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			REVIEW DATE:	June 28, 2014	
			Approving Authority	Thomas Faust Director	
SUBJECT:	JUVENILE DISCIPLINARY AND ADMINISTRATIVE HOUSING HEARING PROCEDURES				
NUMBER:	5300.2 (NEW ISSUANCE)				
Attachments:	Attachments A-L				

SUMMARY OF CHANGES:

Section	Change
	NEW ISSUANCE

APPROVED:

Signature on File



Thomas Faust, Director

08/26/2013

Date Signed

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1. **PURPOSE AND SCOPE.** To establish rules of conduct, list all chargeable offenses, ranges of penalties or sanctions, and provide procedures for imposing discipline when a juvenile violates the rules of conduct. To establish the review process for placing juveniles in and removing them from administrative segregation.

2. **POLICY**
 - a. It is DC Department of Corrections (DOC) policy to establish fair and impartial procedures and administer proportionate penalties when a juvenile commits specific prohibited acts and alternative dispositions are inadequate to bring the individual's behavior within acceptable limits.
 - b. It is DOC policy that juveniles shall not be confined in disciplinary detention for more than five (5) days; to include any pre-hearing detention.
 - c. It is DOC policy to provide special management for juveniles with serious behavior problems and for juveniles requiring protective custody. DOC will place juveniles in limited segregated housing when it is necessary to protect the juvenile from self or others.
 - d. It is DOC policy that juveniles will not be placed in Administrative Segregation for more than five (5) days unless there is evidence that Administrative Segregation should be continued beyond the five (5) days.

3. **APPLICABILITY**
 - a. Procedures herein shall apply to juveniles and all DOC and contract staff and volunteers who work with DOC juveniles.
 - b. The Corrections Corporation of America (CCA) Correctional Treatment Facility (CTF) shall adhere to this directive in its care, custody and management of female juveniles.

4. **PROGRAM OBJECTIVES.** The expected results of this program are:

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- a. DOC has a disciplinary system and corresponding disciplinary policies that promote prosocial behavior and discourage negative behavior among juveniles and that provide staff with behavior management tools necessary for maintaining safety and security.
- b. Appropriate control and corrective action will be used for brief periods of time and at the lowest intensity that is possible in order to deter undesirable behavior.
- c. The provision of guidance, direction and sanctions appropriate to the juvenile's behavior holds him or her accountable for the behavior, helps the juvenile learn from his or her mistakes and modifies his or her behavior; thereby facilitating rehabilitation.

5. NOTICE OF NON-DISCRIMINATION

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

6. DIRECTIVES AFFECTED

- a. **Directive Rescinded. None**
- b. **Directives Referenced**
 - 1) PP 4020.1 InmateOrientation
 - 2) PS 2000.2 Retention and Disposal of Department Records
 - 3) PS 1280.2 Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences

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4) PS 5500.1 Segregation of Inmates

7. **AUTHORITY**

- 1) D.C. Code § 24-211.02, Powers; promulgation of rules
- 2) CA Number 11519-85 IFP. District of Columbia Superior Court, Jerry M. et al. Consent Decree, July 24, 1986.
- 3) Sandin v. Conner, 515 U.S.472 (1995)
- 4) Wolff v. McDonnell, 418 U.S. 539 (1974)
- 5) 20 U.S.C § 1400 et seq., 34C.F.R. Part 3000, Individuals with Disabilities Education Act (IDEA)
- 6) D.C. Code § 38-101, et seq., Public Education-Primary and Secondary
- 7) D.C. Code § 38-2501, et seq., Special Education
- 8) District of Columbia Municipal Regulations (DCMR) Title 5, Education
- 9) D.C. Code §§ 16-2301, Definitions and 16-2307, Transfer for Criminal Prosecution

8. **STANDARDS REFERENCED.** American Correctional Association 3rd Edition Standards for Juvenile Detention Facilities: (3-JDF-3C-01 through 3-JDF-3C-10 and 3-JDF-3E-01 through 3-JDF-3E-03) are used for guidance in preparation of procedures for this directive.

Attachments

Attachment A	Disciplinary Report
Attachment B	Disciplinary Investigation Report
Attachment C	Juvenile Request for Representation (English and Spanish)
Attachment D	Disciplinary Hearing Reschedule Form
Attachment E	Disciplinary Board Hearing Appeal
Attachment F	Administrative Housing Review Hearing
Attachment G	Juvenile Reimbursement (Restitution)
Attachment H	Juvenile Sanctions Report
Attachment I	Segregation-Placement or Release
Attachment J	Pre-Segregation Health Evaluation
Attachment K	Crystal Report- Daily Services Provided
Attachment L	Behavioral Contact (Juveniles)

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CHAPTER ONE

DEFINITIONS

For the purpose of this Program Statement, the following definitions shall apply.

1. **ADMINISTRATIVE SEGREGATION.** Juveniles who present a high-risk because they cannot control their assaultive behavior, or who present a danger to themselves, or who are in constant danger of being victimized by other juveniles may require special management such as removal from general population activities and placement in a more secure space.

2. **DISCIPLINARY BOARD**
 - a. The Disciplinary Board for juveniles shall at a minimum consist of three (3) impartial DOC employees who shall conduct the hearing, make findings and impose appropriate discipline when the juvenile is charged with a Class I or Class II offense as defined in this directive.
 - b. However, a multi-disciplinary juvenile treatment team will usually be convened when a juvenile is charged with a Class I or a Class II offense.

3. **DISCIPLINARY DETENTION.** A form of segregation when the Disciplinary Board has, after an impartial hearing, authorized a juvenile's confinement to a cell for a specified period because the juvenile has committed a Class I or Class II rule violation.

4. **DISCIPLINARY INVESTIGATING OFFICER.** A supervisor who conducts the investigation concerning alleged charge(s) of a juvenile's misconduct. For the purposes of this directive, the Investigating Officer is ordinarily a Correctional Lieutenant, but the Warden may appoint another staff member to perform this function. The Investigating Officer shall not be the employee reporting the incident nor one who was involved in the incident in question.

5. **JUVENILE.** Individuals under eighteen (18) years of age who are being adjudicated as adults and housed at the Correctional Treatment Facility (CTF) in the Juvenile Unit.

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6. JUVENILE PROGRAM COORDINATOR

- a. The DOC Juvenile Program Coordinator has direct responsibility for management of the juvenile unit for males.
- b. For the purposes of this directive, the Juvenile Program Coordinator manages Juvenile Treatment Team Review Board activities, which includedisciplinary sanctions review and adjudication.
- c. The Juvenile Program Coordinatoralso communicates with and provides oversight/coordination of disciplinary and housing segregation activities. However, direct responsibility for disciplinary and segregation procedures described herein remain the responsibility of the DOC/CDF Warden.
- d. The Juvenile Program Coordinator has oversight for treatment and programs for female juveniles who are housed at the CTF but has no direct responsibility for the day-to-day management and operations of the juvenile program for females. Direct responsibility for disciplinary and segregation procedures for female juveniles remain the responsibility of the Corrections Corporation of America (CCA) Correctional Treatment Facility (CTF) Warden.

7. JUVENILE TREATMENT TEAM REVIEWBOARD. The Juvenile Treatment Team Review Board is a multi-disciplinary team of staff from DOC, the DC Public Schools and mental health care providers that engages in a unified intervention approach to address the treatment needs of juveniles.

- a. DOC
 - 1) The Juvenile Treatment Team Review Board conducts weekly reviews to evaluate each juvenile male's progress in school, individual treatment plan and general adjustment.
 - 2) The Juvenile Treatment Team Review Board reviews and makes disciplinary decisions when a male juvenile is charged with minor (Class III and Class IV) disciplinary infractions.The team may also review Class II disciplinary reports that are assessed as not reaching a level of severity that would require the juvenile's appearance before the DOC Disciplinary Board.
 - 3) The Juvenile Treatment Team Review Board shall also participate in administrative segregation housing reviews for juvenile males.

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b. CTF

- 1) The DOC Juvenile Treatment Team Review Board joins with treatment and custody staff from the CTF to conduct weekly reviews to evaluate each female juvenile's progress in school, her individual treatment plan and her general adjustment.
- 2) CTF management, in accordance with requirements of this directive, is responsible for the conduct of disciplinary hearings and administrative segregation housing hearings for female juveniles.

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CHAPTER TWO

GENERAL POLICY

1. **PROHIBITED FORMS OF DISCIPLINE.** Discipline shall not be of a nature or administered in a way that degrades or humiliates a juvenile. The following actions shall not be used as a means of discipline or punishment:
 - a. Corporal punishment
 - b. Personal abuse
 - c. Psychological intimidation
 - d. Denial of regular meals
 - e. Denial of medical care
 - f. Denial of sufficient sleep

2. **CRIMINAL VIOLATIONS.** Certain offenses and punishments are derived from federal and local criminal laws. Anyone in custody who violates one of these laws may be subject to criminal prosecution and, upon conviction, to further imprisonment. Referral for criminal prosecution does not preclude the juvenile from disciplinary and/or administrative action(s) as outlined in this directive.

3. **ORIENTATION**
 - a. Upon admission to the Juvenile Unit, each individual shall receive orientation materials and a handbook that describes facility rules, programs and pertinent operations.
 - b. Each male juvenile shall receive a copy of this policy.
 - c. CTF will issue a copy of their policy and procedures for disciplinary and administrative segregation hearings for juveniles to each female juvenile.
 - d. If the juvenile cannot read, disciplinary procedures shall be read by a staff member or communicated through use of an audiotape or videotape.

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Interpretive services shall be provided for juveniles who do not speak English or who are deaf or hard of hearing.

- e. Each juvenile shall verify, by signature, their receipt of disciplinary procedures.
- f. The signed receipt shall be maintained in the juvenile's file.

4. **STAFF TRAINING**

- a. All personnel who work with juveniles shall receive training so they are able to maintain order and teach problem solving skills to help juveniles learn accountability and achieve worthwhile personal goals. The training will also provide personnel with knowledge for applying discipline that is proportionate to the importance of the rule and severity of the violation and to teach staff how to informally resolve minor juvenile misbehavior.
- b. All personnel who work with juveniles will receive training to help them become thoroughly familiar with the rules of juvenile conduct, the rationale for the rules, the sanctions available, and how to write sanctions and disciplinary reports.
- c. The Disciplinary Board Chair and Disciplinary Board support staff shall receive sufficient training so they are thoroughly familiar with the rules of juvenile conduct, the rationale for the rules, and the sanctions available. The training shall also provide staff with knowledge about how to write a disciplinary report, how to conduct a disciplinary hearing, how to interpret and apply the rules in a manner that is fair and appropriate to juveniles, and how to make a defensible record.
- d. Correctional supervisors shall be trained in disciplinary investigation procedures to include, but not be limited to: knowledge, interpretation and application of rules, discipline appropriate for juveniles, and how to informally resolve minor juvenile misbehavior.
- e. Selected staff shall be trained to serve as representatives to assist the juveniles at disciplinary hearings about Class II offenses. The training shall provide staff with knowledge about juvenile conduct, facility and disciplinary rules and procedures, and due process requirements.

