

TITLE 83 - JAIL STANDARDS BOARD - STANDARDS FOR JUVENILE
DETENTION FACILITIES

CHAPTER 13 - RULES AND DISCIPLINE

001 Written Policies and Procedures. The facility shall have written policy and procedure for maintaining discipline and regulating juveniles' conduct. The following general principle shall apply:

001.01 The conduct of juveniles shall be regulated in a manner which encourages and supports appropriate behavior;

001.02 Disciplinary action shall be of a nature to regulate juveniles' behavior within acceptable limits and shall be taken at such times and in such degrees as necessary to accomplish this objective. Discipline should be applied with consideration for the age and level of maturity of the juvenile committing a rule violation as well as the nature and frequency of the violation;

001.03 The behavior of juveniles shall be controlled in an impartial and consistent manner;

001.04 Disciplinary action shall not be capricious, retaliatory, or revengeful. Group punishment is prohibited;

001.05 Corporal punishment is prohibited;

001.06 Use of mechanical restraints as punishment is prohibited;

001.07 Withholding of food or variation of diet as punishment is prohibited; and

001.08 Juveniles shall not be subject to any situation in which juveniles impose discipline on each other.

002 Rules of Conduct. The facility shall have written rules of conduct which specify prohibited acts within the facility, the penalties that may be imposed for various degrees of violation, and the disciplinary procedures to be followed. Upon admission, each juvenile shall be provided a copy of the rules.

TITLE 83
CHAPTER 13

003 Informal Resolution of Minor Misbehavior. The facility shall have guidelines for informally resolving minor misbehavior. These guidelines may include room restriction of up to sixty (60) minutes to allow juveniles a “cooling off” period. Room restriction for this purpose shall be noted in the shift activity documentation.

004 Reportable Minor Rule Violations. Infractions of the rules where informal resolution appears unwarranted and for which the maximum penalty is temporary room restriction (not to exceed 24 hours), deprivation or limitation of privileges for seven (7) days or less, a warning, a verbal reprimand, or counseling shall be considered minor rule infractions. Procedures for handling minor rule infractions shall include:

004.01 The juvenile shall be informed of the specific rule he or she is alleged to have violated;

004.02 The juvenile shall be given an opportunity to explain the reasons for the violation;

004.03 The juvenile shall be advised of any actions taken and the reasons for taking such action;

004.04 The juvenile shall have the right to appeal any disciplinary decision or action on a minor rule violation.

005 Major Rule Violation. Where the possible sanction of violation of a rule is limitation or deprivation of privileges more than seven (7) days, or the placement in disciplinary confinement not to exceed 7 days except in cases involving violence, the violation shall be treated as a major infraction. Procedures for handling major infractions shall include:

005.01 Facility employees alleging a major rule violation shall prepare a disciplinary report and forward it to the designated disciplinary officer or committee without delay. The report shall include, at a minimum:

005.01A A description of the incident;

005.01B Specific rule violated;

005.01C Unusual juvenile behavior;

TITLE 83
CHAPTER 13

005.01D Staff or juvenile witnesses;

005.01E Disposition of any physical evidence;

005.01F Any immediate action taken, including use of force and pre-hearing confinement;

005.01G Reporting staff member's signature with date and time report is made;

005.02 An investigation of the reported major rule infraction shall be started within twenty-four (24) hours of the time the alleged violation was reported, unless there are exceptional circumstances to justify a delay.

005.03 The juvenile charged with a major rule infraction shall be provided with a written statement of the charges, including a description of the incident, the specific rule violated, and notice of the hearing on the incident. The juvenile shall have at least twenty-four (24) hours prior to the hearing to prepare a defense.

005.04 A hearing on the reported major infraction shall be held within ninety-six (96) hours of the time the statement of charges is delivered to the juvenile before a designated disciplinary officer or committee. The officer or committee shall not have been directly involved in the incident. Hearing procedures shall include the following provisions:

005.04A The juvenile may be present at the hearing unless he or she waives in writing the right to attend or the juvenile's behavior justifies exclusion from the hearing;

005.04B The juvenile may request the services of a facility employee to represent him or her at the hearing;

005.04C The juvenile shall be allowed to call witnesses and present documentary evidence in his or her defense. The disciplinary officer or committee can impose reasonable restrictions on the length of testimony and the number of witnesses;

005.04D The disciplinary officer or committee shall render a decision based on the preponderance of evidence presented and shall prepare a written record of the decision and any sanctions imposed; and

TITLE 83
CHAPTER 13

005.04E A copy of the decision and the sanctions imposed shall be provided to the juvenile.

005.05 The juvenile shall have the right to appeal a decision on a disciplinary action on a major rule violation to the facility administrator who shall consider the following:

005.05A If there was substantial compliance with facility policy and procedures on discipline;

005.05B If the decision was based on a preponderance of evidence; and

005.05C If the sanction imposed was proportionate to the infraction.

005.06 If a juvenile is found not guilty of an alleged infraction, all reference to the incident shall be removed from his or her file.

005.07 Juveniles charged with major infractions may be held in confinement prior to the hearing only when necessary to ensure the safety of the juvenile or the facility. Confinement for periods of over twenty-four (24) hours shall be reviewed daily thereafter by the facility administrator or his/her designee to determine the need for further confinement.

006 Criminal Law Violations. When a juvenile allegedly commits an act that violates federal, state, or local criminal law, the case shall be promptly referred to the appropriate authority for possible prosecution.

007 Treatment of Juveniles in Confinement. When juveniles are confined separate from the general resident population, they shall be afforded the following:

007.01 Juveniles placed in separate confinement shall be afforded living conditions and access to basic programs and services approximating those available to the general resident population, subject to restrictions necessary to ensure the juvenile's safety or the security of the facility. When services or programs are withheld, written justification shall be provided.

TITLE 83
CHAPTER 13

007.02 Juveniles placed in separate confinement shall be visually checked every thirty (30) minutes as provided in Chapter 8-001 and shall additionally be visited at least once on each shift by staff. A visit shall mean actual entry into the confinement room and conversing with the juvenile for the purpose of assessing his/her well being. Documentation of all visits shall be recorded as provided in Chapter 6-006.

Effective: August 8, 1993