





San Francisco Juvenile Probation Department

Juvenile Hall Policy and Procedures Manual

Chapter 8 - Programs

Policy Number:	8.03
Policy Name:	Discipline and Discipline Process
Authority:	Title 15, 1390, 1391
Replaces:	9.01 - Rule Violations and Behavior Management 9.02 – Behavior Management Review
Effective Date:	December 18, 2020
Revision Date:	November 22, 2020
Related Policies and Procedures:	2.03 - Youth Supervision Staff Orientation and Training 3.05 - Youth Orientation 8.05 - Counseling and Supporting Youth
Related Forms:	Merit Sheets Incident Reports Behavior Reports
Director of Juvenile Hall:	Bobby Uppal 
Chief Probation Officer:	Katherine Weinstein Miller 

I. Principle

The San Francisco Juvenile Probation Department uses the least restrictive methods and a variety of strategies to prevent and respond to rule violations while promoting acceptable behavior through utilization of counseling skills, evidence-based interventions, trauma informed approaches and positive behavior interventions and supports to assist youth in reducing anti-social behavior and increasing prosocial behavior. Trauma informed approaches, positive behavior interventions, and skill building are just a few of the techniques used to promote long-lasting behavioral change in the youths served. However, in situations where prevention strategies are not successful, the department will maintain policy and procedures regarding the administration of discipline for the youth residing within the facility.

II. Policy

The Juvenile Hall facility administrator has developed and implemented written policies and procedures to orient youth to the facility. The Admissions Counselor shall provide an orientation to the youth before placement in a living unit and address questions or concerns the youth may have. Rules of conduct including disciplinary sanctions shall be addressed during this orientation. Youth shall be provided a Juvenile Hall Youth Handbook, view a PREA video, and shall be able to ask any questions and have all their questions answered before they sign the orientation form. Additionally, the Juvenile Hall Youth Handbook and the Sanctions Grid outlining Minor, Moderate, and Major Rule Violations shall be provided on the living units pursuant to Title 15.

To encourage youth to comply with the rules of conduct and to assist youth in reducing anti-social behavior and increasing prosocial behavior, staff shall promote acceptable behavior while utilizing counseling skills, evidence-based interventions, trauma informed approaches, and positive behavior interventions and supports to resolve any aggressive, disruptive, and/or resistive behaviors.

The rule violations that cannot be handled by counseling or positive behavior interventions and supports may require disciplinary measures. Pursuant to Title 15, staff shall adhere to the following requirements when implementing any discipline for youth residing within the facility:

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

Rules of conduct and possible sanctions must be easily understood and made available to youth:

- Before implementing a sanction because of an alleged moderate or major rule violation, all youth will be afforded due process in accordance with this policy.
- Sanctions shall not include corporal punishment, group punishment, physical or psychological degradation, physical activity as punishment (i.e. forced running, pushups, etc.), and/or humiliation.
- All discipline shall be documented in the incident report.
- Sanctions shall not involve the restriction and/or deprivation of the following:
 - Bed and Bedding
 - Daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing
 - Full nutrition
 - Contact with parent/guardian or attorney
 - Contact with Deputy Probation Officer
 - Exercise
 - Medical Services and Counseling
 - Religious Services

- Clean and sanitary living conditions
- The right to send and receive mail
- Education
- Recreation and
- Rehabilitative Programming

Discipline shall only be administered by Juvenile Hall staff upon receiving approval from a Senior Counselor and/or the Officer of the Day. Discipline shall never be delegated to youth.

Definitions

Brief Behavioral Intervention: An intervention employed to promote acceptable behavior while utilizing counseling skills, evidence-based interventions, trauma informed approaches and positive behavior interventions and supports to assist youth in reducing anti-social behavior and increasing prosocial behavior. Behavioral interventions are used as teaching tools which allow the youth to problem solve, recognize triggers, and de-escalate from a heightened emotional state. A behavioral intervention may include verbal counseling, a written cognitive exercise, rewards, and brief periods of self-reflection. Behavioral interventions are not considered discipline but rather techniques utilized to prevent the need to impose discipline. Staff shall request SPY to participate in any behavioral intervention which requires a person with mental health experience.

