



Successful Youth • Strong Leaders • Safer Communities

MARYLAND Department of Juvenile Services

POLICY

SUBJECT: Behavior Management – Rules and Discipline
NUMBER: RF-741-18
APPLICABLE TO: All Residential Employees

APPROVED: _____ /s/ signature on original
Sam Abed, Secretary
DATE: _____ 7/20/18

I. POLICY

The Department of Juvenile Services (DJS) shall implement a behavioral management program that provides incentives to encourage the development of pro-social skills. Facility rules and regulations shall be clearly defined and appropriate procedural safeguards shall be afforded to youth when implementing sanctions for youth failure to comply with the rules and regulations.

II. AUTHORITY

- A. Md. Code Ann., Human Services, §9-203 and §9-204, §9-227
- B. American Correctional Association (ACA) Standards, 4-JCF-3B-01 thru 4-JCF-3B-10, 4-JCF-3C-01, 4-JCF-3C-02, 4- JCF-3C-05 thru 4-JCF-3C-17

III. DIRECTIVES/POLICIES RESCINDED

None

IV. FAILURE TO COMPLY

Failure to comply with the Department’s Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued.	7/20/18

PROCEDURES

SUBJECT: Behavior Management – Rules and Discipline

NUMBER: RF-741-18

APPLICABLE TO: All DJS Residential Employees

APPROVED: _____ /s/ signature on original

Linda McWilliams, Deputy Secretary

DATE: _____ 6/28/18

I. PURPOSE

To provide clear behavioral expectations and facility rules, and safeguards to ensure the consistent and fair application of sanctions for youth failure to comply with facility rules.

II. DEFINITIONS

Facility Review Committee means a multidisciplinary group of staff assigned responsibility to review and make decisions to approve, deny, or modify treatment team recommendations for services for youth.

Reinforcers refers to tangible items made available to youth to strengthen pro-social behaviors.

Treatment Team means assigned staff from multiple disciplines that meet monthly to assess the progress and needs of youth in custody, and to ensure that responsive treatment services are developed and implemented.

III. PROCEDURES

A. General Procedures

1. DJS residential facilities shall implement a departmental approved behavioral management program (BMP). Every attempt will be made to maintain consistency across facilities while at the same time allowing for creativity and modifications appropriate to individual facilities to positively motivate youth for behavioral change.
2. The behavioral management program shall clearly define rewards for positive behaviors, and responses to resolve minor disruptive behaviors, moderate and major rule infractions and consequences. All youth shall receive orientation of these guidelines. Staff shall receive program training so that they are familiar with the rules of juvenile conduct, the rationale for the rules, and the consequences available for inappropriate behaviors. Staff program training shall be provided at least annually and more frequently as required.
3. All facility rules, moderate and major rule infractions and incentives/reinforcers shall be conspicuously posted in the facility and shall be included in a handbook that is accessible to youth, parent(s)/guardian(s)/custodian, and staff.
4. The moderate and major rule infractions and reinforcer menus shall be reviewed at least annually and updated, if necessary. Each facility shall have a range of meaningful reinforcers available to youth.

B. Youth Orientation

1. Upon admission and no later than within 24 hours of admission, facility staff shall provide youth a program handbook and review the following:
 - a. Rules governing conduct;
 - b. Moderate and major rule infractions;
 - c. The range of consequences;
 - d. Disciplinary procedures; and
 - e. Incentives for good behavior.
2. Receipt of the handbook is documented by a statement signed and dated by the youth and staff.
3. When a literacy or communication problem exists, a staff member shall assist the youth by reading and explaining the handbook. Youth whose primary language is not English shall be provided orientation materials and/or translations in their language if they do not understand English. Interpreters are available, as required, for communicating with youth in a manner the youth can understand. Staff may also provide youth with access to the BMP through alternative methods, including accommodations identified in the *Accessibility for Youth with Hearing Impairments and Communication with Limited English Proficient Persons Policy and Procedures*.
4. A brief overview of the BMP shall be provided for all parents, guardians and custodians along with information about the facility through the

family notification packet in accordance with the *Admissions and Orientation of Youth Policy and Procedures*. Parents, guardians or custodians who cannot read and/or comprehend the written material and need additional assistance after the initial telephone call shall be provided assistance through alternative methods, including accommodations identified in the *Accessibility for Youth with Hearing Impairments and Communication with Limited English Proficient Persons Policy and Procedures*. Upon request, a written copy of the BMP will be made available for parents, guardians or custodians.