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CHAPTER THREE

DISCIPLINARY PROCEDURES FOR JUVENILES

1. BEHAVIOR MODIFICATION FOR JUVENILES

- a. The juvenile program provides a system for rewarding positive behavior and there is a focus on teaching the juveniles what behaviors are expected and acknowledging them for displaying these behaviors.
- b. The goals of the behavior modification program are to provide juveniles with a sense of accountability for their actions and to enable the juvenile to learn adaptive methods for resolving problems.
- c. While there are rules that prohibit specific conduct that has a direct adverse effect on a juvenile or on the unit's order and security, positive behavior support is promoted instead of the application of traditional disciplinary practices used in an adult correctional setting.
- d. Discipline and corrective behavior shall be impartial, fair, meaningful to the individual juvenile, and should be imposed in a calm and impersonal but understanding manner.
- e. It is the responsibility of all direct service staff members not only to correct the individual juvenile but also to discover and correct the conditions which brought about the rule violation.

2. GENERAL GUIDELINES FOR DISCIPLINE

- a. General procedures shall include but not be limited to:
 - 1) Informal intervention,
 - 2) Allowable sanctions for minor offenses (Class III and Class IV and sometimes Class II offenses as described in this policy), and
 - 3) Allowable disciplinary penalties for major offenses (Class I and some Class II offences).

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- b. Discipline will be administered as a deterrent to undesirable behavior.
- c. Discipline will be imposed for brief periods of time and promptly after the rule is broken.
- d. Juveniles shall not be placed in disciplinary segregation for longer than five (5) calendar days. The five (5) days shall include the total time spent in pre-hearing and disciplinary detention.
- e. Sanctions and disciplinary actions specified herein shall be applied in proportion to:
 - 1) The importance of the rule,
 - 2) Severity of the violation,
 - 3) The juvenile's mental and physical condition,
 - 4) The juvenile's general attitude,
 - 5) The juvenile's prior conduct,
 - 6) The juvenile's specific program needs, and
 - 7) Other relevant factors affecting his or her behavior.

3. **INFORMAL DISCIPLINE**

- a. Room Restrictions
 - 1) Only the Officer-in-Charge (OIC) or higher level authority can impose a room restriction.
 - 2) Room restriction in the juvenile's room for minor misbehavior serves only as a "cooling off" period when a juvenile acts out.
 - 3) A few minutes restriction to his/her room may be all that is needed to correct the situation. In most cases room restrictions should only last up to sixty (60) minutes.

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- 4) Prior to a room restriction, the juvenile will have the reasons for the restriction explained to him/her will be told how long the restriction will last and the juvenile will have the opportunity to explain his/her behavior that lead to the restriction.
 - 5) The OIC shall record in the permanent log the time the room restriction was imposed and the time when the juvenile was released from the room restriction.
 - 6) The OIC shall release the juvenile from room restriction as soon as it is determined that the “cooling off” period is no longer needed.
 - 7) During room restriction, the juvenile shall be within sight or sound of staff. Staff shall make visual contact with the juvenile at least every thirty (30) minutes unless the circumstances require more frequent contact.
 - 8) During this contact, the staff person will interact with the juvenile in an effort to resolve the problem. Resolution will include the juvenile’s discussion of his/her behavior and the effect of this behavior prior to rejoining the general population. The juvenile may also have input in determining when the restriction will end.
- b. Continued Room Restriction. If the OIC determines that the juvenile may require longer than sixty(60) minutes to cool off, the OIC shall:
- 1) Obtain written permission (ex., an email) from the Shift Supervisor or higher level Security Officer for continuation of the room restriction for up to three (3) additional hours.
 - 2) The OIC shall record the name of the Supervisor who approved continued room restriction in the permanent log, the time the approval was granted and shall record the beginning and ending times of the total room restriction.
 - 3) No juvenile shall be placed on a room restriction for more than four(4) hours.

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4. **SANCTIONS – VIOLATION OF A CLASS III OR CLASS IV OFFENSE**

- a. Minor rules are important and must be followed. They have been adopted to ensure that everyone is treated fairly and courteously, and the juvenile's stay at the institution is as safe and beneficial as possible.
- b. Employees are encouraged to address misbehavior on an informal basis.
- c. However when informal resolution does not appear to be appropriate enough to address the behavior exhibited, the staff member shall prepare a sanctions report for Class III and Class IV offenses.
- d. In some cases the report writer may recommend that a Class II offense may be submitted, reviewed and adjudicated as a Class III sanction when the writer believes the Class II offense committed was relatively minor in nature.
- e. Class III and Class IV violations are documented on a Sanctions Report (Attachment H).
- f. Staff shall submit Sanctions Reports to their supervisor immediately following the alleged violation or not later than the end of the shift/tour of duty on which the alleged violation occurred. The writer shall include a recommendation of proposed corrective action in the Sanctions Report.
- g. The supervisor will submit Sanctions Reports to the Juvenile Program Coordinator or designee within twenty-four (24) hours of the rule violation.
- h. The Juvenile Program Coordinator shall advise the juvenile that the report has been written and give the juvenile a copy of the Sanctions Report.
- i. The Juvenile Program Coordinator will ensure that the Case Manager or other designated staff soon thereafter meets with the juvenile to give him/her an opportunity to talk about what he/she believes happened, his/her behavior, and any lessons learned about how to better handle a similar future matter.
- j. The Juvenile Program Coordinator shall ensure Sanctions Reports are heard and adjudicated by the Treatment Team Review Board not later than seven (7) calendar days following the rules violation.

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5. PROCEDURES WHEN A JUVENILE VIOLATES A CLASS III OR CLASS IV OFFENSE

- a. Sanctions Reviews shall include due process rights and procedures as afforded a disciplinary hearing to include but not be limited to:
 - 1) The juvenile is advised of the right to remain silent and that anything said can and may be used against him/her.
 - 2) The Treatment Team Review Board Chair shall read the Sanctions report in its entirety and give the juvenile an opportunity to make a statement to include contesting the charge or admitting guilt.
- b. The Treatment Team shall give guidance to the juvenile with respect to the reason for the rules and policies of the facility. The elements of the juvenile's behavior or attitude that are deemed to be unsatisfactory shall be pointed out.

The Treatment Team Review Board may dismiss any or all pending charges.
- c. In determining an appropriate penalty, the Treatment Team may take into consideration:
 - 1) The juvenile's prior history of adjustment;
 - 2) The setting and circumstances of the prohibited behavior;
 - 3) The juvenile's account of what took place;
 - 4) Rehabilitative goals set for the juvenile; and
 - 5) The juvenile's history of or the presence of special needs.
- d. The juvenile may have input into any proposed corrective action.
- e. The Treatment Team may, in its discretion, suspend a sanction(s) for thirty (30) days when such action is warranted by the particular circumstances of the case.

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- 1) When a sanction(s) is suspended and the juvenile's behavior conforms to the required code of behavior throughout the period of suspension, the juvenile shall be relieved of the sanction(s).
 - 2) If the juvenile commits further violations of the facility's rules or regulations during the period of the suspension, the Treatment Team shall enforce the sanction(s) which was suspended and impose an additional sanction(s) for the new violation(s).
- f. The Treatment Team Review Board may dismiss any or all pending charges.
 - g. The Case Manager shall retain a copy of the sanctions review in the juvenile's case management file.
 - h. Sanctions Reports are not filed in the juvenile's official institutional record.

6. INVESTIGATION OF AN ALLEGED VIOLATION OF CLASS I AND CLASS II OFFENSE

- a. When the behavior is serious or of an egregious nature, (Class I or serious Class II) the staff member will prepare a disciplinary report.
- b. Class I and Class II Offenses have been established to protect the health and safety of juveniles and staff. Violation of these offenses is very serious because they usually have a direct adverse effect and may endanger the health and safety of the juvenile who committed the violation, other juveniles, the staff and on facility order and security.
- c. Upon receipt of a disciplinary report (Attachment A) that alleges the juvenile violated a Class I or Class II offense, the Shift Supervisor shall before the close of business assign an Investigating Officer.
- d. The Investigating Officer shall interview the juvenile, question witnesses, obtain/review any other pertinent information and record his/her findings on the Disciplinary Investigation Report (Attachment B).
- e. The Investigating Officer may include comments and conclusions about the juvenile's behavior, the investigator's analysis of any conflicts between witnesses, and the investigator's conclusions of what in fact happened.
- f. The juvenile shall not receive a copy of the investigation.

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7. PREHEARING SEGREGATION RULES FOR JUVENILES

- a. A juvenile may be placed in prehearing segregation in those instances where it appears necessary to remove or isolate the juvenile from the general population until an investigation into the juvenile's alleged misconduct can be completed and a disciplinary hearing can be held.
- b. If the Shift Supervisor makes the decision to allow the juvenile to remain in regular status pending the disciplinary hearing, the juvenile shall continue all program assignments and privileges of the general population.
- c. If the Shift Supervisor makes the decision to place a juvenile in Prehearing Segregation, the Shift Supervisor shall in accordance with PS 5500.1.; Segregation of Inmates
 - 1) Make immediate verbal notification through the Major of Operations to the Warden or designee.
 - 2) Forward a request to the Medical Unit and follow-up to ensure the juvenile receives a health assessment and is cleared by the Medical Unit for a period of continuous confinement (Attachment J).
 - 3) Before the end of the shift, the Supervisor shall complete and forward the written notice and justification for Prehearing Segregation to the Warden; explaining why the juvenile is considered dangerous to himself or others or is in serious danger from others (Attachment I).
 - 4) Forward a copy of the Notice of Prehearing Segregation to the Deputy Warden for Operations and the Correctional Administrator for Programs.
- d. The juvenile may be released from Prehearing Segregation at the discretion of the Warden.
- e. Otherwise the Shift Supervisor shall conduct a status hearing every 24 hours prior to the disciplinary hearing in order to determine the need for continued Prehearing Segregation. The juvenile shall have an opportunity to participate in each status hearing.

