

1.3.C.3 Juvenile Discipline System

I Policy Index:



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II Policy:

STAR Academy will maintain a formal system to impose discipline on juveniles whose behavior violates rules of the facility, Department of Corrections (DOC) policies or state laws. This juvenile discipline system will encourage and support the positive development of juveniles and emphasize proactive and preventive intervention.

III Definitions:

Administrative Detention:

A temporary form of separation from the general population used when the continued presence of a juvenile within the general population would pose a threat to life, property, self, staff, other juveniles, or to the security or disciplined operation of the facility. The duration of the detention shall not exceed twenty-four (24) hours, excluding weekends and holidays.

Informal Resolution:

The resolution of a juvenile's violation of a minor Prohibited Act(s), which involves the mutual consent of the juvenile and the involved staff member. The elements of an informal resolution include an acknowledgement by the juvenile that he/she did violate a Prohibited Act(s) and staff offering, and the juvenile accepting, an immediate sanction.

Facility Rules:

Published rules that govern the behavior and conduct of juveniles and staff at the STAR Academy.

Incident:

An event or crisis that may compromise the safety and security of staff and juveniles and requires staff response and written documentation. Such events may involve staff, juveniles or others. Examples include assaults, escapes, facility evacuations, vehicular accidents, abuse, disturbances or riots. An incident also refers to situations of environmental risk at a facility, such as broken glass, blocked emergency exits, etc.

DOC Staff:

For the purposes of this policy, a staff member is any person employed by the DOC, full or part time, including an individual under contract assigned to the DOC, an employee of another State agency assigned to the DOC, authorized volunteers and student interns.

Corrections Offender Management System (COMS):

A DOC database for staff use in the management, storage, and collection of informational and statistical data pertaining to the Juvenile Division and Juvenile Corrections Agent caseloads.

IV Procedures:

1. Prohibited Measures of Discipline:

- A. The following measures are prohibited as a form of discipline by staff employed at STAR Academy:
1. Denial or deprivation of sleep;
 2. Denial or deprivation of nutrition;
 3. Denial of access to bathroom facilities;
 4. Denial to family visits;
 5. Verbal abuse;
 6. Ridicule or humiliation;
 7. Shaming or sarcasm;
 8. Corporal punishment;
 9. Methods that cause physical discomfort;
 10. Mechanical restraints (See DOC policy 1.3.A.4 *Use of Force – Juvenile Institutions*);
 10. Use of chemical agents (See DOC policy 1.3.A.4 *Use of Force – Juvenile Institutions*);
 11. Peer restraints;
 12. Group punishment;
 13. Impingement on a youth's basic rights to care, safety and security; and
 14. Youth disciplining other youth.
- B. For the purposes of this policy, DOC staff assigned to DOC programs licensed by the Department of Social Services (DSS) as group care programs are not allowed to use restraints on juveniles, other than physical handling. If needed, restraints are allowed to be used on juveniles when working at DOC programs not licensed by DSS (See DOC policy 1.3.A.4 *Use of Force – Juvenile Institutions*).

2. Publishing Facility Rules for Juvenile Offenders:

- A. Facility rules for juvenile offenders, including major Prohibited Act(s) and Youth Standards of Conduct (located in STAR OM 5.3.C.1 *Youth Standards of Conduct*) and the youth program's Student Handbook will be maintained by the STAR Superintendent and made available to the

public and juveniles for review. Facility rules, Prohibited Acts and Youth Standards of Conduct shall be communicated to all juveniles housed at STAR Academy.

- B. Each juvenile offender housed at STAR Academy will be furnished a copy of a current youth program Student Handbook and shall be responsible for reading and understanding the Student Handbook and for any changes or revisions made to the Student Handbook during the time they are placed at STAR Academy.
- C. Each juvenile offender will sign a receipt of Student Handbook acknowledging receipt of the Student Handbook.
- D. To the extent reasonably available, a qualified staff member or translator may assist a juvenile offender who has a language or literacy barrier with understanding the facility rules, Student Handbook, Prohibited Acts and Youth Standards of Conduct.

3. Response to Violation of a Prohibited Act:

- A. Juvenile offenders are subject to a disciplinary response for violation of a Prohibited Act(s). Disciplinary responses should be proportionate to the importance and severity of the infraction and may include, but are not limited to:
 - 1. Imposition of fines;
 - 2. Additional assignments;
 - 3. Work, (extra duty) assignment without compensation;
 - 4. Loss or restriction of privileges;
 - 5. Punitive confinement;
 - 6. Transfer to a more secure housing unit;
 - 7. Change in custody status; and
 - 8. Extended length of stay.
- B. Corporal punishment or use of mechanical restraints as a form of punishment upon a juvenile offender is prohibited.
- C. If the violation of the Prohibited Act(s) also involves a violation of state or federal law, the juvenile offender may be subject to criminal investigation and prosecution, either on an additional delinquency petition or in a criminal proceeding following transfer to adult court.

4. Reporting Violations of Prohibited Acts:

- A. The DOC encourages informal resolution (requiring consent of both parties) of incidents involving violation of minor Prohibited Acts (See DOC Policy 1.3.E.3 [Juvenile Administrative Remedy Procedure](#)).
- B. When a staff member witnesses or has reasonable belief a violation of a Prohibited Act(s) has been or may have been committed by a juvenile offender and the staff member considers

informal resolution of the incident inappropriate, or attempts to informally resolve the matter are unsuccessful, the staff member will complete an Incident Report (IR).

1. Non-DOC staff who witness or have a reasonable belief a juvenile has committed a Prohibited Act(s) will document the alleged violation on an IR within twenty-four (24) hours of their knowledge of alleged violation.
 2. Non-DOC staff will submit an IR to a DOC staff member; typically their staff liaison or supervisor.
- C. DOC staff will complete the appropriate sections of the IR (located in COMS) within twenty-four (24) hours of when the violation was reported or within twenty-four (24) hours of the completion of an investigation in which the determination is made a juvenile may have violated a Prohibited Act. Staff entries in the IR shall be specific and comprehensive.
1. For the purposes of this policy, the IR is considered a disciplinary report.
 2. Reporting staff will ensure the designated disciplinary officer is informed/notified of the IR/disciplinary report.
 3. Each staff witness to the juvenile committing a Prohibited Act shall submit an addendum to the IR.
 4. Exceptional circumstances for delaying the investigation/documentation of the incident beyond 24-hours shall be documented on the IR.