5. Staff training and methods of quality assurance will ensure the integrity and fair application of the BMP.

C. Room Restriction and Seclusion

1. The behavioral management program will provide guidelines for intervening in minor disruptive behavior. A period of “cooling off” or “reflection time” up to 10 minutes will be used to remove youth from the immediate situation, as appropriate. Youth will be directed to a nearby location away from other youth; *however, placement in a room locked or unlocked is prohibited*. The “reflection time” shall be short in duration to not restrict or deny the youth’s participation in programming. The youth will be returned to the group and regular programming when the negative behavior is under control.
 - a. During “reflection time” staff will explain the reason for the “reflection time” and the youth will be given an opportunity to explain his or her behavior.
 - b. The youth will participate in determining the end of “reflection time” by demonstrating calm and controlled behavior.
 - c. Youth shall generally be given up to 10 minutes. No later than the end of the 10-minute period, staff shall inform the youth that he/she may rejoin regular activities. If the youth’s behavior escalates the staff shall request assistance from the shift commander.
2. Youth who present the following behaviors may be subject to placement in a room with a locked door, defined as seclusion. Seclusion shall not be used as punishment and is limited to youth who:
 - a. Presents an imminent threat of physical harm to themselves or other individuals;
 - b. Has not responded to less restrictive methods of control or for whom less restrictive measures cannot reasonably be tried; or
 - c. Has escaped or are attempting to escape.
3. The length of seclusion shall not be a pre-determined length of time. The implementation of seclusion must be in adherence with the guidelines of the *Seclusion Policy and Procedures*.
4. Youth will be held accountable for the behavior requiring seclusion in accordance with the guidelines of the BMP.

D. Disciplinary Process and Investigation

1. The facility's disciplinary process shall be defined in the BMP and provide appropriate procedural safeguards, to include:
 - a. A system for progressive discipline, which specifies behaviors that are prohibited and behavior responses.
 - b. Behavioral Review Reports for rule infractions.
 - c. Notice of behavior review.
 - d. Time and assistance to prepare for review, as needed.
 - e. Timely administrative review.
 - f. Opportunity to present witnesses and evidence.
 - g. Fair and unbiased decision.
 - h. Written notice of decision.
 - i. Opportunity to appeal.
2. Staff will prepare a **Behavioral Response Form (Appendix 1)** when there is a reasonable belief that a youth has committed a *moderate or major rule infraction* in violation of facility rules. The youth shall be informed and given a copy of the Behavioral Response Form with a description of the incident and the rules violated within 24 hours of the report of the alleged infraction.
3. When an alleged rule infraction is reported, an investigation is begun within 24 hours of the time the violation is reported and is completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation.
4. A behavior response review meeting to discuss the alleged rule infraction may be held within 24 hours with the youth's written consent.
5. The behavior response review meeting shall be scheduled as soon as practicable but no later than seven (7) days, excluding weekends and holidays, after giving the youth written notice of the rule infraction. Youth are notified of the time and place of the behavior response review meeting at least 24 hours in advance of the meeting.
6. An impartial staff will conduct behavior response reviews of alleged moderate and major rule infractions.
7. Youth will be present at the behavior response review meeting unless they waive their right in writing or through their behavior. Youth may be excluded during the testimony of any youth whose testimony must be given in confidence; the reasons for the youth's absence or exclusion shall be documented.
8. Youth shall be given the opportunity to make a statement and present documentary evidence at the behavior review meeting. Youth may also request witnesses on their behalf. A denial of a youth's request for witnesses must be documented in writing by the Superintendent.
9. Youth may request any staff member to represent them and to questions relevant witnesses at the behavior review meeting. Staff representatives will be appointed when it is apparent that the youth is not capable of collecting and presenting evidence on their own behalf.

