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	<h1>PROGRAM MANUAL</h1>		SUPERSEDE:	5300.2 June 28, 2013	
			OPI:	OPERATIONS	
			REVIEW DATE:	August 10, 2017	
			Approving Authority	Thomas Faust Director	
	SUBJECT:	JUVENILE DISCIPLINARY AND ROOM RESTRICTION PROCEDURES			
NUMBER:	5300.2A				
Attachments:	Attachments A-K				

SUMMARY OF CHANGES:

Section	Change
	<i>Updates and revisions have been made throughout the entire policy.</i>
	<i>"Segregation" has been changed to "Restrictive Housing" throughout the policy.</i>
	<i>Class IV Offenses have been combined with Class III Offenses.</i>

APPROVED:



Thomas Faust, Director

8/10/2016

Date Signed

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1. PURPOSE AND SCOPE.

- a. To establish the Code of Juvenile Offenses and Penalties; to establish implementation procedures governing juvenile discipline at the Central Detention Facility (CDF) as well as for male and female juveniles who are housed at the Correctional Treatment Facility (CTF); and to establish the review process used to place juveniles in and remove juveniles from room restriction, administrative hold or protective custody.
- b. To define the rules of conduct, sanctions and procedures for male and female juveniles.

2. POLICY.

- a. It is DC Department of Corrections (DOC) policy to administer fair and impartial procedures and proportionate penalties when a juvenile commits specific acts that are prohibited and when other available alternative dispositions are inadequate to regulate the individual's behavior within acceptable limits.
- b. It is DOC policy to place juveniles in room restriction housing only when it is determined that their continued presence in the general population poses a clear and present threat to life, property, self, staff or other juveniles.

3. APPLICABILITY.

- a. Procedures herein shall apply to juveniles and all DOC and contract staff and volunteers who work with DOC juveniles.

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- 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. 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.

5. PROGRAM OBJECTIVES. The expected results of this program are:

- a. DOC has a disciplinary system and corresponding disciplinary policies that promotes pro-social behavior and discourages 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 them accountable for the behavior, helps the juvenile learn from their mistakes and modifies their behavior; thereby facilitating rehabilitation.

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6. DIRECTIVES AFFECTED

a. Directive Rescinded

PM 5300.2 Juvenile Disciplinary and Restrictive Housing Hearing Procedures (6/28/13)

b. Directives Referenced

- 1) PP 1280.2 Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrence
- 2) PS 2000.2 Retention and Disposal of Department Records
- 3) PP 4020.1 Inmate Orientation
- 4) PP 5500.2 Restrictive Housing of Inmates

7. AUTHORITY

- 1) D.C. Code § 24-211.02, Powers; promulgation of rules
- 2) Sandin v. Conner, 515 U.S.472 (1995)
- 3) Wolff v. McDonnell, 418 U.S. 539 (1974)
- 4) 20 U.S.C § 1400 et seq., 34 CFR Part 3000, Individuals with Disabilities Education Act (IDEA)

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- 5) D.C. Code § 38-101, et seq., Public Education-Primary and Secondary
 - 6) D.C. Code § 38-2501, et seq., Special Education
 - 7) District of Columbia Municipal Regulations (DCMR) Title 5, Education
 - 8) D.C. Code §16-2301, Definitions and 16-2307, Transfer for Criminal Prosecution
 - 9) Chapter 403 of Title 18, United States Code SEC.212.JUVENILE SOLITARY CONFINEMENT
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

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Attachment C – Juvenile Request for Representation (English and Spanish)
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CHAPTER ONE

DEFINITIONS

1. **DEFINITIONS.** For the purpose of this Program Statement, the following definitions shall apply:

- a. **ADMINISTRATIVE HOLD.** A form of Room Restriction when a serious/violent Class I or serious Class II incident occurs. It may also be initiated when the continued presence of a juvenile in the general population would pose a serious threat to life, self, staff, other juveniles or to the security or orderly operation of the institution, to include escape. It may only be initiated by a DOC Major or desigee.
- b. **BEHAVIOR PLAN.** A document developed with a juvenile that describes in detail the desired behavior a juvenile must demonstrate and sets goals to assist in achieving that desired behavior. The plan also details agreed upon incentives and consequences of agreeing to a new behavior and replacing a former one.
- c. **BIAS.** A mental leaning or inclination toward one conclusion or another, a partiality or a prejudice.
- d. **DISCIPLINARY BOARD.** 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.
- e. **DISCIPLINARY REPORT (DR).** A form completed when a juvenile is alleged to have incurred a Class I or Class II serious violation.

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- f. **HEARING OFFICER.** An impartial staff member responsible for the administration of the disciplinary hearing process. The Hearing Officer shall conduct Disciplinary Board Hearings as the adjudication agent or as the Chairperson of the Disciplinary Board.
- g. **INCARCERATED JUVENILE WITH DISABILITIES.** A juvenile as defined under the Individuals with Disabilities Act as revised in 1997 (IDEA), a youth must have one or more of the disabilities listed and because of that disability, require special education and related services. The range of qualifying disabilities is broad and includes but is not limited to: mental retardation, deaf-blindness, deafness, hearing impairment, speech or language impairment, visual impairment, emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairment, specific learning disability or multiple disabilities.
- h. **INVESTIGATING OFFICER.** A supervisor who conducts the investigation concerning alleged charge(s) of juvenile misconduct. For the purposes of this directive, the Investigating Officer is ordinarily a Sergeant or 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.
- i. **IMPARTIAL STAFF MEMBER.** A DOC employee that is not involved in the incident under investigation.
- j. **JUVENILE.** A male or female individual who is 16 or 17 years of age who is being adjudicated as an adult and housed at the Correctional Treatment Facility (CTF) in the Juvenile Unit.

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- k. JUVENILE PROGRAM COORDINATOR.** The DOC Juvenile Program Coordinator has direct responsibility for management of the juvenile unit for males. For the purposes of this directive, the Juvenile Program Coordinator manages Juvenile Treatment Team Review Board activities, which include disciplinary sanctions review and adjudication. 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 procedures for female juveniles remains the responsibility of the Corrections Corporation of America (CCA) Correctional Treatment Facility (CTF) Warden.
- l. JUVENILE TREATMENT TEAM REVIEW BOARD.** In an attempt to achieve a unified intervention approach to address the treatment and behavioral needs of the juvenile population, a multi-disciplinary team staff from DOC and the DC Public School (DCPS) conducts a weekly Treatment Team Review Board to evaluate the juvenile's progress in school, their individual treatment plan, general housing disciplinary and disciplinary reports that are not of the severity that the juvenile should appear before the DOC Disciplinary Board. The Juvenile Treatment Team Review Board adjudicates all Class III violations. **The Juvenile Treatment Team Review Board consists of The Program Juvenile Coordinator, DCPS Representative, Operations Representative, DOC Juvenile Case Manager and Mental Health Representative.(Class II Minor).**
- m. OFFICER IN CHARGE (OIC).** Senior Officer that supervises the shift while on duty in the unit. This individual is usually the assigned Sergeant, Senior Corporal or a higher level of authority assigned to the unit. This individual is a member of the Juvenile Treatment Review Board and participates in disciplinary hearings as well.

