

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Behavior Control</b>  <b><u>SECTION:</u> 7</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391; 28 CFR Pt 115</b>
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## Behavior Control

### OVERVIEW

The following section sets forth the policies regulating behavior control and discipline as required by California Code of Regulations, Title 15, Div. 1, Ch. 1, Subch. 5 Minimum Standards for Juvenile Facilities, Art. 7 Discipline (§§ 1390-1391)(15CCR 1390-1391).

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<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Behavior Control and Discipline Philosophy and Policy</b>  <b><u>SECTION:</u> 7.1</b>  <b><u>AUTHORITY:</u> Article 7, Sections 1390-1391, Title 15</b>
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## **7.1 Behavior Control and Discipline Philosophy and Policy**

### **7.1.1 OVERVIEW**

This section establishes the philosophical foundation of the Institutional Services (IS) policies and procedures regarding youth behavior control and discipline, and where appropriate, refers to the California Code of Regulations (CCR) Titles 15 and 24.

## **7.1.2 Minimum Standards for Institutional Services**

### **7.1.2.1 MINIMUM STANDARDS**

The Minimum Standards for Juvenile Facilities as adopted by the Board of State and Community Corrections (BSCC) are contained in Minimum Standards for Local Detention Facilities, Title 15, Division 1, Chapter 1, Subchapter 5 and Title 24, Part 1, Section 13-201. These standards are used in conducting annual inspections of Juvenile Halls and in setting policies within IS.

### **7.1.2.2 BEHAVIOR CONTROL GUIDELINES**

Title 15, Article 7, sets forth the administrative regulations and guidelines for discipline and behavior control of persons detained in a juvenile facility. All Facility administrators are furnished with a copy of Title 15, are expected to be knowledgeable of Article 7, Title 15's requirements and are to operate their facility in accordance with them. All officers shall read and be familiar with these minimum standards.

## **7.1.3 Philosophical Principles of Behavior Control and Discipline**

### **7.1.3.1 PHILOSOPHY**

The philosophy supporting IS policy on behavior control and discipline is based on the following three principles.

### **7.1.3.2 PROMOTE YOUTH RESPONSIBILITY**

Behavior control involves all techniques, including discipline as well as incentives, intended to promote responsible behavior, while discipline is a response to a rule violation. The use of discipline should focus on promoting youth acknowledgment and responsibility for their actions, as well as to foster their own intrinsic motivation to learn behavior modification techniques that will reduce impulsivity and stimulate self-control.

### **7.1.2.3 DISCIPLINE LEVEL**

Discipline shall be imposed at the least restrictive level which promotes acceptable behavior. Capricious, arbitrary and unfair use of discipline by officers is unacceptable and will not be tolerated.

#### 7.1.3.4 DISCIPLINE OCCURS AS A DIRECT RESULT OF BREAKING A RULE

When discipline is applied, it should demonstrate a direct relationship between the inappropriate act and the resulting consequence. Discipline should be educational in purpose, and utilized as a tool to teach appropriate behavior. Disciplinary sanctions shall not be used as a retaliatory measure. Discipline shall never include group punishment.

### 7.1.4 **Discipline Policy**

#### 7.1.4.1 GUIDELINES

The following guidelines outline the IS policy regarding the use of discipline in the juvenile facilities. When considering the use of discipline, only sworn probation officers assigned to IS are permitted to impose discipline on youth. Officers are required to meet the standards as referenced below.

#### 7.1.4.2 NO CORPORAL PUNISHMENT

Discipline shall never include corporal punishment, physical degradation or psychological degradation. State Law makes it a criminal offense to use corporal or cruel, degrading punishment or physical force as punishment. Psychological intimidation, including, but not limited to harassment, humiliation, teasing, use of ridicule, threats, public criticism and racial epithets are equally unacceptable.

#### 7.1.4.3 PROHIBITED DISCIPLINE

Title 15, Section 1390, prohibits deprivation of a youth's right to access the following:

- bed and bedding;
- daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;
- full nutrition;
- contact with parent or attorney;
- exercise;
- medical services and counseling;
- religious services;
- clean and sanitary living conditions;
- the right to send and receive mail; and,
- education.

#### 7.1.4.4 SANCTION APPROPRIATE TO VIOLATION

The type of discipline imposed shall be appropriately based on the degree and seriousness of the misbehavior with consideration given to the chronological age and maturity level of the youth. Discipline, particularly in the form of room/bunk confinement shall not extend in duration, to where it loses significance and meaning to the youth unless such discipline is required for the safety of officers and/or other youth. Only the approved disciplinary measures as outlined in this section shall be utilized by IS officers.

#### 7.1.4.5 OFFICER DUTIES

To promote the effectiveness of discipline, officers shall be responsible for clearly informing the youth as to their misbehavior and the resulting sanctions. Written rules and guidelines regarding the possible consequences for misbehavior or unlawful acts shall be posted in each housing unit/cottage. All forms of discipline shall be accompanied by counseling, which serves to enhance the effectiveness of the disciplinary program.

#### 7.1.4.6 RIGHT TO DUE PROCESS

All discipline, regardless of its nature, is subject to due process. As such, officers are required to inform the youth of their right to appeal any imposition of discipline. Due process and the applicable grievance procedures shall be in writing and made available to the youth for their review.

### **7.1.5 Facility Policy of Order and Security**

#### 7.1.5.1 PRIMARY OBJECTIVE

A primary objective for IS is to develop and maintain a system that exemplifies order and security, facilitating a safe living and working environment for both youth and officers. Factors that promote and support the ideal of order and security within the facility are identified below.

#### 7.1.5.2 EFFECTIVE COMMUNICATION

Officers' ability to effectively communicate with each other and with the youth by providing the youth with clear, understandable instructions and directions as to daily routines and activities can circumvent behavior problems. Officers shall communicate the facility expectations for appropriate conduct to the youth, especially when preparing for an organized group activity.

#### 7.1.5.3 OFFICER CONDUCT

Officers shall conduct themselves in a professional manner so that leadership is provided through example. The development of trust and respect from youth is directly related to the professional demeanor and conduct of officers. Officers who are courteous and considerate in their contact with the youth (as well as with fellow staff members) set a precedent by example, for receiving courtesy and consideration back from youth.

#### 7.1.5.4 RULES AND DUE PROCESS

Officers shall enforce a fair and equitable system of rules and sanctions and provide for disciplinary due process. Discipline becomes a necessary component of order and security when communication, positive and negative reinforcements, incentives and other non-disciplinary techniques fail to modify or control a youth's inappropriate behavior. Discipline helps to demonstrate that such behavior is unacceptable and will not be tolerated.

#### 7.1.5.5 FAIR AND REASONABLE RULES

The successful institutional system that promotes order and security is achieved through rules that are:

- Fair and reasonable
- Clearly stated
- Effectively and professionally communicated to the youth by officers
- Enforced in a fair, firm consistent manner with all youth subject to the same standards and expectations.

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Youth Rights</b>  <b><u>SECTION:</u> 7.2</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391</b>
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## 7.2 Youth Rights

### 7.2.1 OVERVIEW

This section outlines the rights of persons detained in a San Diego County Juvenile Facility. This section should not be interpreted as a complete list of the rights of detained persons, as established by statute, precedent, California State Constitution or the United States Constitution.

### 7.2.2 General Requirements

#### 7.2.2.1 NOTICE TO YOUTH

Each youth admitted to a housing unit/cottage must receive prompt notification and instruction in the following areas: (See Manual Section 5, Orientation.)

- Youth Rights
- Rules of Conduct
- Disciplinary Procedures and Sanctions
- Due Process and Grievance Procedures

#### 7.2.2.2 NOTICE MUST BE GIVEN PRIOR TO ANY DISCIPLINE

Notification and orientation in the areas cited above is required and must be given prior to the imposition of any disciplinary action against a youth. To fulfill the necessities of orientation and notification, each facility is responsible for developing and maintaining a youth rulebook containing information and instruction in the areas cited above.

