

STATE OF SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
POLICY AND PROCEDURES

Title:	Juvenile Behavior Management and Modification - (BARJ) Balanced and Restorative Justice	Policy No.:	G-9.20	Page(s):	1 of 9
Authority:	Division of Rehabilitative Services				
Juvenile Justice Code:	n/a				
PbS Related Standard(s):	Order Standard 1; Order Standard 2				
May 28, 2015 Effective Date		<u>SIGNED/ Sylvia Murray</u> Sylvia Murray Director			
DATES UPDATED:					

POLICY: Juveniles housed at one of the long-term residential facilities on the Broad River Road Campus will be referred for a Balanced and Restorative Justice (BARJ) Conference when it is alleged that they have violated a rule of conduct, thus committing an offense (see Attachment G-9.20A).

PROCEDURAL GUIDELINES:

A. Introduction:

1. **Balanced and Restorative Justice (BARJ)** at the South Carolina Department of Juvenile Justice (SCDJJ) is a process in which the victim, offender, and persons affected by the offense are brought together in a community conference to repair broken relationships. Victims have the opportunity to come face-to-face with their offenders and to tell their stories about how the offenses affected their lives, offsetting the often unheard voice of their anger, fear, and frustrations. Offenders are encouraged to be accountable for their actions by seeing, hearing, and feeling all sides of the harm caused by the offense. Through this process of community conferencing, the offender, victim, and other participants help support each other by developing an action plan. This action plan assists the offender in reintegrating into their community by requiring a commitment to not offend again (see Exhibit G-9.20A).

Through teamwork, respect, and empowerment, the BARJ process repairs the harm to the community and accomplishes its three goals of:

- Encouraging accountability;
- Teaching social skills; and
- Achieving reintegration.

2. **CCS compliance (“Calm, Cooperative, Safe”)** is a set of standards that will guide DJJ staff to respond appropriately to a juvenile’s behavior and make assessments during or shortly after an offense. This set of standards will consist of three criteria: **Calm**, the juvenile demonstrates his/her ability to communicate

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clearly and is not verbally or physically aggressive; **Cooperative**, the juvenile responds to directives given by staff in a compliant manner; **Safe**, the juvenile is safe from harming his/her self, staff, or other juveniles, as well as safe from being harmed by staff, juveniles, or outside sources. The CCS compliance criteria will determine whether the juvenile will remain in the area where the offense occurred or be removed to an isolation or segregation area. A juvenile will only be removed to an isolation or segregation area when the compliance criteria of **safe** cannot be met. If the juvenile is **safe**, but is not **calm** and/or **cooperative**, the juvenile will remain in his/her assigned area and receive encouragement and support, as outlined below, in order to become fully CCS compliant.

3. Definitions

a. **CCS Assessment** is the process of listening for and observing characteristics in a juvenile's behavior.

b. **Calm:** Juvenile will talk to staff in a reasonable (not extreme or excessive) tone of voice without cursing.

The assessor will ask open-ended questions. This allows for a wide range of responses.

c. **Cooperative:** Juvenile follows reasonable instructions from staff.

The assessor will state simple commands and rules and observe if the juvenile physically responds.

d. **Safe:** Juvenile demonstrates no threat of self-harm, harming others, and/or harming property; does not express fear of others; and/or does not assault staff or juvenile.

The assessor will ask open-ended questions to discover present thoughts, feelings and urges.

e. **Isolation** is being confined in a cell in the maximum security unit with the door closed.

f. **Segregation** is being placed in a cell in the maximum security unit with the door remaining open and with limited access to the open area of the wing.