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- n. **PROTECTIVE CUSTODY.** A form of separation from the general population for juveniles requesting or requiring protection from other juveniles for reasons of safety.
- o. **ROOM RESTRICTION (Cooling Off Period)** The involuntary or voluntary restriction of a juvenile in a cell, room, or other designated area for brief periods of time (a minimum of fifteen (15) minutes up to one hour (1) one hour as determined by an impartial staff member) to allow a “cooling off” period for juveniles that are exhibiting negative/aggressive behavior. It is not to be used for purposes of punishment, discipline, administrative convenience, or staffing.
- p. **ROOM RESTRICTION (Major Incidents).** The involuntary restriction of a juvenile in a cell, room, or other designated area for a Class I or Class II infraction not of a violent nature. This restriction is not to exceed three (3) hours in a twenty-four (24) hour period.
- q. **ROOM RESTRICTION (Time Out)** The involuntary or voluntary restriction of a juvenile in a cell, room, or other designated area for brief periods of time (not to exceed fifteen (15) minutes as determined by an impartial staff member).
- r. **SANCTIONS REPORT.** A form completed when a juvenile is alleged to have incurred Class III violations. **(Class II Minor).**

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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 juveniles. 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
 - g. Room Restriction used for consecutive periods of time

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 restrictive action(s) as outlined in this directive.

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3. INCARCERATED JUVENILE WITH DISABILITIES (ages 16 & 17). A juvenile's mental or physical condition is not a defense to disciplinary sanctions but such shall be taken into consideration when imposing a sanction.

- a. The Warden or designee and the responsible clinician or designee shall consult prior to taking disciplinary action against chronically ill, physically disabled, seriously mentally ill, or developmentally disabled juveniles.
- b. When it appears that the juvenile may not be mentally capable of understanding the nature of the charges and/or presenting or assisting in the presentation of defense to the charges the Hearing Officer/Board shall consult with mental health professionals.
- c. Incarcerated Youth with Disabilities Disciplinary Action
 - 1) Incarcerated youth with disabilities who exhibit behavior while in an academic classroom that warrants a disciplinary action shall be referred to the Juvenile Treatment Team Review Board which includes education, mental health and corrections professionals from DC Public Schools and the CDF. The team will determine if the individual's behavior is likely a manifestation of their disability. If such determination is made the team will make appropriate interventions and/or accommodations that will enable the youth to continue receiving special education and related services, consistent with the Individuals with Disabilities Education Act (IDEA) provisions on discipline.
 - 2) For infractions which occur outside of school and to the extent that time allows, DCPS will work with DOC to provide consultation that would be helpful in disciplinary and housing decision making.
- d. The Treatment Team Review Board may, at its discretion dismiss any or all pending charges.

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4. **DISPOSTION OF RULE VIOLATIONS.** An investigation, hearing and decision by persons not involved in the rule violation shall be completed within specified time frames.

5. **ORIENTATION.** Upon admission to the Juvenile Unit each individual shall receive orientation materials and a handbook that describes facility rules, programs and pertinent operations. If the juvenile has difficulty reading with comprehension disciplinary procedures shall be read by a staff member or communicated through use of an audiotape or videotape. Interpretive services shall be provided for juveniles who do not speak English or who are deaf or hard of hearing. Each juvenile shall verify, by signature, their receipt of disciplinary procedures. The signed receipt shall be maintained in the juvenile’s file.

6. **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 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.

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- 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 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. The training shall provide staff with knowledge about juvenile conduct, facility and disciplinary rules and procedures and due process requirements.
- f. As part of the agency's pre-service and annual in-service training all personnel who work with juvenile's shall receive training for familiarization with the rules of juvenile conduct, the rationale for the rules, the sanctions available uniform interpretation and application of the rules and disciplinary report preparation.
- g. The Warden shall ensure that the Hearing Officer and Hearing Board support staff are trained to conduct Disciplinary Board hearings with juveniles. The training shall provide staff with knowledge about juvenile unit rules and discipline, how to conduct a disciplinary hearing, how to interpret and apply the rules fairly and how to make a defensible record.

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CHAPTER THREE DISCIPLINARY PROCEDURES

1. DISCIPLINE

- a. This Chapter establishes disciplinary procedures applicable to juvenile behavior to include but not limited to rules of conduct, informal interventions, allowable sanctions for minor offenses (Class III as described in this policy) and the imposition of allowable disciplinary penalties for major offenses (Class I and juvenile who is found guilty or have three (3) or more repeated violations of a particular Class II offense during the current period of incarceration may receive allowable penalties of a Class I offense).
- b. A copy of the disciplinary code of offenses shall be given to and discussed with each juvenile upon their placement in the unit.
- c. Discipline will be administered as a deterrent to undesirable behavior; it will be imposed for brief periods of time and promptly after the rule is broken.
- d. 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;

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- 5) The juvenile’s prior conduct;
- 6) The juvenile’s specific program needs; and
- 7) Other relevant factors affecting their behavior. Prior to the Disciplinary or Treatment Team review Board hearing; juveniles who are receiving special education services with an Individual Education Plan (IEP) shall be referred to and interviewed by the DCPS Principal or designee in order to evaluate whether the misconduct is a behavioral issue or it is attributed to the juvenile’s special needs. DCPS will make a recommendation to the Disciplinary Board or Treatment Team Review Board on the first business day following the juvenile having incurred the rule violation.

2. BEHAVIOR MODIFICATION

- 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 engaging in 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, and meaningful to the individual juvenile and should be imposed in a calm and impersonal but understanding manner.

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- 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.

3. 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 minor offenses as described in this policy); and
 - 3) Allowable disciplinary penalties for major offenses (Class I and a juvenile who is found guilty or have three (3) or more repeated violations of a particular Class II offense during the current period of incarceration may receive allowable penalties of a Class I offense).
- 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. Discipline will always be used as a teaching opportunity with juveniles and response to incidents shall be proportional to the violation committed.

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4. APPLICATION OF DISCIPLINE. Sanctions and disciplinary actions specified herein shall be applied in proportion to:

- a. The importance of the rule;
- b. Severity of the violation;
- c. The juvenile’s mental and physical condition;
- d. The juvenile’s general attitude;
- e. The juvenile’s prior conduct;
- f. The juvenile’s specific program needs; and
- g. Other relevant factors affecting their behavior.

5. INFORMAL DISCIPLINE. Informal discipline should be utilized as the first response to minor behavioral concerns. A conversation, counseling session or another low level assignment may be all that is needed to address the issue or loss of points from their daily point card. It may be determined that a juvenile needs a short “cooling off” period to adjust and enhance their calm. In these instances room restrictions may be utilized under the below conditions:

- a. Room Restriction (Cooling Off Period) -- All Juvenile Unit Staff may impose a room restriction when a juvenile is engaged in a minor behavioral infraction or is out of control or an immediate safety risk exists.

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- b. The OIC shall record in the housing unit log book the time the room restriction was imposed, the reason it was imposed and the time when the juvenile was released from the room restriction.
- c. Shall only be used after exhaustion of less restrictive de-escalation techniques and only be used for the amount of time necessary for the juvenile to regain self-control or no longer pose a threat to themselves or others.
- d. Prior to a room restriction, the reasons for the restriction shall be explained to the juvenile. An opportunity will be given to the juvenile to explain their behavior that lead to the restriction.
- e. During all room restrictions an impartial staff member shall interact with the juvenile in an effort to resolve the problem and document behavior on the Room Restriction Log (Attachment J). Resolution will include the juvenile's discussion of their behavior and the effect of this behavior prior to rejoining the general population.
- f. Room Restrictions for minor misbehavior serves only as a "cooling off" period when a juvenile acts out and should (a minimum of fifteen (15) minutes up to one (1) hour as determined by an impartial staff member.
- g. For juveniles exhibiting negative/aggressive behavior fifteen (15) minutes restriction may be all that is needed to correct the situation however if conditions exist that require a juvenile to remain on a room restriction longer for exhibiting negative/aggressive behavior it shall only last up to one (1) hour as determined by an impartial staff member.

