

Incentives and Discipline Process

976.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policy and procedures for the use of incentives and the administration of discipline that promotes acceptable behavior, including the use of positive behavior interventions and supports with youth in our care and custody. This policy applies to all juvenile facility staff.

976.1.1 DEFINITIONS

Definitions related to this policy include:

Discipline - A consequence imposed to guide the conduct of youth.

Due Process - A youth receiving a consequence for a major rule violation have a right to a formal due process that includes a disciplinary hearing. The duty officer (DO) shall ensure staff have initiated due process for each major discipline imposed. The youth may waive the disciplinary hearing and accept the consequence(s). If the youth appeals the consequence(s) they have the right to an appeal.

Incentives - Rewards given to youth for good behavior. These can be actual items or additional privileges given to the youth.

976.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 §§ 1390, and 1391;
- Juvenile Facility Services Policies: Classification; Orientation; and Prison Rape Elimination Act (PREA) of 2003;
- Welfare and Institutions Code §§ 208.3, 209, 210 and 885.

976.3 POLICY

A positive, non-punitive environment for youth shall be provided. Reasonable limits for behavior necessary to maintain order shall be governed by a system of rules and regulations that are clear, consistent and uniformly applied. Provisions shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy. This includes, but is not limited to providing rules and disciplinary penalties in writing, providing a translator, or reading the rules and penalties aloud for youth with limited English proficiency or limited literacy. A positive incentive program shall be in place that promotes and reinforces positive youth behavior. Discipline shall be imposed at the least restrictive level which promotes the desired behavior and shall not include corporal punishment, group punishment, room confinement, or physical or psychological degradation. Staff shall utilize trauma informed, culturally relevant, and gender responsive approaches when considering consequences for youth.

When incentives do not guide a youth's behavior in a positive direction and rule violations occur, discipline may be imposed to gain compliance and to aid in directing the youth toward positive

Incentives and Discipline Process

behavior. While all juvenile facility staff are responsible for identifying and notifying youth of misbehavior, only probation staff are responsible for imposing discipline. Discipline shall only be administered by probation corrections officers (PCOs), senior probation corrections officers (SPCOs), and supervising probation officers (SPOs), and shall never be delegated to a youth. Rule violations shall be considered minor or major, depending on the severity or magnitude of the behavior. All discipline requires documentation. Major rule violations shall be documented by an incident report, minor rule violations shall be documented in a detention contact.

Deprivation of any of the following is not permitted for disciplinary purposes:

- (a) Bed and bedding;
- (b) Daily shower, access to drinking fountain, toilet and personal hygiene items, and clean clothing;
- (c) Full nutrition;
- (d) Contact with parent(s)/legal guardian(s) or attorney;
- (e) Exercise;
- (f) Health care services and behavioral health counseling;
- (g) Religious services;
- (h) Clean and sanitary living conditions;
- (i) The right to send and receive mail;
- (j) Education; and,
- (k) Rehabilitative programming.

976.4 INCENTIVES

Youth housed in Riverside County Probation Facilities shall be rewarded for good behavior. Points and incentives will be utilized to recognize youth for meeting daily and weekly behavior goals. Youth can earn points throughout the day and week to earn added privileges and specialized items. Youth shall also receive recognition through certificates and acknowledgement for improvement and effort.

976.5 MINOR RULE VIOLATIONS

Minor rule violations may be handled informally by counseling. Staff shall advise the youth of expected conduct if imposing a minor consequence. When discipline is imposed for minor rule violations, staff shall document the youth's behavior. Youth may appeal minor discipline by completing and submitting a grievance form. Examples of minor violations include, but are not limited to:

- (a) Dangerous acts/horseplay: Dangerous acts that could result in injury to youth or others. This includes horseplay activities that consist of loud, raucous behavior, rough contact or roughhousing, and/or wrestling between two or more youth.
- (b) Disruptive behavior: Youth engaging in disruptive or nuisance behavior or activities.

Incentives and Discipline Process

- (c) Use or possession of non-hazardous contraband: Any item(s) concealed or found in the facility that is prohibited including, but not limited to: extra food, clothes, bedding, towels, non-issued school items, other youths' property/canteen or books.
- (d) Lying: Intentionally deceiving staff, this can include, but not be limited to false allegations.
- (e) Verbal misbehavior/inappropriate language: Use of language that is considered crude, offensive, demeaning, and/or disrespectful, including irritating or harassing others; cursing; racially or gender insensitive words; and name calling or ridicule.
- (f) Fighting: A fight that does not result in a serious injury.
- (g) Vandalism/destruction of property: Intentional or malicious destruction of personal property of another person or county property and does not result in additional law violations or extension of custody time..
- (h) Gang affiliated behavior: Gang behavior including, but not limited to, written, verbal, and non-verbal gang related communications.

