RHODE ISLAND GOVERNMENT REGISTER

PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Children, Youth and Families

DIVISION: Rhode Island Training School

RULE IDENTIFIER: ERLID 7259

REGULATION TITLE: Major Discipline Review 1200.1306

RULEMAKING ACTION: Regular rulemaking

TYPE OF FILING: Repeal

TIMETABLE FOR ACTION ON THE PROPOSED RULE:
Public Notice Date: **February 27, 2018**
Public comment will end on **March 30, 2018**

SUMMARY OF PROPOSED RULE: The Department proposes to repeal this rule in connection with the proposed adoption of 214-RICR-60-00-1, "Rules and Regulations of the Rhode Island Training School." This rule is being promulgated to replace several existing Rhode Island Training School regulations.

R.I. Gen. Laws § 14-1-36.2 provides that children and youth placed in the custody of the Department of Children, Youth and Families receive suitable treatment, rehabilitation and care in the least restrictive environment.

The mission of the Rhode Island Training School (RITS) is to provide care in a secure facility to youth who are detained or adjudicated by order of the Family Court. The Training School promotes public safety and rehabilitation of residents through a comprehensive continuum of services provided in partnership with families, the community, and the Department in the least restrictive setting compatible with youth and community safety. Supervision, security, education, behavioral health, health and transition services are provided in an individualized, culturally, and gender sensitive manner.

COMMENTS INVITED:
All interested parties are invited to submit written or oral comments concerning the proposed regulations by **March 30, 2018** to the address listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:
All written comments or objections should be sent to, Sarah St. Jacques, DCYF Policy Office, Rhode Island Department of Children, Youth and Families
Mailing Address: DCYF, 3rd Floor, 101 Friendship Street, Providence, RI 02903
Email Address: Sarah.StJacques@dcyf.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: DCYF, 3rd Floor, 101 Friendship Street, Providence, RI 02903

PUBLIC HEARING INFORMATION:
If a public hearing is requested, the place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401) 462-6266 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.
In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of this notice.

FOR FUTHER INFORMATION CONTACT:

Sarah St. Jacques, DCYF Policy Office, Rhode Island Department of Children, Youth and Families, 3rd Floor, 101 Friendship Street, Providence, RI 02903 or Sarah.StJacques@dcyf.ri.gov

SUPPLEMENTARY INFORMATION:
Regulatory Analysis Summary and Supporting Documentation:
There are no new societal costs and benefits in the adoption of this rule.

Authority for This Rulemaking: R.I. Gen. Laws § 42-72-4

Regulatory Findings:
In the development of the proposed regulation, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Repeal:
The Department of Children, Youth and Families proposes to repeal ERLID 7259, "Major Discipline Review" and adopt 214-RICR-60-00-1 as follows in the concise explanatory statement of proposed non-technical amendments below.

The Department of Children, Youth and Families proposes to repeal the following Rhode Island Training School regulations and reissue as Department Operating Procedures (DOPs). All DOP's are accessible to the public and may be viewed on the Department's website at: http://www.dcyf.ri.gov/policyregs/.

The proposed regulation would repeal and supersede the following rules:

- Administrative Classification to Restrictive Status 1200.1308 ERLID: 7256
- Administrative Responsibility 1200.0003 ERLID: 6180
- Administrator on Call 1200.0004 ERLID: 6181
- Behavior Report 1200.1305 ERLID: 6184
- Case Transfers between the Rhode Island Training School and Family Service Units or Juvenile Probation 1200.1620 ERLID: 7774
- Clinical Services at the Rhode Island Training School 1200.1110 ERLID: 7955
- Court Disposition 1200.0014 ERLID: 7785
- Culinary Equipment 1200.0838 ERLID: 6337
- Daily Census Report for the RI Training School 1200.0504 ERLID: 6237
- Discipline for Academic and Vocational Classes 1200.1310 ERLID: 6028
- Education Program at the RI Training School 1200.1701 ERLID: 7993
- Escape 1200.1608 ERLID: 6339
- Facility Capacity 1200.0002 ERLID: 7786
- Facility Management and Environmental Safety 1200.0718 ERLID: 6361
- Fifteen Minute Room Checks 1200.0839 ERLID: 6019
- Food Service 1200.0900 ERLID: 7787
- General Discipline 1200.1300 ERLID: 6020
- Incentive System-Points 1200.0103 ERLID: 7781
- Juvenile and Adult Offender Interactions 1200.0011 ERLID: 6182
- Lawful Detention or Confinement of Juveniles 1200.0010 ERLID: 7789
- Legal Assistance 1200.0017 ERLID: 6185
- Legal Establishment 1200.0000 ERLID: 7788
- Lock Up 1200.1307 ERLID: 7258
- **Major Discipline Review 1200.1306 ERLID: 7259 (This rulemaking action)**
- Master Control Center 1200.0857 ERLID: 6341
- Mission, Philosophy, Goals and Purpose 1200.0001 ERLID: 7508
- Movement of Residents on Grounds 1200.0809 ERLID: 6342
- Notice to Superintendent 1200.0702 ERLID: 6387
- Portable Radios1200.0708 ERLID: 6343
- Post Assignments1200.0847 ERLID: 6614