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- h. Room Restrictions for juveniles exhibiting negative/aggressive behavior shall not exceed one (1) hour as determined by the staff initiating the restriction.
- i. Staff shall make Guard 1 Plus Rounds and document behavior on the Room Restriction Log (Attachment J) every fifteen (15) minutes unless the circumstances require more frequent contact.
- j. Room restriction shall not be used for consecutive periods of time.

6. ROOM RESTRICTION SHALL BE PROHIBITED FOR THE FOLLOWING:

- a) Convenience to facility administrators or staff or due to staffing shortages;
- b) Staff Retaliation;
- c) Consecutive periods of time;
- d) Pregnant juveniles (housed at the Correctional Treatment Facility).

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CHAPTER FOUR

THE CODE OF JUVENILE OFFENSES AND PENALTIES

- a. **CATEGORIES OF OFFENSES BASED UPON SEVERITY.** The following classes of offenses grade the relative seriousness of each offense and assist in imposing the appropriate penalty if the accused is found guilty.
- a. **Class I** – Major offenses
 - b. **Class II** – Serious offenses
 - c. **Class III** – Minor offenses
- b. **CLASS I – MAJOR OFFENSES**
- a. Referral for Criminal Prosecution
 - 1) Any of the Class I offenses alleged to have been committed by a juvenile in the institution may be referred for prosecution.
 - 2) DOC procedures governing contraband control and juvenile searches, preservation of evidence and the legal protection of individual rights afforded under the Fourth Amendment shall be followed when a juvenile is suspected of a new crime.
 - 3) Referral for prosecution does not restrict DOC from imposing disciplinary action with corresponding penalties, as outlined in this Section 3 of this chapter, “Penalties for Class I Major Offenses.”

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- 4) When an offense is referred for prosecution and disciplinary action is not imposed, the juvenile shall, pursuant to Chapter 5 of this directive, receive a Housing Hearing and be placed on an Administrative Hold pending adjudication of the criminal charges.
- b. Any offenses, if not referred for criminal prosecution, shall be administratively adjudicated by the Hearing Officer or Board with corresponding maximum penalties, as outlined in this Section 3 of this chapter, “Penalties for Class I Major Offenses.”
- c. The following offenses may incur the maximum penalties outlined in Section 3 of this chapter, “Penalties for Class I Major Offenses.”
- 101 Murder/Homicide-** purposeful killing; killing while perpetrating certain crimes.
- 102 Manslaughter-** the unlawful killing of another person without premeditation or so-called malice aforethought.
- 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-** aiding or abetting in, seizing, confining, inveigling, enticing, decoying, kidnapping, abducting, concealing, or carrying away any individual by any means whatsoever, and holding or detaining, or with the intent to hold or detain, such individual for ransom or reward or otherwise.

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- 105 Burglary-** First degree-whoever shall, either in the nighttime or in the daytime, break and enter, or enter without breaking, any dwelling, or room used as a sleeping, with intent to break and carry away any part thereof, or any fixture or other thing attached to or connected thereto or to commit any criminal offense.
- 106 Armed Robbery-**whoever by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, shall take from the person or immediate actual possession of another anything of value.
- 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.
- a. Willfully or forcefully causing serious bodily injury to another juvenile, 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.

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109 Sexual Assault Juvenile-Upon-Juvenile includes any of the following acts, if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse.

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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 juvenile;
- d. Escape From Outside of a Secure DOC Facility - When in the custody of the DOC and while under the supervision of DOC

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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 a juvenile’s possession or control (to include within their 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.
- 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 juvenile’s prescription medication that contains a narcotic or controlled substance.
- d. Cellular telephone or other portable communication device or accessories thereto.

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- 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:**
- 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 their capacity as a witness or informant.
- 116 Bribery** is willfully, directly or indirectly, giving, offering, or promising anything of value to another juvenile, 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;
 - b. To induce any person to do or omit doing any act in violation of their duty; or

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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 juveniles to engage in a current or impending disturbance or disruptive event; or
- b. Giving direction to a group of two or more juveniles 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 juvenile's action that resulted in serious injury to staff or other juveniles 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 juveniles 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.

c. **PENALTIES FOR CLASS I MAJOR 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 they shall be subject to one or more of the following:

- a. Room restriction for up to three hours in a 24 hour period;

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- b. Restitution (Attachment F);
 - c. Removal from an earned tier along with its privileges;
 - d. Assignment to additional behavior modification programs as part of a behavioral plan;
 - e. Loss of up to four (4) weeks of social visits;
 - f. Loss of up to four (4) weeks of social telephone calls;
 - g. Loss of up to four (4) weeks of commissary privileges; and
 - h. Participation and development of a specific behavioral plan to address concerns and create specific behavioral goals.
- d. **CLASS II – SERIOUS OFFENSES, REPETITION OF A CLASS II OFFENSE.** A juvenile who is found guilty or have three (3) or more repeated violations of a particular Class II offense during the current period of incarceration may receive allowable penalties of a Class I offense.

- 201 Class II Assault** is willfully subjecting another person to offensive bodily contact.
- 202 Sexual Misconduct** is any sexual act or gesture that doesn't directly expose the penis (i.e., rubbing of genital area, gyrating, blowing kisses, etc.).
- 203 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.

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204 Threatening conduct is communicating intent to injure another person or commit a crime of violence or an unlawful act dangerous to human life that:

- a. Places another person in fear of serious bodily injury;
- b. Causes evacuation of a building; or
- c. Causes serious disruption or alarm.
- d. 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;
 - 2) Significant damage to property;
 - 3) Accusing someone of an offense or causing charges to be instituted against someone.

205 Possession of Serious Contraband. Serious Contraband is any item in a juvenile'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:

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- 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 juvenile’s possession or in the juvenile’s immediate living area.
- c. Smoking materials and tobacco products.
- d. Currency or coins.

- 206 Creating a Minor Disturbance.** Willfully causing a non-violent disorder that disrupts the orderly operation of the facility.
- 207 Sexual Activity** consensual sexual activity between two juveniles or a juvenile and a visitor during a social visit.
- 208 Indecent Exposure** is the intentional exposure of genital parts to any person.
- 209 Theft** is willfully taking or withholding the property of another person or entity without permission, authorization or authority.
- 210 Damage or destruction of property occurs** when a juvenile destroys property belonging to the institution or to any person or does damage to property of the District of Columbia or any individual.
- 211 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.

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212 Lack of Cooperation is:

- a. Willfully disobeying a valid order of a correctional employee which may lead to a disturbance;
- b. Failing to respond to any question or direction of any employee of the Department or other custodial official;
- c. Failure to promptly enter one's cell; or
- d. Willfully failing to proceed from place to place within the institution in a prompt and orderly way.

213 Fighting is when two or more juveniles engage in a physical altercation leading to the exchange of strikes with the intent to cause bodily harm.

214 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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215 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 juvenile in such an endeavor; or
- c. Knowingly making a false statement about another juvenile with the intent of causing the juvenile harm or affecting the juvenile's housing or program status.

216 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.

217 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.

218 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;

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- c. Being in an unauthorized area; or
- d. Breaching confinement from one's cell.

