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Department of Correction
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Mitchell E. Daniels, Jr.
Governor

Edwin G. Buss
Commissioner

October 6, 2008

EXECUTIVE DIRECTIVE: # 08 – 58

This Executive Directive presents a revision of Policy 03-02-101, "Code of Conduct for Juveniles," and its administrative procedures. The attached policy and administrative procedures replace the policy and administrative procedures currently in the *Manual of Policies and Procedures* which had effective dates of June 16, 2004 and June 1, 2004, respectively. The attached policy and administrative procedures are applicable only to those facilities housing juvenile offenders and are effective November 1, 2008.

There have been some formatting and minor content revisions in the attached policy and administrative procedures. The most significant changes are in the list of major offenses. Several new offenses have been added to better address the needs of the facilities and to comply with the performance based standards. Additionally, some of the new offenses will assist staff in preparing the required reports for the Prison Rape Elimination Act (PREA).

Please ensure that the staff and juvenile offenders are made aware of this Executive Directive and the attached policy and administrative procedures. Each juvenile offender is to be provided with a copy of the rights, violations and sanctions. Each facility shall ensure that its orientation training is updated to include the attached policy and administrative procedures.

Please ensure that the previous policy and administrative procedures are removed from all copies of the *Manual of Policies and Procedures* and replaced with the attached.

The attached policy and administrative procedures require that each facility housing juvenile offenders prepare operational procedures. Please complete the necessary operational procedures and submit them in accordance with the administrative procedures for Policy 00-04-101, "The Development, Approval and Implementation of Policy."

If you have any questions regarding this Executive Directive or the attached policy and administrative procedures, please contact the Executive Director of Juvenile Services at (317) 232-5774.

Signature on File
Edwin G. Buss
Commissioner

Title
CODE OF CONDUCT FOR STUDENTS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(A)(8) IC 11-11-5-1 *et seq.*	01-04-102 03-02-102 03-02-103	ACA: JTS: 3C-02 through 3C-24, 3D-06, 3D-07, 3E-05, 4A-08, 4A-14, 5I-04, 5I-05

I. PURPOSE:

The purpose of this policy and its administrative procedures is to establish guidelines for the conduct of students committed to the Department of Correction and to provide the basis for the maintenance of order and discipline among these students

II. POLICY STATEMENT:

The Department shall develop procedures that encourage all committed students to respect the rights of staff, the public and other committed students . These procedures shall encourage self-discipline, self-control and shall assist the student's community reintegration. Additionally, these procedures shall serve as a means for staff to manage committed students in a fair and equitable manner and to ensure the general welfare and safety of the staff and students.

The code of conduct procedures for students shall be written in a clear, concise and understandable manner. These procedures shall adhere to all applicable state and federal laws and shall ensure that they are administered in a fair and impartial manner.

These procedures shall be made available to all committed students and to all staff at juvenile facilities. The Department shall ensure that copies of these procedures are posted in prominent locations so that all persons may have access to them.

It is the responsibility of all staff who suspect or who witness a violation of the code of conduct to initiate the appropriate disciplinary action against the student involved in the violation. A student's noncompliance or refusal to accept and adjust to these procedures may result in a disciplinary action. In such cases, the student shall be entitled to a fair and impartial disciplinary hearing before any sanctions are imposed. Disciplinary actions shall take place at such times and in such measure and degree as necessary to regulate a student's behavior within

acceptable limits. Disciplinary action shall be fair and impartial and shall not be vindictive or retaliatory. Corporal punishment shall be prohibited in all disciplinary actions.

The Department shall ensure that standards are established that provide that a student charged with a violation of the code of conduct receives all due process rights that are conferred by federal and state law and that the student is clearly informed of these rights. Staff shall be trained in the code of conduct to ensure consistency in the application of these procedures.

III. DEFINITIONS:

For the purpose of this policy and its administrative procedures, the following definitions are presented:

A. APPEAL: A written request by the student involved to have a disposition and/or sanction imposed under the Code of Conduct for Students reviewed by a higher authority.

