



**Administrative Policies and Procedures: 25.9**

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| <b>Subject:</b>     | <b>Disciplinary Guidelines for Youth in DCS Group Homes</b>   |
| <b>Authority:</b>   | TCA 37-5-105, 37-5-106  |
| <b>Standards:</b>   | <b>DCS Practice Standards: 7-202A, 7-203A</b>                 |
| <b>Application:</b> | To All Department of Children's Services Group Home Employees |

**Policy Statement:**

Disciplinary guidelines imposed upon youth as a result of allegations of major violations substantiated by the hearing officer/discipline committee, must be in relation to the seriousness of the offense and relatively uniform in application throughout the system. The following procedures shall serve as disciplinary regulations governing juvenile rule violations.

**Purpose:**

To ensure disciplinary guidelines are practiced consistently and comply with Federal and State laws, national accreditation organizations and DCS policies and procedures.

**Procedures:**

**A. Behavior not subject to disciplinary action**

Youth **will not** be subjected to any type of disciplinary action for the following behaviors:

1. Refusing to attend any form of religious service;
2. Refusing to consume any particular type of food or drink;
3. Refusing to take medications or accept medical care;
4. Any behavior which is identified by classification or the treatment team as a special medical or psychological problem over which the youth has no control; and
5. Refusing to address staff in a particular manner or merely displaying what might otherwise be perceived as a negative or hostile attitude. This does not preclude the discipline of youth who use obscene language in addressing staff or who verbally interfere with staff members' performance of duties. This does not preclude the instruction of the use of good manners.

**B. Impermissible sanctions**

The following actions must **never** be imposed on youth as a disciplinary sanction:

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|                                     | <ol style="list-style-type: none"> <li>1. Corporal punishment;</li> <li>2. Physical restraint;</li> <li>3. Psychological intimidation and/or degradation;</li> <li>4. Denial of regular meals;</li> <li>5. Denial of medical care;</li> <li>6. Denial of sufficient sleep;</li> <li>7. Denial of correspondence/minimum use of telephone;</li> <li>8. Denial of sufficient daily exercise;</li> <li>9. Denial of visitation;</li> <li>10. Denial of contact with parents/legal guardians;</li> <li>11. Denial of participation in educational opportunities;</li> <li>12. Denial of legal assistance;</li> <li>13. Arduous physical labor that has no useful function other than punishment or is required to be performed in an unreasonable manner. It is permissible to require chores or tasks that might ordinarily be performed by youth or staff members;</li> <li>14. Use of stimulants, tranquilizers, or psychotropic drugs for control of behavior;</li> <li>15. Room restriction; and</li> <li>16. Mechanical restraints</li> </ol>  |
| <p><b>C. Imposing sanctions</b></p> | <ol style="list-style-type: none"> <li>1. The hearing officer/discipline committee may make recommendations to a youth's program staffing team, whether or not sanctions are imposed.</li> <li>2. The following sanctions may be imposed by the hearing officer/discipline committee:             <ol style="list-style-type: none"> <li>a) <b><u>Learning Experience</u></b>: The youth may be given assignments, usually in written form, to practice skills, define terms and explore related topics on the learning experience.</li> <li>b) <b><u>Restitution</u></b>: Restitution may be imposed and paid from the youth's account or earnings, excluding Social Security and supplemental income/benefits, to compensate for such damages or losses.</li> <li>c) <b><u>Restriction/Reduction of Privileges</u></b>: The hearing officer or discipline committee may use facility restriction as a sanction. Before facility restriction or privilege suspension is used as a sanction, the reason(s) for the restriction will be discussed and the youth will have the opportunity to explain the behavior. Any instances of privilege suspension and facility restriction will be recorded, dated, and signed by staff. The record will be reviewed and signed by a supervisory staff member daily.</li> <li>d) <b><u>Work Details</u></b>: Specific job assignments may be made for completion of a task or a set length of time. The work detail must not require skill and/or intelligence beyond the youth's ability nor place the youth in a dangerous or</li> </ol> </li> </ol> |

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|  | <p>hazardous environment.</p> <p>e) <b>Loss of Status:</b> The hearing officer/discipline committee may alter a youth's earned points, incentive programs, etc. or may recommend behavioral contracts be developed and/or revised.</p> |
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| <p><b>D. Determining sanctions</b></p> | <ol style="list-style-type: none"> <li>1. When determining sanctions, the following factors must be considered:             <ol style="list-style-type: none"> <li>a) The youth's needs;</li> <li>b) Whether the sanction will have a beneficial effect upon the youth;</li> <li>c) The circumstances surrounding the present offense and degree of youth's involvement in the offense;</li> <li>d) The youth's past behavioral history;</li> <li>e) The effect, if any, the sanction may have on the general youth population.</li> </ol> </li> <li>2. When a youth has been found in violation of more than one infraction arising from a single incident, the maximum sanction must not exceed the maximum sanction for the most serious offense he/she is found to have committed.</li> <li>3. When a youth has been found in violation of more than one major infraction arising from separate incidents, the maximum penalty for each violation may be imposed and such sanctions must run consecutively.</li> <li>4. Each DCS group home will develop local procedures for informally resolving minor violations utilizing the categories specified in policy <b><u>25.8, Definitions of Disciplinary Offenses for DCS Group Homes</u></b>. The determination of sanctions for minor violations must relate to the seriousness of the rule violation or youth's behavior.</li> <li>5. The list below indicates the maximum sanctions which may be imposed for major violation, when restriction/reduction of privileges is the sanction:</li> </ol> |
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| <u>Offenses</u>                       | <u>Restriction/Reduction of Privileges</u> |
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| 1. Aggravated battery                 | 0- 6 weeks                                 |
| 2. Arson                              | 0- 6 weeks                                 |
| 3. Assault                            | 0- 3 weeks                                 |
| 4. Assault and battery                | 0- 6 weeks                                 |
| 5. Attempted escape                   | 0- 3 weeks                                 |
| 6. Burglary                           | 0- 4 weeks                                 |
| 7. Conspiracy                         | 0- 2 weeks                                 |
| 8. Damaging/destroying state property | 0- 4 weeks                                 |
| 9. Escape                             | 2- 6 weeks                                 |
| 10. Extortion                         | 0- 6 weeks                                 |
| 11. Fighting                          | 0- 3 weeks                                 |