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

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

e. **PENALTES FOR CLASS II OFFENSES.** If, after a hearing pursuant to Disciplinary Board procedures the accused is found to have committed a Class II Serious Offense, the juvenile is subject to any one or more of the following:

- a. Room Restriction for up to three (3) hours in a 24 hour period;
- b. Restitution(Attachment F); ;
- c. Removal from an earned tier and loss of associated privileges;
- d. Assignment to additional behavior modification programs as part of a behavioral plan;
- e. Assignment to mental health counseling as determined to be necessary as part of a behavioral plan;
- f. Participation and development of a specific behavioral plan to address concerns and create specific behavioral goals;
- g. A cleanup detail not to exceed three (3) weeks duration;

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- h. Loss of up to three (3) weeks of social visits;
 - i. Loss of up to three (3) weeks of social phone calls;
 - j. Loss of up to three (3) weeks of commissary privileges; and
 - k. Reduction of sanctions pending a period of fifteen (15) days clear conduct.
- f. **ROOM RESTRICTION (Class I and Class II Infractions)** Class I and Class II Offenses have been established to protect the health and safety of juveniles and staff. Violation of any of these offenses are very serious because such violations have a direct adverse effect and may endanger the health and safety of the juvenile who committed the violation, other juveniles, staff and on facility order and security.
- 1) Room Restriction for Class I and Class II infractions that are deemed non-violent or not a safety risk for the facility (e.g. lack of cooperation or bribery) shall not exceed three (3) hours in a twenty-four (24) hour period.
 - 2) Unit Officers shall make visual contact with the juvenile every fifteen (15) minutes unless the circumstances require more frequent contact. During this contact, the staff person that imposed the room restriction shall not interact with the juvenile.
 - 3) Unit Officers will complete the Room Restriction Log documenting the fifteen minute rounds. (See Attachment J).

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- 4) No juvenile shall be placed in room restriction to exceed twenty-one (21) hours in a seven day period unless an Administrative Hold has been authorized by the Major, Program Manager or higher level authority. If these conditions exist the juvenile must be escorted to medical/mental health for evaluation every forty-eight (48) hours to determine if he/she should be returned to general population based on medical/mental health advisement.

- 5) If medical/mental health determines a juvenile must be removed from restriction or administrative hold the provider shall consult with the Major and/or Program Manager, who in turn may remove the juvenile from Administrative Hold. The Shift Supervisor shall make notification immediately via telephone in an effort to secure the juveniles safe return to general population.

- g. **ADMINISTRATIVE HOLD.** A form of Room Restriction when a serious/violent Class I or serious Class II incident occurs. It may also be initiated when the continued presence of a juvenile in the general population would pose a serious threat to life, self, staff, other juveniles or to the security or orderly operation of the institution, to include escape. It may only be initiated by a DOC Major. A juvenile shall only be held on an Administrative Hold for the length of time needed to complete investigations, adjudication by the DOC Adjustment Board or address the concern that made the hold necessary. An Administrative Hold may not be used for purposes of punishment, administrative convenience or staffing shortages. Only the Major or designee can authorize release from an Administrative Hold. In the event a designated Federal Bureau of Prison (BOP) juvenile is placed on Administrative Hold, notification shall also be made to BOP as soon as reasonably practical by a Shift Supervisor.

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- 1) In cases where the incident is violent or dangerous in nature or that create a significant safety/security risk for the unit a juvenile may be placed on an Administrative Hold beyond three (3) hours in a twenty-four hour period to investigate the incident or address the safety risk. Only a Major or designee shall impose an Administrative Hold.
- 2) At the discretion of the Major or designee a juvenile may be placed on an Administrative Hold beyond three (3) hours in a twenty-four (24) hour period pending investigation into Class I and Class II serious infractions and adjudication by the DOC Adjustment Board. An Administrative Hold may also be imposed for security purposes to separate juveniles from other juveniles for immediate safety risk.
- 3) If the Major or designee authorizes a juvenile to be placed on an Administrative Hold, the Shift Supervisor shall make immediate notification through the chain of command to include, the Juvenile Program Coordinator. Notification shall be in writing and include justification and reason why the juvenile has been placed on the Administrative Hold.
- 4) The Major or designee shall decide whether to place the juvenile on an Administrative Hold or allow the juvenile to remain in the general population on the unit under normal conditions while awaiting the investigative and hearing process to be completed.
- 5) If the Major or designee decides to allow the juvenile to remain in general population pending the investigation and hearing, the juvenile shall continue all program assignments and privileges of the general population.

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h. AUTHORIZED ADMINISTRATIVE HOLD:

- 1) The juvenile shall only be on an Administrative Hold for the length of time needed to complete investigations and address the concern that made the hold necessary. Only the Major/designee or higher level authority can authorize a juveniles release from an Administrative Hold.
- 2) If the juvenile is held beyond twenty-four (24) hours they shall be evaluated by mental health on the unit every forty-eight (48) for evaluation until the hold is lifted.
- 3) Staff shall make fifteen (15) minute Guard 1 Plus interactive rounds unless the circumstances require more frequent contact. During this contact, the staff person shall document the behavior on the Room Restriction Log (Attachment J).
- 4) The Juvenile Unit Social Worker and Case Manager shall check-in with the juvenile daily and document contact on the Room Restriction Log (see Attachment J) and a case note in the juveniles file.
- 5) The OIC shall ensure the following information is recorded in the housing log book, and Room Restriction Log (Attachment J):
 - a) The person who authorized the Administrative Hold;
 - b) The reason given for the Administrative Hold;
 - c) Persons who visit the juvenile;
 - d) A Major or above who authorizes the juvenile's release from Administrative Hold if a decision is made to do so prior to the close of an investigation or hearing;

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- e) The time the juvenile was released from the hold when release is prior to the completion of an investigation;
 - f) Any unusual behavior, special medical/psychological needs that arise or any other deviation from normal activity; and
 - g) Beginning and end of all out of cell time.
- 6) If the Administrative Hold continues beyond 24 hours the juvenile shall be seen by the Housing Board three (3) times per week to determine if the hold is still necessary.
- 7) The Shift Supervisor shall review the juvenile's status each day via phone call to the unit OIC and notify the Major when investigations and hearings are complete or if the safety risks that created the need for the hold have been addressed. If the hold is still deemed necessary the Major or designee will authorize a continued hold and the person who authorized the continued hold shall be documented in the unit log book. The Shift Supervisor and Major shall have a subsequent review every twenty-four (24) hours until the juvenile can safely return to general population.

When it is determined that a juvenile can be returned to general population from an Administrative Hold, the juvenile shall sign a Behavior Plan with the Case Manager within 24 hours or the next business day after return to the general population.

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- 8) While on an Administrative Hold the juvenile shall have the same privileges as general population juveniles as follows:
- a) Education equivalent in duration and subject matter and materials to those provided to general population; such education shall be provided by the teacher and the juveniles shall have meaningful contact with their teacher each day;
 - b) Access to legal services including telephone calls to attorneys;
 - c) Reasonable communication with other juveniles;
 - d) Standard juvenile Institutional clothing;
 - e) Six (6) hours of out of cell time per day not including school and programming. This time shall be allowed two (2) hours per shift;
 - f) An opportunity to shower;
 - g) Hair care services and
 - h) The opportunity to launder clothing.

i. CLASS III – MINOR OFFENSES

301 Minor Contraband:

- 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:

- 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. Approaching or speaking to any visitor unless first authorized to do so by a correctional employee.

303 Gambling:

- 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 juvenile.