#### 7.2.2.3 READ RULES TO ILLITERATE, IMPAIRED OR NON-ENGLISH SPEAKING YOUTH

If the youth is not able to read and/or understand the rulebook, officers are required to verbally instruct the youth regarding the aforementioned areas. In cases where a language barrier exists, an interpreter shall be provided to instruct the youth. Note: Each facility shall maintain a Spanish language version of the facility rulebook.

#### 7.2.2.4 POST RULES

Each unit/cottage must post youth rights, rules of conduct, disciplinary process and sanctions, and the due process and grievance procedure on their unit/cottage bulletin board.

#### 7.2.2.5 YOUTH PROHIBITED TO DISCIPLINE

Officers are prohibited from delegating discipline within the facility to a youth.

## 7.2.3 Youth Rights

### 7.2.3.1 YOUTH RIGHTS

Persons who are detained are entitled to the rights listed in this section. Officers shall familiarize themselves with these rights and are prohibited from denying a youth access to any of the rights specified below. Malicious or intentional denial of these rights by officers will result in departmental disciplinary action, and may subject the officer to legal action in both civil and criminal courts.

<b>Telephone Calls Upon Intake</b>	Two (2) telephone calls upon intake at public expense. One of these telephone calls is authorized for the purpose of contacting a parent, legal guardian or responsible relative. The second is reserved for contacting an attorney. A third phone call may be authorized to any youth gainfully employed for the purposes of contacting their employer. (See Manual Section 6.7.)
<b>Telephone Call Upon Admission</b>	One (1) telephone call upon admission to a Camp at public expense. The telephone call is authorized for the purpose of contacting a parent, legal guardian or responsible relative. (See Manual Section 6.7.)
<b>Language</b>	Converse in their primary language, subject to the safety and security needs of the facility.
<b>P.O. or Parole</b>	Be seen by a Case Work Probation Officer or Parole Officer.
<b>Attorney</b>	Request and be seen by an attorney. (See Manual Section 6.8.)
<b>Visits</b>	Receive visits from parents; legal guardians or other authorized persons; subject to policy in Manual Section 6.5.
<b>Mail</b>	Send and receive mail. Censorship or withholding of mail is prohibited except as provided in Manual Sections 6.6.
<b>Grievance</b>	Fair treatment and a procedure to grieve unfair treatment.
<b>Protection</b>	Protection from physical and emotional abuse or harassment.
<b>Freedom From Discrimination</b>	Freedom from discrimination based upon sex, race, national origin or religious beliefs.
<b>Personal Care</b>	Sanitary facilities (i.e., showers, bathroom, etc.) and personal items, including a toothbrush, comb, grooming aids and other necessary toilet articles, as specified in Manual Section 10.
<b>Education</b>	Receive educational instruction and participate in school programs.
<b>Participation</b>	Participate in unit/cottage programs and activities, except as restricted by security or disciplinary requirements.
<b>Medical/Psych</b>	Receive adequate and prompt medical/psychiatric attention, as specified in Manual Section 8.
<b>Food</b>	Nutritious and full portions of food, as specified in Manual Section 9.
<b>Clothing</b>	Clean clothing and linen, as specified in Manual Section 10.
<b>Bedding</b>	Bed and appropriate bedding, as specified in Manual Section 11.
<b>Religious Beliefs</b>	Pursue religious beliefs and attend religious services, as specified in Manual Section 6.3.

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Youth Rules of Conduct</b>  <b><u>SECTION:</u> 7.3</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391</b>
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## **7.3 Youth Rules of Conduct**

### **7.3.1 OVERVIEW**

This section sets forth rules and expectations regarding the conduct of persons detained in a San Diego County Juvenile Facility.

### **7.3.2 RULE NOTIFICATION POLICY**

Youth in custody are governed by, and expected to comply with, the basic rules of conduct as set forth in this section. Unit/Cottage officers are required to provide newly admitted youth with notice of these rules, the associated expectation of compliance and the resulting consequences for violating them at the time a youth is admitted to their living unit/cottage, or within a reasonable time thereafter. Until notification of the rules is accomplished, youth may not be subjected to disciplinary action for failure to comply.

### **7.3.3 YOUTH SIGN-OFF**

Upon completion of the youth's orientation to the unit/cottage rules, officers shall have the youth sign, acknowledging that they have read and fully understand the institution's rules, disciplinary procedures and their right to fair treatment and due process.

## **7.3.4 Facility Rules for Youth**

### **7.3.4.1 INTRODUCTION**

While detained, youth are expected to comply with the following rules:

### **7.3.4.2 FACILITY ACTIVITIES**

Youth must participate in the facility program and unit/cottage activities, if physically capable.

### **7.3.4.3 BEHAVIOR TOWARDS OFFICERS AND OTHER STAFF**

Youth shall follow all safety rules and procedures especially when emergency situations occur. Youth shall closely follow all instructions given by officers at all times. Youth are expected to always be polite and respectful towards officers, other staff.

### **7.3.4.5 PROPERTY**

Youth shall show respect for facility property. Destroying, defacing or damaging any county property is against the rules. Youth shall respect the property of others. Youth who take things that do not belong to them are committing theft.

#### 7.3.4.6 ESCAPE PROHIBITED

Making plans for, assisting in, or attempting to escape from the Facility is not permitted. (W&I Section 871).

#### 7.3.4.7 CONTRABAND PROHIBITED

Making or possessing weapons or items that could be used for escaping is prohibited. Possessing drugs and/or tobacco in any form is prohibited. Possession of unauthorized items like markers, food and extra clothing is prohibited. Youth shall keep only those things that facility rules permit them to have in their rooms/lockers. If a youth wants to keep a non-typical item in their room/lockers that youth shall ask officers for permission to possess the item.

#### 7.3.4.8 PERSONAL BEHAVIOR

Youth shall not harm or threaten to harm one's self; or fight with other youth or officers. Youth shall strive to keep their behavior under control at all times. Disrupting any individual, group or unit/cottage activity is against the rules. Youth shall not use profanity towards each other, officers or any person inside the facility. Youth are expected to be polite towards each other and refrain from using threatening, derogatory or provoking words. Youth shall stay in their own room/bunk. Entering into another youth's room or sitting on another youth's bunk is allowed only when permission is granted from an officer. Gambling in the facility is not allowed. Using food or any other item to pay gambling debts is prohibited.

#### 7.3.4.9 GANG ACTIVITY PROHIBITED

Gang activity is not permitted. Using gang talk, gestures, slogans, signs or dress is unacceptable behavior.

#### 7.3.4.10 HYGIENE

Youth are required to participate in daily health, hygiene and medical programs (i.e., showering, brushing teeth, changing clothes, etc.). Youth must clean their rooms every day and help keep the unit/cottage clean.

#### 7.3.4.11 MEALS

Youth shall always eat their meals properly. Making a mess, throwing food, making rude comments or noises is not permitted at any time. Youth shall always clean up after themselves following each meal.

#### 7.3.4.12 SCHOOL

Youth shall go to school and follow the teacher's instructions. Horseplay, clowning around, or being disruptive in school is not permitted.

#### 7.3.4.13 THE COVER COMMAND

When youth hear the command, "COVER," they must immediately go to a kneeling position with their hands clasped behind their head, so that their arms cover the side of the head and the face area. The head is pulled down toward the knees as far as possible so that the elbows come close to touching the knees and the ankles are crossed. Youth are not allowed to communicate or move until officers provide further direction.

Officers use the "COVER" command whenever there is a problem or emergency, repeating the command several times. Periodic response drills are to be conducted by officers to assure that the youth know what is expected of them.

Failure to comply with the "COVER" command and to stay in the "COVER" position until released by officers is a major rule violation.