Minor Rule Violation: Conduct that does not align with the rules of the facility and causes minimal disruption to programs and services. Although disruptive, the non-complying behavior does not compromise the safety and security of youth, staff, others, and the facility.

Moderate Rule Violation: Conduct that does not align with the rules of the facility and causes a disruption to programs and services that is more serious than a Minor Rule Violation. This type of violation may potentially compromise the safety and security of youth, staff, others, and the facility.

Major Rule Violation: Conduct that does not align with the rules of the facility and causes a significant disruption to programs and services. This type of violation presents an imminent or substantial threat to youths, staff, others, and the facility.

Trauma-Informed Approach: Policies, procedures, and practices which allow staff to recognize and respond appropriately to the impact of traumatic stress the youth may have experienced. An example of a trauma-informed approach is to teach youth positive coping strategies and calming behaviors.

III. Procedures

A. Providing the Rules of Conduct During Orientation

During the orientation process, Admissions Staff shall provide all youths who are admitted into the facility with the Juvenile Orientation Acknowledgement Form including specific information to promote acceptable behavior and the use of positive behavior interventions and supports before placement in a living unit as well as addressing all questions and/or concerns the youth may have. Rules of conduct including disciplinary sanctions shall be addressed during this orientation. Youth shall be provided a Juvenile Hall Youth Handbook, view a PREA video, and shall be able to ask any questions and have all their questions answered before they sign the orientation form.

Additionally, the Juvenile Hall Youth Handbook and the Sanctions Grid outlining Minor, Moderate, and Major Rule Violations shall be provided on the living units pursuant to Title 15. This information shall be stated simply and affirmatively and be made available and accessible to all youths with disabilities, limited English proficiency, or limited literacy.

B. Behavior Interventions

Staff shall utilize evidence-based interventions to assist the youths in refocusing and regulating their behaviors that pose an imminent or substantial threat to themselves, other youths, or staff.

Evidence-based interventions or worksheets may be used independently or in conjunction with each other to assist with de-escalating a youth's hostile behavior. Counselors and Senior Counselors should assist the youth to develop strategies to prevent similar behavior in the future. Brief Intervention tools should be conducted in a location that allows the youth to successfully engage with staff and that is conducive to thoughtful and collaborative interaction (i.e., day room, classroom, interview room, courtyard). The counselor should inform the lead counselor and Senior Counselor of the location of the intervention in advance of engaging in the intervention. Senior Counselor and/or the Officer of the Day approval is not required to utilize a brief behavioral intervention but should be documented in the youth's case folder. Staff shall request SPY to participate in any behavioral intervention which requires a person with mental health experience.

Once a youth is assigned a Cognitive Exercise Worksheet, the youth may request further assistance which the staff member may not be able to provide. In this instance, staff should contact SPY for intervention assistance. The youth should complete the assignment prior to the sworn staff assigning the worksheet going off duty. The staff member who assigned the worksheet shall review the youth's responses and engage in a discussion to assist the youth gain an insight into his/her misbehavior. Staff should provide constructive feedback to the youth during the discussion to prevent similar behavior in the future. Should the youth refuse to complete a worksheet, staff should document the refusal in the youth's case folder. Once a youth completes the assignment, the staff shall file the worksheet in the youth's case folder.

C. Types of Rule Violations

Rule Violations are divided into three (3) categories based upon the seriousness of the misbehavior as it relates to ensuring the safety and security of youth, staff, others, and the facility as well as the impact to programming and services. The categories described as Minor, Moderate, and Major are further described below.

i. **Minor Rule Violation**

Minor Rule Violations include, but are not limited to:

- Derogatory/offensive language
- Not complying with staff instructions (if the non-compliance does not present a safety or security concern)
- Not obtaining permission before moving from one area of the unit to another
- Lying to staff
- Not maintaining personal boundaries such as touching another youth or entering a youth or staff's personal space
- Possession of low-level unauthorized items (pens or pencils, excessive books, clothing, bedding, etc.)