305 A Juvenile Detail Worker’s Refusal to Work, Failure to Perform Work as Instructed by the Supervisor/Other Authorized

306 Employee or Unexcused Absence from Work or any Assignment.

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- 307** **Disrespect** is making any profane, obscene, or abusive gesture or remark to, about, or in the presence of any employee, volunteer, or visitor.
- 308** **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.
- 309** **Forgery or Tampering** is the fraudulent reproduction or alteration of a document or other written item.
- 310** **Disorderly Appearance** is a juvenile’s failure to keep their clothing and person reasonably clean and orderly.
- 311** **Abuse of Privileges** is violating any institution regulation relating to a privilege such as telephone use or removing food from the culinary area.
- 312** **Abuse of Living Quarters** is a juvenile’s:
- a. Failure to make their own bed neatly each day;
 - b. Failure to keep their own living quarters clean and orderly;
 - c. Failure to keep articles issued by the institution or purchased from the canteen neatly in an approved place;
 - d. Covering or obstructing air exchange vents, light fixtures, windows and cell doors; or

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e. Painting or drawing on or adhering items to walls and fixtures.

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

j. **PENALTIES FOR CLASS III OFFENSES JUVENILES.** If after a hearing before the Juvenile Treatment Team Review Board pursuant to this directive, the accused is found to have committed a Class III Minor Offense, the juvenile is subject to any one or more of the following sanctions:

- 1) Restitution (Attachment F);
- 2) Removal from an earned tier;
- 3) Assignment to additional programs designed for behavior modification;
- 4) Verbal warning;
- 5) A cleanup detail not to exceed two(2) weeks duration;
- 6) Loss of not more than two (2) weeks of social visits;
- 7) Loss of not more than two (2) weeks of social phone calls; or
- 8) Loss of not more than two (2) weeks of canteen privileges;

k. **RESOLUTION DETERMINATION OF CLASS III OFFENSES:** All Class III offenses shall be referred to and adjudicated by the Juvenile Treatment Team Review Board:

- 1) Class III violations shall be documented on a Sanction Report (Attachment G).

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- 2) In some cases, such as lack of cooperation or disrespect, the report writer may recommend that a Class II offense be submitted, reviewed and adjudicated as a Class III sanction when the writer believes the Class II offense committed was relatively minor in nature.
- 3) Staff shall submit Sanction Reports to their supervisor immediately following the alleged violation or no later than the end of the shift/tour of duty on which the alleged violation occurred. The writer shall include a recommendation of proposed sanction in the Sanctions Report.
- 4) The supervisor shall submit Sanctions Reports to the Juvenile Program Coordinator or designee within twenty-four (24) hours of the rule violation.
- 5) The Juvenile Program Coordinator shall advise the juvenile that the report has been written and give the juvenile a copy of the Sanction Report.
- 6) The Juvenile Program Coordinator will ensure that the Case Manager or other designated staff meets with the juvenile within forty-eight hours - (48) to give them an opportunity to talk about what they believes happened, their behavior, and any lessons learned about how to better handle a similar future matter.
- 7) The Juvenile Program Coordinator or designee shall ensure Sanctions Reports are heard and adjudicated by the Treatment Team Review Board no later than seventy-two (72) hours following the rules violation.
- 8) Sanction Review Hearings shall include due process rights and procedures as afforded a disciplinary hearing to include but not be limited to:
 - a) The juvenile is advised of the right to remain silent and that anything said can and may be used against him/her.

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- b) 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.
- 9) 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.
- 10) The Treatment Team Review Board may dismiss any or all pending charges. In determining an appropriate penalty, the Treatment Team may take into consideration:
- a) The juvenile's prior history of adjustment;
 - b) The setting and circumstances of the prohibited behavior;
 - c) The juvenile's account of what took place;
 - d) Rehabilitative goals set for the juvenile; and
 - e) The juvenile's history of or the presence of special needs.
- 11) The juvenile may have input into any proposed sanction.
- 12) The Treatment Team may, in its discretion, suspend or reduce a sanction when for when such action is warranted by the clear conduct of the juvenile during the sanction period.
- a) 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).

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b) 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).

13) The Case Manager shall retain a copy of the sanctions review in the juvenile's case management file and in Paperclips.

14) Sanctions Reports are not filed in the juvenile's official institutional record.

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CHAPTER FIVE

HEARING PROCEDURES

A. CLASS I & CLASS II OFFENSES. When the behavior is serious or of an egregious nature a disciplinary report shall be completed juvenile may be placed on room restriction an Administrative Hold pending investigation and adjudication by the DOC Adjustment Board.

1. DUTIES OF THE WRITER OF THE DISCIPLINARY REPORT

a. Report Preparation

- 1) In writing the disciplinary report (DR), the writer shall document a brief but complete description of the incident to include all facts the writer knows.
- 2) The writer shall completely fill out and sign the DR (Attachment A); describing the alleged offense, including the following:
 - a) Juvenile's name, DCDC #, Housing Unit, Cell #, and the work detail squad name when the incident occurred at the juvenile's work site;
 - b) The charges against the juvenile including:
 - 1) The specific rule(s) violated (ex: Assault with Serious Injury);
 - 2) The Code Reference [example: Class I, Section 107 (a)];
 - 3) The writer shall avoid writing multiple minor charges that are unrelated to the major offense.

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- c) Witnesses (staff and juveniles) to the alleged offense;
- d) A formal statement of the charge to include who was involved, what happened, and the time and location of the occurrence;
- e) Any unusual juvenile behavior;
- f) Any physical evidence and its disposition;
- g) Confidential information and any other reports, memoranda, or records concerning an alleged offense shall be attached to the investigative report;
- h) Any immediate action taken, including the use of force; and
- i) The reporting staff member's signature and the date and time of the report.

b. Filing the Report

- 1) The writer shall file the disciplinary report with the Shift Supervisor before completion of the tour of duty on the day of the incident.
- 2) In exceptional circumstances, the report may be filed within two (2) business days of the alleged offense. Such exceptional circumstances shall be noted on the report and approved by the Shift Major.

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2. DUTIES OF THE SHIFT SUPERVISOR/INVESTIGATING OFFICER

a. Investigation

- 1) The Investigating Officer shall be impartial and must not have been directly involved in any way in the offense which caused the proceedings such as being the reporting employee, a victim, or a witness.
- 2) The Investigating Officer shall, within twenty-four (24) hours of the time of the alleged violation, review and summarize the alleged offense on the Disciplinary Investigation Report Form and begin the investigation. (Attachment B).
- 3) The Investigating Officer shall complete the investigation within forty-eight (48) hours of the alleged violation. The original report with completed investigation shall be submitted to the Disciplinary Board upon completion.
- 4) The Investigating Officer shall review the disciplinary report for sufficiency, clarity, correct dates, times, misspellings and will ensure that the charges are supported and are correct.
- 5) The Investigating Officer may request that the charging officer correct misspellings and minor errors prior to serving the juvenile notice of the pending disciplinary action.
- 6) The Investigating Officer may use a range of investigatory actions depending on circumstances and complexities involved. Cases may be straightforward and simple and the disciplinary report will adequately address the factual issues in the case without the need for additional investigation.

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- 7) The Investigating Officer may interview and obtain statements from the charged juvenile and other witnesses, including witnesses requested by the charged juvenile.
- 8) Investigators shall remain neutral and shall not act with the goal of obtaining evidence that strengthens either DOC's or the juvenile's case nor for forming opinions of guilt or innocence.

b. Disposition Determination. After completing the investigation the Investigating Officer shall decide, in accordance with this directive the following:

- 1) Whether refer the offense to the Juvenile Treatment Team Review Board when the charges are Class III or a Class II minor in nature (e.g. Lack of Cooperation).
- 2) Whether to dismiss the disciplinary report because the report does not substantially meet some other requirement set forth in this directive; or
- 3) Whether to refer the disciplinary report for a Disciplinary Hearing

c.