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- f. Juveniles confined in prehearing isolation shall receive a hearing within three (3) days of their placement in prehearing isolation, including weekends and holidays, unless there are documented exceptional circumstances, unavoidable delays or reasonable postponement.
- g. Juveniles placed in Prehearing Segregation shall be in continuous sight or sound of staff and shall be visually checked by staff at a minimum of every thirty (30) minutes.
- h. During Prehearing Segregation the juvenile shall have continued access to living conditions and privileges as follows:
 - 1) Education equivalent in duration and subject matter and materials to those provided to juveniles not in confinement. Such education shall be provided by the juvenile's teacher and the juvenile shall have meaningful contact with his/her teacher each day;
 - 2) Access to legal services including telephone calls to attorneys;
 - 3) Reasonable communication with other juveniles;
 - 4) Regular, appropriate institutional clothing;
 - 5) Isolated recreation, and
 - 6) The juvenile shall be provided an opportunity for shower.
- i. The OIC shall record the juvenile's receipt of these activities on the Crystal Report *Daily Services Provided* Form (Attachment K).
- j. Juveniles placed in Prehearing Segregation shall be visited, either in his/her room or some other area (ex: in the case manager's office) by staff from administration, clinical/counseling, religious and medical areas.
- k. Entries shall be made by all staff who visits the juvenile in the housing unit logbook.
- l. The OIC shall ensure the following information is recorded in the permanent housing log:
 - 1) The Shift Supervisor who authorized the Prehearing Segregation;

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- 2) The reason the Shift Supervisor gave for the Prehearing Segregation;
- 3) Persons who visit the juvenile;
- 4) The Shift Supervisor who authorizes the juvenile's release from Prehearing Segregation if a decision is made to do so prior to the disciplinary hearing;
- 5) The time the juvenile was released from Prehearing Segregation when release is prior to a disciplinary action; and
- 6) Any unusual behavior, special medical/psychological needs that arise or any other deviation from normal activity.

8. **INVESTIGATION DISPOSITION DETERMINATION.** After completing the investigation, the Investigating Officer shall decide, whether to:
 - a. Dismiss the disciplinary report because it does not substantially meet some of the requirements set forth in this directive;
 - b. Reduce a Class II offense to a Class III offense and forward it to the juvenile Program Coordinator for a hearing before the Treatment Team Review Board; or
 - c. Refer the Class I or Class II offense to the Disciplinary Board for a hearing

9. **REDUCTION OF A CLASS II OFFENSE TO A CLASS III OFFENSE.** Depending on the severity of the offense and the circumstances surrounding it, a Class II offense may be reduced to a Class III offense when:
 - a. Prior to the Investigating Officer having served the juvenile with the notice of discipline, the author of the disciplinary report chooses to write a subsequent Sanctions Report and petition the Investigating Officer to defer the matter to the Treatment Team Review Board for a Sanctions Review.

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- b. The Investigating Officer may decide that although a Class II infraction was properly charged, the allegations, if true, do not warrant a penalty greater than those available for a Class III offense. The Investigating Officer will record this determination on the Disciplinary Investigation Report (Attachment B).
- c. The Disciplinary Board Officer may confer with the Juvenile Program Coordinator and recommend that the violation be reduced to a Class III offense and be heard before the Treatment Team Review Board as a Sanctions Report.

10. **RELEASE FROM PREHEARING SEGREGATION UPON REDUCTION OF A CLASS II OFFENSE TO A CLASS III OFFENSE.** The Investigating Officer or the Disciplinary Board Officer shall immediately deliver a recommendation for release from segregation to the Warden or designee (Attachment I).

11. **NOTICE OF PENDING DISCIPLINARY ACTION**

- a. For Class I offenses, and when the Investigating Officer determines that a Class II offense should be heard at a Disciplinary Board proceeding, the Investigating Officer shall advise the juvenile of pending discipline based upon allegations that include the violation of a Class I or Class II Offense(s).
- b. The Investigating Officer shall notify the juvenile in such a manner and location that will ensure the juvenile's right to privacy.
- c. The Investigating Officer shall also advise the juvenile of his or her right to remain silent and that anything that he or she says can and may be used against him or her at this and any subsequent proceedings.
- d. The Investigating Officer shall read the disciplinary report in its entirety to the juvenile and shall give the juvenile an opportunity to make a statement.
- e. If the juvenile makes a statement, the Investigating Officer shall record it in writing. If the juvenile does not wish to make a statement, the Investigating Officer shall document that the juvenile declined to make a statement.(Attachment B).

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- f. The Investigating Officer shall give the juvenile a copy of the disciplinary report. The juvenile may request and receive a copy of any statements he or she made. Copies of the reports given to or read to a juvenile shall not include any confidential or other information that may endanger other Juveniles or other person(s), or cause a riot or other major disturbance or damage to property.
- g. The Investigating Officer shall also inform the juvenile verbally and in writing of the following:
- 1) The option to have representation (Attachment C). The Investigating Officer may make an offer to the juvenile for staff representation for any class offense when:
 - a) It is apparent that the juvenile is not capable of collecting evidence on his/her own behalf (for example a juvenile in pre-hearing detention);
 - b) The juvenile appears to need interpreter services; or
 - c) The juvenile's overall mental or emotional status appears to be a barrier to presenting evidence on his/her own behalf.
 - 2) The right to present documentary evidence at the hearing.
 - 3) The right to obtain witness statements or the right to call witnesses to testify subject to rules further outlined in Section 19¶ k-n of this Chapter.
 - 4) The juvenile shall be advised of the requirement to make a written request for such witnesses at least one (1) day prior to the scheduled hearing date.
- h. In the event that the alleged offense is one for which the juvenile may also be subject to criminal prosecution, the juvenile shall be advised by the Investigating Officer that determination of whether a criminal offense was committed shall rest with the prosecuting authorities. Referral for prosecution does not restrict DOC from imposing discipline or other appropriate administrative action.

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- i. The Investigating Officer shall ensure that the juvenile signs the Disciplinary Investigation Report form acknowledging that he or she has received the disciplinary report(Attachment B).This signature is not an admission of guilt.
 - j. If the juvenile refuses to sign, the refusal shall be noted and signed by the Investigating Officer. Another staff member will sign attesting that they witnessed the juvenile’s refusal to sign.
 - k. The Investigating Officer shall immediately give the original disciplinary report along with the completed investigation and supporting documents to the Disciplinary Board (Attachments A and B).
 - l. The Investigating Officer shall give the juvenile a written copy of the alleged rule violation(s) (Attachment A) within twenty-four (24) hours of the infraction(s).
 - m. The Investigating Officer shall also give a copy of the rule violation to the Juvenile Program Coordinator.
 - n. The Juvenile Program Coordinator shall immediately notify the DCPS Principal of the impending disciplinary report when the juvenile is receiving special education through an Individual Education Program. DCPS will advise the Disciplinary Board or Treatment Team Review Board of whether or not the juvenile’s behavior appears to have been affected by his/her special needs.
 - o. A mental health care professional should provide the Board with information and guidance when it is apparent that the juvenile’s behavior may be significantly affected by his/her mental health.
12. **ATTORNEY REPRESENTATION AT DISCIPLINARY HEARINGS.** A juvenile may request legal assistance from the Public Defender Service for the District of Columbia (PDS) when charges include a Class I offense.
13. **STAFF REPRESENTATIVE**
- a. A juvenile may request assistance from a staff representative in order to prepare a defense when charges include a Class II offense.

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- b. Upon receipt of the completed disciplinary report and investigation the Disciplinary Board will review the report.
- c. If a staff representative is requested the Disciplinary Board Chair will select and notify the representative. The Board will also notify the staff representative of the pending hearing date.

14. **RULES FOR STAFF REPRESENTATION**

- a. Staff members selected for duties to assist juveniles at Disciplinary Board hearings shall be granted sufficient time to meet with the juvenile before the hearing, gather evidence, question witnesses, and represent the juvenile at the hearing.
- b. Coordination shall be such that this responsibility does not unduly interfere with the employee's regular duties.
- c. The staff representative may, as necessary, assist the juvenile as follows (Attachment C):
 - 1) Confer with the accused prior to the hearing.
 - 2) Question witnesses for the accused during the hearing.
 - 3) Review written statements of charges and investigation.
 - 4) Clarify the position of the accused.
 - 5) Make a statement and present documentary evidence.
 - 6) Aid the accused in offering an explanation of the defense.
- d. The staff representative should be given the opportunity to meet with potential witnesses at least twenty-four (24) hours before the Disciplinary Board hearing.
- e. Juveniles have the right to refuse either legal or DOC employee assistance.

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- f. A juvenile shall not be represented by another juvenile or any inmate at a disciplinary hearing.

15. DISCIPLINARY HEARINGS – NOTIFICATION AND COORDINATION

- a. The Disciplinary Board Chair shall notify the juvenile and the juvenile’s representative of the time and place of the hearing no less than twenty-four (24) hours in advance of the hearing.
- b. The hearing shall be conducted within forty-eight (48) hours (*including Saturdays, Sundays and holidays*) after the written notice has been given to the juvenile except upon the juvenile’s written consent to have an earlier disciplinary hearing. In this case, the hearing shall be scheduled for the earliest possible time.
- c. All hearings for a juvenile’s violation of Class I and Class II Offenses that were referred for discipline shall be heard before a Disciplinary Board.
- d. Disciplinary hearings for juveniles shall never be heard by a Hearing Officer alone.
- e. When the juvenile does not request attorney representation on a Class I offense until he/she appears for the disciplinary hearing, the Disciplinary Board shall immediately forward the disciplinary report and supporting documentation to the Public Defender Service and notify the Disciplinary Board Chair.
- f. The Disciplinary Board Chair shall by the next business day ensure that an Administrative Segregation hearing is conducted to determine if the juvenile should be released from or if the juvenile will remain in Prehearing Segregation for his safety, the safety of others or because he/she presents a severe threat to the orderly operation of the facility (Attachment I).
- g. The Public Defender Service shall coordinate a Disciplinary Board hearing date with the Disciplinary Board Chair.

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16. DISCIPLINARY BOARD COMPOSITION

- a. The Disciplinary Board shall consist of three (3) DOC employees who are impartial and have not been involved in any way in the offense which caused the proceedings and have not participated in the investigation of allegations.
- b. The Warden shall name the Disciplinary Board members and designate one of the three as the Disciplinary Board Chair. Members shall serve any period deemed appropriate by the Warden.
- c. The Disciplinary Board may also include treatment staff such as but not be limited to the Juvenile Program Coordinator, the Case Manager, the DCPS Principal, the Disciplinary Unit OIC, the Psychologist and any other Treatment Team Review Board member.

17. DUE PROCESS HEARING PROCEDURES AT HEARINGS. The following requirements shall apply to all disciplinary hearings.

- a. The hearing proceedings shall be tape recorded or reasonably detailed minutes shall be taken.
- b. At the hearing, all reports and evidence shall be presented and read to the juvenile.
- c. The hearing shall be held to determine the guilt or innocence of the juvenile on the offense(s) charged.
- d. Failure to comply with the procedural requirements or time limits of the disciplinary process or clerical errors (i.e., misspellings, etc.) does not necessitate dismissal of a hearing or a charge against the juvenile.
- e. Time limits, procedural or clerical errors may warrant a new hearing, but only in exceptional circumstances should a disciplinary proceeding be dismissed entirely as a result of a procedural error.
- f. Dismissal for missing time limits is at the discretion of the Disciplinary Board Chair or Warden.

