

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Juvenile Progressive Discipline	Policy No.:	G-9.19	Page(s):	1 of 6
Authority:	Division of Rehabilitative Services				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	n/a				
<u>December 31, 2014</u> Effective Date		<u>SIGNED/ <i>Margaret H. Barber</i></u> Margaret H. Barber Director			
DATES UPDATED:					

POLICY: The Department of Juvenile Justice (DJJ) will impose appropriate consequences to juveniles for misbehaving with the intent and purpose of juveniles changing their behavior and not solely for the purpose of punishment. Staff will follow a continuum of responses from least restrictive to more restrictive to respond to juvenile misbehavior. Restrictive consequences may be initially imposed for a serious violation defined as a major rule violation.

PROCEDURAL GUIDELINES:

- A. Juvenile Behavior Management and Level Systems (DJJ Policy G-9.16), Determinate Sentence Good Behavior Credit System (DJJ Policy G-9.17), and Behavior Management and Modification - BARJ (DJJ Policy G-9.20), are processes used in conjunction with progressive discipline.
- B. DJJ will practice behavior strategies and interventions beginning with the least restrictive intervention necessary for the juvenile to change his/her behavior being implemented before progressing to more restrictive alternate consequences. Staff will use progressive discipline to informally resolve minor juvenile inappropriate behavior and as an alternative to placement in the Crisis Management Unit (CMU).
- C. All juvenile residential facilities/programs will use a behavior management level system and/or a juvenile progressive discipline process as determined by the Facility Administrator contingent upon the type and number of juveniles, and mission of the residential facility.
- D. Minor inappropriate behavior and rule violations will be handled administratively at the facility level through behavior management and level systems, determinate sentence good behavior credit system, and/or progressive discipline. Major rule violations as defined in the Definitions for Major and Minor Rule Violations (Exhibit G-9.20) may be handled through the same systems, or by Juvenile Behavior Management and Modification - BARJ (DJJ Policy G-9.20). Actual and possible criminal violations will be referred to the Office of the Inspector General and may result in investigation and court action.
- E. Progressive discipline includes minor, medium, and maximum consequences outlined herein. The consequence imposed is to be directly targeted to address the juvenile's

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specific inappropriate behavior with the intent and purpose of prompting the juvenile to comply with rules. Consequences will be imposed fairly and equitably and staff will practice imposing the same level of consequences for the same types of violations. Multiple consequences may be given when appropriate to the situation (e.g., loss of privilege, written letter of apology, and referral to clinician; work/chore assignment and early bed/wake). The following list is to be used as a guide:

1. Minimum Consequences: All staff is authorized to apply minimum consequences for minor misbehavior. Minimum consequences are divided into two (2) categories. The first category is minor behavior that will be addressed at the lowest level and does not require being documented:

Minor Behavior/Category 1: All staff may choose and impose the below consequences and will be responsible for carrying out those consequences. See examples below:

- On the spot correction: Verbal explanation of inappropriate behavior and how to correct.
- Written assignment: Must address the specific negative behavior; no more than two (2) pages; must provide time to complete; must provide paper and pencil; must ensure juvenile can write.
- Letter of apology.

Minor Behavior/Category 2: The second category is minor behavior at more significant level that needs to be documented and filed in the juvenile's classification and clinical records and considered for classification, parole, and treatment planning decisions. All staff may choose and impose the below consequences and will communicate as necessary to ensure that consequences are carried through with appropriate staff. The Juvenile Minor Rule Violation and Progressive Discipline Action Report or CCS Unit Form (Form G-9.19A) will be documented and distributed to the BARJ Team, Classification Case Manager, Social Worker, Unit Manager/Captain of Security, and Behavioral Level System Manager.

- Counseling with the Unit Manager/Captain of Security. Warning given.
- Referral to clinician for counseling.
- Assignment to work detail in unit not to exceed a 2-hour period of time.
- Loss of privilege (not to exceed 3 days).
- Early bedtime: 15-minute increments based on seriousness of infraction.
- Early wake-up time: 15 minute-increments based on seriousness of infraction; not to wake before 4:30 a. m.; must ensure 8 hours sleeping opportunity BEFORE early wake up imposed.
- Behavior Contract (Form G-9.16B).

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The staff member may refer the matter to the BARJ Team/Captain of Security to handle. If so, the staff member will also complete the DJJ Event Report (Form I-3.2A), attach it to the Juvenile Minor Rule Violation and Progressive Discipline Action Report form or CCS Unit Form, and forward them to the BARJ Team/Captain of Security. This will be done prior to the staff member leaving their duty assignment for the day.