7.3.4.14 TOILETS AND SINKS

Youth shall use their room toilets and sinks properly at all times. Any attempts to clog, overflow or otherwise misuse the room toilets and sinks are major rule violations and shall result in disciplinary sanctions, as outlined in Manual Section 7.5.

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Facility Grievance Procedures</b>  <b><u>SECTION:</u> 7.4</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1361; 28 CFR Pt 11</b>
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## **7.4 Facility Grievance Procedures**

### **7.4.1 MINIMUM STANDARDS/ REQUIREMENTS**

As set forth in the Title 15, Section 1361, all youth shall be assured access to a procedure that resolves grievances relating to their confinement. The aforementioned section requires the facilities to have:

- A system to provide information to each youth that a grievance procedure exists, and the applicable steps that must be followed.
- Provisions for hearing and responding to grievable issues in a prompt manner.
- Provisions for the youth to be present, and to explain their version of the grievable issue
- Provisions for an officer representative to assist the youth
- A written response to a grievance that includes the reasons for the decision.
- A system that resolves the grievance at the lowest appropriate staff level.
- A system that provides for all appeals to be heard by a neutral person not a party to the action.

### **7.4.2 RIGHT TO GRIEVE PERCEIVED INJUSTICES**

All youth shall have the right to grieve any actual or perceived mistreatment, the quality and receipt of care within the facility and any imposed disciplinary action. In exercising this right, a youth shall be free from any threat or act of reprisal, whether it is actual or implied.

Topics that a youth may grieve include, but are not limited to: health care services, classification decisions, program participation, telephone procedures, mail procedures, visiting policies, food, clothing and/or bedding.

### **7.4.3 NON-GRIEVABLE ISSUES**

Items not subject to redress through the facility grievance procedure are:

1. Court orders
2. School courses required by law
3. State Education Code requirements

### **7.4.4 YOUTH SHALL BE PROVIDED WITH GRIEVANCE PROCEDURE INFORMATION**

All youth shall be provided with information regarding their right to grieve unfair treatment, and their right to receive clear and understandable instruction as to the procedures involved in initiating the grievance process. This information shall be given to each youth as part of their orientation upon entry to their assigned living unit/cottage.

#### 7.4.5 FREE ACCESS TO GRIEVANCE APPEAL FORMS

All youth shall have free access to Grievance Appeal forms. Officers shall provide the Grievance Appeal form to any youth who requests the form within a reasonable time, but no longer than one (1) hour from the time the youth requests the grievance form.

#### 7.4.6 CONFIDENTIALITY

A youth shall have the option to confidentially file the grievance by placing in a locked grievance box or deliver the form to any staff working in the facility.

#### 7.4.7 YOUTH GRIEVANCE PROCEDURES

Upon receiving a complaint from a youth, officers shall make every effort to resolve the grievance at the unit/cottage level by talking to the youth and determining the reason for the grievance, and resolving the grievance if possible. If not, furnish the youth with a Grievance Appeal Form and pencil within a reasonable time (1 hour maximum). If the youth is emotionally and physically upset, officers may delay the furnishing of a Grievance Appeal Form and pencil until such time when it is safe to do so and the youth has regained their composure. Officers may not deny access to the pencil or the form indefinitely. Officers should provide the youth with instructions on completing and filing the grievance appeal form, advise them of their right to present evidence and witness testimony on their behalf, and if necessary, receive officer assistance in pursuing the appeal. Upon receiving the completed Grievance Appeal Form, officers shall speak with the youth regarding the specific nature and origin of the youth's complaint within 24 hours. All officers are required to make written responses in a professional manner, addressing all issues raised by the youth. The responding officer and youth shall note and sign whether or not the grievance is resolved. All youth grievances shall be promptly presented to the unit/cottage Shift Leader and forwarded through the chain of command. Youth will receive a copy of their Grievance Form after proper resolution. The Shift Leader will attempt to resolve the problem. It is the Shift Leader's responsibility to forward the grievance to the Watch Commander. A grievance form may be used by only one youth. Mass grievances are not allowed, nor are youth allowed to pass around a grievance form for other youth to sign.

Youth may turn in completed grievances to any sworn probation officer in the facility. That officer shall attempt to personally resolve the grievance within a reasonable amount of time, and forward the grievance form to the Watch Commander. Upon receipt of the grievance the officer shall contact the Watch Commander and obtain a number for the grievance. The number shall be written on the top left hand side of the grievance by staff.

Grievances containing profanity or disrespectful language, or grievances containing personal threats against a staff member shall be turned in to a Supervisor for review. The Supervisor will review the grievance and either make a determination that it should be heard or direct officers to return the grievance to the youth along with a blank form and explain to the youth that the grievance will only receive a response if it is re-written without the objectionable language. Under no circumstances will officers destroy a grievance or refuse to submit it to the Supervisor. Grievances will not be denied simply because they contain profanity or other language objectionable to officers.

#### 7.4.8 STAFF TO ASSIST YOUTH

Upon request, each youth shall be entitled to assistance from an officer in pursuing a grievable issue. The right to seek officer assistance and the actual filing of a grievance shall not in any way be delayed or impeded by other personnel. In cases involving disciplinary actions, the youth shall be required to comply with the imposed discipline prior to having access to the facility grievance procedure.

#### 7.4.9 WATCH COMMANDER DUTIES

The Watch Commander shall log the grievance in the Grievance Log Book maintained in the Watch Commander Office. The log book will be reviewed by a designated Supervisor for follow-up on any missing grievances on a monthly basis.

#### 7.4.10 GRIEVANCE THAT INVOLVES SEXUAL HARASSMENT OR SEXUAL ABUSE

Upon receiving a grievance that is sexual in nature or involves staff-on-youth sexual harassment or sexual abuse allegations, the officers shall not attempt to resolve the grievance with the youth. The grievance must be immediately forwarded to the Watch Commander for review. The Watch Commander shall contact the Ombudsman to discuss all PREA (Prison Rape Elimination Act) related staff-on-youth sexual abuse grievances. The Ombudsman and the Watch Commander will determine what level Fact Finding will occur based on the information in the grievances. All staff-on-youth sexual harassment grievances will be investigated by the facility Watch Commander or Supervising PO. The facility Watch Commander/Division Chief shall also document in their investigative Special Finding report that “the department has a Zero Tolerance policy on Sexual Harassment. Making sexual comments and joking between youth and staff are prohibited.” The Watch Commander/Division Chief shall ensure that all PREA related grievances are maintained with the facility’s compliance manager after the Facility Division Chief has completed the review. If the grievance/allegation is against a Supervisor, the grievance will be forwarded to the Division Chief to begin the fact finding. The Supervisor being grieved will not attempt to resolve the grievance or speak with the youth who submitted the grievance until the fact finding/investigation is complete.

#### 7.4.11 PARENTS

Concerns of parents, guardians or other parties are not addressed by this grievance procedure. If such citizens have a complaint, they are to be referred to the Facility Watch Commander and/or Division Chief. The Watch Commander or Division Chief shall respond in as timely a manner as possible and shall follow the Department Operations Policy regarding citizen complaints.

#### 7.4.12 INVESTIGATE COMPLAINTS AGAINST CO-WORKERS

If a non-PREA grievance concerns another officer or non-sworn staff member in the facility, the Shift Leader shall investigate the complaint and interview both the officer and the youth. The Shift Leader may ask the officer to write a statement. Upon conclusion of the investigation, the Shift Leader will addenda the grievance and forward it promptly to the Watch Commander.

For PREA related grievances, refer to section 7.4.10.

#### 7.4.13 GRIEVANCE CONCERNING SHIFT LEADER

If a non-PREA grievance concerns a complaint regarding the Shift Leader, the Shift Leader shall attempt to resolve the grievance and promptly refer the grievance to the next command level.

For PREA related grievances, refer to section 7.4.10.