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- g. The juvenile who is charged with rule violations shall be present at the hearing, unless:
- 1) Voluntary Waiver. The juvenile, with knowledge of the consequences, waives in writing the right to appear in person at the hearing. This form of waiver does not necessarily indicate an admission of guilt.
 - 2) Refusal to Attend. When the juvenile refuses to attend the hearing the Disciplinary Board Chair shall warn the juvenile that the hearing will proceed without him/her. Refusal to attend does not necessarily indicate an admission of guilt.
 - 3) Exclusions for Safety or Security Reasons. Such exclusions shall focus on the threat created by bringing the juvenile to the hearing or allowing the juvenile to remain in the hearing.
 - 4) Behavior that Disrupts the Hearing. The Disciplinary Board Chair may decide to disallow the juvenile's appearance or have the juvenile removed from the hearing when the juvenile's behavior is entirely disruptive to the proceeding.
 - 5) Protection of Others. The hearing may proceed without the juvenile when temporary exclusion is necessary for the protection of others, such as during discussions about confidential informant information.
- h. The juvenile shall be advised of his or her right to remain silent and that anything that he or she says can and may be used against him or her at this hearing and any subsequent proceedings.
- i. Following the presentation, the juvenile or the juvenile's representative (if it is determined that the juvenile knowingly and voluntarily wishes to make or have a statement made on his or her behalf) shall be given an opportunity to make a statement, present relevant documentary evidence and submit witnesses statements.
- j. At the conclusion of the juvenile's statement, the Board may pose questions to the juvenile. The juvenile can invoke the right to remain silent at any point in the proceeding.

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- k. The Disciplinary Board Chair may limit witnesses when the he/she determines that a witness or witnesses whom the juvenile wishes to call cannot provide relevant testimony, would be unduly repetitious of previous testimony, should not be called for any other good cause related to the safety of any juvenile or other person, or because the witness's presence poses undue hazard to the safety, order and security of the CDF. The Disciplinary Board Chair shall document in the hearing record the specific reason for limiting any witnesses.
- l. The juvenile may be excluded from the hearing proceedings during a witness's testimony when the Disciplinary Board Chair has concluded such action is necessary for security reasons, to include but not be limited to, the protection or otherwise required anonymity of the witness. The Disciplinary Board Chair shall document the juvenile's absence or exclusion.
- m. Witnesses who cannot or choose not to respond to questions in person can be asked to submit written statements.
- n. The juvenile's legal representative or staff representative and hearing officials may question (1) witnesses who are appearing on behalf of the juvenile; (2) the accusing officer and (3) any adverse witness. The juvenile shall not be allowed to question witnesses.
- o. If there is disruption of the proceedings, the Disciplinary Board Chair has the authority to adjourn the proceedings and shall note the reason for adjournment in the record of the hearing. The hearing shall be resumed as quickly as possible.

18. HEARING DELIBERATIONS AND DECISIONS

- a. Deliberation of Guilt or Innocence
 - 1) The juvenile and the legal or staff representative shall not be present during the deliberations of guilt or innocence.
 - 2) The Disciplinary Board shall base the decision of guilt or innocence solely on information obtained in the hearing process including staff reports, the juvenile's statements, and evidence derived from witnesses and documents that directly relate to the incident.

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- 3) During deliberations of guilt or innocence, the Disciplinary Board and/or Chair shall not examine the juvenile's record or any prior disciplinary reports the juvenile may have incurred.
- 4) When the report contains an allegation of more than one code violation, the Disciplinary Board Chair shall document guilt or innocence for each alleged individual code violation.
- 5) The juvenile and the legal representative or staff representative shall be notified orally, immediately after the Disciplinary Board decides the juvenile's guilt or innocence.
- 6) If the juvenile is found guilty of one or more of the Code of Offenses, the juvenile or his/her representative shall be allowed to make a final statement on the juvenile's behalf prior to the Disciplinary Board's sentencing deliberations.

b. Sentencing Deliberations

- 1) The juvenile and the legal or staff representative shall not be present during the deliberations for imposition of disciplinary penalties.
- 2) At this time, the Disciplinary Board may review contents of the juvenile's record solely for review of past behavior that may assist in determining the appropriate penalty.
- 3) When finding the juvenile guilty of several charges arising from the same incident, penalties appropriate to the overall conduct may be considered rather than imposing multiple consecutive penalties based upon each individual charge.
- 4) The Disciplinary Board may also determine that although a Class II infraction was properly charged and even if the allegations are true, the circumstances do not warrant a penalty greater than is allowable for a Class III offense.
- 5) The juvenile shall be given immediate verbal notification of the recommended penalty(s), if any, and of his or her right to appeal to the Warden.

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- 6) The Disciplinary Board Chair shall issue a written decision, stating the factual information upon which the finding is based, the supporting reasons, the disciplinary penalty being imposed and notice of the juvenile's right to appeal.
- 7) The Disciplinary Board Members shall sign the Inmate Disciplinary Report form (Attachment A) and the Housing Board Chair shall forward the disciplinary decision to the Warden (or designee) for approval.
- 8) If the Disciplinary Board members do not reach a unanimous decision, this shall be recorded in the hearing record to include the dissenting Board member's statement.

19. **WARDEN'S REVIEW/APPROVAL OF RECOMMENDED PENALTY**

- a. On the same day of the disciplinary hearing, the Disciplinary Board Chair shall forward the written hearing record to the Warden or designee (hereafter called the Deciding Official).
- b. Within twenty-four (24) hours of receipt of the written disciplinary hearing record, the Deciding Official shall review the recommended action to determine that hearing proceedings and the action taken conform to rules outlined in this directive.
- c. The Deciding Official may then take any of the following actions:
 - 1) Approve the findings;
 - 2) Vacate a finding of guilt and all penalties;
 - 3) Reduce the penalty(s); or
 - 4) Remand the case back to the Disciplinary Board for further proceedings.

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- d. No remand shall be made to increase the severity of the original penalty recommended by the Disciplinary Board.

20. APPEAL

- a. If the juvenile wishes to appeal the Board's findings, he or she shall notify the Disciplinary Board Chair at the conclusion of the hearing.
- b. The juvenile shall submit the appeal to the Warden in writing utilizing the Disciplinary Board Hearing Appeal Form (Attachment E) within three (3) business days of receipt of the written disciplinary penalty.
- c. The basis for appeal shall be limited to the following:
 - 1) The weight that the Board plead of the evidence against the juvenile; or
 - 2) The appropriateness of the punishment imposed by the Housing Board.
- d. The Warden or designee shall either affirm or reverse the decision for discipline within ten (10) business days of receipt of the appeal. Any decision in an appeal shall be based upon a reasonable assessment of the evidence presented.
- e. In the event that a finding of guilt is rescinded on appeal and no further disciplinary action is taken, the juvenile's records shall be expunged. Copies of the appeal and the disposition on appeal shall be forwarded to the Treatment Team for their records.
- f. The Disciplinary Board Chair shall enter any changes to the original decision made by the Deciding Official in JACCS on the "Misconduct" screen in the juvenile's active booking.

21. HEARING RECORD

- a. If, after all review and appeals, the juvenile is found guilty of any or all of the charges; the Disciplinary Board Chair shall enter the data into the JACCS active booking "Misconduct" screen and shall scan all supportive reports, documents and proceedings into Paperclip.

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- b. Documentation shall include the disciplinary hearing record, the written decision, the reason for the action and the disposition.
- c. Confidential information shall not be electronically stored in JACCS.
- d. The Disciplinary Board Chair shall preserve the written hearing record in accordance with PS 2000.2, *Retention and Disposal of Department Records*.
- e. The Disciplinary Board Chair shall deliver a copy of the written disciplinary or appeal hearing decision to the juvenile within one (1) business day of the Warden's or designee's decision.
- f. If a juvenile is adjudicated not guilty on a disciplinary charge:
 - 1) The results of the hearing shall not be entered into JACCS. In addition, all references to the disciplinary charges (the disciplinary report, the investigation report and the hearing notes) shall be removed from JACCS and Paper Clip.
 - 2) Copies of the disciplinary report, investigation and adjudication sheet shall be maintained by the facility and the Treatment Team in the event of judicial review and for statistical and accounting purposes only.
 - 3) These records shall also be maintained separately from the juvenile's classification folder.

22. IMPOSING DISCIPLINE PENALTIES

- a. Juveniles shall be given credit for any time served in Prehearing Segregation and any time served in Disciplinary Detention while the appeal is pending.
- b. The Board may impose concurrent or consecutive penalties.
- c. All disciplinary penalties shall be noted on the disciplinary report and shall include the starting and ending date of the period of discipline.
- d. The Housing Board Chair shall enter Disciplinary Detention and other disciplinary penalties in JACCS and notify the affected housing unit, work detail supervisor(s), juvenile visitor control officers and the canteen officer for enforcement.

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- e. The Compliance Monitor, Juvenile Unit OIC and the Juvenile Program Coordinator shall monitor the dates when the disciplinary penalty is applicable and shall ensure that the juvenile is placed in and released from Disciplinary Detention in a timely manner.

23. PROGRAMMING WHILE A JUVENILE IS CONFINED IN DISCIPLINARY DETENTION. The juvenile may be required to participate in additional programming to correct behavior and shall have continued access to living conditions and privileges as follows:

- a. Additional programs, therapy or counseling services which the disciplinary committee determines to be appropriate.
- b. Education equivalent in duration and subject matter and materials to those provided to juveniles not in confinement; such education shall be provided by the juveniles teacher and the juvenile shall have meaningful contact with his/her teacher each day;
- c. Access to legal services including telephone calls to attorneys;
- d. Reasonable communication with other juveniles;
- e. Regular, appropriate institutional clothing;
- f. Isolated recreation,
- g. The juvenile shall be provided an opportunity for shower;
- h. Clinical staff shall talk with the juvenile on a daily basis and record observations and visits in the logbook and discuss those observations with appropriate unit managers.

24. RESTRICTIONS WHILE A JUVENILE IS IN DISCIPLINARY DETENTION

- a. Only juveniles who have appeared before the Disciplinary Board and have received disciplinary detention shall be subject to loss of or restrictions to his/her privileges.
- b. Disciplinary Detention shall not to exceed five (5) days including time served in Prehearing Segregation.

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CHAPTER FOUR

DISCIPLINARY CODE OF OFFENSES AND PENALTIES FOR JUVENILES

1. CLASS I OFFENSES

- a. When a juvenile allegedly commits a Class I offense, the case should be referred to appropriate law enforcement officials for consideration for criminal prosecution.
- b. Even when the case is referred to law enforcement, DOC may impose disciplinary action.

c. The Class I Offenses are:

101 Murder/Homicide

102 Manslaughter

103 Any Act of Terrorism - use, dissemination, or detonation of a weapon of mass destruction, manufacture or possession of a weapon of mass destruction.

