

	JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:110 3-JTS-3A-08, 29, 31; 3C-01-08 3-JCRF-3A-02, 05; 3C-01, 02, 05, 08, 11-14; 4C-17 1-JDTP-3D-16; 3E-01, 02, 05-07 1-JBC-3A-15, 16, 19; 3C-01-07 4-JCF-2A-09; 3B-01, 02, 04, 06, 07
CHAPTER: Program Services		AUTHORITY: KRS 15A.0652
SUBJECT: Graduated Responses, Sanctions, and Incentives		
POLICY NUMBER: DJJ 318.1		
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APPROVAL: Carey D. Cockerell , COMMISSIONER		

I. POLICY

Department of Juvenile Justice (DJJ) programs shall use a range of graduated responses, sanctions, and incentives to reward, motivate, or establish consequences for youth behavior. The use of mechanical restraints, the denial of meals, snacks, or changes in the established menus, and the interference with daily functions of living, such as eating or sleeping shall be prohibited as punitive consequences.

II. APPLICABILITY

This policy shall apply to each DJJ group home and youth development center (YDC), with the following exceptions:

- A. Intensive room supervision shall not be applicable to a group home; and
- B. Room restriction and intensive room supervision shall not be applicable to a Level 4 facility.
- C. Room confinement shall not be applicable to any facility other than Level 4.

III. DEFINITIONS

Refer to Chapter 300.

IV. PROCEDURES

- A. Youth shall be made aware of the rules, consequences, and safety and security responses as part of the facility orientation process. Each youth shall receive a resident handbook at the time of admission, and shall sign an acknowledgement of such. When a literacy or communication problem exists, a staff member shall assist the youth in

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understanding the materials. Rules and sanctions shall be conspicuously posted in the facility.

- B. DJJ shall recognize that in some specific circumstances, precautionary measures may need to be imposed prior to the occurrence of a problem behavior, based upon the youth's past behavioral history or assessments. Reassigning living or sleeping arrangements shall be recommended by the treatment team, approved by the Superintendent or designee, and shall be consistent with level expectations.
- C. All staff shall receive sufficient training in facility sanctioning procedures, informal resolution of minor behavior, and ways to effectively use incentives to reward and motivate behavioral compliance.
- D. Program graduated responses shall include the following:
 - 1. Graduated sanctions and responses for minor rule violations;
 - 2. Graduated sanctions and responses for major rule violations;
 - 3. Safety and security responses; and
 - 4. Incentives.
- E. Incentives approved by the treatment team may be used to reward or motivate a youth's positive behavior.
- F. Sanctions may be used to teach youth more constructive and socially acceptable methods of responding to their environment and provide a safe and secure facility for youth and staff.
- G. Sanctions shall:
 - 1. Be used when dealing with unacceptable behavior; and
 - 2. Be natural, logical, and appropriate to the youth's age, functioning, maturity level, and the behavior for which the youth is being disciplined.
- H. Sanctions shall not:
 - 1. Be used as a means to demonstrate a staff member's authority over residents;
 - 2. Be physically abusive, verbally abusive, or used to dehumanize or humiliate youth;
 - 3. Include the withholding of meals, snacks, educational access, required recreation; or
 - 4. Include the use of restraints or isolation. However, it may be necessary to impose additional measures on a youth for the behavior requiring isolation or restraint.
- I. Graduated Responses for Minor Rule Violations
 - 1. Each DJJ program shall develop a written set of disciplinary procedures governing methods to address youth minor rule violations.

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2. These procedures shall be established to assist with the day to day management of low level youth non-compliant behavior.
 3. These procedures shall be reviewed annually and updated as needed.
 4. Sanctions shall be reasonably time-limited. Privilege suspension in excess of forty-eight (48) hours shall require the approval of the treatment team or supervisor.
 5. Sanctions shall be imposed promptly, calmly, and consistently.
 6. Sanctions shall be preceded, whenever possible, by a verbal warning that discipline may be forthcoming, in order to provide the youth the opportunity to think and decide whether to continue the negative behavior and accept the consequences for it or to cease the behavior.
 7. The youth shall have the reasons for the sanction explained and be given the opportunity to explain the behavior leading to the consequence, as soon as conditions allow.
 8. Possible sanctions may include removal of a privilege, loss of an activity, removal from the group, placement on a behavior contract, written treatment assignments, or use of staff directed time out.
 9. If a youth is placed in a staff directed time out, the following guidelines shall be used:
 - a. Time out shall always take place within staff's sight or sound;
 - b. Youth shall never be placed in a locked room for time out;
 - c. Staff shall visually make contact in staggered intervals not to exceed fifteen (15) minutes;
 - d. Time out shall not exceed sixty (60) minutes. The youth shall participate in determining the end of the timeout. Upon completion of a time out period, the youth shall discuss the situation with a staff member; and
 - e. Staff shall document each time out in the youth's individual client record (ICR), to include time in and out, reason for time out, time and observation in staggered intervals not to exceed fifteen (15) minute check, and brief summary of staff processing at the conclusion of the time out period. Notation shall be made in the appropriate facility log.
- J. Graduated Responses for Major Rule Violations
1. When a youth engages in behavior that constitutes a major rule violation, they shall be issued a penalty slip within twenty-four (24) hours of the violation or once staff becomes aware of the violation.