10. The behavior review disposition shall be based solely on information obtained during the behavior review, including staff reports, statements from the youth, and evidence derived from the witnesses and documents. The disposition will be documented on the **Behavioral Response Form (Appendix 1)** and a copy will be placed in the youth's file and a copy will be maintained in the facility's disciplinary records for at least six (6) months.
11. If the youth is found not responsible of an alleged rule infraction, the Behavioral Response Form is not placed in any of the youth's records.

E. Administrative Review

1. The Superintendent or designee shall review all completed Behavioral Response Forms and dispositions to ensure conformity with policy and procedures. This review shall be documented on the Behavioral Response Form.
2. Youth have the right to appeal the disposition of the behavior review to the Superintendent or designee. Youth have up to 15 days of receipt of the decision to submit an appeal. The appeal is decided within 30 days of its receipt, and the youth is promptly notified in writing of the results.

F. Special Management

1. Staff will make every effort to manage and influence youth behavior through implementation of the BMP.
2. When youth display behavior that requires special attention, the treatment team will develop an individualized program plan to help the youth improve self-management. Interventions may include guarded care plans, behavioral contracts, family engagement, and placement in a special unit with more intensive services.
3. The Superintendent may order immediate placement in a special unit when it is necessary to protect the youth from self or others. This action shall be reviewed by the treatment team and the facility review committee within 72 hours. The facility shall have clear programming guidelines for the placement, review of a youth's behavior, and discharge of youth from a special unit.
4. Youth requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or as result of a transfer. The youth's treatment team shall develop a special management plan to assure safety and continuous services and programming. The length of time in protective custody is not pre-determined and will be reviewed within 72 hours by the Superintendent.

G. Prohibited Practices

1. Youth are not to be subject to corporal or unusual punishment, humiliation, disease, property damage, mental or personal abuse, harassment, personal injury, or punitive inference with daily functions of living, such as eating or sleeping.

2. Food, including snacks, is not withheld, nor is the established menu varied, as a disciplinary sanction.

H. Criminal Prosecution

When a youth allegedly commits an act covered by criminal law, the case is referred to Maryland State Police for investigation and determination of criminal charges for prosecution.

I. Youth Transfers

The Facility Review Committee (FRC) shall complete a review of all youth cases considered for transfer to a more restrictive program or secure facility.

IV. RESPONSIBILITY

Superintendents are responsible for implementation and compliance with this procedure.

V. INTERPRETATION

The Deputy Secretary for Operations shall be responsible for interpreting and granting any exceptions to these procedures.

The Department creates and implements the procedures set forth herein for the sole purpose of enhancing the Department's ability to properly treat youth in its care and custody. The procedures are not intended, nor should they ever be construed, to create a liberty interest or any other legally-cognizable right for the Department's youth, nor are they governed or otherwise subject to the "contested case" provisions of either the Maryland Administrative Procedure Act, Md. Code. Ann., State Gov't §§ 10-201 to -227, or the Department's own regulations, COMAR 16.02.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

1. Accessibility for Youth with Hearing Impairments Policy and Procedures
2. Admissions and Orientation of Youth Policy and Procedures
3. Communication with Limited English Proficient Persons Policy and Procedures
4. Seclusion Policy and Procedures

VIII. APPENDICES

1. Behavioral Response Form



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

POLICY: Behavior Management – Rules and Discipline
NUMBER: RF-741-18
APPLICABLE TO: All DJS Residential Employees

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.

Youth's DOB: _____

YOUTH'S NAME: _____ FACILITY: _____ Location: _____

DATE OF INFRACTION: _____ TIME: _____ AM PM Current Level: _____

DESCRIPTION OF INCIDENT

Witnesses: _____
 Reporting Staff: _____ Title: _____
 Date of Report: _____ Time of Report: _____ AM PM
 Supervisor/Lead Reviewed by: _____

Perceived Motivation: Obtaining Adult Attention Obtaining Youth Attention Obtaining Items/Activities Attention
 Avoiding Adults Avoiding Peers Avoiding Tasks/Activities

NOTICE OF INFRACTION AND BEHAVIORAL RESPONSE

MODERATE / MAJOR (Circle One): _____

I am offering you the following behavioral response:

Do you acknowledge responsibility: Yes No
 Do you accept the response offered above? Yes No Youth initials _____
 Do you wish to have 24 hours to prepare for a review? Yes No Youth initials _____
 Youth given a copy of the BRF. Shift Commander initials _____ Youth initials _____
 Do you want a staff/youth representative? Yes No

Date: _____ Time: _____ AM PM
 Shift Commander Signature: _____ Youth Signature: _____
 Witness: _____ Signature: _____

BEHAVIORAL REVIEW

Date: _____ Time: _____ AM PM
 Staff/Youth Representative: _____
 Staff and Youth in Attendance: _____
 Witnesses Denied and Reason: _____

FINDING: Founded Unfounded Reason: _____

BEHAVIORAL RESPONSE:

 Shift Commander/Designee: _____

ADMINISTRATIVE REVIEW REQUEST: Yes No Youth Signature: _____

I certify that this youth was advised of his/her right to have an Administrative Review. He/she refused to sign in the space above: _____

Second staff witness: _____

***Requests must be submitted on an Administrative Review Request Form.**

 Administrator Initials/Date

BEHAVIORAL REVIEW CONTINUANCE FORM

Facility: BRF/IR#: _____

YOUTH: _____ LIVING UNIT: _____

DATE OF INCIDENT: _____ INFRACTION: _____

DATE OF RECEIPT BY SHIFT COMMANDER/DESIGNEE: _____ TIME: _____ AM/PM

YOUR REVIEW IS BEING CONTINUED FOR THE FOLLOWING REASON:

DATE REVIEW IS SCHEDULED: _____ TIME SCHEDULED: _____ AM/PM

YOUTH SIGNATURE: _____

CONTINUANCE REQUESTED BY: _____

CONTINUANCE APPROVED? YES NO

APPROVED BY FACILITY ADMINISTRATOR: _____ DATE: _____

*A behavioral review continuance may only be granted by the Superintendent.

**Reviews shall not be continued for more than five (5) working days.

MARYLAND DEPARTMENT OF JUVENILE SERVICES
ADMINISTRATIVE REVIEW REQUEST FORM

NAME OF YOUTH: _____

DATE: _____

UNIT #: _____

BRF #: _____

DUE BY: _____

MODERATE INFRACTION _____ MAJOR INFRACTION _____

DATE OF INFRACTION: _____

ADMINISTRATIVE REVIEW REQUEST

AN ADMINISTRATIVE REVIEW REQUEST MAY ONLY BE MADE FOR ONE OF THE FOLLOWING REASONS. PLEASE INDICATE THE APPROPRIATE REASON.

- THERE IS NEW INFORMATION THAT WAS NOT AVAILABLE TO THE SHIFT COMMANDER OR DESIGNEE AT THE BEHAVIORAL REVIEW.
- BEHAVIORAL REVIEW PROCEDURES WERE NOT FOLLOWED.

YOUTH SIGNATURE: _____ DATE: _____ TIME: _____ AM PM

ADMINISTRATIVE REVIEW DECISION

BEHAVIORAL RESPONSE: UPHELD: DENIED:

ASSISTANT SUPERINTENDENT/DESIGNEE SIGNATURE: _____ DATE: _____

MARYLAND DEPARTMENT OF JUVENILE SERVICES
ADMINISTRATIVE REVIEW REQUEST FORM

DIRECTIONS FOR FILING AN ADMINISTRATIVE REVIEW REQUEST

1. If you chose to request an administrative review of an infraction, you must describe on the Administrative Review Request Form one of the following circumstances in detail:
 - A procedural error which needs correction or
 - Credible new evidence which was unavailable at the behavioral review.
2. You have **24 hours after the shift commander/designee makes his/her decision** to submit your request. You must place completed forms in the designated mailbox located in the dining hall. The only forms that will be accepted by direct care staff to turn in will be from youth not eating in the dining hall or youth in seclusion.
3. Staff will provide assistance as needed or requested.
4. The Assistant Superintendent for Operations or his/her designee will review your request.
5. A written copy of the decision will be forward to you within 2 working days of receipt, excluding weekends and holidays.