- Protecting and Preserving Evidence1200.0835 ERLID: 6344
- Resident Grievance Procedure 1200.1206 ERLID: 6346
- Resident Handbook 1200.1301 ERLID: 6031
- Resident Personal Property 1200.1203 ERLID: 6241
- Resident Room Inspections 1200.1003 ERLID: 6347
- Resident Telephone Calls 1200.1402 ERLID: 7959
- RITS Personnel Administration 1200.0222 ERLID: 6396
- Safety and Emergency Procedures at the RI Training School 1200.0714 ERLID: 6357
- Search of a Resident of the RI Training School 1200.0819 ERLID: 6977
- Searches for Contraband 1200.0821 ERLID: 6348
- Suicide Prevention and Special Watches 1200.0709 ERLID: 6349
- Tool and Equipment Control at the RI Training School 1200.0855 ERLID: 6350
- Tours of the RI Training School 1200.0007 ERLID: 6115
- Transportation of Residents Off Grounds 1200.0240 ERLID: 6244
- Unusual Incident Report 1200.0827 ERLID: 6351
- Use of Physical Force/Corporal Punishment 1200.1207 ERLID: 6117
- Use of Restraint at the RI Training School 1200.0832 ERLID: 6978
- Use of State Vehicles 1200.0724 ERLID: 6352

SUMMARY OF NON-TECHNICAL CHANGES

PROPOSED REGULATIONS FOR ADOPTION

214-RICR-60-00-01

Title 214 – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
Chapter 60 – Rhode Island Training School

Subchapter 00 – N/A

Part 1 – Rules and Regulations of the Rhode Island Training School

Justification for regulatory changes:

Language added to comply with federal provisions of the Prison Rape Elimination Act P.L. 108-79.

Section 1.1 Purpose

No new provisions, language is from existing state statutes and Department policy.

1.2 Authority

No new provisions, existing state statutes.

1.3 Application

Section Added

1.4 Severability

Section Added

1.5 Definitions

New Definitions:

From Federal Law (Prison Rape Elimination Act): “Sexual Harassment means any verbal comment of gesture (welcome or not) of a sexual nature including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.

“Sick Call” means a scheduled time at which residents may report as sick to the RITS nurse.

From Federal Law (Prison Rape Elimination Act: “Voyeurism” means an invasion of privacy of a resident by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident’s naked body or of a resident performing bodily functions.

1.6 General Administration

New language added to comply with the federal Prison Rape Elimination Act

C. All Training School employees, and all contractors and consultants who do business at or in any of the components of the Training School, must undergo criminal background checks and must submit to the following criminal background checks every fifth (5th) year of their employment or contractual/consultant relationship with the Training School.

1. Such background checks are conducted during the anniversary month of the employee’s date of hire or assignment to the Training School. In the case of contractors/consultants, such background checks are conducted during the anniversary month of the start of that individuals work with the Training School.

2. Five-year criminal background checks include are done using State Bureau of Criminal Investigation (BCI) checks.

3. For employees covered by this policy, failure to submit to these checks may be used as cause for disciplinary action, up to and including dismissal from employment with cause.

4. For consultants and contractors covered by this policy, failure to submit to these checks may be used as cause for termination with cause of any and all agreements for consulting or contracting with the Department, with the consultant/contractor forfeiting any and all future payments within their contract for services with the Department.

5. Any criminal information found in these checks are subject to administrative review and appropriate disposition.

1.6.1 Resident Handbook

New language added to comply with the federal Prison Rape Elimination Act

1. The Resident Handbook includes information for youth on their rights and PREA safeguards and includes information on how to report sexual harassment and/or sexual abuse, and a place for the youth to sign acknowledging that the youth has received such information.