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2. Guidelines for issuance of a penalty slip and appropriate sanctions to address these behaviors shall be outlined in DJJPP Chapter 3 (Disciplinary Review).
- K. Sanctions that are issued for a rule violation shall be documented in the youth's ICR. Documentation shall include:
1. Name;
 2. Date and time of the behavior;
 3. Consequence;
 4. Date and time of restriction; and
 5. Date and time restriction is finished.
- L. Safety and Security Responses
1. Safety and security responses shall be imposed when a youth's behavior becomes a threat to the overall safety and orderly operation of the program.
 2. Approved safety and security responses shall be:
 - a. One-to-one Supervision
 - i. Youth may be placed on one-to-one supervision with staff.
 - ii. Youth may still participate in regular programming while staying within close proximity to the staff.
 - b. Facility Restriction
 - i. Facility restriction shall not exceed forty-eight (48) hours without a disciplinary review being conducted by the treatment team.
 - ii. Youth who receive facility restriction shall process their behaviors prior to rejoining the general population.
 - iii. In a group home program, supervisory staff shall review and sign documentation for all instances of privilege suspension, time outs, or in-program suspensions daily.
 - c. Unit Restriction
 - i. Unit restriction shall not exceed forty-eight (48) hours without a disciplinary review being conducted by the treatment team.
 - ii. Staff shall make visual contact in staggered intervals not to exceed fifteen (15) minutes with youth on unit restrictions. Youth shall be within sight or sound at all times.
 - iii. Youth who receive unit restriction shall process their behavior prior to rejoining the general population.
 - d. Room Restriction
 - i. Room restriction shall not be longer than sixty (60) minutes.

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- ii. Staff shall make visual contact in staggered intervals not to exceed fifteen (15) minutes with youth on room restriction. Youth shall be within sight or sound at all times.
- iii. Youth who receive room restriction shall process their behavior prior to rejoining the general population.
- iv. Staff shall document each room restriction in the observation log, a summary of the placement in the progress notes, and the facility log. Documentation shall include the following:
 - a) Time in and out;
 - b) Reason for room restriction; and
 - c) Brief summary of staff processing at the conclusion of the room restriction.
- e. Intensive Room Supervision
 - i. Intensive room supervision shall only be used:
 - a) For a youth who is showing or expressing a behavior that is a safety or security threat to the program;
 - b) As a less restrictive attempt to avoid a locked isolation placement; or
 - c) As a step-down from an isolation placement.
 - ii. The isolation room shall only be utilized with the door open and with the approval of the Superintendent, ADO, or designee.
 - iii. Staff shall be present to visually monitor the youth for the duration of the restriction and record the behavior on the observation log every fifteen (15) minutes.
 - iv. Intensive room supervision shall not last longer than four (4) hours without authorization of the Superintendent or ADO, but shall not exceed twenty-four (24) hours.
 - v. Staff shall document each intensive room supervision occurrence in an observation log. A summary of the placement shall be placed in the youth's progress notes and the appropriate facility log. Documentation shall include the following:
 - a) Time in and out;
 - b) Reason for intensive room supervision; and
 - c) Brief summary of staff processing at the conclusion of the intensive room supervision.
 - vi. A penalty slip may be issued if the behavior necessitating the intensive room supervision was a major rule violation.