5. Placing a Juvenile on Administrative Detention:

- A. A juvenile offender may be placed on Administrative Detention under the following circumstances:
1. If the juvenile is charged with violating a major Prohibited Act(s).
 2. The staff member in charge determines the continued presence of the juvenile within a less restrictive placement could pose a threat to life, property, self, staff, other offenders or the security and/or disciplined operation of the facility. This may include but is not limited to short term (less than twenty-four (24) hours) behavior stabilization (excludes weekends and holidays).
 3. When an investigation is being conducted and staff has reason to believe a juvenile offender has violated a major Prohibited Act(s) and/or the juvenile is suspected of being involved in, or having committed a criminal offense.
 4. Pending the juvenile's transfer due to an increase in the juvenile's risk level.
- B. [The Juvenile – Administrative Detention Order](#) will be completed prior to placing a juvenile in Administrative Detention. Staff will advise the juvenile offender of the reason they are being placed on Administrative Detention prior to the placement and provide the juvenile with an opportunity to make a verbal or written response (See [Attachment 1](#)).
1. In addition to the signature of the staff member serving the [Administrative Detention Order](#) to the juvenile, the STAR Academy Superintendent or designee must also sign the Administrative Detention order.

2. Placement and reviews of a juvenile on Administrative Detention will be documented on a [Juvenile - Administrative Detention Order](#) form.
- C. If a juvenile is placed on Administrative Detention due to an alleged violation of a major Prohibited Act(s) or pending investigation of a possible violation of a major Prohibited Act(s), he/she will be served with a copy of the disciplinary report. Juveniles placed on Administrative Detention for investigative purposes will normally be released from Administrative Detention within twenty-four (24) hours of their placement on Administrative Detention.
1. Each juvenile placed on Administrative Detention longer than twenty-four (24) hours will be assessed every twenty-four (24) hours to determine the need for continued placement on Administrative Detention.
 - a. The Youth Treatment Supervisor or other supervisory staff, depending on the juvenile's housing/program status, will complete the assessment.
 - b. Staff completing the assessment will escort the juvenile out of the cell and talk with him/her in person.
 2. Staff completing the assessment will make one (1) of the following decisions:
 - a. Serve the juvenile with a Disciplinary Report.
 - 1) If the Disciplinary Report is for a minor Prohibited Act, staff will normally order the juvenile released from Administrative Detention.
 - 2) If the Disciplinary Report is for a major Prohibited Act, staff will normally order the juvenile to remain on Administrative Detention.
 - b. Order the juvenile released off of Administrative Detention.
 - c. Continue the juvenile on Administrative Detention for further investigation.
 - 1) Upon conclusion of the investigation, the designated program staff person will either serve the juvenile with a Disciplinary Report or order the juvenile released from Administrative Detention.
 3. No juvenile offender will be confined on Administrative Detention for longer than twenty-four (24) hours (excluding weekends and holidays) prior to a hearing unless a documented need is provided to the Superintendent or designee.
 - a. Staff must document the pertinent reasons why the juvenile offender should be kept on Administrative Detention longer than twenty-four (24) hours.
 - b. The Superintendent must approve any Administrative Detention placement beyond twenty-four (24) hours.
 4. Placement on Administrative Detention for investigative purposes may not be for punitive reasons and the time will not exceed what is reasonably required to complete the investigation.
- D. Health Services will be notified by e-mail immediately when a juvenile is placed on Administrative Detention so Health Service staff can conduct a daily assessment (Monday through Friday) of the juvenile offender and ensure medical care and medications are available. On weekends and holidays, the on-site Supervisor will act as the medical liaison and will conduct the daily checks. Daily checks will be documented in the confinement area log book.

1. If a juvenile offender requires immediate medical care, health service staff will be contacted or DOC staff will transport the juvenile to the Custer Regional Hospital Emergency room.
 2. If program staff or mental health staff place a juvenile on suicide precaution, Health Services will be immediately notified. Staff will log the suicide precaution level into COMS Alerts.
- E. During any Administrative Detention placement, staff will have visual contact with the juvenile **at least once** every fifteen (15) minutes, on a non-routine basis. Staff will use the Guard 1 system to document each contact. A [Juvenile – Cell Confinement Record](#) will be completed and maintained documenting each contact if the Guard 1 system is not working.
1. Staff conducting the check will use discretion regarding the extent of any direct interaction they have with the juvenile; i.e. it is normally not necessary to wake a sleeping juvenile offender or require the juvenile to speak with staff during the checks. Staff may directly interact with the juvenile to assist them in solving any problems/issues and to help determine when the juvenile may be released from Administrative Detention.
 2. Juveniles placed in Administrative Detention will receive at least one (1) hour per 24-hour period outside the cell for exercise/recreation and showering.
 - a. Juveniles will not be removed from Administrative Detention during the 24-hour period unless they are demonstrating appropriate behaviors and are substantially compliant with staff directives.
 3. All juveniles on Administrative Detention will receive appropriate educational services, Monday-Friday, excluding holidays or when education staff are not scheduled to be on-site.
- F. Administrative Detention placement will not be used to circumvent the Juvenile Disciplinary System and/or sanctions/responses to a violation of a Prohibited Act.
- G. Designated staff will be notified by control room staff when a juvenile is placed on and removed from Administrative Detention. Parental/guardian notification will be completed by program staff in accordance with DOC policy 1.4.B.8 [Parent Guardian Notification](#).

6. Juvenile Notice of Violation and Investigation:

- A. The disciplinary officer will review the IR/disciplinary report and any accompanying IRs in COMS within twenty-four (24) hours of receiving the report. The staff member assigned to review the report will not normally be directly involved in the incident.
- B. The disciplinary officer may contact the reporting staff member or witness(es) to obtain additional information regarding the incident or clarify questions he/she may have regarding the incident.
- C. The disciplinary officer will assign a proposed sanction.
- D. The disciplinary officer will meet with the juvenile and will serve the juvenile the IR/disciplinary report.
- E. The disciplinary officer will notify the juvenile within twenty-four (24) hours from the date the report was generated. This time frame shall be followed unless a criminal investigation is pending or currently being conducted or the juvenile's placement off-site causes a delay. Reasons for a delay in notifying the juvenile beyond 24 hours shall be documented on the

disciplinary report.