B. CONDUCT REPORT: A summary of an alleged violation committed by a student and documented by staff.

C. HEARING: The receiving and reviewing of evidence and sitting in judgment of a disciplinary case by staff not involved in the observing or reporting of the alleged rule violation.

D. ISOLATION: Any instance when a student is confined alone for 15 minutes or longer not to exceed sixty (60) minutes in a room other than the room or cell in which he or she usually sleeps. Isolation can occur in locked or unlocked rooms but cannot occur in large dormitories. This action is a Performance-based Standard (PbS) recordable incident if the isolation occurred as a result of a disciplinary action/sanction.

E. LAY ADVOCATE: A staff person chosen to assist the accused student in the understanding and presentation of the student's case.

F. ROOM CONFINEMENT: Instances in which a resident is confined for cause or punishment in the room or cell for 15 minutes and/or longer not to exceed sixty (60) minutes , in which he or she usually sleeps, rather than being confined in an isolation cell or room. The student may be transferred to a designated unit for confinement (e.g., a segregation or program separation unit). Room confinement may occur in locked or unlocked rooms but cannot occur in large dormitories. This action is PbS

recordable incident if the room confinement occurred as a result of a disciplinary action/sanction.

F. SANCTION: A penalty imposed on a student in accordance with these administrative procedures.

G. SCREENING OFFICER: A staff person designated by the Facility Head to review conduct reports and conduct Screening Officer hearings. The appointment may be either full or part-time.

H. SEGREGATION: The physical separation of a student from the general student population of a correctional facility in a place designated by the Facility Head. The separation of a student from the general student population in a Segregation Dorm in order not to affect, disrupt or interfere with the programming needs of other students.

I SEGREGATION DORM: A designated unit (Special Management Unit, Special Program Dorm, Lock Down Unit, Isolation Dorm, etc.) in which students are placed in order not to affect, disrupt or interfere with the programming needs of other students."

J. STAFF: Any person(s) employed by the Department either full-time or part-time or under contract/agreement with the Department.

K. VIOLATION: A student infraction of an offense as determined by the facility of residence.

L. WORKING DAY: Monday through Friday, excluding weekends, holidays and emergency days declared in writing by the Facility Head.

IV. PURPOSE AND GENERAL PRINCIPLES:

A. It is the objective of the Indiana Department of Correction to develop reasonable rules and regulations to encourage students under the jurisdiction of the Department to respect the rights of others and to encourage self-control and self-discipline.

This code establishes conduct guidelines for the student , procedural requirements for students/staff, sanctions that may be imposed for rule violation(s), and the appeal procedure.

B. These principles are applicable to each disciplinary action taken:

1. Disciplinary action shall be taken at such times and in such measures as is necessary to regulate a student's behavior within acceptable limits.

2. Student behavior shall be managed in an impartial manner.

3. Disciplinary action shall not be retaliatory or degrading in nature.

4. Corporal punishment of any kind is prohibited.

5. Before any discipline is imposed, the student must have the reason(s) for the discipline explained to him/her and must be given an opportunity to explain the behavior leading to the discipline.

6. All instances of discipline including room restriction, privilege suspension and facility restriction are to be logged, dated and signed by the staff member implementing the discipline procedure. The Facility Head or designee shall ensure that a mechanism is developed and implemented to monitor use and frequency of discipline.

7. Before a student is placed in segregation for more than 24 hours, there shall be an administrative hearing by an individual staff person or panel of staff members who is (are) not directly involved in the incident leading to restriction.

8. Any full-time, part-time, or contractual staff member may cause a conduct report to be written.

C. These administrative procedures apply to each student committed or ordered to and/or in the custody of the Department and housed in a juvenile facility.

E. Instruction in the Code of Conduct for Students shall be included in staff and volunteer orientation/on-the-job training programs and student orientation programs.

Students shall be informed, and provided a copy of the rights, violations, and sanctions. Additionally, a copy shall be posted in each housing unit.