B. The BARJ Process

1. CCS Compliance

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- a. When an event occurs that violates the CCS compliance criteria, the Reporting Officer will contact the Supervisor immediately. If it is a community conference offense the staff will submit a DJJ Event Report form (I-3.2A) and a Community CCS Compliance form (G-9.20AC) to the Supervisor as soon as possible, but no later than the end of the shift. If the offense is a unit conference offense, then the staff will complete a Unit CCS Compliance form (G-9.20AU).
- b. If the juvenile becomes emotionally unstable and self-reports suicidal or homicidal ideation, all Balanced and Restorative Justice (BARJ) procedures will cease, and the clinical staff of the Department of Juvenile Justice will be contacted and normal crisis protocols will be followed. Once the juvenile is stabilized, the clinical staff will submit a clinical service note summary (C-OF) to the BARJ team, and the BARJ process will resume.
- c. The Supervisor will discuss with another available supervisor to determine whether CCS compliance criteria can be met within the juvenile's assigned area.
- d. If CCS compliance criteria cannot be agreed upon by the two Supervisors, an Assistant Unit Manager or Unit Manager will make the decision and document that decision on a CCS compliance review form (G-9.20B).
- e. If CCS compliance criteria can be met, the juvenile can remain in the assigned area under strict monitoring by staff, with support from the staff, where the juvenile will await a BARJ conference. The Supervisor will document on the Community CCS compliance form (G-9.20AC) the compliant behavior demonstrated by the juvenile, as well as document the training techniques used to encourage the juvenile to become CCS-compliant. The Supervisor will submit the event report (I-3.2A) and a CCS compliance form (G-9.20AC) to the BARJ team.
- f. If CCS compliance criteria of safety cannot be met, the juvenile will be removed from his/her assigned area and taken to the isolation area. The Supervisor will document on the Community CCS compliance form (G-9.20AC) the noncompliant behavior demonstrated by the juvenile and the training techniques used to encourage the juvenile to become CCS compliant prior to removing the juvenile to the isolation area. The Supervisor will submit a copy of the event report (I-3.2A) and the Community CCS compliance form (G-9.20AC) to the BARJ team by the end of the shift.

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- g. The Supervisor also will contact the juvenile's assigned Social Worker to assist in helping the juvenile become CCS compliant. If the juvenile's assigned Social Worker is unavailable, a designated clinical staff member will be called on to replace the assigned Social Worker. During holidays, weekends, or after business hours, the Supervisor may contact the on-call clinician for assistance (e.g., verbal suggestions/recommendations/techniques to attain CCS compliance).

2. Isolation/Segregation Area

- a. When a juvenile is moved to an isolation area, he/she will receive encouragement and support from the staff in an effort to become CCS compliant. The Supervisor will also contact a Social Worker, as outlined above, to assist in helping the juvenile become CCS compliant. The juvenile will be assessed by a CMU staff member at least every 15 minutes until all CCS compliance criteria are met. This will be documented on the CCS assessment form (G-9.20C). The assessments every 15 minutes will cease at 9pm each evening (lights out time) and will resume when the juveniles are awoken the following morning (wake-up time). Staff will follow standard operating procedures for unit observation between lights out and wake-up times.
- b. A Social Worker will meet with a juvenile who is in isolation or segregation at least once on regular work days to encourage and counsel the juvenile to help assist in achieving CCS compliance. On weekends and holidays, the on-call Social Worker will be contacted as needed.
- c. Once CCS compliance is achieved in the isolation area, the juvenile will transition to the segregation area. The staff will continue to encourage and support the juvenile in remaining CCS compliant while in the segregation area and will evaluate the juvenile's behavior hourly until lights out time or until the juvenile achieves CCS compliance. The staff will use a CCS compliance assessment form (G-9.20C) to document their observations. Staff will follow standard operating procedures for unit observation between lights out and wake-up times.
- d. If staff determines that the CCS compliance criteria of safety can not be maintained in the segregation area, then the juvenile will be returned to the isolation area. Staff will document the noncompliant behavior demonstrated by the juvenile in the segregation area on a CCS compliance assessment form (G-9.20C) and supplemental form (G-9.20D), as well as the training techniques used in attempting to gain and maintain CCS compliance.

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- e. When the juvenile is returned to the isolation area, he/she will be assessed again by staff every 15 minutes until all CCS compliance criteria are met, as described above. Once CCS compliance is achieved, the juvenile will transition back to the segregation area.
- f. CCS compliance assessment may cease in the segregation area if the juvenile is able to maintain CCS compliance for a period of two consecutive hours within this area. If the juvenile is CCS compliant after a period of two consecutive hours in the segregation area, he/she can then be staffed for transition back to the assigned area. The Supervisor from the juvenile's assigned area will be consulted to determine whether CCS compliance criteria can be met within the juvenile's assigned area. The juvenile will not be allowed to return to his/her assigned area until either the assigned area is deemed **safe** for the offending juvenile and anyone associated with the assigned area (i.e., other juveniles and staff members) or a BARJ conference is completed. The juvenile will be returned to the assigned area under strict monitoring by staff, with support from the staff.
- g. If CCS compliance criteria cannot be agreed upon by the CMU Supervisor and Unit Supervisor in returning the juvenile to their assigned area, an Assistant Unit Manager or Unit Manager will make the decision and document that decision on a CCS compliance review form (G-9.20B). The Unit Managers from CMU and the assigned unit will meet with any staff member listed on the CCS compliance review form to resolve the discrepancy between the CMU Supervisors and Unit Supervisors.
- h. If the decision is made that CCS compliance criteria of **safety** cannot be met if the juvenile were to return to his/her assigned area, then the juvenile shall remain in the segregation area until a BARJ conference is completed or unless he/she is unable to maintain CCS compliance expectations of the segregation area. As outlined above, if the juvenile is unable to maintain the CCS compliance criteria of safety in the segregation area, then the juvenile will be returned to the isolation area.
- i. If there is a continuing safety concern within the juvenile's assigned area after two business days, the Director of Institutional Management will convene a meeting with the BARJ Manager and/or BARJ Coordinator, the assigned Unit Manager, Program Manager and Psychologist to determine a joint resolution regarding the safety issue. Others may be invited to the meeting as needed.
- j. If the clinical assessment determines that the nature and cause of the juvenile's behavior hinders the BARJ process, the juvenile will be referred to their treatment team for further evaluation. The treatment team will

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evaluate competence to resume the BARJ process and submit a clinical service note summary (C-OF) to the BARJ team.

C. The BARJ Conferencing Process

1. Investigation

- a. Upon receipt of a CCS compliance form and accompanying documents, the BARJ Unit Facilitator will review all information relating to the offense, including but not limited to: interviewing the reporting officer, offender, victim, staff, and any witnesses; reviewing any related reports, including surveillance camera footage of the incident (if available); and reviewing event report (I-3.2A) and CCS compliance forms (G-9.20AC or AU, B, C, and D if necessary).
- b. Under the CCS compliance criteria, the BARJ Team Director, Coordinator, and Unit Facilitator are authorized to meet with any SCDJJ staff member involved with any offense, directly or indirectly.
- c. BARJ team members will begin pre-conference interviews (“Preparation”) with each participant involved in the offense.

2. Pre-conference interviews (Preparation)

- a. Preparation will be accomplished using questions utilizing the BARJ principles and asked of all major participants.
- b. Preparation will be done on an individual basis. Each participant will be encouraged to take an active role in the conference utilizing the BARJ principles communicated during the preparation.
- c. If any participant (except the juvenile) is not able to participate in this community conferencing process, a representative may be assigned to speak on their behalf, upon approval by the BARJ team.
- d. Once preparation is complete, the community conference will begin with all parties in attendance, to include the facilitator, victim, offender, and community

3. Conference

Conferences will be scheduled at a time agreeable to all participants.

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- a. If a staff member or juvenile requests that another staff member (not involved with the offense) attend the conference as a support member, the request must be approved by the BARJ team.
- b. The juvenile will be accompanied by their assigned Social Worker or designee to help support the juvenile in the BARJ conferencing process.
- c. In the community conference, all participants will reiterate their answers to the questions asked in the preparation phase (i.e., needs, roles, repair, and commitment).
- d. During the conference, the juvenile will be asked to think about and determine his/her own appropriate reparations and sanctions to make amends for the offense. The participants can assist the juvenile with suggestions. The juvenile will present the sanctions to the community conference for approval from the participants, especially focusing on the victim of the offense.
- e. If a staff member was also at fault at some point during the offense, that staff member will also propose their own reparations and sanctions to be presented and approved by community conference.
- f. A BARJ conference report form (G-9.20E) will be written by the BARJ team member and signed by all participants. This form will define the needs, roles, repair, and commitments of each participant, the time limits to complete the reparation and sanctions (usually one week), and the method of verification.
- g. The face-to-face meeting (Conference) of offender, victim and community members should be facilitated within three (3) days of the offenses(s) as long as all participants are prepared and there are no extenuating circumstances.