Minor Rule Violation Sanctions

- Staff shall address Minor Rule Violations informally while utilizing counseling skills, brief behavioral interventions, promoting acceptable behavior, and/or a written comment in the youth's case folder. Counseling should be done privately with the youth. Staff should also consider the Unit Point Sheet to address infractions. Senior Counselor and/or the Officer of the Day approval is not required for Minor Rule Violations however staff should document the Minor Rule Violation in the youth's case folder.

- Discipline shall be accompanied by written documentation and youth may file a grievance for review by the Ombudsman.

ii. **Moderate Rule Violations**

Moderate Rule Violations include but are not limited to:

- Attempts to incite other youth to commit acts of non-compliance
- Being in an unauthorized area
- Destroying or defacing property less than \$100
- Exchanging/sharing food
- Gambling
- Gang activity that does not pose an imminent or substantial threat to youths, staff, others, and the facility
- Horseplay
- Non-compliance (may potentially compromise the safety and security of youth, staff, others, and the facility.)
- Possession of moderate-level unauthorized items (money, pornography)
- Program disruption
- Racial or ethnic slurs

- Refusing to complete a Brief Behavior Intervention written assignment
- Refusing to attend school
- Repeated minor rule violations (two or more in a one-week period)
- Sexual Harassment
- Theft or possession of stolen property
- Threatening Language

Moderate Rule Violation Sanctions

- All Moderate Rule Violation sanctions will only be imposed if the hearing resulted in a sustained finding and the sanctions were approved by a Senior Counselor.

Moderate Rule Violation sanctions include:

- Loss of incentive level/status for the immediate work shift up to one (1) day
- Loss of one or more privileges for a minimum of thirty (30) minutes to a maximum of one (1) day
- Sanctions extending beyond the immediate work shift will be noted on a List of Privilege list kept at the counselor's desk for the subsequent shift

iii. Major Rule Violations

Major Rule Violations include, but are not limited to:

- Assault
- Attempted Assault
- Attempted Escape
- Bullying
- Consumption of Drugs or Alcohol
- Defiance or failure to comply with staff directives that presents a safety and security issue to youth, staff, others, and the facility
- Destroying or Defacing Property over \$100
- Escape/Absent without leave (AWOL)
- Gang activity that presents an imminent or substantial threat to youths, staff, others, and the facility
- Hate Speech
- New law violation
- Mutual physical altercation
- Possession of high-level unauthorized items (tobacco, alcohol/pruno, drugs, controlled substance, weapons)

- Program disruption causing an imminent or substantial threat to youths, staff, others, and the facility
- Repeated moderate rule violations (two or more in a one-week period)
- Setting or attempting to set fire
- Sexual assault
- Sexual misconduct
- Threat with imminent risk of harm

Note: Law violations, including any physical or sexual assault on staff or another youth, may result in an investigation by the San Francisco Police Department and charges being filed by the District Attorney's Office. In the event the above occurs, the Director of Juvenile Hall and the Chief Probation Officer shall be contacted immediately.

Major Rule Violation Sanctions

- All Major Rule Violation sanctions will only be imposed if the hearing resulted in a sustained finding and the sanctions were approved by a Senior Counselor.

Major Rule Violation sanctions include:

- Loss of all privileges for up to three (3) days
- Loss of incentive level/status for up to three (3) days
- Loss of Superstar incentive item for up to three (3) days

- Sanctions extending beyond the immediate work shift will be noted on a List of Privilege list kept at the counselor's desk for the subsequent shift

D. Moderate or Major Rule Violation Notification and Report

Upon observing a Moderate or Major Rule Violation and determining that sanctions are necessary, the Counselor shall inform the youth by written notice of the rule violation and immediately notify a Senior Counselor.