- 1) The Investigating Officer shall advise the juvenile of pending discipline based upon allegations that include the violation of (1) a Class I or Class II Offense(s) or (2) when the Investigating Officer determines that a formal hearing is appropriate.
- 2) The Investigating Officer shall notify the juvenile in such a manner and location that will ensure the juvenile's right to privacy.

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- 3) The Investigating Officer shall also advise the juvenile of their right to remain silent and that anything that they say can and may be used against them at this and any subsequent proceedings.
- 4) 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.
- 5) If the juvenile makes a statement, the Investigating Officer shall record it in writing (Attachment B). If the juvenile does not wish to make a statement, the Investigating Officer shall document that the juvenile declined to make a statement.
- 6) The Investigating Officer shall give the juvenile a copy of the disciplinary report. Juveniles may request and receive a copy of any statements they 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.
- 7) The Investigating Officer shall also inform the juvenile verbally and in writing of the following:
 - a) The option to be heard by a Hearing Officer or the Board;
 - b) The option to have representation when the disciplinary report contains Class I and Class II offenses as further outlined in this policy;
 - c) The right to present documentary evidence at the hearing;

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- d) The right to obtain witness statements or the right to call witnesses to testify subject to rules further outlined in Section 8 of this Chapter; and
 - e) 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.
- 8) 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.
- 9) The Investigating Officer shall ensure that the juvenile signs the Disciplinary Investigation Report form acknowledging that they have received the disciplinary report. This signature is not an admission of guilt.
- 10) If the juvenile refuses to sign, the refusal shall be noted and signed by the Investigating Officer. Another staff member shall sign attesting that they witnessed the refusal that the juvenile received a copy of the report.

3. DISCIPLINARY BOARD HEARINGS

- a. Hearings shall be held Monday through Friday, except holidays. Upon receipt of a properly filed disciplinary report, the Disciplinary Hearing Officer shall record the matter in JACCS on the “Misconducts” screen in the juvenile’s active booking.

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- b. Juveniles charged with rule violations shall be scheduled for a hearing *no later than seventy-two (72) hours*—excluding weekends and holidays (or continuances that are granted in accordance with this policy, “Continuances”)—*after the date of the alleged violation*. The Disciplinary Hearing Officer shall enter the hearing date in JACCS on the “Schedule” screen in the juvenile’s active booking.
- c. If extraordinary circumstances necessitate delay of the hearing beyond twenty-four hours (24) hours from the alleged violation, the Hearing Officer shall document the reason for the delay and provide the juvenile with written notification.
- d. The Hearing Officer 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.

4. CONTINUANCES.

- a. A juvenile may request and the Hearing Officer may grant one continuance of three (3) business days subject to the following conditions.
- b. The juvenile shall not be granted a continuance for the purpose of postponing imposition of disciplinary sanctions.
- c. The Hearing Officer shall grant such a request for a continuance if the juvenile establishes one of the following:
 - 1) The juvenile’s representative or any witness will not be available on the day of the hearing;

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- 2) Circumstances reasonably prevented the juvenile from adequately preparing a defense for the hearing in the time allotted;
 - 3) The juvenile became ill or was otherwise unavailable for the hearing; or
 - 4) Further investigation of factual matters relevant to the hearing is required.
- d. If a continuance is granted, the Hearing Officer shall change the scheduled hearing date in JACCS on the “Schedule” screen in the juvenile’s active booking.

5. REPRESENTATION

- a. A juvenile may request legal assistance from the Public Defender Service (PDS) for the District of Columbia or a staff representative when charges include a Class I offense.
- b. A juvenile may request assistance from a staff representative in order to prepare for a defense when charges include a Class II offense. The juvenile will not choose the staff representative; the Disciplinary Board will assign the staff representative.
- c. A juvenile shall not be represented by another juvenile at a disciplinary hearing.
- d. The Investigating Officer may make an offer to the juvenile for staff representation for any class offense when:
 - 1) It is apparent that the juvenile is not capable of collecting evidence on their own behalf (for example a juvenile on an Administrative Hold);
 - 2) The juvenile appears to need interpreter services; or
 - 3) The juvenile’s overall mental or emotional status appears to be a barrier to presenting evidence on their own behalf.

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- e. Juveniles have the right to refuse either legal or DOC employee assistance.
- f. 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. The following conditions shall apply:
 - 1) No potential adverse witness may be compelled to meet with the staff representative.
 - 2) The staff representative may be given the opportunity to meet with potential witnesses at least twenty-four (24) hours before the Disciplinary Board hearing.
 - 3) Coordination shall be such that this responsibility does not unduly interfere with the employee's regular duties.
- g. Upon receipt of the completed disciplinary report and investigation the Disciplinary Board will review the report. If a staff representative is requested the Board will select and notify the representative. The Board will also notify the staff representative of the pending hearing date.

6. REPRESENTATIVE ASSISTANCE. The role of the staff representative is to ensure that the juvenile receives a fair hearing. The legal representative or staff representative may as necessary assist as follows (Attachment C):

- a. Confer with the accused prior to the hearing.
- b. Question witnesses for the accused during the hearing.
- c. Review written statements of charges and investigation.
- d. Clarify the position of the accused.

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- e. Make a statement and present documentary evidence.
- f. Aid the accused in presenting a defense or offer an explanation of the defense.

7. HEARING OFFICIALS

- a. The juvenile shall be given the opportunity to have the case reviewed by either the Hearing Officer or the Disciplinary Board.
- b. Prior to the hearing, the juvenile’s legal counsel may request on behalf of the juvenile, that the case be heard before either a Hearing Officer or the Disciplinary Board.
- c. The Hearing Officer shall indicate on the hearing form when either the juvenile or the juvenile’s counsel requests a change from Hearing Officer to Disciplinary Board or vice versa.
- d. **Hearing Officer:**
 - 1) Shall be impartial and must not have been directly involved in any way in the offense which caused the proceedings such as being the reporting employee, a victim, or a witness and must not have participated in the investigation of the allegations.
 - 2) Shall disqualify themselves without a request from the juvenile when the Officer feels a personal bias for or against the juvenile. Bias is defined as a mental leaning or inclination toward one conclusion or another, a partiality or a prejudice.

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- 3) The Warden reserves the right to remove a Hearing Officer as appropriate when there is a reasonable appearance of bias, even though the Hearing Officer may not feel they are in fact biased.

e. Disciplinary Board

- 1) 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 who has not participated in the investigation of allegations.
- 2) The Warden shall name the Disciplinary Board members and designate one of the three as the Hearing Officer. Members shall serve any period deemed appropriate by the Warden.
- 3) A minimum of two (2) votes shall be required for a decision by the Board.

8. HEARING PROCEDURES. 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. A hearing shall be held to determine the guilt or innocence of the juvenile on the offense(s) charged.

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- d. Failure to comply with the procedural requirements or time limits of the disciplinary process or clerical errors (i.e., misspellings or inaccurate DCDC#, etc.) does not necessitate dismissal of a hearing or a charge against the juvenile. 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. Dismissal for missing time limits is at the discretion of the Hearing Officer or Warden.
- e. Juveniles 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 juveniles refuse to attend the hearing, they shall be warned by the Hearing Officer that the hearing will proceed without them. 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 Hearing Officer 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.

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- f. The juvenile shall be advised of their right to remain silent and that anything that they say can and may be used against them at this hearing and any subsequent proceedings.
- g. Following the presentation, the juvenile-or their representative, if it is determined that the juvenile knowingly and voluntarily wishes to make or have a statement made on their behalf, shall be given an opportunity to make a statement, present relevant documentary evidence and submit witnesses statements.
- h. 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.
- i. The Hearing Officer may limit witnesses when the Hearing Officer 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 facility. The Hearing Officer shall document in the hearing record the specific reason for limiting any witnesses.
- j. The juvenile may be excluded from the hearing proceedings during a witness’s testimony when the Hearing Officer 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 Hearing Officer shall document the juvenile’s absence or exclusion.
- k. Witnesses who cannot or choose not to respond to questions in person can be asked to submit written statements.