1. The juvenile will be advised of his/her right to remain silent throughout the entire disciplinary process.
 2. A copy of the disciplinary/IR report and related IRs will be provided to the juvenile.
 - a. The juvenile will not be provided a copy of any IR that contains confidential information or information that could endanger staff or another juvenile(s).
 3. To the extent reasonably possible, staff may read/translate the content of the disciplinary/IR report to a juvenile offender with a language or literacy barrier.
 4. The disciplinary officer will note the juvenile offender's response to the report, take any statement or explanation the juvenile wishes to make (unless it appears likely the incident will be the subject of a criminal investigation) and note the juvenile's attitude and demeanor at the time the report is served.
 - a. The juvenile may admit to the violation of a Prohibited Act(s), accept the offered sanction(s) and waive the hearing; or
 - b. The juvenile may request a hearing if he/she denies violation of the Prohibited Act(s), contests the sanction(s) offered, or wishes to present mitigating information.
 - c. The disposition of any evidence will be recorded.
- F. The disciplinary officer will report his/her findings on the disciplinary/IR report and document one (1) of the following:
1. Recommendation to rescind the IR report or reduce the alleged major Prohibited Act(s) to a minor Prohibited Act(s).
 2. The juvenile's admission to violating the Prohibited Act(s) and acceptance of the proposed sanction(s).
 3. The juvenile's intent to proceed with a hearing.
- G. A recommendation to rescind or reduce, or the acceptance of a juvenile's admission of violation and acceptance of proposed sanctions involving a major Prohibited Act(s) must be approved by the STAR Academy Superintendent or designee prior to implementing the action or imposing the sanction(s).

7. General Disciplinary Hearing Guidelines:

- A. For juveniles not placed on Administrative Detention, a disciplinary hearing will normally be conducted within three (3) days of when the disciplinary/IR report was served to the juvenile (excluding the date the juvenile was served the disciplinary report).
1. The juvenile will be notified of the date and time set for the hearing at least twenty-four (24) hours prior to the hearing taking place.
- B. The STAR Academy Superintendent will appoint staff at each facility to serve on the disciplinary hearing committee.

1. Each disciplinary hearing committee will consist of one (1) or more supervisory level staff or senior staff member(s).
 2. To ensure objectivity, the staff member who generated the disciplinary report or witnessed the juvenile offender commit the Prohibited Act/criminal offense cannot serve as a member of a disciplinary hearing committee on that particular incident, except in a situation where virtually every staff member witnesses the incident, in whole or in part.
- C. The juvenile offender will be permitted to be present during the hearing process except during staff deliberation, or when the safety and security of the facility, the juvenile or others may be jeopardized or during the testimony of any juvenile witness whose testimony must be given in confidence. The reasons for the juvenile's absence or exclusion shall be documented.
1. Staff must advise the juvenile of his/her right to remain silent prior to the disciplinary hearing.
 2. A juvenile will be given an opportunity to explain his/her conduct regarding the disciplinary report (make a statement) during the hearing.
 3. A hearing can be conducted outside of the juvenile's presence if the juvenile offender refuses to appear or waives his/her right to appear in writing. Staff will document the juvenile's decision/refusal to appear on the disciplinary/IR report. A juvenile will be considered present if he/she participates in the hearing telephonically.
 4. If the juvenile exhibits unacceptable behavior, refuses to cooperate or refuses to participate in a reasonable manner and/or ignores staff directives, the hearing may be delayed or the committee will document the juvenile's behavior/refusal to participate and proceed with the hearing without the juvenile being present.
- D. The juvenile offender may make a statement or remain silent, present documentary evidence on his/her own behalf and request witnesses.
1. The committee may make a negative inference if the juvenile chooses to remain silent, however, the juvenile's silence alone cannot be used to find the juvenile committed a Prohibited Act.
- E. Upon completion of any/all testimony and/or presentation of evidence, the committee may excuse the juvenile to deliberate in private or temporarily suspend the hearing to gain additional information.
- F. The committee will consider all testimony and/or evidence presented and inform the juvenile offender of their decision and any sanction(s) imposed. The committee will decide on one of the following dispositions:
1. Informal resolution.
 2. A finding the juvenile did not violate the Prohibited Act(s).
 3. A finding the juvenile committed a Prohibited Act(s) any any accompanying sanction(s).
 - a. Each Prohibited Act(s) a juvenile offender is charged with violating must have a resolution.

- G. The designated member of the disciplinary hearing committee will complete all areas of the disciplinary/IR report in COMS that pertains to the action taken by the committee.

8. Disciplinary Hearing on Minor Violations:

- A. The notice of hearing is not required for a minor violation hearing.
- B. The juvenile will not be represented at the hearing by a staff member or by outside counsel.
- C. The juvenile will not be allowed to call witnesses.
- D. The reporting staff and staff witnesses shall be represented by their IR report(s).
- E. The disciplinary hearing committee will consider all evidence, including staff reports, statements from the juvenile, and related documentation presented during the hearing and reach a decision based on a preponderance of said evidence.
- F. The disciplinary hearing committee will decide on one (1) of the following dispositions:
1. Finding the juvenile did not commit a Prohibited Act(s).
 2. Finding the juvenile did commit a Prohibited Act(s) and imposition of any sanction(s).
 - a. Punitive confinement, transfer to more secure unit or change in custody status will not be a response for a violation of a minor Prohibited Act(s).
 - b. The disciplinary hearing committee will update the record in COMS documenting the juvenile's commission of a minor violation and any imposed sanction.
- G. A copy of the decision, disposition and supporting reasons for the decision will be noted in COMS and forwarded to the assigned JCA.

9. Disciplinary Hearing on Major Violations:

- A. The juvenile offender must be served copies of the disciplinary/IR report and provided notice of the time and place set for the hearing at least twenty-four (24) hours prior to the scheduled hearing. A hearing must be scheduled no later than seven (7) days from the date when the disciplinary/IR report was generated.
- B. Staff will ask the juvenile to indicate a choice of a staff representative or the juvenile may request a staff representative. The juvenile may not be represented during the hearing by outside legal counsel. [Attachment 3](#) outlines the duties of staff representatives.
1. The staff representative may be any full time staff member who is reasonably available, agrees to represent the juvenile and who is trained and familiar with the facility rules, disciplinary procedures and due process requirements. The following staff are generally exempt from serving as a staff representative unless otherwise directed by the STAR Superintendent:
 - a. The Superintendent, Assistant Superintendent, Disciplinary Hearing Officer or his/her alternate, program manager, reporting staff member, reviewing/investigating staff, witnesses to the report and others directly involved with the case.