104 Kidnapping

105 Burglary – First degree

106 Armed Robbery

107 Assault with Serious Injury is when the victim sustains serious injury that requires urgent and immediate medical treatment and restricts the victim's usual activity. Medical treatment is more extensive than first aid such as the application of bandages to wounds. Medical treatment might include stitches, setting broken bones, treatment of concussion, etc.

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- (a) Willfully or forcefully causing serious bodily injury to another inmate, a correctional employee, volunteer, contract worker or visitor;
- (b) Willfully or forcefully causing serious bodily injury with a weapon or by any means to any person; or
- (c) Physically assaulting, resisting, opposing, impeding or interfering with any person.

108 Assault by Spitting or Throwing Substances such as liquids, blood, waste, chemicals, urine, etc.

109 Sexual Assault

- (a) The carnal knowledge, oral sodomy, sexual assault with an object or sexual fondling of a person, forcibly or against that person's will;
- (b) The carnal knowledge, oral sodomy, sexual assault with an object or sexual fondling of a person not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or temporary or permanent mental or physical incapacity; or
- (c) The carnal knowledge, oral sodomy, sexual assault with an object or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.
 - Carnal Knowledge -- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
 - Oral Sodomy -- Contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus.
 - Sexual Assault with an Object -- The use of any hand, finger, object or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

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- Sexual Contact -- The touching (or fondling), with any clothes or unclothed body part or object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

110 Escape includes;

- (a) Breach of the perimeter of a secure facility,
- (b) Attempted Escape - The attempted breach of the perimeter of a secure facility; tampering with and/or damaging any perimeter including but not limited to windows, bars and cell doors;
- (c) Instigating and/or assisting the perimeter breach or attempted perimeter breach by another inmate;
- (d) Escape From Outside of a Secure DOC Facility – When in the custody of the DOC and while under the supervision of DOC personnel or its agents, the Juvenile escapes from supervision while outside of the secure perimeter (including from a work detail, medical or court visit or while being transported); or
- (e) Willfully failing to return to the facility by the time designated on a community release activity pass.

111 Possession of Major Contraband. Major Contraband is any item in an inmate's possession or control (to include within his or her cell, clothing or immediate surroundings) that is illegal by law, not purchased from canteen, not issued by the facility or not authorized by the Warden or designee. Items of Major Contraband include but are not limited to:

- (a) A knife, blackjack, gun, sharp, blunt or pointed objects, other articles used as dangerous weapons, tools, rope, civilian clothing, uniforms, toxic or flammable fluids, or substances or syringes.

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- (b) An authorized locking device, key, lock, pick or other device capable of destroying, altering, interfering with or damaging any security equipment.
- (c) An illegal drug, marijuana, a controlled substance or a narcotic, unless a doctor has authorized its use, to include possession, having control of, using, making or being under the influence. Possessing another's inmate's prescription medication that contains a narcotic or controlled substance.
- (d) Cellular telephone or other portable communication device or accessories thereto.

112 Assault Without Serious Injury is when the victim sustains a minor injury. Minor injuries includes those that may not require medical attention or do not require more than minor care such as application of a bandage.

113 Restraint is willfully constraining another person under circumstances which expose the other person to a risk of bodily injury.

114 Arson is willfully starting a fire or causing an explosion that damages personal or institutional property.

115 Tampering With a Witness or Informant is:

- (a) Attempting to induce, inducing, or otherwise causing a witness or informant to testify or inform falsely or to withhold any testimony or information or other evidence; or
- (b) Retaliating or attempting to retaliate for anything done by another person in his or her capacity as a witness or informant.

116 Bribery is willfully, directly or indirectly, giving, offering, or promising anything of value to another inmate, employee, volunteer or other authorized visitor with the intent:

- (a) To influence any official act or any act within the official responsibility of any person;

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- (b) To induce any person to do or omit doing any act in violation of his or her duty; or
- (c) To induce any person to introduce contraband into the facility.

117 Inciting to Riot. A riot is a wild or violent disorder, confusion or disturbance. Inciting to riot is purposefully:

- (a) Urging a group of two or more other inmates to engage in a current or impending disturbance or disruptive event; or
- (b) Giving direction to a group of two or more inmates to cause, continue, or enlarge a violent or tumultuous disturbance or disruptive event.

118 Engaging in a Disruptive Event. A disruptive event is an incident brought on by the inmate's action that resulted in serious injury to staff or other inmates and/or loss of control of the facility or a portion of the facility that required extraordinary measures to regain control. Loss of control of the facility is defined as a situation in which inmates are acting in concert to disrupt facility operations and refuse to comply with lock down orders. They may have taken hostages or appear to be prepared for physical conflict. Hostile intent is apparent and threats are noted. Extraordinary measures are required to regain control such as sending in a significant number of ERT members, firing shots, use of tear gas, etc.

2. **PENALTIES FOR CLASS I OFFENSES.** If no referral is made for prosecution or if the prosecutor declines to proceed, and if, after a hearing pursuant to disciplinary procedures, the accused is found guilty, he or she shall be subject to one or more of the following:

- a. Disciplinary segregation for up to five (5) days (Prehearing Segregation time shall be counted),
- b. Restitution (Attachment G),
- c. Removal from an earned tier along with its privileges,

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- d. Assignment to additional behavior modification programs as part of a behavioral contract,
- e. Assignment to mental health counseling as determined to be necessary as part of a behavioral contract,
- f. Loss of up to one (1) month of recreation with other juveniles who are in the general population,
- g. Loss of up to one (1) month of social visits,
- h. Loss of up to one (1) month of social telephone calls, and
- i. Loss of up to one (1) month of canteen privileges.

3. **CLASS II – SERIOUS OFFENSES**

201 Class II Assault is willfully subjecting another person to offensive bodily contact.

202 Extortion, blackmail protection is demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing.

203 Threatening conduct is

- (a) Communicating intent to injure another person or commit a crime of violence or an unlawful act dangerous to human life that:
 - (1) Places another person in fear of serious bodily injury;
 - (2) Causes evacuation of a building; or
 - (3) Causes serious disruption or alarm.
- (b) Willfully compelling or inducing another person to engage in conduct from which the latter has a legal right to abstain or prohibiting conduct in which he/she has a legal right to engage, by means of instilling a fear that non-compliance with the demand will result in one of the following:
 - (1) Bodily injury to someone;

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- (2) Significant damage to property;
- (3) Accusing someone of an offense or causing charges to be instituted against someone.

204 Possession of Serious Contraband. Serious Contraband is any item in an inmate's possession or control (to include within his or her cell, clothing or immediate surroundings) not purchased from canteen, not issued by the facility or not authorized by the Warden or designee. Items of Serious Contraband include but are not limited to:

- (a) Any intoxicating beverage to include possession, having control of, making, using or being under the influence.
- (b) Containers of body fluids found either in the inmate's possession or in the inmate's immediate living area.
- (c) Smoking materials and tobacco products.
- (d) Currency or coins.

205 Creating a Minor Disturbance. Willfully causing a non-violent disorder that disrupts the orderly operation of the facility.

206 Sexual Activity is consensual activity between two (2) inmates or an inmate and a visitor during a social visit as follows:

- (a) Homosexual Activity -- physical contact with the genital parts, oral or anus of another person of the same sex.
- (b) Heterosexual Activity -- physical contact of the breasts, genitalia, oral or anus of a person of the opposite sex.
- (c) Sexual Contact -- The touching (or fondling), with any clothes or unclothed body part or object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

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- 207 Indecent Exposure** is the intentional exposure of genital parts to any person.
- 208 Theft** is willfully taking or withholding the property of another person or entity without permission, authorization or authority.
- 209 Damage or destruction of property occurs** when an inmate destroys property belonging to the institution or to any person or does damage to property of the District of Columbia or any individual.
- 210 Possession of Stolen Property** is having the property of another or when the owner has not received official written approval to give the property away.
- 211 Disrespect** is making any profane, obscene, or abusive gesture or remark to, about, or in the presence of any employee, volunteer, or visitor.
- 212 Lack of Cooperation** is:
- (a) Willfully disobeying a valid order of a correctional employee; or
 - (b) Failing to respond to any question or direction of any employee of the Department or other custodial official.
- 213 Fighting** is when two or more inmates engage in a physical altercation leading to the exchange of blows or bodily contact.
- 214 Illegal Enterprise** is running a store or stockpiling canteen in excess of authorized limits for the purpose of profit or personal gain or providing unauthorized services for payment.
- 215 Falsifying Physical Evidence** is:
- (a) Altering, destroying, concealing, or removing anything, with the intent to impair its authenticity or availability in any official investigation or proceeding; or
 - (b) Presenting or using anything that is known to be false with intent to deceive an employee or anyone who is or will be involved in a proceeding or investigation.

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216 Forgery or Tampering is the fraudulent reproduction or alteration of a document or other written item.

217 Lying is:

- (a) Making a willful, malicious or false report or statement to or about an employee;
- (b) Making a false statement with intent to avoid disciplinary action for the violation of an institutional regulation or to aid another inmate in such an endeavor; or
- (c) Knowingly making a false statement about another inmate with the intent of causing the inmate harm or affecting the inmate's housing or program status.

218 Impeding an Employee in the Performance of Duties is intentionally obstructing, interfering, opposing or resisting an employee in an investigation or the performance of any duties.

219 Giving a False Alarm is communicating an untrue report concerning a fire, explosion, or the present commission of an assault, forcible sexual assault or kidnapping, or other catastrophe or emergency where the report is likely to cause the evacuation of a building or to cause the staff to respond to the alarm.

220 Out of Bounds includes:

- (a) Failure to report to an appointed place of duty or assignment or any other place to which directed by a valid order of an employee or regulations;
- (b) Leaving any place where directed to remain by an employee or institutional regulations;
- (c) Being in an unauthorized area; or
- (d) Breaching confinement from one's cell.

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221 Tampering with a locking device to include but not be limited to cell doors, bars, grills, handcuffs, and leg irons.

4. **PENALTIES FOR CLASS II OFFENSES - JUVENILES**

- a. Disciplinary segregation for up to five (5) days (Prehearing Segregation time shall be counted),
- b. Restitution,
- c. Removal from an earned tier and loss of associated privileges,
- d. Assignment to additional behavior modification programs as part of a behavioral contract,
- e. Assignment to mental health counseling as determined to be necessary as part of a behavioral contract,
- f. A cleanup detail not to exceed four (4) hours duration,
- g. Loss of up to three (3) weeks of social visits,
- h. Loss of up to three(3) weeks of social phone calls,
- i. Loss of up to three(3) weeks of canteen privileges, and
- j. Suspended sentences pending a period of thirty (30) days clear conduct.