Signed acknowledgements of the receipt of these procedures shall be filed in the student's packet or staff person's training file, as appropriate.

If a student cannot read or comprehend these procedures, a staff member shall read and explain the disciplinary process to the student. The staff member who has read and explained these procedures shall ensure that the student is provided a copy of the rights, violations, and sanctions, and shall sign and date an acknowledgement that the procedures were read and explained to the student . This signed acknowledgement shall be placed in the students packet.

V. ESTABLISHMENT OF PROHIBITED ACTS AND DISCIPLINARY SANCTIONS:

A. The Department has adopted written standards of student conduct which specify acts prohibited at all facilities and penalties which may be imposed for various degrees of violation (herein known as violations and sanctions). These standards shall be reviewed at least annually by the Facility Head, or designee, and updated as necessary, in accordance with these administrative procedures.

The following guidelines shall be applied:

1. Rules shall prohibit only observable behavior that can be shown clearly to have a direct, adverse effect on a student or on good order in the facility.

2. Rules shall indicate the range of sanctions that may be imposed for violations.

3. Sanctions shall be proportionate to the importance of the rule and the severity of the violation.

B. Disciplinary sanctions may include:

1. A written report of a violation that may be made part of the student record;

2. Loss or limitation of privileges;

3. Change in assignment or status;

4. Segregation in a Segregation Dorm, the sanction will be no more than (3) days for a major conduct violation, but the student may be released when staff determines that the student is no longer a threat to self, others or facility security. If the student is charged with a rule violation while in segregation, appropriate sanctions may be

applied according to these administrative procedures (not to exceed a total of five (5) days of disciplinary segregation)

5. Extra work, not to exceed four (4) hours for a single rule violation and a maximum of four (4) hours extra work in a twenty-four (24) hour period; and,

6. Restitution.

C. Disciplinary sanctions may not include:

1. Corporal punishment.

2. Confinement without an opportunity for at least two (2) hours of planned recreation per day outside the immediate living quarters (excluding meals and personal hygiene). At least one (1) hour is to be of vigorous physical exercise a day, including outdoor recreation when weather permits, absent abuse of this privilege while in segregation. If such abuse occurs, the reason for denying access shall be documented in writing and in detail. This opportunity may also be withdrawn if a Medical or Mental Health staff member determines that to so allow could potentially be injurious to the student's safety, to the safety of other students, or to the safety of staff. In an emergency, the staff on duty may make this determination. The staff person making this determination shall consult with and obtain approval from a Medical or Mental Health staff member on duty or on-call as quickly as possible under the circumstances and shall be documented in writing and in detail.

3. A substantial change in heat, light or ventilation.

4. Restrictions on authorized or issued clothing, bedding, mail, visitation, reading and writing materials, or the use of hygienic facilities, except for abuse of these.

5. Restrictions on medical and dental care, access to courts, legal counsel, government officials, or grievance proceedings, and access to personal legal papers and legal research materials.

6. A deviation from the diet provided to other students in that facility or program or from a special diet prescribed by a medical professional.

7. Humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping.

VI. MINOR VIOLATIONS:

A. The Department has identified misbehavior that may be handled informally. (APPENDIX 1) Guidelines shall be provided indicating acceptable methods of dealing with these situations, including identifying the limits of the individual staff member's authority and procedures for reporting/documenting these actions on State Form 7982, MINOR VIOLATION REPORT. (ATTACHMENT A)

B. When individual sleeping rooms or designated isolation areas are used for room confinement or isolation as "cooling off" periods, the following guidelines must be observed:

1. The period of room confinement or isolation shall not exceed sixty (60) minutes, and the duration of the restriction shall be specified at the time of assignment and documented on State Form 21168, REPORT OF ROOM RESTRICTION/TIME OUT. (ATTACHMENT B) A PbS Incident Report must also be completed. If isolation or room confinement is required beyond the (60) minute time frame, the student should be placed on pre-hearing segregation in accordance with section VIII, "Pre-Hearing Segregation."