976.6 DISCIPLINE FOR MINOR VIOLATIONS

- (a) Counseling/verbal redirection.
- (b) Special assignments: May include redoing poor work, writing an essay, reading a book, a verbal or written apology, or cleaning/restoring areas or items in the facility vandalized by the youth (example: cleaning graffiti/tagging from a wall or table).
- (c) Forfeiture of points and/or incentives.
- (d) Youth can be restricted from the dining hall to eat in an alternative area other than a locked room. If the youth presents a safety issue to the institution then room confinement shall be initiated.
- (e) Loss of honor roll status and/or privileges for the day.
- (f) Alternate seating assignment and/or arrangement.

976.7 PROCEDURE FOR THE APPEAL PROCESS FOR MINOR DISCIPLINE

A youth may appeal minor discipline by completing and submitting a grievance form. Upon the youth's request, staff shall comply with the grievance policy, ensuring that the DO is notified and that the grievance is forwarded to the DO as soon as practicable.

976.8 MAJOR RULE VIOLATIONS

Major rule violations are violations that are severe, and/or pose a safety and security risk. When major discipline is imposed, staff shall advise the youth of expected conduct. The DO shall review and may approve or deny the imposition of any major discipline. If major discipline is imposed, the youth is entitled to due process.

Examples of major violations may include, but are not limited to:

Riverside County Probation Department

Policy Manual

Incentives and Discipline Process

- (a) Use or possession of contraband: Any item(s) concealed or found in the facility, which may be potentially dangerous or poses a significant safety risk and is therefore prohibited including, but not limited to drugs, medication, lighters, matches, alcohol and weapons and/or weapon facsimile of any kind.
- (b) Disobeying staff directives/failure to comply: Refusal to stop disruptive or nuisance behavior or activities. Refusal to follow a staff's reasonable directions to behave or perform appropriately. Refusal to obey staff directives, which results in an unsafe environment.
- (c) Riotous behavior: When three or more youth cause a disruption or interfere with normal facility operations due to their actions, threats, demands, or suggestions to advocate disruption or disturbance.
- (d) Escape attempts: Any act to undermine the security of the facility, such as obtaining a key, conspiring to escape, aiding or abetting, attempting to escape or acquiring implements which could be used to escape.
- (e) Inappropriate sexual behavior: Activities, regardless of voluntariness, that may include otherwise developmentally normative behaviors, norm-violating behaviors, sexual harassment, and exploitation/taking unfair advantage of another. This includes sexual comments or gestures, sexual advances, exposure, sexually explicit writing or photographs, viewing pornography, masturbatory behavior, sexual favors, sexual threats and sexting.
- (f) Gang behavior: Gang behavior that willfully promotes, furthers, or assists in felonious criminal conduct by members of that gang.
- (g) Sexual assault: Touching without penetration (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a youth of another youth without the latter's consent, or of a youth who is coerced into sexual contact by threats of violence, or of a youth who is unable to consent or refuse. Any sexual penetration by a youth of another youth including contact between the penis and the vagina or the anus; contact between the mouth and penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object. Refer to Juvenile Facility Services Policy: Prison Rape Elimination Act (PREA) of 2003.
- (h) Threats: An expressed intention to inflict harm, pain or injury on the person of another.
- (i) Fighting, assault and/or battery: Any willful and unlawful use of force or violence upon the person of another, that results in serious physical injury.
- (j) Vandalism/destruction of property or fire setting: Intentional or malicious destruction of personal property of another person or county property that can result in additional law violations or extension of custody time.
- (k) Stealing: The knowing and unauthorized taking of an item belonging to a youth, the juvenile facility or any juvenile facility staff.
- (l) Gambling: All forms of gambling are prohibited,
- (m) Misuse of technology or electronic devices to include but not limited to: Computers, Tablets, mp3 player, DVD, and Chromebooks.

Incentives and Discipline Process

976.9 DISCIPLINE FOR MAJOR VIOLATIONS

- (a) Loss of incentive phone/video call privileges.
- (b) Loss in honor roll and incentive/status for the week and/or month. Loss of incentives include, but not limited to: Movies, MP3 players, food/hygiene products, video games, etc.
- (c) Loss of incentive/canteen privileges for the week and/or month.
- (d) Extension of custody commitment time in a juvenile facility: When legally authorized per court order, additional time may be added.
- (e) Additional charges may be filed in court for youth who commit new law violations.
- (f) Disciplinary Separation.
- (g) Removal from the treatment program.
- (h) Disciplinary action which restricts the youth's extracurricular activities (Example: On-site incentive activities not included in mandated programming).
- (i) Loss of furlough and/or any off-campus activity. The loss of a furlough/off-campus activity is primarily a treatment decision determined by the caseworker, SPO, and the facility manager(s).