The Senior Counselor shall ensure all staff who observed the Moderate or Major Rule Violation complete an Incident Report.

All incident reports shall be submitted to the Officer of the Day before the end of the assigned shift.

E. Senior Counselor Review

The Senior Counselor shall review all incident reports to ensure the documents are complete prior to approving the documents. If the Senior Counselor determines the incident reports are not complete or the sanctions are not in proportion to the violation, the Senior Counselor shall discuss the incident reports with the authors and modify the sanctions or dismiss the violation in its entirety, if warranted.

The Senior Counselor shall meet with the youth in private to discuss how his/her behavior resulted in a violation, the recommended sanction, and advise the youth of the following rights:

- The right to a hearing conducted by another Senior Counselor not involved in the incident.

- The right to be heard, present evidence and testimony.
- The right to request that another Senior Counselor interview relevant witnesses.
- The right to request staff assistance in the hearing process.
- The right for an administrative review.

The Senior Counselor shall complete these duties within four (4) hours unless additional time is necessary and authorized by the Officer of the Day.

F. Youth's Due Process Hearing with a Senior Counselor not involved in the incident

If the youth wishes to have a due process hearing, a Senior Counselor not involved in the incident shall meet with the youth in private to evaluate the information and evidence (if any) to determine:

- If the youth committed the rule violation.
- Whether the youth acted in self-defense (if fighting is alleged); and
- Whether there are any mitigating circumstances.
- If the sanctions are appropriate.

Note: The Senior Counselor who meets with the youth shall not be the same Senior Counselor who completed the initial review of the incident reports and recommended the sanction. A Senior Counselor not involved in the incident shall conduct the due

process hearing with the youth to evaluate the information and evidence (if any).

The Senior Counselor not involved in the incident shall meet with the youth within four (4) hours of the initial review. If a Senior Counselor not involved in the incident is unavailable due to scheduling, a Counselor or a Counselor II not involved in the incident shall conduct the due process hearing with the youth no later than the end of their assigned shift.

The results of the due process hearing, including the evidence relied upon and the rationale for sustaining or not sustaining the Moderate or Major Rule Violation and any mitigating circumstances, shall be documented on the incident report. If the Moderate or Major Rule Violation is sustained, the Senior Counselor or designee conducting the due process hearing shall inform the youth of the outcome of the due process hearing and provide notice of the imposed sanction.

During the due process hearing, the Senior Counselor or designee shall inform the youth that the youth has an opportunity to appeal the due process hearing with the Officer of the Day.

G. Youth's Due Process Hearing Appeal with the Officer of the Day

If the youth wishes to appeal the outcome of the due process hearing, the Senior Counselor or designee conducting the due process hearing shall document such information on the appeal portion of the incident report and provide the original incident reports to the Officer of the Day.

The Officer of the Day shall review all documentation and render a decision. The youth shall receive a copy of the decision.

H. Distribution of Moderate or Major Rule Violation Documentation

Upon completion of the Officer of the Day's review, all incident reports shall be forwarded to the Director or designee who will

then distribute copies to the youth's case folder, the assigned Deputy Probation Officer, and the Administrative File.

I. Administrative Review

The Senior Counselor or designee conducting the due process hearing will forward the hearing forms, incident reports and gathered evidence to the Director for an administrative review. The Director shall review all Moderate and Major Rule Violation documentation no later than 72-hours after receipt to verify the documentation is complete.

Upon completion of the review, the Director shall forward the Moderate and Major Rule Violation documentation to the Director's Support Staff for distribution to the case carrying Deputy Probation Officer, their assigned Supervising Probation Officer, the Director of Probation Services, and the office of the Chief Probation Officer.

J. Monthly Review of Discipline

The Director shall review the number of Moderate and Major Rule Violations and the imposed sanctions monthly.

This policy shall apply to youths committed to the Juvenile Justice Center or the Log Cabin Ranch School if appropriate.