- b. Other staff may be excluded from acting as a staff representative in a particular case when there is a potential conflict in roles.
 2. If staff determine a juvenile who has not requested a staff representative is not able to properly make a presentation on his/her own behalf (e.g. language or literacy barrier), a staff representative will be appointed to the juvenile.
 3. A staff representative will be given at least twenty-four (24) hours notice prior to the scheduled hearing to allow adequate time to prepare.
 - a. A delay in the hearing to allow the staff representative adequate time to prepare may be granted by the committee if so requested by the staff representative.
- C. The juvenile offender may call juvenile or staff witnesses under the following guidelines:
 1. The witness(es) must be named in advance, (at the time when the date and time for the disciplinary hearing is set). The names of the juvenile witnesses must be listed on the Notice of Hearing and include a statement describing the relevancy of their testimony to the disciplinary hearing.
 - a. The witness must have material knowledge of the incident that lead to the hearing.
 2. If the witness is not reasonably available, an effort will be made to reschedule the hearing to allow the witness to testify.
 3. Written statements or telephonic appearances from unavailable witnesses may also be accepted.
 - a. Written statements from a juvenile witness should be signed and dated by the juvenile. Staff should initial and date the statements as they are read into record.
 4. The committee may limit the number of juvenile witnesses if it can be determined their testimony would be repetitious or cumulative.
 5. Witnesses may decline to testify or answer questions directed to them at the hearing.
 6. The juvenile offender may not cross-examine juvenile witnesses. The committee or staff representative may question the witnesses.
 7. The staff representative may assist in arranging for the juvenile witnesses attendance at the hearing or in obtaining written statements from those juveniles unable to attend and present the list of questions submitted by the juvenile to the witnesses. If the juvenile is not appointed a staff representative but has submitted a list of witnesses, the juvenile must provide the committee with a list of questions for the juvenile witnesses prior to the start of the hearing.
- D. The committee will consider all evidence, including staff reports, statements from the juvenile, evidence derived from the witnesses and related documentation presented during the hearing and reach a decision based on a preponderance of said evidence.
- E. The committee will decide on one (1) of the following dispositions:
 1. Finding the juvenile did not commit a Prohibited Act(s).

2. Finding the juvenile did commit a Prohibited Act(s) but a recommendation the violation and sanction be reduced to a minor and any sanction(s) imposed.
 3. Finding the juvenile did commit a Prohibited Act(s) and the imposition of any sanction(s). The sanction(s) may be the original sanction(s) offered to the juvenile offender or the disciplinary hearing officer may impose a different sanction(s).
 4. A reduction of a major Prohibited Act(s) to a minor and imposition of any sanction(s).
- F. Staff designated by the STAR Academy Superintendent must review all disciplinary hearings and dispositions to assure conformity with applicable policy and compliance with established procedure. Approval shall be supported through signature on the Disciplinary Hearing Committee's Findings and Disposition within twenty-four (24) hours of the hearing.
- G. The disciplinary hearing committee will inform the juvenile of the decision and prepare a summary record of the proceedings on a major violation and document the following in COMS:
1. The findings.
 2. The sanction imposed, if applicable.
 3. The determining evidence, which will be specific, unless including such information/detail would jeopardize the security of the facility or safety of others.

10. Punitive Confinement:

- A. A juvenile may be sanctioned through the use of punitive confinement for the violation of a major Prohibited Act(s).
1. Juveniles may be placed in Administrative Detention as deemed necessary for the best interests of discipline, justice, rehabilitation and the protection of the juvenile or others.
 2. Juveniles who receive punitive confinement as a sanction may be given credit for time they spent on Administrative Detention (related to the incident) by the disciplinary officer, committee or STAR Superintendent.
- B. Placement in punitive confinement may not exceed five (5) consecutive days, excluding days spent on Administrative Detention.
1. Juveniles placed in punitive confinement will receive at least one (1) hour per day outside the cell for recreation/exercise and showering.
 2. Juveniles in punitive confinement will receive appropriate educational services.
- C. A juvenile in punitive confinement will be visually checked at staggered intervals by staff **at least once** every fifteen (15) minutes. The Guard 1 system will be used to document each visual contact. If the Guard 1 system is not working the [Juvenile – Cell Confinement Record](#) will be completed and maintained documenting each contact (See [Attachment 5](#)).
1. Staff conducting the check will use discretion regarding the extent of direct interaction they have with the juvenile; i.e. it is normally not necessary to wake a sleeping juvenile offender or require the juvenile to speak with staff during the checks. Staff may interact with the juvenile to assist them in solving any problems/issues.

- D. A juvenile will not be placed from general population directly into punitive confinement if they are already assigned a suicide precaution level.

11. Disciplinary Appeal:

- A. A juvenile offender may appeal the committee's decision and/or the sanction imposed involving a major Prohibited Act(s) in accordance with DOC policy 1.3.E.3 *Juvenile Administrative Remedy Procedure*.
- B. Decisions and/or sanctions involving a minor Prohibited Act(s) are not appealable nor are sanctions imposed as a result of the juvenile offender admitting to the violation(s), thereby waiving their right to appeal (applies to major or minor Prohibited Acts).
- C. Clerical errors contained in a disciplinary/IR report or related documentation will not typically constitute grounds for overturning a disposition.

12. Diminished Responsibility:

- A. A juvenile has a diminished level of responsibility if they lack the ability to understand the nature of the disciplinary proceedings, lack the ability to assist in their defense, or are impaired in such a manner that they are unable to make important decisions relevant to the disciplinary hearing process.
- B. Staff will not take disciplinary action against a juvenile who is incompetent, markedly immature or developmentally/emotionally disabled or who has a severe mental deficiency (lack of I.Q., mental deterioration, defect, illness or psychosis) to the degree he/she is not presumably responsible for his/her conduct and are unable to appreciate the nature and quality or wrongfulness of his/her actions.
 - 1. A juvenile is not responsible for his/her conduct if at the time of the conduct, he/she was unable to appreciate the nature or the wrongfulness of his/her acts at the time due to:
 - a. Disease/illness, defect, psychosis or mental deficiency (determined by mental health professional).
 - b. Age and/or marked immaturity, or developmental or emotional disability.
 - 2. Temper tantrum/acting out episodes by a very young juvenile and those juvenile offenders who are markedly immature may be handled through the minor rule violation process even if the behavior would constitute a major violation in a more culpable juvenile.
 - 3. DOC staff may consult with mental health staff if they have questions regarding a juvenile's competence.

13. Criminal Investigation:

- A. If it appears likely a juvenile offender's involvement in an incident may be the subject of a criminal investigation, the supervisor will suspend the review and deliver a copy of the report to the juvenile but will not take the juvenile's statement and will refer the matter to the designated supervisory staff person.

1. The supervisor will advise the juvenile of his/her right to remain silent and document this action on the disciplinary/IR report.
2. In the case where designated security staff determines the alleged violation of a Prohibited Act may lead to possible criminal prosecution (typically the commission of a Category 5 Prohibited Act) the following will occur:
 - a. The designated supervisory staff person will contact the appropriate outside agency, normally the Division of Criminal Investigation (DCI) for assistance in conducting an investigation and collecting evidence.
 - b. The designated supervisory staff person and the appropriate outside agency (DCI) will investigate the matter and determine the appropriate plan of action.
 - c. The designated DOC supervisory staff person will keep the appropriate senior level staff informed as to the progress of the investigation.
3. The supervisor can resume the internal review upon the approval of the designated supervisory staff person.
4. The supervisor may access the information obtained by the designated supervisory staff person and/or the appropriate outside agency.
5. If a criminal case is not pursued, the related disciplinary/IR report may be referred back to the supervisor for possible referral to the UDC. A decision not to pursue a criminal case or the dismissal of a criminal investigation by an outside agency does not support a finding the juvenile did not commit a Prohibited Act.

14. Maintenance of Records:

- A. With the exception of confidential information, violations resulting in informal resolution or violations resulting in a finding that the juvenile did not commit a Prohibited Act(s) shall be maintained in COMS.
- B. A copy of the disciplinary report and any related materials will be forwarded to the Incident Report e-mail group and a copy will be forwarded to the assigned Juvenile Corrections Agent (JCA) within seventy-two (72) hours of the final findings of the incident review.

V Related Directives:

[Juvenile Offender Living Guide](#)

DOC policy 1.3.A.4 – [Use of Force – Juvenile Institutions](#)

DOC policy 1.3.C.1 – [Living Guide](#)

DOC policy 1.3.E.3 – [Juvenile Administrative Remedy Procedure](#)

DOC policy 1.4.B.8 -- [Parent Guardian Notification](#)

STAR OM 5.3.C.1 -- [Youth Standards of Conduct](#)

VI Revision Log:

July 2004: Revised Punitive Confinement from 30 days to 10 days. Revised policy statement. Added information on detention. Changed “CEO” to “STAR Academy Administrator”. Changed “offender” to “juvenile”. Added references to DOC policy 1.3.C.1 and the *Juvenile Offender Living Guide*. Added references to the CIRF and how it is stored. Revised attachment 1. Added attachment 7. Changed into new policy format. Deleted having the JCA put disciplinary information

on JOTS. **Changed** room restriction to administrative detention. **Added** definitions for facility rules and incident.

August 2005: **Changed** STAR Academy Administrator to STAR Academy Superintendent. **Added** a requirement that the parent/guardian receive a copy of the form they signed when acknowledging receipt of the Juvenile Offender Living Guide. **Changed** "medical" to "Health Services". **Revised** attachments 2 and 3.

September 2006: **Added** a definition for working day. **Completed** some style/format changes. **Added** more specific information on who can act as a staff representative and how that person is selected.

August 2007: **Changed** "medical" to "health services" in reference to the notification of a juvenile on suicide watch. **Added** the Assistant Superintendent to those people who will not serve as a staff representative. **Changed** "inmate" to "juvenile" when referencing an illiterate person being appointed a staff representative. **Revised** the requirements on the fifteen-minute checks of juvenile's in Administrative Detention. **Changed** the maintenance of records to state that disciplinary reports and records go to the juvenile's program file.

July 2008: **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2. **Changed** location of Attachment 1 and 6 to be located within DOC tab vs. STAR tab. **Revised** titles of Attachment 2, 3, 4, 5 and 6 to be consistent with policy, attachment and the WAN.

July 2009: **Revised** policy statement. **Added** Prohibited Measures of Discipline section. **Revised** ss (B of Response to Violation of a Prohibited Act) to include mechanical restraints as a form of punishment is prohibited. **Replaced** "watch" with "precaution" as it relates to suicide throughout policy. **Added** "non routine basis" to ss (E), **deleted** reference to 24 hours a day 7 days a week, **added** reference to Attachment 6 and **added** new ss (E2a) of Placing a Juvenile on Administrative Detention. **Added** new ss (B1) and **added** "on a non-routine basis" and **revised** sentence structure in ss (C) all within Punitive Confinement. **Added** DOC policy 1.3.A.4 in section V. **Added** hyperlinks throughout policy. **Revised** Attachment 6 with updated titles for staff and terminology relating to suicide watch and issued clothing.

July 2010: **Revised** formatting of Section 1. **Deleted** reference within two working days in ss (E of Juvenile Notice of Violation and Investigation).