5. **CLASS III OFFENSES (MINOR) - JUVENILE**

301 Minor Contraband is:

- (a) Possession of any article other than those defined as major or serious contraband, which is not issued by the institution, not purchased from the canteen, or not specifically authorized by the Warden or designee; or

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- (b) The use of any article in a manner contrary to the intent or provisions of issuance, purchase, or authorization.

302 Interference with the Orderly Operation of the Facility is:

- (a) Engaging in loud or boisterous talk, laughter, whistling, or other vocal expression, if such is, or may tend to be, disruptive of order or a disturbance to others;
- (b) Willfully failing to proceed from place to place within the institution in a prompt and orderly way;
- (c) Failure to promptly enter one's cell; or
- (d) Approaching or speaking to any visitor, unless first authorized to do so by a correctional employee.

303 Gamblingis:

- (a) Playing any game including but not limited to card or dice for money or other things of value;
- (b) Betting by those observing a game in person or while listening to the radio or looking at television; or
- (c) Organizing any game of chance, lottery, betting pool, or other methods of gambling.

304 Misuse of Authorized Medication is hoarding or giving personally prescribed medication to another inmate.

305 A Juvenile Detail Worker's Refusal to Work, Failure to Perform Work as Instructed by the Supervisor/Other Authorized Employee or Unexcused Absence from Work or any Assignment.

6. CLASS IV OFFENSES (MINOR) - JUVENILES

401 Disorderly Appearance is an inmate's failure to keep his or her clothing and person reasonably clean and orderly.

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402 **Creating a Health, Safety, or Fire Hazard** includes any activities, which may cause a fire or create a danger to health and safety.

403 **Abuse of Privileges** is violating any institution regulation relating to a privilege such as telephone use or removing food from the culinary area.

404 **Abuse of Living Quarters** is an Juvenile's:

- (a) Failure to make his or her own bed neatly each day;
- (b) Failure to keep his or her own living quarters clean and orderly;
- (c) Failure to keep articles issued by the institution or purchased from the canteen neat in an approved place;
- (d) Covering or obstructing air exchange vents, light fixtures, windows and cell doors; or
- (e) Painting or drawing on or adhering items to walls and fixtures.

405 **Unauthorized Use of Property** is taking, exercising control over, or otherwise using property without consent or authorization.

7. **SANCTIONS WHEN A JUVENILE VIOLATES A CLASS III OR CLASS IV OFFENSE.** If after a hearing before the Treatment Team Review Board where the accused is found to have committed a Class III or IV Offense, the juvenile may be subject to any one or more of the following SANCTIONS:

- a. Restitution (Attachment G),
- b. Removal from an earned tier,
- c. Assignment to additional programs designed for behavior modification,
- d. Assignment to individual or group mental health counseling when deemed appropriate by mental health staff,
- e. Verbal warning,
- f. A cleanup detail not to exceed four (4) hours duration,

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- g. Loss of not more than two weeks of social visits,
- h. Loss of not more than two (2) weeks of social phone calls,
- i. Loss of not more than two (2) weeks of canteen privileges, and
- j. Suspended sentences pending a period of fifteen (15) days clear conduct.

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CHAPTER FIVE

HEARING PROCEDURES FOR SEGREGATION

1. ADMINISTRATIVE SEGREGATION

- a. The purpose of an Administrative Segregation Hearing is to allow for a full and fair determination for placing a juvenile in Administrative Segregation.
- b. Each Administrative Segregation case shall be reviewed with the goal of terminating the separate housing assignment when the threat no longer remains.
- c. High risk juveniles may be placed in Administrative Segregation when:
 - 1) They threaten the safe secure and orderly management of the facility because of assaultive behavior,
 - 2) They present a danger to themselves or others, or
 - 3) They are in constant danger of being victimized by other juveniles (protective custody).
- d. Juveniles shall be placed in Administrative Segregation on the Juvenile Unit except when security reasons dictate placement in another location.
- e. Only the Warden or higher authority, in consultation with the General Counsel, may place a juvenile in segregation in a location outside of the Juvenile Unit.

2. LIMITS FOR ADMINISTRATIVE SEGREGATION FOR JUVENILES

- a. Juveniles shall be placed in Administrative Segregation for no more than five (5) days.
- b. If there is evidence that Administrative Segregation should be continued beyond the five (5) days, the Housing Board must conduct an Administrative Segregation hearing prior to the expiration of the five (5) days.

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3. **SEGREGATION PACKET.** Upon placement of the juvenile in segregation, the Shift Supervisor will prepare a segregation packet prior to the end of his/her shift and deliver it to the Warden or designee (Attachment I).
4. **SEGREGATION HEALTH ASSESSMENT.** The Shift Supervisor shall also forward a request to the Medical Unit and follow-up to ensure the juvenile receives a health assessment and is cleared by the medical department for a period of continuous confinement (Attachment J).
5. **SEGREGATION PENDING LAW ENFORCEMENT AGENCY INVESTIGATIONS**
 - a. When a juvenile is confined in Administrative Segregation pending investigation for possible criminal prosecution, the Warden or designee shall maintain contact with the law enforcement agency handling the investigation.
 - b. Upon notification by the investigating law enforcement agency that criminal prosecution will not be initiated against the juvenile, the Housing Board Officer shall schedule the juvenile for a Administrative Housing Review to either:
 - 1) Release the juvenile from segregation; or
 - 2) Continue the juvenile in Administrative Segregation based upon determination that the juvenile is in danger from a threat to his/her personal safety, the juvenile poses a danger to the safety of self or others, or the juvenile is a definite escape risk.
6. **ADMINISTRATIVE SEGREGATION RIGHTS AND RESPONSIBILITIES**
 - a. Juveniles placed in Administrative Segregation shall have access to living conditions and privileges approximate to those available to the general population. They include but are not limited to:
 - 1) Additional programs, therapy or counseling services which the treatment team determines to be appropriate.
 - 2) Education equivalent in duration and subject matter and materials to those provided to juveniles not in confinement. Such education shall be provided by the juvenile's teacher and the juvenile shall have meaningful contact with his/her teacher each day;

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- 3) Access to legal services including telephone calls to attorneys;
 - 4) Reasonable communication with other juveniles;
 - 5) Regular, appropriate institutional clothing;
 - 6) Isolated recreation (2 hours per day);
 - 7) The juvenile shall be provided an opportunity for shower;
 - 8) Clinical staff shall talk with the juvenile on a daily basis and record observations and visits in the logbook and discuss those observations with appropriate unit managers.
- b. Juveniles placed in Administrative Segregation shall be visually checked by staff at a minimum every thirty (30) minutes.
- c. Juveniles placed in Administrative Segregation shall be visited, either in his/her room or some other area (ex: in the case manager's office) by staff from administration, clinical/counseling, religious and medical areas.
- d. Entries shall be made by all staff who visits the juvenile, in the housing unit logbook
- e. A log shall be kept stating:
- 1) Who authorized Administrative Segregation;
 - 2) The reason for the Administrative Segregation;
 - 3) Persons who visit the juvenile;
 - 4) The supervisor who authorizes the juvenile's release from segregation;
 - 5) The time the juvenile was released from segregation; and
 - 6) Any unusual behavior or special medical/psychological needs that arise.

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- f. Where services or privileges are denied to juveniles in confinement, written justification shall be provided.

7. **SEGREGATION ACTIVITY – DAILY SERVICES PROVIDED**

- a. Employees who supervise or perform an activity involving a juvenile who is in segregation shall document all activities on the Crystal Report Daily Services Provided form (Attachment K).
- b. The employee shall clearly initial and indicate the date and time of each activity in the applicable section of the Daily Services Provided report.
- c. Any abnormal, aggressive or violent behavior, as well as all staff contact, shall be noted in the remarks section of the juvenile’s Daily Services Provided report.
- d. Each Shift Supervisor shall review and initial the Daily Services Provided report.

8. **NOTICE FOR AN ADMINISTRATIVE SEGREGATION HEARING**

- a. The juvenile shall receive at least a twenty-four (24) hour advance written notice of the scheduled housing hearing.
- b. The notice shall inform the juvenile of the date, time, and place of the hearing.
- c. The notice shall inform the juvenile when the matter has been referred for criminal prosecution.
- d. The notice shall inform the juvenile if he/she may be subject to criminal prosecution, that the juvenile has the right to remain silent, that an juvenile’s silence alone will not subject him/her to disciplinary action, and that the juvenile is entitled to testify at the housing hearing, but that any testimony which is given may be used against the juvenile in future housing hearings, disciplinary hearings, or criminal prosecutions.
- e. The Housing Board Chair may appoint a staff representative to assist the juvenile when literacy, developmental or mental health barriers exist.

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- f. The Housing Board Chair shall enter the hearing date in JACCS “Schedule Screen”.

9. ADMINISTRATIVE SEGREGATION COMMITTEE (HOUSING BOARD)

- a. The Juvenile Program Coordinator, the Case Manager, the Treatment Team Chairperson, the security OIC, the DCPS Principal or designee, and, when appropriate, the mental health care provider should attend the Administrative Segregation Hearing. If unable to attend, each of these team members should submit any progress information they have and they should include recommendations for either continued segregation or release from segregation.
- b. The Treatment Team will review circumstances of the juvenile’s precipitating behavior, prior patterns of similar behavior, and the appropriateness of prior attempts to persuade the juvenile to modify his/her behavior.

10. ADMINISTRATION SEGREGATION HEARING PROCEDURES

- a. In an Administrative Segregation hearing held to determine whether an juvenile presents a clear and present danger to self or others, or is in danger from a clear and present threat from others, the Board must determine whether there is a security need to separate the juvenile from a member of one of the following groups of prisoners:
- 1) The identifiable victim of an assault;
 - 2) Identifiable witnesses;
 - 3) Identifiable informants;
 - 4) Another juvenile who presents an identifiable threat of physical harm to the juvenile.
- b. In an Administrative Segregation hearing held to determine whether an juvenile is a definite escape risk, the Board must determine whether an juvenile presents a definite escape risk because:
- 1) The juvenile acted with the intent to escape and avoid confinement;
 - 2) The juvenile possessed instruments designed for use in an escape;
 - 3) The juvenile made statements manifesting an intent to escape;
 - 4) The juvenile has been convicted of prison breach from a secure facility;

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NUMBER:	5300.2 (NEW ISSUANCE)			
Attachments:	Attachments A-L			

or

- 5) There is other relevant evidence reasonably showing the juvenile to be a definite escape risk.
- c. At the Administrative Segregation Hearing, the Board shall advise the juvenile of his or her rights, and present findings and supporting evidence for the proposed action.
 - d. The Board's judgment shall be based on consideration of all the evidence presented. Relevant evidence may include, but shall not be limited to, testimony or documents pertaining to the facts and circumstances surrounding an investigation of the juvenile's alleged conduct, the juvenile's placement in protective custody or the testimony of witnesses.
 - e. In cases where evidence is received, anonymously or by an informant, this information must be investigated for creditability and reliability. There must be some information or record from which a Housing Board can reasonably conclude, after inquiry, that the evidence or the informant is reliable. The inquiry or investigation shall be conducted in a way that does not reveal the identity of the informant.
 - f. The juvenile should attend and have input at each Administrative Segregation Hearing unless his/her behavior is documented to be so disruptive or his/her presence presents an undue threat to the safety or security of other Juveniles, staff or the orderly operation of the unit.
 - g. If the Housing Board determines that the juvenile should be placed in Administrative Segregation, the Housing Board Chair shall, within two (2) business days of the hearing, prepare and deliver to the Warden (or designee) a written statement of the Board's decision and the factual information upon which the decisions based (Attachment F).
 - h. If the Board determines that there is no longer an escape risk or a security risk to the juvenile or others, the Board shall document their findings utilizing the Administrative Housing Review Form (Attachment F). The juvenile shall be released from segregation upon final approval from the Warden or designee.