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- I. The juvenile’s legal 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.

- m. If there is disruption of the proceedings, the Hearing Officer 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 at a later time.

9. 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 Hearing Officer/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.
 - 3) During deliberations of guilt or innocence, the Hearing Officer/Board shall not examine the juvenile record or the prior disciplinary record of the juvenile.
 - 4) When the report contains an allegation of more than one code violation, the Hearing Board/Officer shall document guilt or innocence for each alleged individual code violation.

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- 5) The juvenile and the legal or staff representative shall be notified orally, immediately after the Hearing Board/ Officer 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 their representative shall be allowed to make a final statement on the juvenile's behalf prior to deliberation as to the appropriate sanction to be imposed.

b. Sentencing Deliberations

- 1) The juvenile and the legal or staff representative shall not be present during the deliberations for imposition of sanctions.
- 2) At this time, the Hearing Officer/Board may review contents of the juvenile's record solely for review of past behavior that may assist in determining the appropriate sanction(s).
- 3) When finding the juvenile guilty of several charges arising from the same incident, sanctions appropriate to the overall conduct may be considered rather than imposing multiple consecutive sanctions based upon each individual charge.
- 4) The juvenile shall be given immediate verbal notification of the recommended sanction(s), if any, and of their right to appeal to the Warden.
- 5) The Hearing Officer/Board shall issue a written decision, stating the factual information upon which the finding is based, the supporting reasons, the sanction being imposed and notice of the juvenile's right to appeal.

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- 6) The Hearing Board Members/Officer shall sign the Juvenile Disciplinary Report form (Attachment A) and the Hearing Officer shall forward the disciplinary decision to the Warden (or designee) for approval.
 - 7) If the Board members do not reach a unanimous decision, this shall be recorded in the hearing record to include the dissenting Board member's statement.
 - 8) A Juveniles disciplinary history resulting in guilty findings will be considered by the Hearing Officer.
- c. 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).
 - d. The Investigating Officer shall notify the juvenile in such a manner and location that will ensure the juvenile's right to privacy.
 - e. The Investigating Officer shall advise the juvenile of their right to remain silent and that anything that they say can and may be used against them at this and any subsequent proceedings.
 - f. 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.
 - g. 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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- h. The Investigating Officer shall give the juvenile a copy of the disciplinary report. The juvenile may request and receive a copy of any statements they 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.
- i. The Investigating Officer shall 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 their own behalf (for example a juvenile on an Administrative Hold);
 - 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 their 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.

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- j. 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 Restrictive action.
- k. 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.
- l. 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.
- m. 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).
- n. 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).
- o. The Investigating Officer shall also give a copy of the rule violation to the Juvenile Program Coordinator.

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- p. The Juvenile Program Coordinator shall immediately notify the DCPS Principal of the impending disciplinary report when the juvenile is receiving special education through an Individualized Education Plan (IEP). 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 their special needs.
- q. A mental health care professional shall provide the Board with information and guidance when it is apparent that the juvenile’s behavior may be significantly affected by their mental health status.

16. WARDEN’S REVIEW/APPROVAL OF RECOMMENDED SANCTION

- a. Within two (2) business days of the disciplinary hearing, the Hearing Officer shall forward the written hearing record to the Warden or designee (hereafter called the Deciding Official).
- b. Within three (3) business days 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 sanctions;
 - 3) Reduce the sanction(s); or

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- 4) Remand the case back to the Hearing Officer or Disciplinary Board for further proceedings.
 - d. No remand shall be made to increase the severity of the sanction.
 - e. If the juvenile was found not guilty at the hearing, the Deciding Official may remand the case for further proceedings if it is determined that the Hearing Officer/Board failed to consider relevant evidence at the time of the hearing, which was not made part of the record due to administrative or procedural error.
 - f. The Hearing Officer 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.

17. APPEAL

- a. If the juvenile wishes to appeal, they shall notify the Hearing Officer 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 sanction.
- c. The appeal basis shall be limited to the following:
 - 1) The merits of the incident that may include considering the weight of the evidence against the juvenile; or
 - 2) The appropriateness of the sanction imposed by the Hearing Officer/Board.

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- 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. The Hearing Officer shall deliver a copy of the written disciplinary or appeal hearing decision to the juvenile within two (2) business days of the Warden’s or designee’s decision.
- 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

18. HEARING RECORD

- a. If after all review and appeals, the juvenile is found guilty of any or all of the charges, the Hearing Officer shall enter the data into the JACCS active booking “Misconduct” screen and shall scan all supportive reports, documents and proceedings into Paperclip.
- 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. Paper copies of all reports, proceeding records and related documents shall be scanned in the juvenile’s Paperclip file.
- e. The Hearing Officer shall preserve the written hearing record in accordance with PS 2000.2 Retention and Disposal of Department Records.

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- f. When a juvenile is found not guilty of the rule violations that they were charged with in connection with a single incident, the Hearing Officer shall remove the disciplinary report in its entirety from all of the juvenile's files.

19. IMPOSING DISCIPLINARY SANCTIONS

- a. Concurrent or consecutive sanctions may be imposed.
- b. All sanctions shall be noted on the disciplinary report and shall include the starting and ending date of the period of discipline.
- c. The Hearing Officer shall monitor the dates when the sanction is applicable.
- d. The Hearing Officer shall enter Disciplinary Sanctions and into JACCS and notify the affected housing unit, Juvenile Program Manager, juvenile visitor control officers and the canteen officer for enforcement.
- e. The Housing Board shall hold a hearing in accordance with this policy if it is determined that after the period of discipline, the juvenile should be placed on an Administrative Hold based upon conditions outlined in this policy the Board Chair shall seek authorization from the Major.

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CHAPTER SIX

PROTECTIVE CUSTODY

1. **Protective Custody.** The DOC shall protect the safety of juveniles who have been identified and verified or communicates themselves as being at risk of physical threat of harm from a juvenile or juveniles in general population by allowing the juvenile to be placed in voluntary or involuntary protective custody while limiting such placements to only that period necessary to protect them from harm. A juvenile may request protective custody when they believe they are in imminent harm or danger. When these conditions exist DOC shall:
 - a. Complete documentation describing the risk on a DCDC1 form.
 - b. Ensure the juvenile completes documentation explaining the threat or reasons for the protective custody request.
 - c. Conduct an investigation facilitated by the Shift Supervisor or designee and Juvenile Program Manager to determine if the need for protective custody is credible. Upon completion of the investigation a decision shall be made by the Juvenile Program Manager to continue the protective custody.
 - d. When a juvenile is placed in Protective Custody, an alert shall be placed in JACCS on the “Alert Screen” in the juvenile’s active booking.
 - e. If placed in Protective Custody the juvenile shall be afforded six (6) hours of out of cell time per day not including school and programming. This shall be accomplished by allowing two hours per shift.

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- f. Staff shall conduct rounds utilizing the Guard 1 Plus when making contact with the juvenile every fifteen (15) minutes. During this contact, the staff person shall interact with the juvenile.

- g. Employees who supervise or perform an activity involving a juvenile who is on Administrative Hold or Protective Custody (PC) shall document all activities on the Room Restriction Log. (Attachment J) as follows:
 - 1) The employee shall clearly sign and indicate the date and time of each activity in the applicable section of the Room Restriction Log (Attachment J).