1.7 Prison Rape Elimination Act

New language added to comply with the federal Prison Rape Elimination Act

A. The RITS complies with the federal Prison Rape Elimination Act (PREA) to provide a safe and therapeutic environment for all youth. Department Operation Procedures outline and implement a comprehensive approach to preventing, detecting and responding to sexual abuse, including voyeurism, and sexual harassment.

B. Any physical contact of a sexual or sexualized nature between any RITS provider, vendor, contractor, volunteer, or staff toward a youth detained or adjudicated at the RITS is deemed abusive; such contact is reported to the CPS Hotline and is investigated.

1. The Department has zero tolerance for voyeurism or sexual harassment by any Department provider, contractor, volunteer or staff toward a youth detained or adjudicated at the RITS and includes voyeurism and/or sexual harassment as a form of sexual abuse.

C. Any Department staff engaging in sexual abuse or harassment toward a child/youth in care or detained or adjudicated at the RITS is subject to discipline up to and including dismissal without warning and referred to law enforcement agencies unless the activity was clearly not criminal, and to relevant licensing bodies, as appropriate.

D. Any contractor, provider, intern or volunteer who violates Department sexual abuse or harassment policies is prohibited from contact with residents and reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies, as appropriate.

1.13 Visitation

Language amended to comply with the Prison Rape Elimination Act

E. All visitors are subject to a criminal record background check and a clearance of agency activity check prior to being approved for visitation.

F. All visitors are subjected to a search upon entry to the facility.

G. Visitors are prohibited from bringing contraband in to the facility at any time. The contraband and search policy for visitors is posted at the entrance to the facility.

K. ~~There are regular family forums at which families of detained youth may voice issues of concern, offer suggestion for improvement, and obtain needed information about institutional policies and practices.~~

1.15 Resident Searches

Updated to comply with the federal Prison Rape Elimination Act

4. Clothed Body Search;

5. Except in exigent circumstances, any search of a resident is conducted by a staff member of the same gender as the youth or, in the case of a transgender or intersex identified youth, by a staff member of the gender that the youth has identified as the preferred gender for this purpose. Any search of a resident complies in all respects with the requirements of the Prison Rape Elimination Act as detailed in Department Operating Procedure as well as in Department training.

Major Discipline Review

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: RI Training School
Policy: 1200.1306
Effective Date: May 17, 2010 Revised Date: July 10, 2013 Version: 4

The Division maintains a safe and healthy environment at the Training School for residents and staff. The Major Discipline Review process responds to serious resident infractions or allegations of serious resident infractions of the facility's rules. Related procedure outlines the infractions subject to such review, the range of sanctions available, as well as regulations for conducting and documenting all processes related to Major Disciplines.

The Major Discipline Review process is conducted by the Major Discipline Reviewer, who remains impartial and ensures that each resident's right of due process is respected. The Superintendent can intervene in the Major Discipline Review process at any point and is available to hear a resident's appeal.

Staff are trained in a full range of behavior management and progressive discipline techniques to reduce the occurrence of major disciplinary infractions. Residents are informed of the rules of the facility so that they can avoid such infractions.

Related Procedures

Resident Conduct Subject to Major Discipline Review Major Discipline Reviewer
Initial Process of Major Discipline Review Major Discipline Review Hearing
Major Discipline Review Disposition and Appeal

Related Policies

Resident Handbook General Discipline
Discipline for Academic and Vocational Classes Behavior Report
Administrative Classification to Restrictive Status Lock Up
Use of Restraint at the RI Training School Searches for Contraband

Resident Conduct Subject to Major Discipline Review

Procedure from Policy 1200.1306: Major Discipline Review

A. Residents demonstrating the following behaviors may be subject to Major Discipline Review:

1. Bullying or extortion;
2. Refusing work assignments without good cause;
3. Physical assaults on other residents or staff;
4. Elopement;
5. Failure to return from an authorized home visit;
6. Destruction of property;
7. Theft;
8. Possession, use of, or selling drugs and/or contraband (which is anything illegal or anything that is specifically prohibited by DCYF Policy 1200.0821, Searches for Contraband);
9. Failure to obey any reasonable and lawful staff command (including refusal to continue participation in any court mandated treatment, rehabilitation, or training programs that are established in the resident's Service Plan (Individual Treatment Plan), or educational programs in which attendance is mandated by the compulsory school attendance laws);
10. Using threatening language that would cause a reasonable person to be in fear of imminent physical harm;
11. Using gestures that are intended to provoke other residents and/or staff and would cause a reasonable person to be provoked and;
12. Any act in violation of the criminal laws of the State of Rhode Island.