#### 7.4.14 GRIEVANCE CONTROL

If there is an occasion where a youth continually writes grievances that are unfounded, superfluous or simply meant to annoy or harass officers, the youth may be put on “Grievance Control” by the Division Chief. The youth will then be restricted to writing grievances in a 1-2 hour period per day, and will not be allowed grievance forms outside that time frame. Any youth placed on Grievance Control will be notified in writing.

#### 7.4.15 GRIEVANCE REVIEW OFFICER (GRO) DUTIES

The Grievance Review Officer (GRO) for youth grievances shall be a Supervising Probation Officer, a Senior Probation Officer or Correctional Deputy Probation Officer II, or Correctional Deputy Probation Officer I (Shift Leader qualified) designated by the Watch Commander/Unit Supervisor who is not a party to the action. Upon receiving the youth’s Grievance Appeal Form, the GRO shall schedule a grievance appeal hearing within the same shift if possible; review the nature of the grievance, and conduct a hearing with the youth and other parties named in the grievance, obtaining evidence and testimony from pertinent witnesses and officers; personally interview the

youth, allowing the youth to explain their version of the grievance. Where possible, arrange to interview the youth privately and not with other youth or roommates listening in during the interview; upon completion of the hearing, render a decision regarding the grievance. The decision will either uphold the youth’s grievance and offer a resolution, provide a compromise agreement or it will deny the grievance in its entirety.

The GRO shall inform the youth orally of their decision and the reasons supporting it. The GRO and youth will then sign the Grievance Appeal Form. The GRO shall forward the Grievance Appeal Form to the Facility Watch Commander for review. The Watch Commander will forward all documentation to the Facility Division Chief, or their designated representative within 24 hours for review. The Division Chief or their designated representative shall subsequently conduct an Administrative review of the documents and render a decision which either: a) Upholds the GRO's denial of the grievance; b) Overturns the GRO's denial and upholds the youth's grievance, or; c) Orders an administrative review hearing.

The Division Chief or their representative shall addendum the youth Grievance Appeal Form. The Original Grievance Appeal Form will be filed. Copies of the completed Grievance will be forwarded to the youth's unit/cottage where written notification of the administrative decision will be provided to the youth.

In cases where the Division Chief or their representative elects to conduct an administrative hearing, all parties to the grievance shall be assembled at the discretion of the administrative hearing officer. The finding/resolution administered at this hearing shall be final. Youth shall receive a written response to the grievance which includes the reason for the decision.

<p><b>San Diego County Probation Department Institutional Services Policies</b></p>	<p><b><u>SUBJECT:</u> Disciplinary Options and Sanctions</b></p> <p><b><u>SECTION:</u> 7.5</b></p> <p><b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391</b></p>
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## **7.5 Disciplinary Options and Sanctions**

### **7.5.1 OVERVIEW**

This section outlines the disciplinary options available to Institutional Services (IS) officers when dealing with youth misbehavior, and further sets forth facility minor and major rule violations and the sanctions for violations of those rules.

### **7.5.2 OFFICERS AUTHORIZED TO IMPOSE DISCIPLINE**

Only sworn probation officers assigned to IS may impose discipline on youth for the violation of institution rules of conduct. Specifically, Unit Shift Leaders (Senior PO’s, CDPO II’s and CDPO I’s acting as Shift Leaders) shall approve all discipline prior to its imposition on youth for the violation of facility rules. The Watch Commander or other Facility Supervisor shall review and validate all discipline whose duration exceeds two hours in length .

### **7.5.3 OPTIONS**

Disciplinary options available to Facility officers when dealing with youth misbehavior are designated by each facility.

### **7.5.4 TWO CATEGORIES OF MISBEHAVIOR**

Youth misbehavior is divided into two separate classifications, Minor Misbehavior and Major Misbehavior, based on

the seriousness of the misbehavior as it relates to the laws of the United States and the State of California, the security of the facility, and the safety of both the youth and the officers. The severity of the misbehavior will dictate the appropriate sanction, and the type of due process procedures. Consequently, misbehavior classified as major will result in disciplinary consequences which are more stringent, but subject to a higher degree of due process formality.

#### 7.5.5 OFFICER DISCRETION TO COUNSEL OR DISCIPLINE

When a youth commits a minor violation of the facility rules, officers have the discretion to handle the matter formally, by using the options available to them by their specific facility; or officers may instead choose to handle the rule violation informally by counseling the youth privately on the matter. As the intent of the facility's disciplinary system is to teach the youth responsible behavior, counseling and other cognitive behavior modification techniques may work just as well as formal discipline for certain minor violations.

## 7.5.6 Minor Misbehavior (Rule Violations)

### 7.5.6.1 MINOR VIOLATIONS

Minor violations are youth misbehavior that disregard facility or individual unit/cottage rules, but is not so serious as to be considered a major violation as defined in Section 7.5.8 below. Minor rule violations may be handled informally by counseling or advising the youth of the expected conduct or by the imposition of a minor penalty. Discipline for minor rule violations shall be accompanied by written documentation and turned in to a Supervisor. Minor violations include, but are not limited to, the following types of youth misbehavior:

<b>Out of Bounds</b>	Being in an unauthorized area of the unit/cottage or place of activity without officers permission; loitering in the restroom, shower, supply room, laundry room, staff area or any other designated "off limits" area of the facility.
<b>Noise in Room</b>	Yelling, screaming, banging on doors, kicking walls or any other unusual or loud noise made in a youth's room that is disruptive to other youth, officers and/or the unit program.
<b>Possession of Minor Contraband</b>	Unauthorized possession of extra clothes, bedding, towels, books or any other article specifically prohibited by unit/cottage rules.
<b>Not Follow Instructions</b>	Disobeying officer directions, listed unit/cottage rules, refusal to stop inappropriate behavior or activities or refusal to follow a staff member's directive to behave or perform appropriately.
<b>Movement Misbehavior</b>	Refusal to line up properly prior to a group movement; any improper or unauthorized movement while in transit to school, court, or through another unit/cottage which makes it difficult for officers to properly supervise the movement and ensure the safety of both youth and officers; running, horseplay, stopping to talk, and passing articles are specific activities prohibited during all group movements.
<b>Unauthorized Communication (Talking Without Permission)</b>	Engaging in conversation that is prohibited during certain group movements, programs or in designated areas. Examples include talking in a double line, talking during movement, talking during a movie or television program, talking while officers are addressing the group, communicating with youth from another unit/cottage, or any other

	type of communication which staff prohibits prior to, or during, a group program.
<b>Refusal to Participate in Program</b>	Refusal to participate in daily hygiene and housekeeping programs; failure to shower, maintain clean room etc., without medical or approved reason.
<b>School Failure</b>	Receiving a failing grade (a “1”) in the school program for refusing to complete class work, not putting forth effort in classroom projects, writing in text books, disrupting class through unauthorized talking, clowning or other identified misbehavior. (See Manual Section 6.1.4.3)
<b>Theft</b>	Willful and unauthorized taking of the personal property belonging to another; this may include the theft of incidental items, such as books, clothes and food. However, depending upon the value of the item, the repetitive or serious nature of the act, theft can be considered a major rule violation.

## 7.5.7 Sanctions for Minor Misbehavior

### 7.5.7.1 SANCTIONS

The sanctions listed below represent a range of disciplinary options available to officers in responding to minor misbehavior. Sanctions invoked may include one or a combination of several disciplinary options, as the situation may warrant.

### 7.5.7.2 VERBAL REPRIMAND

Discussion of the misbehavior or rule infraction with an officer, followed by Integrated Behavioral Intervention Strategies (IBIS) such as, Effective Disapproval and Effective Use of Authority to assist the youth in realizing that repeated misbehavior may result in a specific disciplinary action.

### 7.5.7.3 COUNSELING OR WRITTEN ASSIGNMENT

Special counseling sessions may be assigned (depending on the type and seriousness of the misbehavior). Officers may also assign written assignments (i.e. Character Essay or Cognitive Behavior Therapy (CBT) Worksheet) that are designed to help the youth realize that their behavior was inappropriate.

### 7.5.7.4 ISSUANCE OF A FAILING GRADE

The basis for the Facility grading system is to promote acceptable behavior. With access to special privileges, incentives and programs, issuance of a failing grade in behavior denies a youth of these opportunities for one shift. Lowered (a 1 or 0) behavior grade can also result in suspended privileges or a failed day.

### 7.5.7.5 LOSS OF SPECIAL WORK ASSIGNMENT

Special (i.e., desirable) work assignments are based on a youth's record of good behavior and may be revoked by officers if a youth's behavior does not conform to the facility rules.

### 7.5.7.6 LOSS OF CITIZENSHIP/PHASE LEVEL

Citizenship/Phase levels determine a youth's access to special events, programs, and privileges. Misbehavior, particularly repetitive acts of misbehavior, can result in a review and subsequent lowering of a youth's citizenship/phase level.

### 7.5.7.7 IMMEDIATE SUSPENSION OF SPECIFIC PRIVILEGES

This sanction results in the loss of unit/cottage free time, eating meals with the unit/cottage, pencil restriction, etc.

## 7.5.8 Major Misbehavior (Rule Violations)

### 7.5.8.1 INTRODUCTION

Major violations of facility rules are acts of misbehavior that display flagrant disregard for the authority of officers, rules of the institution, or laws of the State or Federal government. Major rule violation may result in separation, forfeiture of good time, or Administrative Removal. Such acts also endanger the safety and security of the facility, other youth and/or staff. Each facility has designated consequences for major rule violations that are uniform in nature.

### 7.5.8.2 MAJOR RULE VIOLATIONS

Major Rule Violations include one or more of the following. Although sanctions are designated by each facility, they are comparable, only taking into account the programs each facility offers.

<b>Any Law Violation</b>	Includes violation of any law of the City or County of San Diego, State of California or the United States of America. This includes, but is not limited to acts of theft, battery, assault and sexual assault.
<b>Escape Attempt</b>	This includes the acquisition of keys or implements to be used in an escape, conspiring to escape, or attempting to escape.
<b>Gang Related Activity</b>	This includes, but is not limited to engaging in gang talk, gang fights, gang writing, and use of gang signs and calls while detained.
<b>Fighting or Assault</b>	Fighting involves mutual combat between youth. Assault is an attempt to injure (see definition in Penal Code, Section 240).
<b>Riotous Behavior</b>	Any behavior on the part of a youth that instigates or supports group violence or rebellion; such behavior includes verbal incitement of others and/or behavior that causes a riot; such behavior also encompasses flagrant or repeated defiance of officers directives, which threaten the safety, order or security of the unit/cottage.
<b>Threats Toward Officers</b>	This includes, but is not limited to, use of any threatening or abusive language towards a staff member, any threats of physical harm directed towards officers or assuming any threatening posture towards officers.

<b>Lying to Staff</b>	This includes lying or intentionally deceiving officers that tends to threaten the safety, order and security of the institution, other youth or officers. It may include, but is not limited to, lying to protect another youth who is trying to escape, lying to get another youth in trouble, etc.
<b>Not Follow Instructions (Major)</b>	This involves the direct refusal to obey an order which relates to the safety or control of the facility, its youth or officers, including the refusal to go to one's room/bunk as directed by officers or the failure to follow directions given by officers during a major incident such as a fight or an escape attempt, or the refusal to go to or stay in the COVER position.
<b>Serious Verbal Misbehavior</b>	This includes, but is not limited to, actions that incite misbehavior in others, displays of flagrant verbal disrespect toward officers, the use of profanity, racial epithets or insults directed toward officers and/or other youth.
<b>Possession of Major Contraband</b>	This includes but is not limited to possession of matches, tobacco, drugs, alcohol, intoxicants, money, drug paraphernalia, weapons or items for the purpose of escape. Also included, are items utilized for the defacing of rooms, such as pens, marking pens, carving tools and staples.
<b>Destruction of Property</b>	This includes intentional defacing or destruction of County or personal property, including the marking, major carving or writing on room walls, doors, beds, windows, etc., kicking or punching holes in the wall, kicking open a door causing damage, breaking light fixtures in the rooms or hallways, breaking windows, door locks or mirrors, dismantling beds, damaging or ripping out sinks or toilets and intentionally plugging up plumbing fixtures.
<b>Repetitive Rule Violations</b>	Minor violations of unit/cottage rules become major violations when attempts to control minor misbehavior through less restrictive sanctions are unsuccessful and the misbehavior of the youth remains persistent and repetitive.
<b>School Suspension</b>	Receiving a grade of (“0”) in the school program shall result in removal from the school program for the remainder of the day, and upon recommendation of the teacher, the youth may be suspended the following day as well (see Manual Section 6.1.3).
<b>Health and Safety Violations</b>	This refers to any act engaged in by a youth that endangers the health, safety or welfare of the youth or others. This rule specifically covers acts of self-harm, including self-mutilation, carving on the body and tattooing. It may also refer to behavior such as urinating or defecating in a room that endangers the welfare of others. Safety violations covered by this rule include engaging in any act that causes or has the potential to cause a fire. Specific acts include covering the night light with paper, or dismantling/damaging fire alarms and equipment. Additionally, youth are not permitted to smoke or use tobacco in any form while detained (see Manual Section 12.7).
<b>Dishonesty/ Forgery</b>	Any acts of moral turpitude (including intentional dishonesty, fraud or forgery), theft or misappropriation of others property or money (whether physically or by misrepresentation) is prohibited.
<b>Conspiracy/ Collusion</b>	Conspiracy/collusion or specific individual planning to violate a Major Rule is prohibited.
<b>Sexual Activity</b>	Sexual activity, willful self-exposure, sexual harassment, sexual horseplay and over-amicorous conduct with youth or staff is prohibited.
<b>Refusal to Work</b>	Refusal to report for or perform assigned work is prohibited.
<b>Disturbance During Count</b>	During an announced on your bunk count, each youth is required to be lying on his assigned bunk and shall remain in this location until the count is cleared, unless authorized by staff. Talking, reading, writing or any movement is not allowed during formal counts.
<b>Throwing Objects</b>	The malicious throwing of any object is prohibited.

<b>Unauthorized Outside Communication</b>	Visiting and/or unauthorized communication outside of the youth's assigned facility (whether at medical or dental appointments or any town trip) is prohibited.
<b>Money Received</b>	All money received by a youth from any source shall be turned into staff immediately for proper disposition.
<b>Gambling</b>	Youth shall not make any bet or wager, operate any game of chance, engage in any form of gambling, or possess gambling paraphernalia.
<b>Horseplay</b>	Horseplay of any kind is prohibited.
<b>Communicating With Public</b>	Communicating with the public is prohibited.
<b>Room Water Misbehavior</b>	Misuse of the room sink and toilet, such as clogging, overflowing or otherwise misusing the room waterfeatures.

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Disciplinary Due Process</b>  <b><u>SECTION:</u> 7.6</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391</b>
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## **7.6 Disciplinary Due Process**

### **7.6.1 FAIR TREATMENT**

All youth have the right to be treated fairly while detained. The application of fair treatment to all youth is fundamental to the development and maintenance of a sound custody and rehabilitation program.

### **7.6.2 DUE PROCESS**

Implementation of procedural safeguards that ensure youth of their due process rights is essential to the fair treatment and control of youth.

Minimum requirements of due process mandate that the youth be informed of the charges made, the right to have a fair and impartial hearing, the right to respond, the right to call witnesses, the establishment of time limits, notification of the findings at the hearing, and the right to seek administrative review.