976.10 PROCEDURE FOR DUE PROCESS FOR MAJOR DISCIPLINE

Staff imposing major discipline shall advise and notify the youth in writing of the intended consequence and explain the disciplinary hearing process. Accommodations will be provided to youth with disabilities, limited literacy, and English language learners throughout the process.

If the youth waives their right to a disciplinary hearing and accepts the consequence(s), no further action is required. The signed Discipline Hearing Acknowledgement form, waiving their right, shall be forwarded to the DO.

If the youth chooses not to waive their rights, the disciplinary hearing process must be initiated within 24 hours of advisement of the intended consequence and completed as soon as practicable. A copy of the Disciplinary Hearing Request form shall be provided to the youth. If a disciplinary hearing has been initiated, staff imposing major discipline shall immediately complete and sign the Disciplinary Hearing Packet (attachment)..

Staff shall forward the prepared packet to the DO/unit SPO in a timely manner. As soon as possible, the DO/unit SPO shall appoint another SPO/SPCO who was not a party to the incident, as the disciplinary hearing officer (DHO).

Staff shall provide and explain the youth's rights to them and ask the youth to sign a Rights at Disciplinary Hearing form (attachment). A copy of the form shall be provided to the youth.

The DHO shall review the matter to ensure that it is a major rule violation. The DHO shall notify the youth's staff representative and witnesses of the hearing date and time.

Riverside County Probation Department

Policy Manual

Incentives and Discipline Process

976.10.1 DISCIPLINARY HEARING PROCESS/DHO RESPONSIBILITIES

During the disciplinary hearing, the DHO shall:

- (a) Review paperwork and ensure the process has been completed properly.
- (b) Explain the right to an appeal and the appeal process to the youth.
- (c) State and advise the youth of the specific allegations. Allow the youth the opportunity to favorably present their matter and to confer with their staff representative.
- (d) Allow the youth the opportunity to be heard and present evidence and testimony.
- (e) Maintain control of the disciplinary hearing. Conduct the hearing in an orderly manner. Allow each side to present their case, ask questions and answer without interruptions.
- (f) Keep the process productive. Do not allow non-productive behavior or conversations to occur.
- (g) Remain objective.

After the disciplinary hearing, the DHO and the youth shall sign the bottom of the Disciplinary Hearing Request form (attachment) acknowledging that the disciplinary hearing was conducted.

The DHO shall make a decision based on the facts that were presented during the hearing. The facts presented shall either be substantiated (true finding) or unsubstantiated (false finding) allegation(s).

The decision to find the allegation(s) substantiated includes, but is not limited to, the following criteria:

- (a) Consistency in staff and other witness testimony;
- (b) Consistency in incident report(s);
- (c) Youth admitting to the allegation; and,
- (d) Physical evidence is compelling and sufficient (video recording of incident that occurred on the date, time and location of incident that supports the incident occurred as stated; photographs of damaged property/injuries to others; etc.).

If the allegation(s) are unsubstantiated, the DHO shall dismiss the allegation(s) upon a finding that the youth did not commit the act as alleged.

- (a) Behavior points shall be added, if applicable;
- (b) Any demotion or suspension of honor roll status shall be reinstated; and,
- (c) Any extension of custody commitment time shall be rescinded.

If the allegation(s) are substantiated, the DHO shall make this finding and review the consequence(s) recommended for the major violation to determine if the action is consistent with policy and procedure.

The DHO may modify the consequence(s) as appropriate, but the degree of the sanction imposed cannot be increased. The DHO shall ensure that the practical application of fair and objective discipline was imposed.

Incentives and Discipline Process

Any consequence given to a youth shall include elements which support positive behavior interventions and deter the youth from further violation(s) of juvenile facility rules.

The DHO shall complete a Disciplinary Hearing Summary/Disciplinary Hearing Officer Report form (attachment) and forward it to the facility manager(s) for review along with the packet. The youth shall be provided a copy of the form with the findings and decision of the DHO.

976.11 PROCEDURES FOR THE APPEAL PROCESS FOR MAJOR DISCIPLINE

If after receiving notice of the DHO's decision, the youth is not satisfied and wants to request an appeal to be reviewed by the facility manager(s), a Disciplinary Hearing Appeal Packet (attachment) shall be provided to the youth. The form along with the packet shall be forwarded to the facility manager(s) for review and final decision.

Appeals to the facility manager(s) may be approved, modified, reversed, or returned with directions including ordering a rehearing, but may not increase sanctions to be imposed. The decision of the facility manager(s) is final.

976.12 DENIAL OF YOUTH'S RIGHT TO DUE PROCESS

Staff who knowingly and willfully deny a youth their right to due process are subject to disciplinary action.

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Attachments:

1. [Discipline Hearing Acknowledgement Form](#)
2. [Disciplinary Hearing Packet](#)
3. [Disciplinary Hearing Appeal Form](#)