B. Written rules of juvenile conduct are described in and distributed to residents in conformance with DCYF Policy 1200.1301, Resident Handbook.

C. Paragraphs A and B are consistent with American Correctional Association Standards 3-JDF-3C-02; 3-JTS-3C-02; 3-JDF-3C-03 and 3-JTS-3C-03.

Major Discipline Reviewer

Procedure from Policy 1200.1306: Major Discipline Review

A. The Department of Children, Youth, and Families appoints a staff member of the Department, whose principle and primary responsibilities relate to the operation of the discipline system at the Training School, to serve as the Major Discipline Reviewer.

1. No additional duty is assigned to or assumed by the Major Discipline Reviewer which compromises his/her objectivity or which interferes with his/her ability to perform his/her principle and primary responsibilities in a timely and effective manner.
2. The Major Discipline Reviewer works with staff and residents to ensure the fair, efficient and effective operation of the Training School's discipline system.

B. The Major Discipline Reviewer maintains objectivity, conducts all Major Discipline Reviews in accordance with this policy and procedure and is not consulted regarding a disciplinary matter prior to the review process regarding that matter.

C. The Major Discipline Reviewer is responsible for ensuring that if residents at the Training School are placed on Restrictive Status, all elements of that status comply with DCYF Policy 1200.1308, Administrative Classification to Restrictive Status. The Major Discipline Reviewer is also responsible for all required documentation of this status.

D. The Major Discipline Reviewer compiles reports on the operation of the discipline system at the Training School and forwards such reports to the Superintendent and/or designee.

E. Paragraphs A and B are consistent with American Correctional Association Standards 3-JDF-3C-14 and 3-JTS 3C-16.

Initial Process of Major Discipline Review

Procedure from Policy 1200.1306: Major Discipline Review

A. The Unit Manager or designee verbally informs the resident that his/her infraction is being recommended for a Major Discipline Review.

B. Staff promptly notify the Shift Coordinator of this recommendation. The Shift Coordinator immediately notifies the Superintendent or designee of the details of the incident.

C. The Superintendent or designee approves or disapproves the recommendation for a Major Discipline Review. If the Superintendent determines that a Major Discipline Review is warranted, the Shift Coordinator notifies the staff who submitted the request.

D. Paragraphs A - C are consistent with American Correctional Association (ACA) Standards 3-JDF- 3C-12 and 3-JTS-3C-12.

E. Staff notify the resident that a Major Discipline Review Board has been approved. The resident is entitled to timely written notice of the violation with which he/she is charged, the alleged conduct giving rise to the violation, including the date, time and place of the alleged conduct and reason for the proposed disciplinary procedure. This notice will be given as soon as possible but no later than the end of the shift in which the incident occurred unless the Superintendent approves an extension of that time frame.

1. This notice procedure shall be accomplished by giving the resident a copy of the Discipline Report Part 1 which includes the information in paragraph E above.
2. The Major Discipline Reviewer or designee also gives the resident notice of the time and place of the Review on the alleged conduct and of his/her right to be represented by a counselor, social worker or another resident of the resident's choosing. The resident also will be informed at that time that he/she may retain a lawyer at his/her own expense to represent him/her before the Board.
3. Paragraph E is consistent with ACA Standards 3-JDF-3C-10; 3-JTS-3C-10; 3-JTS-3C-11; 3-JDF-3C-12 and 3-JTS-3C-14.

F. In all cases the resident receives a copy of the Discipline Report Part 1 prior to the Major Discipline Review Hearing. Paragraph F is consistent with ACA Standards 3-JDF-3C-10; 3-JTS- 3C-10; 3-JTS-3C-11; 3-JDF-3C-12 and 3-JTS-3C-14.

G. If the Superintendent determines the resident is at risk for imminent harm to him/herself or others, the resident may be remanded to his/her room while maintaining all other basic entitlements in accordance with DCYF Policy 1200.1307, Lock Up. Paragraph G is consistent with ACA Standards 3-JDF-3C-11; 3-JTS-3C-13; 3-JDF-3C-07 and 3-JTS-3C-07.