### **7.6.3 EMERGENCY**

The required elements of due process shall be initiated prior to the imposition of some disciplinary action, except in emergency situations where the youth is out of control or in situations where the order and security of the facility, other youth or officers are in jeopardy. Officers have a responsibility and duty to intervene in situations that involve threats or harm to persons, property or the order and security of the facility. However, at the conclusion of the emergency, the due process procedures shall be implemented.

## **7.6.4 Due Process for Minor or Major Rule Violations**

### **7.6.4.1 OVERVIEW**

In minor or major rule violations or misbehavior, each facility is responsible for establishing due process procedures which shall be invoked by the officer reporting the rule violation.

Youth in Camps who commit a major rule violation may be administratively removed, temporarily, to Juvenile Hall.

## **7.6.5 Disciplinary Review Officer (DRO)/Hearing Officer (HO)**

### **7.6.5.1 OVERVIEW**

The Disciplinary Review Officer (DRO)/Hearing Officer (HO) is designated by the Facility Watch Commander to conduct Disciplinary Review Hearings. The DRO/HO will not be the officer reporting the incident, the officer investigating the incident, or a witness to the event. Each facility shall establish the procedures for a Disciplinary

Review Hearing.

## **7.6.6 Administrative Review**

### **7.6.6.1 ADMINISTRATIVE REVIEW PROCEDURE**

All disciplinary documentation will be forwarded to the Facility Division Chief (via the Watch Commander) for administrative review.

The Division Chief or designated representative shall conduct an administrative review of the documents, and a decision will be rendered which either upholds or overturns the DRO/HO's findings.

### **7.6.6.2 YOUTH NOTIFIED OF ADMINISTRATIVE REVIEW DECISION**

After the administrative review, all documents shall be forwarded to the originating unit/cottage, where the youth will be provided a copy of the disciplinary document containing the administrative decision.

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Youth Restrictions and Discipline Programs</b>  <b><u>SECTION:</u> 7.7</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391</b>
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## **7.7 Youth Restrictions**

### **7.7.1 PHILOSOPHY**

Rules for behavior are designed to foster a positive, non-punitive rehabilitation program. The granting of privileges shall be based on positive behavior. Privileges, as used in this manual, shall refer to activities that can be earned through special activities or benefits that are not basic Title-15 mandates. While good grades will result in special privileges, poor or failing grades will result in the suspension or denial of privileges.

Youth placed on any form of separation or room confinement shall not be denied their rights to certain things. These rights include basic hygiene standards, eating nutritional meals, having attorney visits, religious counseling and receiving parental visits. Youth rights are outlined in [Section 7.2](#). Each facility has set guidelines for tracking a youth's behavior (i.e., points) and consequences for poor behavior.

### **7.7.2 INFORM YOUTH**

When marking a youth down or forfeiting points for violating a minor facility rule, officers must inform the youth as quickly as practical. Care should be taken during group situations, as disciplining a youth in the presence of their peers may cause the youth to continue or escalate their misbehavior.

### **7.7.3 ROOM CONFINEMENT**

#### **7.7.3.2 ROOM CONFINEMENT DEFINED (WIC § 208.3(a)(3))**

“Room confinement” means the placement of a youth in a locked sleeping room or cell with minimal or no contact with persons other than correctional facility staff and attorneys. Room confinement does not include confinement of a youth in a single-person room or cell for brief periods necessary for required institutional operations (such as shift change) and does not apply to normal sleeping hours.

#### **7.7.3.3 GUIDELINES FOR INITIATING ROOM CONFINEMENT (WIC § 208.3(b))**

The placement of a youth in room confinement shall be accomplished in accordance with the following guidelines:

- (1) Room confinement shall not be used before all other less-restrictive options have been attempted and exhausted unless doing so would compromise safety and security of any youth or staff.
- (2) Room confinement is for safety and security only and shall not be used as a punishment, consequence or sanction or for the purposes of coercion, convenience, or retaliation by staff.
- (3) Room confinement shall not be used to the extent that it compromises the mental and physical health of the youth.

Upon placing a youth on room confinement, staff shall:

- (1) Initiate the Room Confinement Checklist
- (2) The Watch Commander shall document in the Room Confinement Log the youth's name, reason for room confinement, the date and time the youth was first placed in room confinement; and
- (3) The behavior which resulted in the youth being placed on room confinement shall be documented in an incident report.

### **7.7.3.4 RETURN TO GENERAL POPULATION OR CONTINUED ROOM CONFINEMENT** (WIC § 208.3(c) and (d))

A youth may be held up to four hours in room confinement. After the youth has been held in room confinement for a period of four hours, staff shall do one of the following:

- A. Reintegrate the youth with their unit. If mental health or medical staff is consulted prior to reintegration, staff shall document the date and time of the consultation in the Room Confinement Log.
- B. If room confinement must be extended beyond four hours for safety and security reasons, staff shall do all of the following:
  - 1) Document in the Room Confinement Log the basis for the extension.
  - 2) Consult with mental health or medical staff and document date and time of the consultation in the Room Confinement Log.
  - 3) Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population and discuss the plan with the youth.
  - 4) Obtain written authorization by the facility Division Chief or the Deputy Chief of Institutions or the authorized designee every four hours thereafter.
  - 5) Submit the youth's name for the next meeting of the Multi-Disciplinary Treatment Team.

The time that the youth was released from Room Confinement shall be documented on the Room Confinement Log and the Room Confinement Checklist. (WIC § 208.3(d)(1))

### **7.7.3.5 Medical Exception**

This section does not apply when a youth is placed in a locked cell or sleep room to treat and protect against the spread of a communicable disease for the shortest amount of time required to reduce the risk of infection, with the written approval of a licensed physician or nurse practitioner, when the minor or ward is not required to be in an infirmary for an illness. Additionally, this section does not apply when a minor or ward is placed in a locked cell or sleep room for required extended care after medical treatment with the written approval of a licensed physician or nurse practitioner, when the minor or ward is not required to be in an infirmary for illness.

## **7.7.4 Administrative Separation (A.S.)**

### **7.7.4.1 DEFINITION AND POLICY**

Administrative Separation (AS) represents a temporary security status of certain youths in a juvenile facility. On occasion, it will be necessary to remove a youth from the general population and place them under stringent restrictions for security reasons. Placement on Administrative Separation acts to physically separate a youth from the general population. The temporary status is subject to daily review by the Unit Supervisor or Watch Commander.

A youth should be placed on Administrative Separation only when their actions have presented a security risk as defined by the following criteria:

1. The youth's actions are assaultive and present a physical danger towards officers and/or other youth. (Note: This is the primary determining factor.)
2. The youth is emotionally unstable and out of control, thereby imposing a threat of harm to themselves and others.
3. Based on past and/or present activities, or a pattern of behavior, the youth is viewed as an escape risk and requires closer monitoring by officers.
4. The youth is under the influence of a controlled substance and/or medication, which makes their behavior dangerous and unpredictable.
5. The youth has engaged in the deliberate and dangerous destruction of property thereby necessitating special observation, to prevent further destruction or injury to self and/or others.

Supervisor must be obtained. All actions which lead to a youth being placed on Administrative Separation shall be detailed in an incident report. The report shall specify the security risk imposed by the youth's actions, and the need for special staff observation or control of the youth's behavior. The report should be factual and descriptive, and must include a summary of the youth's in-custody behavior since their first booking (including a list of all suspended privileges). A copy of the incident report must also be forwarded to the unit receiving the AS youth so they can prepare for the youth's arrival.

To continue such status beyond 72 hours, approval of the Watch Commander and the Division Chief must be obtained.