June 2012: **Delete** definition of "Working Day" **Added** definition of "DOC staff" and "Administrative Detention" **Added** "The duration of the detention shall not exceed forty-eight hours, excluding weekends and holidays" to the definition of Administrative Detention. **Added** "current" and **Added** "and shall be responsible for reading and understanding the Guide and any changes/revisions to the Guide during the time they are placed with the DOC" Section 2 B. **Deleted** "form" and **Replaced** with "the receipt of juvenile offender Living Guide" to Section 2 B. 1 & 2. **Deleted** "will be placed in the juvenile's central file located with the JCA" in Section 2 B. 3. **Added** "should be proportionate to the importance and severity of the infraction and may" to Section 3 A. **Added** "the Youth Standards of conduct" and "and are available to the public and juveniles to review" to Section 2 C. **Added** "Informal resolution requires the consent of both parties" to Section 4 A. **Deleted** "their knowledge of a juvenile offender violating a Prohibited Act" and **Replaced** with "when the violation was reported" and **Added** "Staff entries in the IR shall be specific and comprehensive as possible" in Section 4 C. **Added** "Reporting" and **Deleted** "submit the disciplinary report to" and **Replaced** with "ensure" and **Added** "is informed/notified of the IR/disciplinary report" in Section 4. C. 2. **Added** 3. and 4. to Section 4 C. **Added** "or may have been" and **Added** "attempts to informally resolve the matter are" in Section 4 B. **Added** 1 & 2 to Section 4 B. **Deleted** "CIRF" and **Replaced** with (IR) located in COMS" in Section 4 C. **Deleted** "a threat to the security of the facility" and **Replaced** with "to life, property, self, staff, other offenders, of the security and disciplined operation of the facility" and **Added** "excluding weekends and holidays" in Section 5 A. 2. **Deleted** "to a more secure facility" and **Added** "an increase in the juvenile's" in Section 5 A. 4. **Deleted** "copied and explained to the juvenile" and **Replaced** with "Staff will advise the juvenile of the reason they are being placed in Administrative Detention" "and provide with an opportunity to make a verbal or written response" to Section 5 B. **Added** 2. & 3 to Section 5 C. **Added** "Monday through Friday" and **Added** "On weekends and holidays, the on-site supervisor will act as the medical liaison and will conduct daily

checks” to Section 5 D. **Added** “Staff may interact with the juvenile to assist them in solving any problems/issues and to help determine when the juvenile may be released from Ad. Det.” in Section 5 E. 1. **Added** “Staff will log the suicide precaution level into COMS Alerts. **Deleted** “day” and **Replaced** with 24-hr. period” in Section 5 E. 2. **Added** “Monday-Friday, excluding holidays or when education staff are not scheduled to be on-site” to Section 5 E. 3. **Added** G. to Section 5. **Added** “within twenty four hours of receiving the report. The staff member assigned to review the report will not normally be directly involved in the incident” in Section 6 A. **Deleted** “seven” and **Replaced** with “24 hours” and **Deleted** “juvenile was charged” and **Replaced** with “report was generated” and **Added** “criminal investigation is pending or currently being conducted” and **Added** “Reasons for a delay in notifying the juvenile beyond 24 hours should be documented on the report” to Section 6 E. **Added** a. to Section 6 E. 2. **Added** “(unless it appears likely the incident will be the subject of a criminal investigation” **Added** c. & d. to Section 6 E. 4. **Deleted** “seven days” and **Replaced** with “three days” and “excluding the date the juvenile was served the disciplinary report” in Section 7 A. and **Added** 1. to Section 7 A. **Added** “To the extent reasonably possible” and **Added** “except in a situation where virtually every staff member witnesses the incident, in whole or in part” to Section 7 B. 2. **Added** “or during the testimony of any juvenile witness whose testimony must be given in confidence. The reasons for the juvenile’s absence or exclusion shall be documented” in Section 7 C. **Added** new 1. to Section 7 C. and **Renumbered** items that followed. **Added** “Staff will document the juvenile’s decision/refusal to appear on the disciplinary report” and “A juvenile will be considered present if he/she participates in the hearing telephonically” in Section 7 C. 2. **Added** 3. to Section 7 C. **Added** “The committee may make a negative inference if the juvenile chooses to remain silent, however; their silence alone cannot be used to find the juvenile committed a prohibited act” to Section 7 D. **Added** “or temporarily suspend the hearing to gain additional information” to Section 7 E. **Added** “consider all evidence presented and” to Section 7 F. **Added** 1 to Section 7 F. **Added** G. to Section 7. **Added** “provided notice of the time and place for the” and **Added** “A hearing must be scheduled no later than seven days from the date when the IR was generated” in Section 9 A. **Added** “Who is reasonably available, agrees to represent the juvenile and who is trained and familiar with the facility rules, disciplinary procedures and due process requirements” to Section 9 B 1. **Added** a to Section 9 B. 3. **Deleted** “it must be noted what they are going to testify to” and **Replaced** with “The names of the juvenile witnesses must be listed on the Notice of Hearing and the relevancy of their testimony to the disciplinary hearing” in Section 9 C. 1. **Added** a. to Section 9 C. **Added** a to Section 9 C. 3. **Added** 4.-7 to Section 9 C. **Added** a. to Section 9 F. 1. **Added** “including staff reports, statements from the juvenile, evidence derived from the witnesses and related documentation presented during the hearing” in Section 9 D. **Added** “all disciplinary hearings and dispositions to assure conformity with applicable policy and compliance with established procedure. Approval shall be supported” in Section 9 F. **Added** “and imposition of sanction” in Section 9 F. 3. **Added** 4 to Section 9 F. **Added** 1. & 2. to Section 10 A. **Added** 1. to Section 10 c. **Added** D. to Section 10. **Added** “Thereby waiving their right to appeal” to Section 11 C. **Added** C. to Section 11. **Added** “or impaired in such a manner they are unable to make important decisions relevant to the disciplinary hearing process” in Section 12 A. **Added** “severe mental deficiency (lack of I.Q., mental deterioration, defect, illness or psychosis)” and **Added** “and are unable to appreciate the nature and quality or wrongfulness of his/her actions” to section 12 B. **Added** 3 to Section 12 B. **Added** new section 13 “Criminal Investigation” and **Renumbered** previous section to 14. **Deleted** “the disciplinary officer of committee will forward disciplinary reports and records for placement in the juvenile’s program file” and **Replaced** with “shall be maintained in COMS” in Section 14. A. **Deleted** “CIRF” and **Replaced** with “IR” in Section 14 B. **Deleted** 1 and 2 in Section 14 B.

July 2013: **Deleted** 48 hours and **Replaced** with 24 hours in definition of Administrative Detention. **Deleted** “A. Facility rules for juvenile offenders, including a list of major Prohibited Acts is contained in the SD DOC Juvenile Offender Living Guide” in Section 2. **Deleted** “B Each juvenile offender committed to the DOC will be furnished a copy of the current Juvenile Offender Living Guide and is responsible for reading and understanding the Living Guide and for any changes/revisions made to the Living Guide during the time they are placed in the DOC” in Section 2. **Deleted** “1 Juvenile offenders will sign the Receipt of Juvenile Offender Living Guide acknowledging receipt of the Living

Guide” in Section 2. **Deleted**“2 A parent/guardian, if available, will also sign the Receipt of Juvenile Offender Living Guide, acknowledging they received a copy of the Living Guide. The parent/guardian will be give a copy of the Living Guide and form they signed” in Section 1.**Deleted** “A record of all signed receipts shall be kept in the juvenile offender’s file” in Section 1. **Deleted** “Other” and **Added** “for juvenile offenders, including major prohibited acts” and **Added** “and youth programs Student Handbook” in Section 2 A. **Added** new B. C. to Section 2. **Deleted** “Living Guide” and **Replaced** with “Student Handbook” in Section 2 D. **Added** “addendum to the” in Section 4 C. 3. **Deleted** “48” and **Replaced** with “24” in Section 5 A. 2.**Added** “using the Juvenile Administrative Detention Order” in Section 5 B. **Added** “or designee” in Section 5 C. **Deleted** “manager” and **Replaced** with “staff” in Section 5 D. 2. **Added** “Staff will use the Guard 1 system to document each contact” and **Added** “if the Guard 1 system is not working” in Section 5 E. **Deleted** “documenting each visual contact will be maintained and **Replaced** with “The Guard 1 system will be used to document each visual contact. If the Guard 1 system is not working, the Juvenile Cell Confinement Record will be completed and maintained documenting each contact.” in Section 10 C. **Deleted** “security staff” and **Replaced** with “supervisory staff” throughout Section 13.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

09/19/2013

Date

Attachment 1: Juvenile - Administrative Detention Order

The *Juvenile - Administrative Detention Order* form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Juvenile - Administrative Detention Order** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Juvenile - Administrative Detention Order**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections		Attachment: Juvenile - Administrative Detention Order	
Policy		Please refer to DOC policy 1.3.C.3	
Distribution: Public		Juvenile Discipline System	
JUVENILE - ADMINISTRATIVE DETENTION ORDER			
To:	Administrative Detention Housing Officer		
From:	<input type="text"/> <small>(Name/Title)</small>		
Re:	Placement of:	<input type="text"/>	<input type="text"/>
		<small>(Juvenile's Name)</small>	<small>(Juvenile's Number)</small>
	In Administrative detention.	<input type="checkbox"/> Initial Placement	<input type="checkbox"/> Status Review
	<input type="checkbox"/> Is pending an investigation and/or hearing for a violation of Prohibited Acts) or is pending investigation or legal proceedings.		
	<input type="checkbox"/> Is to be admitted/continued because the juvenile is a threat to the security of the facility or a danger to self or others.		
	<input type="checkbox"/> Is pending transfer due to risk level.		
It is the staff member's decision based on all of the circumstances that the above named juvenile's continued presence in the general population poses a threat to the property, self, staff or other juveniles, or the security of the facility because:			
<input type="text"/>			
<input type="text"/>			
<input type="text"/>			
<input type="text"/>			
Therefore, the above named juvenile is to be placed on/continued in Administrative Detention until further notice. The juvenile received a copy of this form on:			
Date:	<input type="text"/>	Time:	<input type="text"/>
<input type="text"/> <small>Staff Member (Printed Name/Signature)</small>		<input type="text"/> <small>Date</small>	
<input type="text"/> <small>Chief Executive Officer of the Facility or Designee</small>		<input type="text"/> <small>Date</small>	
Revised: 7/22/2008		Page: 1 of 1	

Attachment 2: Juvenile - Notice of Hearing

The **Juvenile - Notice of Hearing** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Juvenile - Notice of Hearing** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Juvenile - Notice of Hearing**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Juvenile - Notice of Hearing Please refer to DOC policy 1.3.C.3 Juvenile Discipline System	
JUVENILE – NOTICE OF HEARING			
Juvenile's Name: []		Date: []	
Juvenile's Number: []			
You have been charged with violating a Major Prohibited Act of the Department of Corrections as described in the attached Comprehensive Incident Report Form.			
A Hearing regarding these charges will be held at:		on	at
[] (location)		[] (date)	[] (time)
You have the following Rights:			
1.	The right to remain silent.		
2.	The right to be present at the hearing unless your presence constitutes a threat to safety or security or you refuse to be present.		
3.	The right to present written evidence on your behalf except when doing so would be unduly hazardous to the facility or correctional goals.		
4.	The right to a decision made by an impartial disciplinary committee.		
5.	The right to written notice of the claimed violation(s) at least 24 hours prior to the hearing.		
6.	The right to written notice of the hearing at least 24 hours prior to the hearing.		
7.	The right to a written statement by the Disciplinary Hearing Committee as to the evidence relied on and the facts supporting the decision unless the information constitutes a threat to safety or security.		
8.	The right to have a staff member assist you in the hearing process.		
Please indicate whether you desire to have a staff member assist you at the hearing.			
<input type="checkbox"/> I do wish to have the assistance of a staff member.			
<input type="checkbox"/> I do not wish to have the assistance of a staff member.			
Please indicate the reason assistance is requested:			
9.	The right to call witnesses unless doing so would be unduly hazardous to facility safety or correctional goals. Please list the names of witnesses you wish to call and briefly state what each would be able to testify to:		
[]	[]	can testify to:	[]
[]	[]	can testify to:	[]
[]	[]	can testify to:	[]
Receipt of the Notice acknowledged this [] day of [], 20[] at [] hours of the day.			
[] Juvenile		[] Witness	
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Attachment 3: Juvenile - Duties of Staff Representative

The *Juvenile – Duties of Staff Representative* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Juvenile – Duties of Staff Representative* by:
 - a. Placing mouse on the word “here” above
 - b. Press and hold the “Ctrl” key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Juvenile – Duties of Staff Representative*.

The gray areas indicate the information that is to be entered.