11. APPEAL

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- a. A juvenile is entitled to appeal a decision of the Housing Board to the Warden or the Warden's designee.
- b. Notwithstanding the filing of a Notice of Appeal, a juvenile may be confined in Administrative Segregation immediately following a decision by the Housing Board.
- c. The juvenile shall file a "Notice of Appeal" with the Warden within three (3) business days of receipt of the Housing Board Decision or at such later time as the Warden may allow.
- d. The Notice of Appeal shall set forth the reasons why the juvenile feels the Housing Board decision should be reversed and the juvenile should include any supportive documentation.
- e. The Warden shall complete the review of the appeal within three (3) business days of receipt and shall promptly notify the juvenile in writing of the appeal decision.

12. **BEHAVIORAL CONTRACT.** If release from segregation is recommended, when a rule violation or similar misbehavior was the reason for the juvenile's placement in segregation, the juvenile shall sign a Behavior Contract (Attachment L). The juvenile shall have input into the contract agreement.

13. **ADMINISTRATIVE SEGREGATION REVIEW REHEARINGS**

- a. If there is evidence that Administrative Segregation should be continued beyond the five (5) days the Housing Board must conduct an Administrative Segregation hearing prior to the expiration of the five (5) days.
- b. The juvenile shall appear before the Housing Board at each hearing unless:
 - 1) The juvenile waives appearance in writing; or
 - 2) Exclusions for Safety or Security Reasons. Such exclusions shall focus on the threat created by bringing the juvenile to the hearing or allowing the juvenile to remain in the hearing. The reason(s) for exclusion must be in writing and submitted to the approving authority for the hearing disposition.

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- c. At each review hearing, the juvenile may present in writing any new evidence for the Board's consideration.
- d. At each Administrative Segregation Review the Board shall determine whether the juvenile's return to the general population still poses an escape risk or security risk to the juvenile or others. In particular, when the juvenile is voluntary or involuntary separated for protection, the Board members shall determine whether other juveniles from whom the juvenile is separated are presently in the general population.
- e. If the Board determines that there is no longer an escape risk or a security risk to the juvenile or others, the Board shall document their findings utilizing the Administrative Housing Review Form (Attachment F). The juvenile shall be released from segregation upon final approval from the Warden or designee.
- f. The Housing Board Chair shall deliver a copy of the written determination to the juvenile within one (1) week of the approved decision.
- g. If disclosing the name of any individual or any of the evidence on which the Board relied in making its determination would, in the Board's judgment, pose a threat to the safety or security of any juvenile or other person, or cause a riot or other major disturbance or damage to property, the Housing Board Chair may delete the material from the copy of the written statement given to the juvenile.
- h. When deletions are made, the Housing Board Chair shall transmit a copy of the entire record of the hearing to the Warden. The Warden shall ensure that all documents are retained for a period of at least two (2) years.

14. DATA ENTRY

- a. When a juvenile is placed on Administrative Segregation or Protective Custody, an alert shall be placed in JACCS on the "Alert Screen" in the juvenile's active booking.
- b. When an juvenile is removed from Administrative Segregation or Protective Custody, the alert shall be deleted in JACCS on the "Alert Screen" in the juvenile's active booking.

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- c. Upon determining the date of the initial and subsequent housing hearing reviews, the Housing Board Officer shall enter hearing dates into JACCS on the "Schedule" screen on the juvenile's active booking.



**Government of the District of Columbia Department of Corrections
Central Detention Facility
Disciplinary Report**

PS 5300.2
Page 1 of 3
Attachment A

Name _____ DCDC _____ Cellblock _____ Cell # _____ Squad _____

Charge _____ Code Reference _____

Charge _____ Code Reference _____

Charge _____ Code Reference _____

Date of Offense _____ Time _____ Location _____

Staff Involved _____

Staff Involved _____

Inmates Involved _____

Inmates Involved _____

Description _____

Use Continuation Sheet if Necessary

Date Prepared _____ Time _____ Employee Signature _____

Supervisory Signature _____ Date _____
(Reviewer)

HEARING SUMMARY Date of Hearing: _____ Time: _____ AM PM

Inmate Plea: Guilty Not Guilty

Housing Board/Hearing Officer Findings Guilty Not Guilty

Rationale for Findings _____

RECOMMENDATION(S)

Forfeit _____ days EGT/MGT _____ days Disciplinary Segregation _____ days Loss of Privileges

Other _____ Refer to Housing Board

Rationale for Recommendation(s) _____

Committee/Hearing Officer	Recommendations	
_____	<input type="checkbox"/> Concur	<input type="checkbox"/> Dissenting Vote * Must Explain
Chair/Hearing Officer	<input type="checkbox"/> Concur	<input type="checkbox"/> Dissenting Vote * Must Explain
_____	<input type="checkbox"/> Concur	<input type="checkbox"/> Dissenting Vote * Must Explain
Member	<input type="checkbox"/> Concur	<input type="checkbox"/> Dissenting Vote * Must Explain
_____	<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove (indicate further action)
Member		



Government of the District of Columbia Department of Corrections
Central Detention Facility

PS 5300.2
Page 2 of 3
Attachment A

Disciplinary Report

Warden or Designee _____

Vacate

Reduce Sanction

Remand

HEARING PROCEEDINGS

Name: _____ DCDC: _____ Cellblock: _____ Cell # _____ Squad: _____

Date of Hearing _____ Time of Hearing _____

Inmate Present at Hearing? Yes No If No, reason: _____

If required,
Staff Representative Present? Yes No If No, reason: _____

Staff Representative's Name _____

Witness Present ? Yes No If No, reason: _____

Witness Present? Yes No If No, reason: _____

Summary of Accused Inmate's Statement at Hearing _____

Other Notes/Comments _____

Reason for Dissenting Vote _____

Dissenting Staff's Signature _____ Date: _____

INMATE APPEAL

I Wish to Appeal Yes No Signature _____ Date _____



**Government of the District of Columbia Department of Corrections
Central Detention Facility
Disciplinary Report**

PS 5300.2
Page 4 of 3
Attachment A

This Continuation Form may be used for recording additional information required in the Disciplinary Report, the Pre-hearing Investigation of Hearing Minutes



Government of the District of Columbia Department of Corrections
Central Detention Facility
Disciplinary Investigation Report

PART I

Name _____ DCDC _____ Cellblock ____ Cell _____

Date of Incident _____ Time of Incident _____

Charge _____ Reference Code _____

Charge _____ Reference Code _____

Charge _____ Reference Code _____

Date Investigation Completed _____ Time Completed _____

PART II

INMATE RIGHTS

Inmate Informed of Disciplinary Report? Yes No Disciplinary Report Read to Inmate? Yes No

Staff Representative Recommended? Yes No Advised re: Staff Representative? Yes No

Requesting Staff Representative? Yes No Requesting Witnesses? Yes No

Requesting Attorney **Class 1 ONLY** Yes No Attorneys Name _____

Witness Requested

Witness Requested

Is the Inmate Requesting Hearing Officer? **OR** Is the Inmate Requesting a Disciplinary Board?

Does accused waive rights to be present at hearing? Yes No If yes, is accused pleading guilty? Yes No

Waiving right to 24 hour notice prior to hearing? Yes No Copy of report given to inmate? Yes No

Informed of right to not make statement? Yes No Making voluntary statement? Yes No

If yes, record statement _____

Inmate's Signature _____ Date _____

****Receipt of the written DR will serve as official notice that a hearing will be held within seven (7) days (excluding weekends, holidays, and continuances) of the occurrence date but not sooner than twenty-four (24) hours.**

Staff Serving Notice _____ Date _____

PART III – INVESTIGATIVE FINDINGS

RECOMMENDATION (S)

Dismiss-Charges not substantiated **Informal Resolution-Class III & IV** **File Disciplinary Report**

Serving Staff Signature _____ Date _____



INMATE REQUEST FOR REPRESENTATION AT A DISCIPLINARY HEARING

Staff Representative _____
Inmate _____ DCDC _____ Housing Unit _____

1. CRITERIA

- a. An inmate may request legal assistance from the DC Public Defender Services (PDS) or a staff representative when charged with a Class I offense.
- b. An inmate may request assistance from a staff representative in order to prepare for a defense when charged with a Class II offense.
- c. The Investigating Officer may make an offer to the inmate for staff representation for any class offense when the inmate needs interpreter services or the inmate’s overall mental or emotional status appears to be a barrier.
- d. Inmates have the right to refuse either legal or DOC employee assistance.

2. STAFF REPRESENTATIVE NOTICE:

- a. It is my responsibility as your staff representative to consult with you at least twenty-four hours prior to your disciplinary hearing. This consultation will include explaining the charge against you, the potential consequences of the charge and the consequences of a plea of guilty.
- b. If you approve, I will be present with you and provide assistance throughout the disciplinary hearing in accordance with procedures in PM 5300.2.
- c. Disciplinary rights are as follows: Your right not to make a statement, your right to defend yourself in a fair and impartial hearing, your right to request witnesses who can provide relevant information in your defense or your right to present a witness statement, and your right to a hearing in a reasonable amount of time.
- d. I am not responsible for proving your guilt or innocence. I am assigned only to advise you of the disciplinary process.
- e. In the event you no longer choose to have me assist you, you must indicate such in writing.
- f. If you understand the above that I have explained to you, and request my assistance during the disciplinary hearing, please acknowledge by signing below.