#### 7.7.4.2 PROCEDURE

When a youth is placed on AS, the designated Watch Commander shall initiate the following procedure:

1. Obtain the following:
  - Copy of the flimsy
  - A list of the incident reports involving the youth during the last year
  - Incident report detailing the current incident which lead to youth being placed on AS
2. Review all materials and determine if continued AS is warranted
3. Present all information and your recommendation to the Division Chief.
4. Upon approval, have a written notification typed outlining the program, the behavior warranting AS and any other relevant information.
5. Serve a copy of the AS notification to the youth (see “Due Process” paragraph below). Have a copy signed by the youth to be retained in the AS file. Provide a copy to the Watch Commander who will forward it to the Division Chief.
6. Place all material outlined in #1 and the signed copy of the notification in a manila folder labeled with the youth’s name (last name first). This file (called the “AS File”) is to remain in the unit and be readily available for review.
7. Review the youth’s status on AS twice daily. The youth should be removed from AS when the Watch Commander or Unit Supervisor believes the youth is ready to return to the unit program.
8. When the youth is removed from AS, submit the file to the Division Chief for review and storage.
9. During their time on AS, the youth’s behavior shall be documented every shift, as well as the time they spend out of their room.

#### 7.7.4.3 DUE PROCESS

In order to provide due process, written notification must be given to the youth. Notification shall include the specific behavior that supports placement on AS and shall outline the AS program. The youth shall receive one copy and sign another copy to be maintained in the AS File. This document should be presented and signed by a Supervisor. The signed copy will be forwarded to the Division Chief for signature and will be returned to the AS File.

#### 7.7.4.4 REFERRAL TO STAT TEAM AND MEDICAL CHECK

A STAT team referral shall be immediately completed for any youth placed on AS. Should the period of AS remain longer than 72 hours, the Watch Commander or designee shall complete a second STAT Team referral. The Watch Commander or designee shall also complete a STAT team referral immediately upon the youth’s removal from AS. When unit officers receive feedback from the STAT team, the information shall be documented in the unit and used to positively engage the youth. While on AS, the medical staff shall conduct a medical examination of youth on a daily basis.

#### 7.7.4.5 REVIEW

All youth on Administrative Separation are subject to twice daily review of their status and file by the Watch Commander. These youth shall be reintegrated into the general population when it has been determined that they no longer require physical separation, intensive observation, and no longer appear to represent a danger to themselves and/or others. The release and reintegration of a youth from Administrative Separation is at the discretion of the Unit Supervisor or Watch Commander, with approval from the Division Chief. The Division Chief shall review each AS File at least weekly.

#### 7.7.4.6 SPECIAL SECURITY METHODS

Once a youth is placed on Administrative Separation, special security methods shall be invoked. Youth placed on Administrative Separation are subject to the policy on Room Confinement including the use of the checklist for any time spent in their room due to threats to safety and security (in accordance with Manual Section 7.7.3 and WIC § 208.3(a)(3)). When interacting with an Administrative Separation youth, officers shall abide by the following security measures:

1. The youth's housing assignment shall be at the discretion of the Watch Commander.
2. The youth shall be on single room status. If a youth is assaultive, a warning notice urging caution shall be posted on the outside of the youth's room door.
3. The youth shall only mix with other AS youth in the unit.
4. A minimum of three officers shall be present whenever the youth's room door is to be opened in order to properly apply mechanical restraints (see Manual Section 5.10 for application procedures). All AS youth shall be placed in waist chains and leg shackles every time they exit their room.
5. A minimum of two officers shall be present to escort the shackled youth to any area outside of the youth's room, including, but not limited to, trips to the nurse, psychologist or out to recreation.
6. The youth shall recreate two (2) at a time (when possible), in shackles, with two officers for one hour each AM and PM shift.
7. The youth shall shower alone, in shackles, and shall have only one hand freed from shackles during the time they are in the shower.
8. Only officers shall serve meals, and all food shall be on a paper plate, to be eaten with a plastic spoon.
9. Youth are entitled to two (2) books, one (1) being a religious book. A pencil will only be provided once a week for letter writing, if such materials do not impose a threat to the safety and security of the youth, officers, other youth, or to property. (The youth shall not receive TV/Movie time).
10. At least once per shift, officers shall conduct room searches for contraband and weapons.
11. While on Administrative Separation, the youth shall not be utilized as worker in the unit or anywhere else in the facility.
12. The youth's education program shall be determined by the school.
13. The youth shall be permitted use of the pay telephone on a weekly basis (in accordance with Title 15 and Manual Section 6.7). All other non-AS youth shall be in their rooms during this time.

#### 7.7.4.7 FURTHER RESTRICTIONS

In addition to the above safety measures, further modification or restriction of activities may be involved, if deemed necessary, by the Unit Supervisor or Watch Commander, and with the concurrence of the Division Chief.

#### 7.7.4.8 INTERVENTION SHALL ACCOMPANY AS

While Administrative Separation is only used when absolutely necessary, positive intervention methods shall accompany the status. Once the status has been imposed, staff shall continue to intervene with the youth, using IBIS techniques, role playing, and incentives to reinforce the desired behavior. Staff may offer the youth a Behavioral Analysis worksheet and encourage its proper completion. These intervention techniques shall continue even after the youth has completed their AS status. These intervention techniques shall be documented. The youth's positive or negative reception to the intervention techniques shall also be recorded.

#### 7.7.4.9 REMOVAL FROM AS

A youth may be removed from AS status with the approval of the Division Chief when they are no longer deemed a threat to officers or youth.

## 7.7.5 Rule Violation (RV)

### 7.7.5.1 DEFINITION AND POLICY

Rule Violation (RV) represents one of several disciplinary options available to officers who oversee Court committed youth, including Breaking Cycles youth, and youth assigned to the Youthful Offender and Camp Barrett programs. RV application is reserved for major violations of facility rules, misbehavior that display flagrant disregard for the authority of officers or laws of State or Federal government. Such acts also endanger the safety and security of the facility, other youth and/or staff.

### 7.7.5.2 DISCIPLINE

RV may result in forfeiture of “good time”/additional days in custody. CB has a written range of sanctions for major rule violations. In assessing the amount of forfeited time, officers shall begin at the low end of the scale and only as circumstances dictate increase the amount of time as is necessary for the protection of the youth and/or of another person. All sanctions involving Rule Violations for acts of major misbehavior are issues that a youth may request a hearing for.

## 7.7.6 Administrative Removals

### 7.7.6.1 ADMINISTRATIVE REMOVALS (AR'S)

Administrative removals (AR's) are youth who have been removed from placement at the Girls Rehabilitation Facility (GRF), the Youth Day Center (YDC), Camp Barrett (CB), or Breaking Cycles (BC) placement because their behavior indicates that they are a threat to the facility, to others or to themselves.

### 7.7.6.2 EVALUATION PERIOD

The youth may be held for evaluation for a period of 72 hours (excluding weekends and holidays). If it is determined that additional disciplinary time is to be spent in a juvenile facility, a rule violation hearing must be conducted by juvenile facility staff. Following this hearing, the youth may be required to remain in a juvenile facility for disciplinary purposes for a period not to exceed 14 days.

### 7.7.6.3 UNIT ASSIGNMENT

AR's will generally be housed in the following units while they wait to return to the placement facility:

<b>Returning From:</b>	<b>Placement:</b>
<b>Female BC or GRF</b>	Housed at KMJDF. Unit 900 or Unit 700, if Unit Confinement status.
<b>Drug Court and Male BC</b>	General population units at EMJDF.
<b>CB</b>	Housed at EMJDF.
<b>W&amp;I 881</b>	When a youth is considered “unfit to remain” in placement, the facility administrator may file a petition with the Court (per W&I Section 881) for permanent removal of the youth. Youth in this category will normally be housed at EMJDF.

#### 7.7.6.4 PRIVILEGE SUSPENSION NOT AUTOMATIC

AR's shall not receive automatic privilege suspension due to their disciplinary removal from placement. Suspending the privileges for a AR youth upon entry to a juvenile facility may only occur if the suspension is specifically authorized at the Disciplinary Review hearing held by the referring facility.

If a youth is AR'd for being in a fight at the referring facility or placement, they may receive regular Privilege Suspension time based on juvenile facility policies.