2. Prior to the room confinement, the reasons for the room confinement shall be explained to the student by the staff member making the assignment and the student shall be afforded the opportunity to explain his/her behavior that led to the restriction.

3. During room confinement or isolation , staff visual contact with the student shall be made and documented at a minimum of every fifteen (15) minutes. The student's emotional state will aid in determining whether the restriction shall continue to the previously assigned time.

4. Staff must always advise the student that a minor sanction has been filed against him/her. If the student refuses to sign, the report will be witnessed by another staff person.

5. The student shall be released from room confinement or isolation as soon as it is determined that the "cooling off period" is no longer needed, not to exceed one (1) hour (60 minutes).

VII. MAJOR VIOLATIONS:

A. A staff member, having reasonable belief that a student has committed a major violation (APPENDIX 2) of facility rules, shall prepare a State Form

34078, JUVENILE CONDUCT REPORT. (ATTACHMENT C) This information shall be as specific and comprehensive as possible.

Operational procedures shall specify when and to whom the conduct report shall be delivered; however, conduct reports must be written within 24 hours of the occurrence unless the Facility Head or designee determines that an investigation of the alleged violation is needed. (See APPENDIX 3 for time frames.)

B. If the Facility Head or designee determines that an investigation of the alleged violation is needed, the investigation shall be initiated within twenty-four (24) hours of the report of the violation. The investigation shall be completed within two (2) working days after the reported violation, unless otherwise directed by the Facility Head or designee. The Facility Head or designee shall appoint one (1) or more Investigating Officers. State From 39591, REPORT OF INVESTIGATION OF INCIDENT, shall be used for reporting the results of the investigation and must be completed within 24 hours of the conclusion of the investigation (ATTACHMENT D and APPENDIX 4). When a student is segregated, the case shall be given priority for the purpose of investigation and the status of the investigation shall be reviewed by the Facility Head/designee every twenty-four (24) hours, pending the completion of the investigation.

C. If the student is available to the facility, a copy of the charges made shall be delivered, by a designated impartial staff person, to the student within twenty-four (24) hours of the conduct report being completed. At that time, the student will sign and date the report form and be given the opportunity to enter a plea. If the plea is guilty, the student may waive the right to the hearing process and receive an appropriate sanction at that same time.

VIII. PRE-HEARING SEGREGATION:

A student charged with misconduct may be confined or separated from the general population if the student's continued presence in the population poses a threat to self, others, property, or the security of the facility or program. The student shall be released from pre-hearing segregation as soon as he/she regains control or is no longer a threat to self, others, or facility security.

A student may be segregated prior to a determination of guilt upon the approval of the Facility Head or designee. A copy of State Form 39588, SEGREGATION/CONFINEMENT REPORT, (ATTACHMENT E) and State Form 34078, JUVENILE CONDUCT REPORT, shall be delivered to the student upon admission to pre-hearing segregation. The reason for the segregation shall be discussed with the student by a designated staff member.

Students placed in pre-hearing segregation shall have a status hearing within 24 hours to determine the need for continuing pre-hearing segregation. The student shall have the opportunity to participate in this hearing. The status of the student shall be reviewed by the Facility Head/designee every 24 hours to determine if the need for such segregation still exists.

Pre-hearing segregation time shall be credited toward any disciplinary segregation time imposed.

A Student released from pre-hearing segregation without being charged, charged and subsequently found not guilty, or whose charges are voided by the Facility Head shall have any record of the charges expunged and all accompanying paperwork destroyed. Each Facility Head shall assign this responsibility as a specific staff function.

IX. SCREENING PROCESS:

A. The Facility Head shall designate staff member(s) to serve as Screening Officer(s). The Screening Officer shall screen all Conduct Reports within 24 hours of receipt of the reported incident for accuracy and appropriateness. The Screening Officer may return the Conduct Report to the writer for amendment(s)/change(s) and/or may suggest a different charge or recommend that the Conduct Report be reduced to an appropriate State Form 7982, MINOR VIOLATION REPORT. The amendment(s)/change(s) must be resubmitted to the Screening Officer within the original 24 hours time limit. If the staff member is off-duty when the Screening Officer returns the report, the originating staff member is required to amend and resubmit the report prior to leaving his/her shift on their first day back to the facility, or the report will be dismissed.