In order to facilitate the BARJ process and the open and honest exchange of information about staff's participation and involvement in any incident that gives rise to the BARJ process, no admission of misconduct by a staff member made to a BARJ team member during the BARJ process (investigation, pre-conferences or conference) can form the sole basis to be used against that staff member in any administrative disciplinary proceeding/hearing. However, BARJ staff, like all other DJJ staff, are required to follow the Agency's Event Reporting (ERMIS) reporting process, whenever information is brought to their attention during the BARJ process, or otherwise, that would require that such a report be made.

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4. Post Conference

- a. Unit Managers and Assistant Unit Managers will ensure reparations and sanctions are completed in accordance with the BARJ conference report (G-9.20E). The Unit Managers and Assistant Unit Managers will use a BARJ reparation/sanctions completion form (G-9.20F) to indicate the completed date of the reparations and sanctions. The reparations sanctions form will be submitted to the BARJ team.
- b. A post-interview will be conducted by the BARJ Unit Facilitator to ensure that all reparations and sanctions are completed in the specified time frame (usually one week, unless an extension is required). A completed BARJ conference report (G-9.20E) will be sent to the following: the offender, the offender's Social Worker, Psychologist, ISO, victim, Program Manager, Unit Manager, Classification Manager and others as deemed necessary.
- c. If the BARJ conference report (G-9.20E) cannot be completed (e.g., the reparations and sanctions have not been met) within one week, a review will be conducted by a BARJ team member and a meeting will be scheduled with the assigned Social Worker and Unit Manager to determine whether an extension will be given.
- d. If an extension is granted, a BARJ team member, the Social Worker and Unit Manager will meet early in the extension period to determine whether the BARJ conference report (G-9.20 E) will be completed within the extension period.
- e. If the juvenile fails to comply with agreed-upon commitments in meeting the reparations and sanctions, his or her points in the CLASP (Communication, Leadership, Appearance, Safety, Participation) level system will be frozen and the Social Worker will refer the juvenile to their Unit team for further discussion. Likewise, if a staff member refuses to comply with agreed-upon commitments, the staff member's Supervisor will be notified for appropriate action.

RELATED FORMS AND ATTACHMENTS:

Attachment G-9.20A, Rule Violations and Definitions

Exhibit G-9.20A, BARJ Conference Process

Form G-9.20AC, CCS Compliance - Community

Form G-9.20AU, CCS Compliance - Unit

Form G-9.20B, CCS Compliance Review

Form G-9.20C, CCS Compliance Assessment

Form G-9.20D, CCS Compliance Assessment Supplemental

Form G-9.20E, BARJ Conference Report

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Form G-9.20F, BARJ RS Completion
Form I-3.2A, DJJ Event Report
Form C-OF, Clinical Service Note

RELATED PERFORMANCE-BASED STANDARDS (PbS)

The selected set of standards and goals which DJJ uses to prepare continuous improvement plans based on data, outcome measures, expected practices, and processes.

Order Goal: To establish clear expectations of behavior and an accompanying system of accountability for youths and staff that promote mutual respect, self discipline and order.

Order Standard 1: Maximize responsible behavior by youths and staff and conformance to facility rules.

Order Standard 2: Minimize the use of restrictive and coercive means of responding to disorder.

SCOPE:

This policy applies to all staff working in the Detention Center, Evaluation Centers, and long-term juvenile residential facilities.

LOCAL PROCEDURAL GUIDE:

Not required.

TRAINING REQUIREMENT:

Employees in the Detention Center, Evaluation Centers, and long-term residential facilities are required to review this policy within 30 days of its publication.