Attachment: Juvenile – Duties of Staff Representative	
Policy Distribution: Public	Please refer to DOC policy 1.3.C.3 Juvenile Discipline System
JUVENILE – DUTIES OF STAFF REPRESENTATIVE	
1.	You are to assist the Juvenile in understanding the charges and potential consequences.
2.	You should be familiar with procedures at the hearing, explain them to the Juvenile in advance and, if necessary during the hearing, assist the Juvenile in understanding procedural points.
3.	You are to assist the Juvenile in preparing a defense and presenting whatever information the Juvenile wants to show at the hearing. This will require, in every case, consultation(s) with the Juvenile and familiarity with the Disciplinary System.
4.	You are to speak to witnesses who might furnish evidence on behalf of the Juvenile, if the Juvenile indicates there are such witnesses whom the Juvenile wishes to be called. You may question witnesses requested by the Juvenile who have been approved or called before the Disciplinary Hearing Committee.
5.	You should become familiar with all reports relative to the charge(s) against the Juvenile. Confidential or security information must be protected and may not be shared with anyone else; including Juveniles, staff, visitors, attorneys, etc. Any request for confidential information should be directed to the Disciplinary Hearing Committee.
6.	You should present any evidence favorable to the Juvenile's defense.
7.	You should present information which may assist the Disciplinary Hearing Committee and which may obtain a lesser sanction for the Juvenile. If you believe you need additional time to pursue any of the functions, you may request a delay in the hearing from the Disciplinary Hearing Committee, but ordinarily only after you have the concurrence of the Juvenile to do this.
8.	You should not be present during deliberations by the Disciplinary Hearing Committee. An exception would be where you have read confidential information and want to discuss that with the Disciplinary Hearing Committee outside the Juvenile's presence. In that case, you will have to explain to the Juvenile, in general terms, what you are doing and you should leave the room as soon as that function is over.
9.	If the Juvenile asks you to assist in writing an appeal from the hearing, you will assist the Juvenile in doing so.
I have read the Duties of Juvenile Staff Representatives and <input type="checkbox"/> agree <input type="checkbox"/> do not agree to serve as staff representative for:	
Juvenile's Name	Juvenile's Number
Name/Signature of Staff	Date
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Attachment 4: Juvenile - Disciplinary Hearing Committees Findings and Disposition

The **Juvenile – Disciplinary Hearing Committees Findings and Disposition** form is located on the state’s WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Juvenile – Disciplinary Hearing Committees Findings and Disposition** by:
 - a. Placing mouse on the word “here” above
 - b. Press and hold the “Ctrl” key on the keyboard
 - c. Click the left button of mouse.
- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Juvenile – Disciplinary Hearing Committees Findings and Disposition**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment Juvenile – Disciplinary Hearing Committees Findings and Disposition Please refer to DOC policy 1.3.C.3 Juvenile Discipline System
JUVENILE – DISCIPLINARY HEARING COMMITTEES FINDINGS AND DISPOSITION	
Juvenile's Name: <input type="text"/>	Number: <input type="text"/>
Staff Representative (if applicable): <input type="text"/>	
Juvenile's Statement and Evidence Presented: <input type="text"/>	
Juvenile's Witnesses and Testimony (if applicable): <input type="text"/>	
Summary of Evidence in Support of the Disciplinary Hearing Committee Decision: <input type="text"/>	
Disciplinary Hearing Committee Decision: <input type="text"/>	
Sanctions: <input type="text"/>	
Juvenile Advised of Right to Appeal: <input checked="" type="checkbox"/> Yes	
Disciplinary Hearing Committee Member	Date
CEO's Designee	Date
Revised: 7/22/2008	Page 1 of 1

Attachment 5: Juvenile - Confinement Cell Record

The **Juvenile – Confinement Cell Record** form is located on the state’s WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Juvenile – Confinement Cell Record** by:
 - a. Placing mouse on the word “here” above
 - b. Press and hold the “Ctrl” key on the keyboard
 - c. Click the left button of mouse.

- 2.. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Juvenile – Confinement Cell Record**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections		Attachment: Juvenile – Confinement Cell Record	
Policy		Please refer to DOC policy 1.3.C.3	
Distribution: Public		Juvenile Discipline System	
Juvenile Name:	Program:	Date:	
Supervisor on Duty:	Staff on Duty:		
Authorization: PM/YTS:	Time:		
Notification: PM/YTS:	Time:		
Reason for Confinement:			
Administrative Requirement			
Medical Staff Notified	<input type="checkbox"/>	Time:	Method:
Mental Health Staff Notified	<input type="checkbox"/>	Time:	Method:
Suicide Precaution	<input type="checkbox"/>	Constant Observation - document on Constant Observation Log.	
Check Appropriate Dress			
Undergarment:	Suicide Gown:	T-Shirt:	Shorts:
			Shower Shoes:
Staff Initials:	Staff Initials:	Staff Initials:	Staff Initials:
Every 15 Minutes Direct Observations (Use code/time/method/initials)			
Code			
1. Check Males (Cell Log)*			
2. Combative			
3. Crying			
4. Cursing			
5. Disrobing			
6. Laughing			
7. Reclining			
8. Meal Served			
9. Medication Given			
10. Mumbling Incoherently			
11. Cell Checked			
12. Singing			
13. Siting			
14. Standing Still			
15. Threatening			
16. Toilet			
17. Walking			
18. Yelling/Screaming			
19. Sleeping			
20. Other or Special Notes**			
*Physical Training, Counseling, Medical Checks, Showers, Med Administration and all other activities will be noted in the cell logbook.			
**Other or Special Notes:			
ONE SHEET SHALL BE USED PER DAY (MIDNIGHT TO MIDNIGHT) 0:01 – 24:00			
Revised: 6/18/2009		Page 1 of 1	

Attachment 6: Performance-based Standards Incident Report Instructions

An incident is an event or crisis that may compromise the security of the facility or safety of staff or participants. Such events occur within the facility and may involve staff, youth or others.

Report incidents to the IR email grouping with the following characteristics, *regardless of whether there is a restraint, confinement, or injury*:

- . Staff Assaulted by Youth
- . Youth Assaulted by Youth
- . Youth Assaulted by Staff
- . Youth on Youth Fight
- . Suicide
- . Suicidal Behavior
- . Damage to Property
- . Theft
- . Weapons seized
- . Illegal drug and/or alcohol seized
- . Other contraband seized
- . Escape
- . Attempted Escape
- . Fire
- . Lost or Missing Keys
- . Lost or Missing Tools

Report the following incidents to the IR email grouping only if resulting in restraint, confinement, or injury:

- . Failure to comply/program
- . Inappropriate sexual behavior
- . Inappropriate language
- . Horseplay
- . Other Misconduct

Please remember the following guidelines when selecting incidents to report:

- . Accidental injuries, including sports/gym injuries, are reported.
- . Self-referrals to isolation/room confinement (i.e., seclusion or segregation) are not reported.
- . If multiple youths are involved in the same incident, please be sure to report all data on a single incident report form, including all injuries, use of restraints or confinement associated with the incident.