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|                                     | 12. Forgery  | 0- 3 weeks |
|                                     | 13. Gambling   | 0- 3 weeks |
|                                     | 14. Interfering with staff   | 0- 3 weeks |
|                                     | 15. Participation in a riot  | 0- 6 weeks |
|                                     | 16. Pass violation   | 0- 6 weeks |
|                                     | 17. Possession of contraband   | 0- 3 weeks |
|                                     | 18. Possession of a weapon   | 0- 6 weeks |
|                                     | 19. Possession/Use of drugs  | 0- 6 weeks |
|                                     | 20. Possession/Use of Inhalants/ Intoxicants   | 0- 3 weeks |
|                                     | 21. Rape   | 0- 6 weeks |
|                                     | 22. Receiving and Concealing   | 0- 3 weeks |
|                                     | 23. Repeated Minor Violations  | 0- 3 weeks |
|                                     | 24. Refusal to follow direct orders  | 0- 3 weeks |
|                                     | 25. Selling inhalants/drugs/ intoxicants   | 0- 6 weeks |
|                                     | 26. Sexual Battery   | 0- 3 weeks |
|                                     | 27. Sexual Misconduct  | 0- 3 weeks |
|                                     | 28. Stealing   | 0- 3 weeks |
|                                     | 29. Threatening Staff  | 0- 3 weeks |
|                                     | 30. Threatening Youths   | 0- 3 weeks |
|                                     | 31. Use of obscene language  | 0-3 weeks  |
|                                     | 32. Other  | 0-3 weeks  |
| <b>E. Minor violation sanctions</b> | <p>1. <b>Loss of privileges or work details:</b> Will not exceed seventy-two (72) hours if the behavior in question is unrelated to the privilege being suspended and not to exceed fourteen (14) days if the behavior is related to the privilege being suspended. Examples of work details are:</p> <ul style="list-style-type: none"> <li>a) Dish washing</li> <li>b) Mopping floors</li> <li>c) Washing linen</li> <li>d) Washing van</li> <li>e) Mowing grass</li> <li>f) Straightening the pantry</li> </ul> <p>2. <b>The work detail will not:</b></p> <ul style="list-style-type: none"> <li>a) Require skill and/or intelligence beyond the youth's ability;</li> </ul> |            |

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|  | <ul style="list-style-type: none"> <li>b) Place the youth in a dangerous or hazardous environment;</li> <li>c) Be demeaning to the youth;</li> <li>d) Exceed the youth's physical capability; and will</li> <li>e) Serve a useful purpose for the program and/or its youth.</li> </ul> <p>3. <b>Learning experiences:</b> The youth may be given an assignment, usually in written form, to practice skills, define terms, explore topics, extra study, etc. These sanctions can be effective if the assignment relates to the violation. Being consistent is important. Once assigned, staff must ensure completion by collecting finished work.</p> <p>4. <b>Time-out:</b> Staff can use time-out in an attempt to keep the youth from continuing or escalating a problem behavior. It may be utilized for a period of time not to exceed one hour. This time will be used by the youth to sit quietly alone and think about a particular behavior or attitude. A typical place for time-out is at the dining room table with the youth performing a quiet constructive activity or sitting quietly in a chair in a hallway. Standing quietly as a sanction will not last more than fifteen (15) minutes.</p> |
| <p><b>F. Issuing minor sanctions</b></p> | <p>1. Any sanction for a minor violation will be administered within twenty-four (24) hours of discovery of the behavior for which the sanction is being imposed. The staff member will determine if the violation and situation warrants a sanction. Sometimes the act of calling the rule violation to the youth's attention may be sufficient to correct the behavior.</p> <p>2. <b>Factors in determining a minor sanction:</b></p> <ul style="list-style-type: none"> <li>a) Staff should be consistent in upholding the facility rules.</li> <li>b) Make sure the youth understood the staff member's order.</li> <li>c) Once the violation is called to the youth's attention, staff must make a determination whether the youth needs further reinforcement of a sanction.</li> <li>d) If appropriate, the staff member then selects a fitting sanction. The staff member issues the sanction and explains to the youth the reason(s) for the sanction.</li> </ul> <p>3. <b>Documentation of minor sanctions:</b> The staff member issuing minor sanctions will document the violation on form <b>CS-0303, Minor Violations Report</b>.</p>   |

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| <p><b>Forms:</b></p> | <p><a href="#"><u>CS-0303, Minor Violations Report</u></a></p> |
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| <p><b>Collateral documents:</b></p> | <p><i>None</i></p> |
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