#### 7.7.6.5 COOPERATION

AR's shall be expected to cooperate with unit officers and participate successfully in the unit program.

#### 7.7.6.6 NO WORK PROGRAMS

AR's may not participate in unit work programs as stewards, kitchen workers or 80 workers during the first 72-hour evaluation period. If the youth remains in a juvenile facility and a disciplinary hearing is held, they may be further restricted from these activities by action of the hearing officer.

#### 7.7.6.7 UNIT PROGRAMS

AR's may qualify for special unit programs, as their behavior warrants.

#### 7.7.6.8 PARENT NOTIFICATION OF AR

Under normal circumstances, GRF and Camp Barrett staff call the parents of the youth prior to the Administrative Removal to let them know of the change of location. The call is documented on the Camp AR form. If, for some reason, that does not happen, additional phone calls shall be permitted pursuant to the individual housing units' phone policy (see Manual Section 6.7).

#### 7.7.6.9 UNIT PROGRAMMING

AR's shall be permitted to participate in regular visiting, school, mail, recreation and religious programs at the same level as all other youth.

<b>San Diego County Probation Department Institutional Services Policies</b>	<b><u>SUBJECT:</u> Other Forms of Authorized Room Time</b>  <b><u>SECTION:</u> 7.8</b>  <b><u>AUTHORITY:</u> 15 CCR §§ 1390-1391</b>
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## **7.8 Other Forms of Authorized Room Time**

### **7.8.1 DEFINITIONS AND POLICY**

Institutional Services (IS) Policy requires that during non-sleeping hours, a youth shall be out of their room and participating in the assigned unit/dorm's program. Authorized exceptions to the general policy include the following list of conditions.

### **7.8.2 Non-Participants (NP)**

#### **7.8.2.1 DAY-OFF**

A non-participant is a youth who requests a "day-off" from participating in the unit program for personal reasons. (Note: This does not apply to school, see paragraph below.) This is a voluntary self-placement by a youth to remain in their room. Officers may not make a youth a non-participant. They shall be given access to reading materials and any routine privileges of other youth.

#### **7.8.2.2 NOT ALLOWED TO NON-PART SCHOOL**

Youth cannot use the non-participant status to avoid going to school. School attendance is mandatory per Manual Section 6.1.3. If they refuse to go to school, they are committing a major rule violation and shall receive a privilege suspension. Non-participation from school without medical clearance can receive up to 22 hours privilege suspension (with a Behavior Report completed) for the duration of the unit's regular program hours (2:30 to 9:30 pm). Youth shall be told of the consequences of their refusal to go to school and be given a chance to reconsider their refusal to go to school, prior to being given a privilege suspension for non-participation.

#### **7.8.2.3 DOCUMENT "NP" STATUS**

A youth must request to be placed on NP. If otherwise eligible to participate in a program, a youth may request to be placed in a Non-Participant status. When a youth asks to voluntarily NP, officers shall try to find out why they want to withdraw from the program. If the youth provides a valid reason for withdrawing from the program, a Behavior Report/Privilege Suspension does not have to be written. However, if the youth fails to provide a valid reason, a Behavior Report/Privilege Suspension shall be written documenting the youth's refusal to participate in the program. The reason, the date and time duration of the voluntary NP shall be written in the Confinement log, along with the notation "Voluntary NP" in the comment section, and initialed by officers. Officers shall also make a referral to the STAT team, or medical staff, when reasons dictate.

#### 7.8.2.4 PATTERN

When officers observe a consistent pattern of non-participation developing in a youth, officers should observe the youth for signs of depression and report as necessary, any pertinent conversations or observations to the facility medical staff and/or STAT Team.

### **7.8.3 Medical Isolation / Bed Rest**

#### 7.8.3.1 DEFINITIONS AND POLICY

This is a status conferred upon a youth by the facility Medical Clinic. Youth are placed on bed rest due to injury or sickness and are placed on medical isolation for control of infections and communicable diseases. These youth, depending on their treatment plan, can be restricted from all or part of the unit's activities.

Youth in Camps who are placed on Medical Isolation/Bed Rest are sent to a juvenile facility for observation and continued medical treatment.

#### 7.8.3.2 DOCUMENT

Whenever a youth is placed on medical isolation or bed rest, officers should acquire as much detail as possible regarding the restrictions imposed on the youth and have such information recorded in the unit message log. Bed Rest ordered by the clinic cannot be modified or terminated early by juvenile facility officers (even if the youth insists they feel better).

#### 7.8.3.3 SUICIDE WATCH

Mental health staff may place a youth on medical isolation as part of suicide watch, with specific instructions regarding participation in the unit program.

### **7.8.4 "Operational Time Outs"**

#### 7.8.4.1 DEFINITIONS AND POLICY

Everyday facility operations require that all youth be placed in their rooms for a limited period of time, for the safety and security of the Facility. Direct examples are the placement of youth in their rooms for shift changes, visiting sessions, housekeeping purposes, meal rotations and emergency situations, (i.e., Chief Counselor, emergency lockdowns, etc.). Any operational lockdown that is of a non-routine nature must be approved in advance by the Watch Commander or a unit/cottage Supervisor.

<p><b>San Diego County Probation Department Institutional Services Policies</b></p>	<p><b><u>SUBJECT:</u> Techniques for Avoiding Disruptive Behavior</b></p> <p><b><u>SECTION:</u> 7.9</b></p> <p><b><u>AUTHORITY:</u> Chief Probation Officer</b></p>
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## 7.9 Techniques for Avoiding Disruptive Behavior

### 7.9.1 OVERVIEW

Officers shall make every effort to maintain order and control of youth through methods of positive reinforcement. Intervention and counseling should allow the youth an opportunity to speak with officers about their misbehavior; explain what happened, why, and how they might have controlled themselves in a more appropriate manner.

### 7.9.2 COUNSELING TECHNIQUES

The following are general techniques recommended for avoidance of individual youth disruptive behavior during group activities. These techniques are designed to assist the youth in making appropriate social choices, while maintaining personal dignity and self-control.

<b>Hand Signals</b>	The use of hand signals (passive gestures, with the palm facing outward) can communicate to a disruptive youth that an officer is aware of their disruptive behavior. Do not use threatening gestures or finger pointing to gain the attention and cooperation of an individual or the group, in terminating inappropriate behavior during the early stages (i.e., loud talking, horseplay, feet on furniture, etc.).
<b>Proximity Control</b>	Physical presence of officers to a youth (with or without conversation) can be an effective intervention, implying that officers are fully aware of the situation.
<b>Redirect or Diversion</b>	Young people often have short attention spans and need a continuing show of interest on the part of officers in order to sustain a group activity. Officers can stimulate new interest by expressing curiosity about an activity. Should a youth have total disinterest in an activity, redirection to another area of the unit/cottage, or a new task, is recommended.
<b>Direct Instruction</b>	Give directions and instructions to a youth on a personal, adult level. When separated from group peer pressure, youth will generally respond to direct instructions.
<b>Permission</b>	Officer permission to behave in a certain way can be very effective in starting positive action, or in taking the satisfaction out of unacceptable, but controllable behavior. Permission in the form of encouragement, can allow an insecure youth to try something new, seek peer relationships and/or officer approval.
<b>Admonishment</b>	Admonishing and warning youth that repeated misbehavior may result in a specific disciplinary action reminds youth of the consequences of their actions. Admonishment of consequences also helps youth directly associate their actions with what will happen if they continue their disruptive behavior.
<b>Withdrawal from Group</b>	Group living is a complex process. Many youth cannot sustain appropriate behavior over an extended period of time, even in a well-structured group. These youth should be asked to step away from the group before their behavior becomes a serious issue. Officers should do this in a non-accusatory manner. With very immature or emotionally disturbed youth, it may be necessary to repeat this technique often, even during a single recreational period. Some youth need this additional support to maintain self control, so do not associate the need for repetition with ineffectiveness.