

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

DISCIPLINE PROCESS

Title 15, Sections 1390 and 1391

Purpose:

To establish discipline and the discipline process of youth within the Juvenile Detention and Assessment Centers (JDACs) and Treatment Facilities (TFs), that shall promote acceptable behavior including the use of positive behavior interventions/supports and trauma informed approaches.

Definitions:

Due Process Hearing: A hearing the youth is entitled to if requested, as a result of any major discipline to be imposed for a major rule violation.

Discipline Notice: A form to be completed for all major or minor discipline requested to be imposed.

Due Process Notice: A form to be completed for Due Process Hearings and Appeals.

Refocusing Options: Tasks and assignments designed to provide the youth with time and space to think about their actions and process their current situation in preparation to return to the group for regular programming.

Tray Status: Meal consumption away from the general population, but not in a locked/sleeping room.

Youth/Parent Orientation Handbook: A booklet that introduces both the youth and their parent/guardian to the Juvenile Court process and JDAC/TF rules, guidelines, and expectations.

Responsibilities:

- I. Probation Corrections Officer (PCO):
 - A. PCO in Booking shall provide a copy of the Orientation Handbook to the youth and review the Discipline Process.
 - B. The unit PCO shall review the Discipline Process contained in the Orientation Handbook with the youth upon initial entry on the living unit and periodically when reviewing unit rules with the youth.
 - C. Complete the Discipline Notice form (attachment A) for any minor/major discipline proposed as the result of the rule violation.
 - D. Review the completed Discipline Notice form with the youth and give the youth a copy before the discipline is served and before the end of the shift.
 - E. Notify a Probation Corrections Supervisor I (PCSI) for all Discipline Notices as soon as possible and prior to the youth serving the discipline.
 - F. Enter all discipline imposed in the Consequence Log in CE.

- II. Probation Corrections Supervisor I (PCSI):
 - A. Unit PCSI shall review Discipline Notice and Due Process forms from their assigned area every shift.
 1. Ensure the forms are filled out correctly and the information coincides with the corresponding CE documentation.
 - B. Ensure discipline is documented in CE every shift.
 - C. Speak with the youth in attempt to resolve all hearings/appeals filed through the grievance process or Discipline Notice form.
 - D. Provide the youth with a copy of the written results if a hearing is requested.

E. Notify a Probation Corrections Supervisor II (PCSII)/Watch Commander (WC) as soon as possible when an allegation of a major rule violation has occurred.

III. Probation Corrections Supervisor II (PCSII):

A. Complete an Administrative Review of all Due Process Notices (attachment B) to ensure they are completed and resolved appropriately.

B. Document the results of the Administrative Review in CE.

IV. Division Director I/II (DDI/II):

A. Review all appeals that resulted in a grievance within ten (10) days.

Guidelines:

A. Sworn and school personnel are the only persons authorized to impose discipline.

B. Provision shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy.

C. At no time shall discipline be delegated to another youth.

D. Major discipline shall not be imposed unless the youth waives their right to a Due Process Hearing or until the Due Process Hearing is completed.

E. Discipline shall be imposed at the least restrictive level, which promotes the desired behavior and shall not include corporal punishment, group punishment, physical or psychological degradation.

F. Deprivation of any of the following is not permitted:

- 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
- Education
- Rehabilitative programming

G. Minor rule violations include, but are not limited to:

1. Threats of violence
2. Damage to county or personal property
3. Disruptive behavior
4. Potentially dangerous acts
5. Bullying
6. Gang activity involving displaying of one's gang affiliation
7. Not following directions
8. Gambling
9. Not attending class/school
10. Possession of contraband
11. Violations that result in removal from camp, commitment program, or treatment facility without utilizing the court.