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vii. An incident report shall be completed when the behavior necessitating the intensive room supervision meets the criteria of an incident.

f. Room Confinement

i. Room Confinement shall only be used in a Level 4 program:

a) For a youth who is showing or expressing a behavior which could warrant an isolation placement;

b) As a less restrictive attempt to avoid an isolation placement away from the general population.

c) Room confinement may only be used during operational hours when a counselor is present.

ii. Staff shall monitor the youth in staggered intervals not to exceed fifteen (15) minutes, for the youth's compliance with the plan for release criteria. These checks shall involve direct visual contact with the youth and the time between checks shall be random.

iii. Use of room confinement shall be approved by the Superintendent, Administrative Duty Officer (ADO), Treatment Director, or shift supervisor prior to placing a youth into room confinement.

iv. Staff shall visually observe the youth in staggered intervals not to exceed fifteen (15) minutes for the duration of the confinement and shall be documented on the observation log. Staff shall accurately document all observations, including actual time the staff conducted the check on the resident. If an extraordinary circumstance results in staff missing a bed check within fifteen (15) minutes, the responsible staff shall document the justification for the missed check on the observation log. Shift supervisors shall be responsible for reviewing logs to evaluate the reason for the missed observation to ensure that it does not occur except in extraordinary circumstances. All documentation regarding youth observations shall accurately reflect the monitoring of the staff who conducted the observation. Staff shall not document an observation on behalf of another staff. If staff observe that a youth appears to be in any apparent distress, staff shall immediately follow all emergency protocols, including rendering aid and providing immediate notification to the facility nurse, shift supervisor, or emergency medical personnel, as appropriate.

v. Room confinement shall not last longer than four (4) hours and youth shall not be placed on room confinement more than one (1) time in a 24 hour period.

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- vi. At initial placement and within two (2) hours of placement on room confinement, a Professional Review shall be conducted with the youth for the purposes of counseling the youth and planning for release to the general population.
- vii. A professional review shall be conducted by a youth counselor or Treatment Director.
- viii. Upon placement of a youth in room confinement, staff shall immediately develop and write a plan for the release of the youth from room confinement. The plan for release shall:
 - a) State the reason for the room confinement placement;
 - b) State the behavioral expectations required for the youth to obtain release from room confinement placement;
 - c) Be explained to the youth by staff; and
 - d) Be signed by staff and youth to acknowledge receipt of the documents. Youth who refuses to sign shall have the information presented orally by a non-involved staff member and witnessed by a third party;
- ix. When the youth is under reasonable control and demonstrating behavior in accordance with the terms of the plan for release, the youth shall be removed from room confinement.
- x. At a minimum, the following shall be taken into consideration in order for the youth to be released from room confinement placement:
 - a) The youth has regained control of their behavior;
 - b) The youth is acting in accordance with the terms of their plan for release; and
 - c) The youth is no longer a threat to the security, safety, or orderly management of the facility.
- xi. Staff shall notify the ADO or Superintendent when the youth is released from room confinement.
- xii. When a youth is placed in room confinement, documentation of the event shall be completed as follows:
 - a) The documentation shall include:
 - (1) The reason for the room confinement;
 - (2) The duration of the room confinement;
 - (3) The reason for the duration of the room confinement;
 - (4) The name and title of the staff person authorizing room confinement and the time the approval was received;

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- (5) The name and title of persons visiting with the youth;
and
 - (6) The staff authorizing release and the time of release;
 - b) The room confinement packet shall include:
 - (1) Incident report;
 - (2) Room confinement checklist;
 - (3) Medical checklist;
 - (4) Observation log and addendum;
 - (5) Plan for release; and
 - (6) Professional reviews;
 - c) The room confinement packet shall be reviewed by the Superintendent or designee; and
 - d) The room confinement packet shall be placed in the youth's hard case file. A notation of the incident shall be made in the electronic record, including the date and time of release.
3. These responses shall require the approval of the Superintendent or ADO when the restriction exceeds four (4) hours, except in cases of isolation which requires immediate approval by the Superintendent.
 4. Staff shall document all safety and security responses in the youth's ICR and the appropriate facility log. Staff will sign and date this documentation.
- M. Incentives
1. Incentives may be used to motivate and reward youth behavioral compliance.
 2. Written procedures regarding any rewards unique to the facility or program shall be developed and be included in the resident handbook.
 3. Special social incentives, such as giving a youth extra time on a favorite project, an outing or special activity, or additional community contacts shall be recommended by the treatment team, approved by the Superintendent or designee, and shall be consistent with the treatment level expectations.

V. MONITORING MECHANISM

- A. The Superintendent or designee shall monitor the proper use of responses, sanctions, and incentives and shall review all incident reports and observation logs.
- B. The Facilities Regional Administrator (FRA) or Regional Director shall review any changes to the resident handbook.

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C. The Quality Assurance (QA) Branch shall review for compliance during yearly monitoring.