B. Once the initial screening has been completed, the Screening Officer shall present the student with a copy of the report/charge and advise the student of his/her due process rights in any disciplinary action pending against him/her. The student shall have the right to:

1. Have reasonable time to prepare for the hearing;
2. Have an impartial decision-maker;
3. Appear and speak in his/her own behalf;
4. Remain silent;
5. A speedy hearing;
6. Call witnesses in his/her behalf;
7. Request a staff member as lay advocate;
8. Confront accusers and/or witnesses against him/her; and,

9. Written charges and findings against him/her.

The Screening Officer shall utilize State Form 34078, JUVENILE CONDUCT REPORT, for this purpose.

The Screening Officer shall ask the student if he/she would like to enter a plea of guilty and waive his/her right to the hearing process. If the student pleads guilty, the Screening Officer will complete the State Form 34079, JUVENILE DISCIPLINARY HEARING REPORT, (ATTACHMENT F) and issue the appropriate disciplinary sanction as identified in this procedure. Should the juvenile choose to enter a plea of not guilty, the Screening Officer shall determine if the student requests any witnesses. If witnesses are requested, the Screening Officer shall notify the witness by use of State Form 35447, NOTICE TO WITNESS/LAY ADVOCATE. (ATTACHMENT G)

If the student requests a lay advocate, any requested staff member may serve in this function; however, a hearing will not be postponed due to the absence of one specific lay advocate. It is the Screening Officer's responsibility to notify the appropriate staff of the need for his/her services as lay advocate. The Screening Officer will deliver these notices to the applicable student(s)/staff.

C. The Screening Officer, or designee, upon finding that the conduct report is appropriate and the student has entered a plea of not guilty, shall refer the conduct report to the Hearing Committee for resolution. The Screening Officer shall schedule a hearing before impartial staff (staff members not directly involved in observing or reporting the violation) within seven (7) working days for non-segregated students and within 72 hours for segregated students from the time the State Form 34078, JUVENILE CONDUCT REPORT, is screened, unless otherwise extended by the Facility Head. The student shall be given minimally twenty-four (24) hours written notice by the Screening Officer of the hearing prior to it being held. The screening officer shall ask the student if he/she wishes to waive the 24 hours notice of the hearing. If the answer is yes, the waiver is marked, initialed by the student and the JUVENILE CONDUCT REPORT is forwarded to the hearing committee to be completed at the next available time. If the student does not wish to waive their 24 hours notice, the screening officer shall schedule a hearing date and time and forward the JUVENILE CONDUCT REPORT to the hearing committee chairperson.

X. HEARING:

A. A hearing before impartial staff (a minimum of 3) members not directly involved in observing or reporting the violation and appointed as the committee by the Facility Head or designee shall be held within seven (7) working days for non-segregated students and within 72 hours for segregated students from the date and time of the State Form 34078, JUVENILE CONDUCT REPORT, is screened, unless otherwise extended by the Facility Head or designee. The hearing committee shall consider only a written, signed, and dated State Form 34078. A student charged with rule violation(s) shall be present at his/her hearing unless he/she waives that right in writing or through their behavior. The student may be excluded during the testimony of any person whose testimony must be given in confidence. The reason(s) for the student's absence or exclusion must be documented.

B. The student shall be advised of his/her due process rights in any disciplinary action pending against him/her. Students have the due process right to:

1. Remain silent;

2. A speedy hearing consistent with these procedures;

3. Call witnesses in his/her behalf, unless to call a witness would jeopardize the safety, order or security of the facility, or present a significant administrative burden;

4. Request a staff member to serve as lay advocate;

5. Confront accusers and/or witnesses against him/her, unless to call a witness would jeopardize the safety, order or security of the facility, or present a significant administrative burden; and,

6. Written charges and findings against him/her.

The disciplinary body's decision shall be based solely on information obtained in the hearing process, including staff reports, the statements of the student charged, and evidence derived from witnesses, and documents.

C. At the conclusion of the hearing, the hearing body shall document the proceedings on State Form 34079, JUVENILE DISCIPLINARY HEARING REPORT. A report of the findings and disposition of the case shall be given to the student and forwarded to the Facility Head or designee for review to ensure that the hearing was conducted in accordance with stated procedures and that the action conforms with facility regulation. After the Facility Head

or designee reviews the report, the report and supporting documentation shall be filed in the student facility packet.

If the student is found not guilty of an alleged rule violation, State Form 34078, JUVENILE CONDUCT REPORT, is to be removed from all of the students' packet(s)/file(s).

XI. JUVENILE APPEALS OF HEARING OUTCOME:

A student may appeal the findings of the hearing to the Facility Head or designee within fifteen (15) calendar days of the hearing and shall be advised as to the outcome of his/her appeal in writing within five (5) working days of receipt of the appeal. The State Form 47334, JUVENILE DISCIPLINARY HEARING APPEAL, shall be utilized for this purpose.(ATTACHMENT H) The Facility Head is the final authority on disciplinary appeals.

XII. SUSPENSION OF RIGHTS/PROCEDURES:

Any rights and/or procedures enumerated in these procedures may be suspended upon declaration by the Facility Head or designee that an emergency situation exists, as provided in Policy 02-03-102, "Emergency Response Operations." Upon resolution of the emergency situation, all suspended rights and/or procedures shall be reinstated.

XIII. CRIMINAL INVESTIGATION:

When it appears likely that a rule violation may be the subject of an outside criminal investigation or prosecution, procedural action may be suspended at the discretion of the Facility Head if it appears that such actions may have an adverse effect on the criminal investigation or prosecution. The Facility Head shall notify the student of such suspension expeditiously.

XIV. APPLICABILITY:

This policy and its administrative procedures are applicable to all students committed to the Department of Correction and to all staff and facilities housing students.

Signature on File
Edwin G. Buss
Commissioner

10/6/08
Date

GENERAL INSTRUCTIONS FOR ATTACHMENTS

It is essential that all pertinent information be recorded on all State Forms as they relate to the "Code of Conduct for Students ":

A. Identity of the student, i.e. name and DOC number;

B. Specific standard violated;

C. Clear, concise statement of the violation;

D. Unusual student behavior;

E. Staff or student witnesses;

F. Disposition of physical evidence;

G. Immediate action taken, including any use of force;

H. Reporting staff signature; and,

I. Date and time of report.

APPENDIX 1

MINOR VIOLATIONS

Making insulting, disrespectful, or derogatory remarks, gestures, or acts to or about any person.

Misrepresentation or lying to staff.

Careless misuse of any machinery, tools, equipment or property.

Horseplay: Wrestling, rough contact, or roughhousing between youths that rises to the level of an incident but is not considered assault by staff. *For purposes of PbS data collection horseplay is reported and counted as an incident only when it results in injury, isolation/room confinement, or restraint.*

Out-of-place within the facility or a work study program.

Failure to follow facility guidelines and rules.

Arguing: involved in a heated discussion, staff is able to neutralize.

Loaning, borrowing, or trading any property without staff permission.

MINOR VIOLATION SANCTIONS

Verbal warning, discussion with staff/counselor.

Room confinement or Isolation (cooling off period) 15-60 minutes. Student must be visually checked every fifteen (15) minutes. For purposes of PbS all Isolations and Room Confinements must be counted as an incident if it is the result of a disciplinary sanction.

Extra work, not to exceed four (4) hours for a single rule violation and a maximum of four (4) hours extra work in a twenty-four hour period; and/or,

Loss of specified privileges - maximum of 24 hours.

Requiring a written page report and/or verbal report related to the behavior/violation followed by discussion with the staff member imposing the sanction.