2. Medium Consequences: Upon receipt of a referral to handle a juvenile's discipline, the Captain of Security will act on the matter as soon as possible and no later than the next business day. The Captain of Security will review the Event Report and Juvenile Minor Rule Violation and Progressive Discipline Action Report and talk with the juvenile. The juvenile will be given opportunity to explain/speak about the incident from his/her perspective (due process). The Captain of Security may address the matter with necessary persons, refer the matter to appropriate other staff to address, handle the matter with the juvenile without consequences, or apply the below consequences:

- Assign a JCO Mentor.
- Temporary transfer to another room in the same living unit and refer to classification for housing reassignment multidisciplinary team.
- Statement of Charges/Restitution (if property damaged).
- Temporary reduction to level 1 of facility/program's behavioral level system.
- Remove from assigned job (Juvenile Work Program job)
- Assignment to extra-duty outside work detail (not to exceed 12 hours over no less than 3 days).
- Request Social Worker telephone parent/guardian and have juvenile explain behavior to them.
- Refer to Chaplain for pastoral counseling and assessment for volunteer mentor.
- Refer to Peer Mediation (Program Manager to facilitate).
- Refer to Victim/Offender Mediation (Program Manager to facilitate).
- Refer to Treatment Team for reassessment of treatment plan (Classification Case Manager to facilitate).

The Captain of Security will document the Juvenile Progressive Discipline Action Report and distribute to staff members to carry out the consequences. Consequences will be carried out as soon as possible and within one (1) week of being imposed. Staff members will document the Juvenile Progressive Discipline Action Report of the completed consequence(s) and return to the Captain of Security.

3. Maximum Consequences: The Shift Supervisor may determine to leave the juvenile at the living unit and refer the case for a BARJ Conference/disciplinary

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hearing. The Shift Supervisor may temporarily place a juvenile in a Crisis Management Unit/wet cell if the alleged infraction is serious and there is a serious safety issue. The Shift Supervisor will consider the seriousness of the offense, the juvenile's previous compliance with the provisions of progressive discipline, and the perceived danger that the juvenile poses to the safety and security of the facility, staff, juveniles, and/or him/herself prior to determining to place a juvenile in CMU. The CCS Community Form or Report of Major Rule Violation (Form G-9.20A) and the DJJ Event Report (Form I-3.2A) will be prepared by the accusing staff member prior to his/her end of duty. As soon as possible and no later than the next business day, the BARJ Team/Captain of Security will review all pertinent documents, speak with the juvenile, and give him/her opportunity to explain/speak about the incident from his/her perspective (due process). The Unit Manager/Captain of Security will do one (1) of the following:

- a. Dismiss the matter and return the juvenile to the unit.
- b. Return the juvenile to the unit and refer for a BARJ Conference/disciplinary hearing.
- c. Return to the unit and handle the matter through the Juvenile Progressive Discipline process and document the Juvenile Progressive Discipline Action Report or the BARJ Team will document on a BARJ Conference report.
- d. Determine that the juvenile will remain in the Crisis Management Unit/wet cell and refer for a BARJ Conference/disciplinary hearing.

F. The following practices will NOT BE DONE for the purpose of punishment or retribution:

1. Taking those foods, snacks or drinks provided by food service.
2. Mechanical, physical, or medication restraint.
3. Forced administration of medication.
4. Physical force.
5. Isolating, secluding, or otherwise confining a juvenile to any locked, unlocked, or enclosed area and/or leaving the juvenile unsupervised.
6. Mass punishment (group punishment for an offense by one juvenile).
7. Placement of a juvenile in a physical position (standing, placed on knees/stomach, arms behind head).

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8. Taking juvenile's property (other than privilege/earned property that may be temporarily taken for behavior management purposes).
9. Taking juvenile's visitation privileges.
10. Depriving the juvenile of receiving educational services.
11. Administration of consequences by a peer.
12. Corporal punishment.
13. Verbal abuse.
14. Denial of elements of the juvenile's treatment plan.
15. Assignment of excessive exercise or excessive work.
16. Deprivation of meals, sleep, bedding, clothing, medical attention, or minimum required recreation.
17. Taking out of doors in extreme weather or at night.
18. Changing of indoor environmental factors (heat/cold).
19. Denial of shelter.

G. Documentation

It is not required that all minor behavior/infractions be documented. Documentation is required if the behavior needs to be considered for classification, parole, and/or treatment planning decisions.

1. DJJ Event Report (Form I-3.2A): To be completed by witnessing staff for incidents of juvenile misbehavior/rule violation under the following circumstances:
 - a. If a medium or higher level violation referred to the BARJ Team/Captain of Security to handle. (Evaluation Center and Juvenile Detention Center only) Attach to Juvenile Progressive Disciplinary Action form.
 - b. When the juvenile is being transferred to a Crisis Management Unit/wet cell by the Shift Supervisor for a safety issue.

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2. Juvenile Progressive Disciplinary Action Report (Form G-9.19A): Documents progressive discipline action/consequences. (Evaluation and Juvenile Detention Center only)
 3. CCS Community Form or Report of Major Rule Violation (Form G-9.20A): Documents code violation and action taken.
- H. Juvenile residential facility staff and teachers will receive training in juvenile progressive discipline as part of the facility/program's initial on-the-job training.

RELATED FORMS AND ATTACHMENTS:

Form G-9.19A, Juvenile Minor Rule Violation and Progressive Discipline Action Report
Form G-9.20A, CCS Form
Form I-3.2A, DJJ Event Report
Exhibit G-9.20, Definitions for Major and Minor Rule Violations

SCOPE:

This policy applies to all direct service staff in juvenile residential facilities.

LOCAL PROCEDURAL GUIDE:

Not required.

TRAINING REQUIREMENT:

Employees providing direct service to juveniles are required to review this policy within 30 days of its publication.