Inmate’s Signature

Date

Time

Assigned Staff Representative’s Signature

Date

Time

Witness Signature (if inmate refuses to sign)

Date

Time



**SOLICITUD DEL RECLUSO PARA TENER REPRESENTACIÓN ANTE UNA
AUDIENCIA DISCIPLINARIA**

Representante de personal _____

Recluso _____ DCDC _____ Unidad de vivienda _____

1. CRITERIO

- a. El recluso puede solicitar asistencia legal de parte de Servicios de Defensores Públicos (PDS) del DC o de un representante de personal cuando se le acuse de un delito de Clase I.
- b. El recluso puede solicitar asistencia de un representante de personal a fin de prepararse para la defensa de un delito de Clase II.
- c. El oficial investigador puede ofrecerle al recluso la representación de un miembro del personal para delitos de cualquier clase cuando el recluso necesite servicios de interpretación o el estado general mental o emocional del recluso parezca ser un obstáculo.
- d. Los reclusos tienen el derecho de rechazar la asistencia legal o de los empleados del DOC.

2. AVISO DEL REPRESENTANTE DE PERSONAL:

- a. Es responsabilidad mía como su representante de personal tener una consulta con usted por lo menos veinticuatro horas antes de su audiencia disciplinaria. Esta consulta incluirá la explicación de la acusación que hay en su contra, las consecuencias potenciales que existen y las consecuencias que tendría una declaración de culpabilidad.
- b. Si usted lo aprueba, lo representaré y le proporcionaré asistencia durante el transcurso de la audiencia disciplinaria en conformidad con los procedimientos del código PM 5300.2.
- c. Los derechos disciplinarios son los siguientes: Su derecho a no presentar una declaración, su derecho a defenderse a usted mismo en una audiencia justa e imparcial, su derecho a solicitar testigos que puedan proporcionar información relevante para su defensa o su derecho a presentar declaraciones de testigos, y su derecho a tener una audiencia en un plazo razonable.
- d. No soy responsable de tener que probar su culpabilidad o inocencia. Estoy asignado solamente para aconsejarlo sobre el proceso disciplinario.
- e. En caso de que decida que ya no le preste ayuda, usted deberá indicarlo por escrito.
- f. Si entiende lo anterior que le he explicado, y solicita mi ayuda durante la audiencia disciplinaria, confírmelo firmando a continuación.

Firma del recluso

Fecha

Hora

Firma del representante de personal asignado

Fecha

Hora

Firma del testigo (si el recluso se niega a firmar)

Fecha

Hora

Government of the District of Columbia Department of Corrections
Central Detention Facility
Re-Schedule Form/Disciplinary Hearings

Name _____ DCDC _____ Cellblock ____ Cell _____

Date Hearing Scheduled for: _____

Reason for Hearing being rescheduled:

Inmate at Court _____ Date: _____

Inmate at Medical _____ Date: _____

Attorney Rescheduled _____ Date: _____

Other: _____ Date: _____

Inmate Re-Scheduled Date: _____

****Receipt of this official notice states good cause and reason for postponement or continuance for disciplinary hearings for a reasonable period, not to exceed 3 business days.**

Inmate's Signature _____ Date _____

Committee Hearing Officer _____ Date _____



**Government of the District of Columbia Department of Corrections
Central Detention Facility
JUVENILE SANCTIONS FORM**

PM 5300.2
Page 1 of 3
Attachment H

Name _____ DCDC # _____

Date of Offense _____ Time _____ Location _____

- | | |
|--|---|
| <input type="checkbox"/> 203 Threatening Conduct (minor in nature) | <input type="checkbox"/> 301 Minor Contraband |
| <input type="checkbox"/> 205 Creating a Minor Disturbance | <input type="checkbox"/> 302 Interference w/Orderly Operations |
| <input type="checkbox"/> 208 Theft (Minor in Nature) | <input type="checkbox"/> 303 Gambling |
| <input type="checkbox"/> 209 Damage or Destruction of Property | <input type="checkbox"/> 304 Misuse of Authorized Medication |
| <input type="checkbox"/> 210 Possession of Stolen Property | <input type="checkbox"/> 305 Refusing to work |
| <input type="checkbox"/> 211 Disrespect | <input type="checkbox"/> 401 Disorderly Appearance |
| <input type="checkbox"/> 212 Lack of Cooperation | <input type="checkbox"/> 402 Creating Health, Safety, Fire Hazard |
| <input type="checkbox"/> 217 Lying | <input type="checkbox"/> 403 Abuse of Privileges |
| <input type="checkbox"/> 219 Giving a False Alarm | <input type="checkbox"/> 404 Abuse of Living Quarters |
| <input type="checkbox"/> 220 Out of Bounds | <input type="checkbox"/> 405 Unauthorized Use of Property |
| <input type="checkbox"/> | <input type="checkbox"/> |

Staff Involved _____ Staff Involved _____

Inmates Involved _____ Inmates Involved _____

Inmates Involved _____ Inmates Involved _____

Description _____

Use Continuation Sheet if Necessary for Description

Date Prepared _____ Time _____ Employee Signature _____

Date of Notice _____ Time _____ Employee Signature _____

Juvenile Program Coordinator Review _____ Date _____ Signature _____

TREATMENT TEAM SUMMARY Date of Hearing: _____

Inmate Present at Hearing? Yes No If No, reason: _____

Inmate Plea: Guilty Not Guilty

Treatment Team Findings Guilty Not Guilty

If required, Staff Representative Requested Yes Representative Present? Yes No

If No, provide reason _____

Staff Representative's Name _____

Witness Present ? Yes No If No, reason: _____

Witness Present? Yes No If No, reason: _____



Government of the District of Columbia Department of Corrections
Central Detention Facility
JUVENILE SANCTIONS FORM

PM 5300.2
Page 2 of 3
Attachment H

Name _____ DCDC # _____

Date of Offense _____ Time _____ Location _____

RECOMMENDED INTERVENTION(S) _____

Rationale for Recommendation(s) _____

Recommendations

Treatment Team Chair Signature

Concur Dissenting Vote * Must Explain

Member Signature

Concur Dissenting Vote * Must Explain

Member Signature

Concur Dissenting Vote * Must Explain

Member Signature

Concur Dissenting Vote * Must Explain

Member Signature

Concur Dissenting Vote * Must Explain

Summary of Juvenile's Statement at Hearing _____

Other Notes/Comments _____

Reason for Dissenting Vote _____

Dissenting Staff's Signature _____ Date: _____

INMATE APPEAL

I Wish to Appeal Yes No Signature _____ Date _____

Reason for Appeal _____



Segregation Placement Form - Juvenile

Inmate Name:

DCDC#:

Previous Housing Unit/Cell #:

New Unit/Cell #:

TYPE OF SEGREGATION (check one)

<input type="checkbox"/>	Pre-Hearing Detention Pending	<input type="checkbox"/>	Administrative Segregation
<input type="checkbox"/>	Total Separation	<input type="checkbox"/>	Special Handling
<input type="checkbox"/>	Disciplinary Segregation	<input type="checkbox"/>	Protective Custody

Supervisors Signature: _____	Date: _____
-------------------------------------	--------------------

Status change	FROM: _____	TO: PHD	DATE: _____	TIME: _____
----------------------	--------------------	----------------	--------------------	--------------------

REASONS (check one):

- Inmate's conduct poses serious threat to security or facility.
- To prevent imminent injury to an inmate(s) or to an employee(s).
- To contain or prevent or quell a riot.
- Inmate is an escape risk.
- Inmate is pending a hearing for a violation of DC DOC regulations.
- Inmate has been designated Special Handling or Total Separation.
- Inmate is pending investigation for a criminal act committed within the institution.
- Inmate is pending investigation for possible placement in Administrative Segregation or Protective Custody.
- Other: _____

Comments (brief explanation for placement) _____

Special Instructions _____

Inmate Signature _____ Date _____

Warden's 24 hour review and signature	Time	Date	Recommendations:
			Approve / Disapprove



Release From Segregation

Inmate Name:

DCDC#:

Previous Housing Unit/Cell #:

New Unit/Cell #:

RELEASE TYPE OF SEGREGATION (check one)

	Pre-Hearing Detention Pending		Administrative Segregation
	Total Separation		Special Handling
	Disciplinary Segregation		Protective Custody

Supervisors Signature:	Date:
-------------------------------	--------------

Status change	FROM:	TO: PHD	DATE:	TIME:
----------------------	-------	----------------	-------	-------

REASONS (check one):

- Inmate's conduct does not pose serious threat to security or facility.
- Inmate is not an escape risk.
- Inmate is pending a hearing for a violation of DC DOC regulations but does not require continued Pre-Hearing Detention.
- Inmate is pending investigation for a criminal act committed within the institution but does not require Pre-Hearing Detention.
- Other: _____

Comments (brief explanation for placement) _____

Special Instructions _____

Inmate Signature _____ Date _____

Warden's 24 hour review and signature	Time	Date	Recommendations: Approve / Disapprove

Pre-Segregation Health Evaluation

Juvenile's Name: _____ DCDC#: _____

This inmate received a health assessment to determine if he/she has any medical or mental health contraindications for placement in a segregation unit.

Yes-- Contraindications noted
(Shift Commander must be notified)

No contraindications noted

Special Diet: **Cardiac** **Diabetic** **Renal** **Vegetarian**

Signature _____ Title _____ Date _____ Time _____



Daily Services Provided to Segregation Inmates (CDF)

Total Count:

Number One Shift

Number Two Shift

Number Three Shift

Number One Shift Supervisor

Number Two Shift Supervisor

Number Three Shift Supervisor



Juvenile Behavioral Contract

General Rules

1. You are to adhere to all program, education and institutional rules and regulations.
 2. You are to strip your bed and clear your desk, and clean your cell before leaving for class or program as set forth by the DOC regulations and standards.
 3. Classes are from 8:45 am to 3:15 pm Monday through Friday and afterschool is from 3:30 pm to 4:30 pm Tuesday through Thursday. You must be out of your cell by 8:45 am and in class unless excused by correctional/educational staff.
 4. Phones can be used only during recreational time unless authorized by Program/Education/Correctional Staff.
 5. At count time, you should be in your cell within 5 minutes before the count.
 6. Canteen comes on Fridays between 9:00 am and 3:00 pm.
 7. You should wear your jumpsuit and armbands at all times to include to and from shower. The only exception is when you are at the gym or outside recreation.
 8. There should be no sitting on tables and rails.
 9. You are to respect staff, volunteers and other juveniles at all times.
 10. Absolutely no flashing or exposing yourself to any staff, volunteers or visitors.
 11. Any Disciplinary Report (DR) or sanctions from any of the correctional staff, educational or program staff can lead to administrative discipline.
 12. You must attend four (4) group sessions with Adjusting Our Attitude Training (A.O.A.T.) for conflict resolution. Mandatory attendance.
-

I, _____ DCDC _____, have read and fully understand all of the rules above. I understand that any violation of these rules and guidelines will lead to disciplinary action.

Juvenile

Date

Correctional Staff

Date

Educational Staff

Date

Case Manager

Date

A.O.A.T Program

Date