Requiring a written and verbal apology to the person offended, followed by discussion with the person offended.

Contract for specific behavior change.

Student discussion with staff and peers.

Restitution.

Loss of one (1) off-grounds recreational activity.

APPENDIX 2

MAJOR VIOLATIONS

Class A:

Assault:
Any instance in which a student or a staff member is involved in a physical conflict with another individual(s), even if no one is injured. Including any staff person, contractors and volunteers. This includes unprovoked and provoked attacks and sexual assaults. Distinctions should be made between assaults and fights where fights are defined as mutually instigated attacks.

Criminal Act:
Violation(s) of any state or federal law.

Fighting
A mutually instigated assault between two or more students

Escape/Walk-Away/ AWOL:
Planning, attempting or succeeding to flee from custody or supervision of a facility, training school, detention center, from someone assigned to supervise the student, and the unlawful departure of a student from a facility or from custody while being transported, or failure to return to the facility while on leave.

Rioting:
Encouraging, directing, commanding, coercing or signaling one or more other persons to participate in a disturbance to facility order caused by a group of two (2) or more students which creates a risk of injury to persons or property, participating in such a disturbance or remaining in a group where some members of the group are participating in such a disturbance.

Trafficking:
Engaging in trafficking (as defined in IC 35-44-3-9) with anyone who is not an student residing in the same facility.

Sexual Act with a Visitor:
Contact of a sexual nature by a student with a visitor including: contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina or anus; or, penetration of the anal or genital opening of a visitor by a hand, finger or other object. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

Sexual Act with Another Student:
Contact of a sexual nature by a student with another student including: contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina or anus; or, penetration of the anal or genital opening of another offender by a hand, finger or other object. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

Sexual Act with Staff:
Contact of a sexual nature by a student with a staff person including: contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina or anus; or, penetration of the anal or genital opening of a staff person by a hand, finger or other object. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

Threatening/Intimidating:
Committing an act (verbal or non verbal) which threatens or causes physical injury to another person.

Destruction of Property:
Willful or malicious destruction or damaging or altering state property or property of others.

Theft:
Possessing or taking of property belonging to others without owner's knowledge.

Fleeing/Resisting:
Fleeing or physically resisting a staff member in the performance of his/her duty.

Abusive Sexual Contact with Staff:
Contact of a sexual nature with a staff person which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

Abusive Sexual Contact with Visitor:
Contact of a sexual nature with a visitor which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

Abusive Sexual Contact with Another Student:
Contact of a sexual nature with another student which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.) (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

Sexual Conduct:
Engaging in any of the following:

1. Sexual intercourse, as defined in these administrative procedures, with the consent of the other person.
2. Sexual contact, as defined in these administrative procedures with the consent of the other person.
3. Requesting, hiring or telling another person to have sexual intercourse or sexual contact.
4. Exposing his/her own intimate parts to another person for the purpose of sexual arousal or gratification.

5. Having contact with or performing acts with an animal that would be sexual intercourse or sexual contact if with another person.
6. Clutching, fondling or touching the student's own intimate parts for the sexual arousal of the student or others, whether clothed or unclothed, while observable by others.

Class B:

False Reporting:
Giving false/inaccurate information, which could be damaging to others or create a major disruption to the routine operations of the facility.

Failure to comply:
A student's refusal to obey facility rules or staff directions that results in an unsafe environment, and rises to the level of an incident.
** An incident is defined as: an event or crisis that may compromise the safety and security of staff and students and requires staff response and written documentation.

Contraband/Prohibited Property:
Any item(s) introduced or found in the facility, including improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.

MAJOR VIOLATION SANCTIONS

Class A:

Loss or limitation of privileges – not to exceed four (4) weeks maximum;

Segregation – three (3) days sanction for major conduct violation; not to exceed five (5) days total for multiple offenses.

Change in assignment or status;

Extra work, not to exceed four (4) hours for a single rule violation and a maximum of four (4) hours extra work in a twenty-four hour period; and/or,

Restitution.