 - 2) Any abnormal, aggressive or violent behavior, as well as all staff contact shall be noted in the remarks section of the juvenile's Room Restriction Log.

- h. Juveniles, while in protective custody shall have a review with the Housing Review Board (Housing Board Hearing Chapter Seven) three times per week. The goal of the hearings shall be to determine if the need for protective custody still exists and if the juvenile can safely reintegrate into the general population.

- i. Juveniles while in protective custody shall have access to reasonable programs and services that include, but are not limited to, the following:
 - 1) Additional programs, therapy or counseling services which the treatment team determines to be appropriate or as requested by the juvenile;

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- 2) Education equivalent in duration and subject matter and materials to those provided to juveniles not in confinement. Such education is provided by the DCPS teachers and the juvenile has meaningful contact with their teacher each day;
- 3) Access to legal services including telephone calls to attorneys;
- 4) Reasonable communication with other juveniles;
- 5) Regular, appropriate institutional clothing;
- 6) The juvenile is provided an opportunity for shower daily;
- 7) Six (6) hours of out of cell time per day not including school and programming. This time shall be given two hours per shift;
- 8) Juveniles shall receive hair care services and opportunity to do laundry weekly.

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CHAPTER SEVEN

HOUSING BOARD HEARINGS

1. HOUSING HEARING

- a. The purpose of a housing hearing is to allow for a full and fair determination for placing a juvenile in Administrative Hold when any of the following conditions are apparent:
 - 1) There is a clear and present threat to the juvenile’s personal safety and involuntary protective custody is deemed appropriate;
 - 2) There is a clear and present threat to support the juvenile’s request for voluntary protective custody;
 - 3) The juvenile poses a clear and present danger to the safety of others;
 - 4) The juvenile poses a definite escape risk; or
 - 5) The juvenile has been referred for criminal prosecution or is under investigation for the commission of a criminal offense while confined.
- b. Each administrative hold or protective custody case shall be reviewed with the goal of terminating the hold when the threat no longer remains.
- c. The juvenile should attend and have input at each housing hearing unless their behavior is documented to be so disruptive or their presence presents and undue threat to the security of other juveniles, staff or the orderly operation of the unit.

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- d. The juvenile shall be afforded the rights and due process procedures of an Administrative Review/housing hearing as described in this directive.

2. HOUSING BOARD

- a. The Housing Board shall be composed of three (3) employees of the Department of Corrections. There shall be a standing Housing Board Chair as appointed by the Warden.
- b. No employee shall participate as a member of the Housing Board at a juvenile's hearing if:
- 1) The employee has been involved in the investigation of the incident which led to the Housing Hearing;
 - 2) The employee was a witness to or has firsthand knowledge of the incident; or
 - 3) The employee would for any reason be unable to make an unbiased decision as to the housing of the particular juvenile.

3. NOTICE OF HOUSING REVIEW BOARD HEARING

- a. The juvenile shall receive at least a twenty-four (24) hour advance notice of the scheduled housing hearing.
- b. The notice shall inform the juvenile when the matter has been referred for criminal prosecution.

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- c. The notice shall inform the juvenile that they may be subject to criminal prosecution, that the juvenile has the right to remain silent, that a juvenile’s silence alone will not subject them 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.
- d. The Housing Board Hearing Officer may appoint a staff representative to assist the juvenile when literacy, developmental or mental health barriers exist.
- e. The Housing Board Hearing Officer shall enter the hearing date in JACCS “Schedule Screen”.

4. REQUEST FOR CONTINUANCE

- a. A juvenile may request one continuance of the Housing Board hearing. The continuance may be for up to forty-eight hours (48) business days.
- b. The Hearing Officer shall grant the request for a continuance if the juvenile establishes one of the following:
 - 1) Their employee representative or any relevant witness would not be available on the day of the hearing; or
 - 2) That they could not properly prepare for the hearing in the time allotted.
- c. If granted a continuance, the Housing Board Chair shall enter the new hearing date in JACCS on the “Schedule” screen.

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5. HOUSING REVIEW BOARD HEARING PROCEDURES

- a. In a housing hearing held to determine whether a juvenile presents a clear and present danger to 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 juveniles:
 - 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.
 - 5) The juvenile has been referred for criminal prosecution or is under investigation for the commission of a criminal offense while confined.

- b. In a housing hearing held to determine whether a juvenile is a definite escape risk, the Board must determine whether a 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;
or
 - 5) There is other relevant evidence reasonably showing the juvenile to be a definite escape risk.

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- c. At the housing hearing, the Board shall advise the juvenile of their rights, and present findings and supporting evidence for the proposed action.
- d. The Housing Review Board shall see a juvenile placed on an Administrative Hold or protective custody three (3) times per week with the goal of safely returning the juvenile to general population.
- e. 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.
- f. 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 not to reveal the identity of the informant.
- g. If the Housing Board determines that the juvenile should continue to be placed on an Administrative Hold or Protective Custody, the Hearing Board Chair shall prepare within twenty-four hours of the hearing a written statement of the Board’s decision and the factual information upon which the decisions based (Attachment K).

6. APPEAL

- a. A juvenile is entitled to appeal a decision of the Housing Board to the Warden or the Warden’s designee.

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- b. Notwithstanding the filing of a Notice of Appeal, a juvenile may be confined in Room Restriction 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 ten (10) business days of receipt and shall promptly notify the juvenile in writing of the appeal decision.

7. HOUSING HEARINGS-DETENTION

- a. If a juvenile is placed in Administrative Hold or protective custody, that placement shall be reviewed three (3) times per week with the goal of terminating the Administrative Hold or safely ending a protective custody.
- b. The juvenile shall appear before the Housing Review 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 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 restricted 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 K). The juvenile shall be released from room restriction upon final approval from the Warden or designee.
- f. The Housing Board Hearing Officer shall deliver a copy of the written determination to the juvenile within one week of the approved decision. 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 of any juvenile or other person, or cause a riot or other major disturbance or damage to property, the Hearing Officer may delete the material from the copy of the written statement given to the juvenile.
- g. When deletions are made, the Housing Board Hearing Officer 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.

8. PROCEDURES FOR DATA ENTRY

- a. When a juvenile is placed on Administrative Hold or Protective Custody, an alert shall be entered into JACCS on the “Alert Screen” in the juvenile’s active booking.

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Attachments:	Attachment A – Disciplinary Report Attachment B – Disciplinary Investigation Report Attachment C – Juvenile Request for Representation (English and Spanish) Attachment D – Disciplinary Hearing Reschedule Appeal Attachment E – Disciplinary Board Hearing Appeal Attachment F – Juvenile Reimbursement (Restitution) Attachment G – Juvenile Sanctions Report Attachment H – Crystal Report-Daily Services Provided Attachment I – Behavioral Plan (Juveniles) Attachment J – Room Restriction Log Attachment K- Administrative Housing Review			

- b. When a juvenile is removed from Administrative Hold or Protective Custody, the alert shall be deleted in JACCS on the “Alert Screen” in the juvenile’s active booking and an end date placed in the JACCS record.
- 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.

9. ADMINISTRATIVE HOLD PENDING LAW ENFORCEMENT AGENCY INVESTIGATIONS

- a. When a juvenile is placed on an Administrative Hold 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 an Administrative Housing Review to either:
 - 1) Release the juvenile from Administrative Hold;
 - 2) Restrictive housing; or
 - 3) Continue the juvenile in Administrative Hold or Protective Custody based upon determination that the juvenile is in danger from a threat to the juvenile’s personal safety, the juvenile poses a danger to the safety of others, or the juvenile is a definite escape risk.