H. Whenever possible, minor rule violations may be handled informally by counseling, using refocusing options, advising the youth of expected conduct or imposing a minor consequence, including, but not limited to:

1. Written assignments
2. Loss of privilege(s)
3. Loss of unit job assignments/honor jobs

4. Tray status for inappropriate behavior during meals
 5. Delay of canteen
- I. Youth who receive minor discipline are entitled to the following rights before consequences are served:
1. A written notice of the violation on a Discipline Notice form.
 2. The right to appeal through a grievance process.
 3. The appeal shall be conducted and reviewed by a Supervisor.
- J. Major rule violations include, but are not limited to:
1. Assault and battery
 2. Serious fights with injuries
 3. Threats of violence
 4. Assault and battery on institutional or teaching staff members
 5. Use of narcotics, drugs, intoxicants
 6. Damage to county or personal property
 7. Possession of and/or bringing drugs into the facility
 8. Possession of and/or bringing weapons into the facility
 9. Possession of dangerous contraband
 10. Theft
 11. Sexual misconduct
 12. Potentially dangerous acts
 13. Gang orientated activity involving threats, intimidation or violence
 14. Possession of incendiary devices
 15. Distributing prescribed medication
 16. Escape or attempt
 17. Witness tampering
 18. Violations that result in removal from camp, commitment program or treatment facility and a return to court.
- K. Major rule violations have an impact on the safety, security, efficiency, and operations of the facility, its staff, youth and visitors. Youth are subject to receive a Discipline Notice/Due Process Hearing and possible charges filed.
- L. Youth who have major rule violations are entitled to the following rights before consequences are served:
1. Written notice of the violation on a Discipline Notice form prior to a hearing.
 2. Accommodations to youth with disabilities, limited English proficiency or limited literacy.
 3. A hearing by a person who is not a party to the incident.
 4. The opportunity for the youth to be heard, present evidence and testimony.
 5. Provision for youth to be assisted by staff in the hearing process.
 6. Provision for an administrative review.
- M. The PCSI and PSCII should complete the disciplinary process within four (4) hours. This includes the completion of the "Discipline Notice" (Attachment A) and the "Due Process Notice" (Attachment B) and any hearings and appeals associated with due process.

Inspections:

Refer to the Policy and Procedures Inspection Matrix.

Foundation:

Minimum Standards for Juvenile Facilities, Title 15, Sections 1390 and 1391

References:

Procedures:

Grievances and Appeals

Youth/Parent Orientation Handbook

Issued by:


Michelle Scray Brown, Chief Probation Officer

2/12/19
Date

Original Date Issued: December 07, 2009
Revised: March 15, 2010
Revised: February 26, 2016
Revised: January 23, 2018
Revised: August 1, 2018
Revised: February 12, 2019

Attachments:

A – Discipline Notice
B – Due Process Notice

DISCIPLINE NOTICE

(This process must be initiated whenever a youth receives a consequence as a result of a Minor or Major Rule Violation)

Name:

PIN:

Date:

Location:

Explain Behaviors:

List Consequence(s):

Section 1: MINOR CONSEQUENCES

1. I understand that I can file a grievance if I do not agree with the consequences. **Youth's initials:** _____

Signature of Youth

Date/Time

Staff Signature (Issuing Discipline)

Date/Time

Youth has received a copy of the Discipline Notice

Reviewed by PCSI

Date/Time

Section 2: MAJOR CONSEQUENCES

1. I have received written notice of the violation prior to hearing. **Youth's initials:** _____
2. I understand the hearing/appeal will be conducted by a supervisor who is not a party to the incident.
3. I understand that I have an opportunity to be heard, as well as present evidence and testimony.
4. I understand that I may request to be assisted by staff in the hearing process.
5. I understand that this hearing is administratively reviewed.
6. Accommodations will be provided to youth with disabilities, limited literacy, and English language learners.

Check one:

I request a Due Process Hearing.

I waive my right to a Due Process Hearing.

The hearing/appeal has been scheduled for ___/___/___ at _____.
(Date/Time)

Signature of Youth

Date/Time

Staff Signature (Issuing Discipline)

Date/Time

Youth has received a copy of the Discipline Notice and Due Process Notice

Reviewed by PCSI

Date/Time

DUE PROCESS NOTICE

Youth's Comments:

Signature of Youth

Date/Time

Results of Due Process Hearing/Appeal: (A copy of the results below must go to the youth)

Hearing/Appeal Supervisor

Date/Time

Youth requests an appeal

Administrative Review of due process hearing:

Supervisor Signature

Date/Time

Youth has received a copy of the Due Process Notice for major rule violation/due process hearing.

Reviewed by Supervisor

Date/Time