Class B:

Loss or limitation of privileges – five (5) days maximum;

Segregation – None;

Change in assignment or status;

Extra work, not to exceed four (4) hours for a single rule violation and a maximum of four (4) hours extra work in a twenty-four hour period; and/or,

Restitution.

APPENDIX 3

TIME LIMITS IN THE JUVENILE DISCIPLINARY PROCESS

ACTION	TIME LIMIT
Minor Violation Report	Written prior to the end of the employee's shift.
Conduct Report	Written within 24 hours of the date of the incident or knowledge of the incident. If the student is assigned to Pre-Hearing Segregation, the reporting staff member(s) must submit Juvenile Conduct Report(s) prior to leaving the facility at the conclusion of duty hours.
Segregated Students	Copy of the Segregation/Confinement Report given to the student upon admission to pre-hearing segregation. Students placed in pre-hearing segregation shall have a status hearing within twenty-four (24) hours to determine the continuing need for pre-hearing segregation. The student shall have the opportunity to participate in this hearing. The segregation status hearing shall be conducted by a staff person designated by the Facility Head. The staff person will meet with the student, document any statement from the student, review segregation logs, review documentation that resulted in the student's segregation as well as other pertinent information, and render a recommendation to the Faciilty Head/designee regarding the need for continued segregation. The Facility Head/designee shall approve the continued segregation or order the student released to the general population. The status of the student shall be reviewed by the Facility Head/designee every twenty-four (24) hours to determine if the need for such segregation still exists. Disciplinary hearing must be held within seventy-two (72) hours from the date the JCR is screened.
Screen Student	Within 24 hours of the Conduct Report being written.
Investigation	To start within 24 hours of the report of the violation and completed within two (2) working days after the reported violation unless otherwise directed by the Facility Head. Investigation report must be completed within 24 hours of the conclusion of the investigation.

Hearing (Non-segregated)	Must be held within 7 working days from the date the Conduct Report is screened.
Disciplinary Hearing Appeals	Student must file within 15 calendar days of the hearing. Appeal shall be reviewed, a decision made, and returned to the student within 5 working days. Facility Head is final authority on disciplinary appeals.

APPENDIX 4

FACILITY INVESTIGATION PROCEDURES

1. Each Facility Head or designee shall appoint one (1) or more Investigating Officers.

2. Investigating Officer Action:

   a. Receive orders or requests to commence an investigation. This investigation shall commence within one (1) working day of the receipt of the request or order and be completed within two (2) working days unless otherwise directed by the Facility Head/designee.

   b. Confer with the reporting employee as needed.

   c. Obtain the accused student's statement concerning the incident.

   d. Interview all known witnesses and others who can contribute information to the investigation.

   e. Record all investigative actions, accused and witness(es) statements, and other relevant information.

   f. Record the disposition of any physical evidence.

   g. If the case is forwarded to a Disciplinary Hearing Committee, a summary of the facts shall be given to the student at least twenty-four (24) hours in advance of the hearing for use in the presentation of the case. Precautions shall be taken however to prevent the disclosure of information that will jeopardize facility or individual safety or security or violate statutes relevant to confidentiality of records.

   h. The investigation report shall be submitted on State Form 39591, "Report of Investigation of Incident".

   i. When it appears likely that a rule violation may be the subject of an outside criminal investigation or prosecution, procedural action may be suspended at the discretion of the Facility Head if it appears that such actions may have an adverse effect on the criminal investigation or prosecution. The Facility Head shall notify the student of such suspension expeditiously.

3. When a student is placed in pre-hearing segregation pending an investigation, a Juvenile Conduct Report shall be filed, or the student released from pre-hearing segregation, within two (2) working days of the date the student was admitted to segregation. Any exception must be approved and documented by the Facility Head.

A student placed in pre-hearing segregation shall be reviewed by the Facility Head/designee every 24 hours to determine if the need for pre-hearing segregation still exists.

4. The Investigating Officer may not participate as a member of the Disciplinary Hearing Committee.