

DISCIPLINARY DUE PROCESS

- AUTHORITY:** Administrative Directive
Welfare and Institution Code, Sections 202, 209, 851
California Code of Regulations, Title 15 Sections 1390, 1391
- RESCINDS:** Procedure Manual Item 3-1-043, dated 12/11/20
- FORMS:**
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| Discipline Hearing Officer Report | (F057-6055) |
| Notice of Disciplinary Hearing Before the Disciplinary
Hearing Officer (DHO) | |
| Rights at Discipline Hearing | (F057-6054) |
| Discipline Hearing Appeal Form | (F057-6056) |
| Behavior Notice | (F057-6259) |
- PURPOSE:** To establish a procedure for disciplinary due process

I. GENERAL INFORMATION

- A. Youth discipline will be imposed at the least restrictive level that promotes acceptable behavior, including positive behavior interventions and supports. The administration of discipline also shall include trauma-informed approaches.
- B. Discipline shall be imposed at the least restrictive level which promotes the desired behavior and shall not include corporal punishment, group punishment, or physical or psychological degradation. Deprivation of the following is not permitted:
1. Bed and bedding;
 2. Daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;
 3. Full nutrition;
 4. Contact with parent or attorney;
 5. Exercise;
 6. Medical services and counseling;
 7. Religious services;
 8. Clean and sanitary living conditions;
 9. The right to send and receive mail;
 10. Education;
 11. Rehabilitative programming;

- C. All disciplinary actions will be documented in ICMS and filed in the youth's facility file.
- D. Discipline will never be delegated to any youth.

II. PROCEDURE

- A. Minor, Intermediate, and Major Rule violations listed in the Behavior Management Procedure 3-10-002. If a youth disagrees with the sanction or consequence, the youth may file a grievance (See Youth Grievance Procedure 3-10-006).
- B. Due Process
 - 1. Any sanction that requires a youth to be separated from group activities for more than 15 minutes will follow due process requirements.
 - 2. When a sanction is imposed for misbehavior, disciplinary due process must be followed. The disciplinary due process differs from the grievance procedure in that it is: 1) initiated by staff and administration; 2) based upon the potential or actual implementation of disciplinary action.
 - 3. The disciplinary due process shall not impede staff in performing their duties in crises. Staff is responsible for immediately intervening with youth in a **crisis** that involves a threat to persons, property, or the security and order of the facility. After the crisis, disciplinary due process shall take place.
 - 4. Disciplinary Prerequisites
 - a. The youth must have specific prior knowledge regarding their responsibilities, facility rules, and individual program objectives.
 - b. Disciplinary actions will be determined fairly and equitably applied.
 - c. Only Probation staff may take disciplinary action.
 - d. Staff shall redirect behavior that is completely impartial and consistent.
 - e. Disciplinary action may not be capricious or retaliatory.
 - f. Staff may not impose or allow imposition of corporal punishment of any kind.
 - g. The degree of the formality of the disciplinary due process will be in direct relationship to the severity of the offense.
 - h. Disciplinary measures will be proportionate to the misbehavior requiring action. To the extent practicable, discipline shall be a natural consequence related to the misbehavior.

- i. The youth's culpability in inappropriate behavior will be considered when determining and applying discipline.
 - j. If it appears a youth is mentally ill, staff will refer to behavioral health (CEGU) staff for a determination as to whether the youth is responsible for their conduct or is incompetent.
5. Due Process shall be documented and will require the following:
- a. Written notice of the violation(s) before hearing.
 - (1) Notice of discipline is given to youth.
 - (2) If the youth refuses to sign the notice of discipline, the incident is referred to a Disciplinary Hearing Officer.
 - b. Hearing by a person who is not a party to the incident.
 - c. Opportunity for the youth to be heard, and present evidence and testimony.
 - d. Provision for youth to be assisted by staff in the hearing process.
 - e. Provision for administrative review.
 - f. Accommodation provided to youth with disabilities, limited literacy, and English language learners.

REFERENCES:

Procedures:	3-10-003	Deterrence of Unacceptable Behavior
	3-5-015	Youth's Grievance Procedure
	3-5-004	Youths' Rights/Orientation
	3-5-014	Room Confinement
	3-15-001	Special Incident Reports/Routing SIR and DHO Paperwork
Policy:	A-1	Policy, Procedure and the Law
	A-2	Upholding Departmental Philosophy and Principles
	C-16	Employee Conduct – On Duty
	D-2	Use of Physical Restraint/Corporal Punishment

K. Carvo

APPROVED BY: