not provided staff assistance, not given opportunity to call witnesses, etc.).
 3. The discipline the resident received was different than that received by others for the same offense.
 4. Any appeal will be submitted to the Division Chief or designee for review.
 5. Appeals may be approved, modified, reversed, or returned with directions including ordering a rehearing, but may not increase sanctions to be imposed.

Attachments – Notice of Due Process Hearing

**Amends/Replaces Previous Orders – Discipline Process 10/1/13 and
Due Process 7/31/12**

Authorized By  **Date** 5/1/2020
Dave Semon, Division Chief