H. In any instance in which a resident is remanded to his room prior to the hearing, the Review Board must occur within twenty-four hours of the incident unless the resident requests an extension to allow his/her attorney to be present at the hearing. Paragraph H is consistent with ACA Standards 3-JDF-3C-11 and 3-JTS-3C-13.

I. If there is no indication that the resident is at risk of imminent harm to him/herself or others, the Review Board hearing must occur with five (5) work days of the incident. No extension to the 5- day policy may occur unless the resident or his/her attorney requests it. The Major Discipline Reviewer approves requests for extensions. Paragraph I is consistent with ACA Standards 3- JDF-3C-13 and 3-JTS-3C-15.

J. If, during the period prior to the convening of the Review, the Unit Manager consults with the Superintendent or designee and determines that the alleged infraction may appropriately be addressed through a Behavior Report, DCYF Policy 1200.1305, Behavior Report is implemented and the Major Discipline Review procedure is discontinued. Paragraph J is consistent with ACA Standards 3-JDF-3C-02 and 3-JTS-3C-02.

Major Discipline Review Hearing

Procedure from Policy 1200.1306: Major Discipline Review

A. At the hearing the Major Discipline Reviewer reads and fully explains to the resident and his/her advocate the circumstances of the charge and/or reason for the Review. The Reviewer also informs the resident of his/her right to:

1. Be represented by an attorney, a social worker, another resident of his/her choosing or another community member or staff member of his/her choosing.
2. Retain or use an attorney to represent him/her at his/her own expense.
3. Admit, deny or remain silent regarding the stated charge(s).
4. Privately make an initial statement to admit or deny the charges to the Reviewer in the absence of witnesses and/or staff the resident or his/her advocate.
5. Disclosure of the evidence that will be presented against him/her during the Review hearing.
6. Present evidence on his/her behalf that includes witnesses and documentation.
7. Have all witnesses questioned in the presence of the resident. If the Reviewer finds that such questioning will jeopardize the physical safety of the witness, that witness may testify out of the presence of the resident, but in the presence of the resident's advocate when applicable.
8. Testify (although the resident is not required to do so). In all cases, the resident shall be advised that if she/he wishes to testify, anything she/he says may be considered by the Major Discipline Reviewer as well as in future court proceedings, if any. The reviewer does not consider the resident's decision not to testify as an admission or indication of guilt or wrongdoing.
9. Cross-examine any witnesses that the resident does not present. The resident can also compel the presence of staff or other residents as witnesses by requiring that the Superintendent or designee require their presence at the hearing.
10. The right to appeal the Review decisions and/or the imposed penalty to the Superintendent. All sanctions are suspended pending the outcome of the appeal.
11. Paragraph A is consistent with American Correctional Association (ACA) Standards 3-JDF-3C-14; 3-JTS-3C-16; 3-JDF-3C-15; 3-JTS-3C-17; 3-JDF-3C-16; 3-JTS-3C-18; 3-JDF-3C-17; 3-JTS-3C-19 and 3-JTS-3C-20.

B. All witnesses testify only in the presence of the Major Discipline Reviewer, the resident and the resident's advocate unless the Major Discipline Reviewer determines that such testimony jeopardizes the safety of the witness. Paragraph B is consistent with ACA Standards 3-JDF-3C-15 and 3-JTS-3C-17.

C. The Reviewer may exclude evidence that is cumulative or presented solely to harass or delay the Review.

D. The Reviewer's decision is based solely on information obtained during the hearing process; the burden of proof is on the Division to demonstrate by clear and convincing evidence that the resident violated the rules of behavior. Paragraph D is consistent with ACA Standard 3-JTS-3C-20.

E. The Reviewer submits the decision in writing no later than two (2) days after the close of the Review.

1. The decision includes a brief summary of the evidence presented at the Review, the evidence that supports the finding(s) and the reasons for the decision and penalty imposed.
2. The decision affirms that the resident's disciplinary record was considered in arriving at the sanction as well as the manner in which the record review affected the imposed sanction.
3. The decision affirms that the resident's disciplinary history was not considered in determining guilt but only considered during the penalty phase of the Review.
4. Paragraph E is consistent with ACA Standards 3-JDF-3C-18 and 3-JTS-3C-21.

F. If the resident is found guilty of the charge(s) his/her record may be used to determine the sanctions to be imposed.
1. The sanctions are consistent with the requirement for progressive discipline.
2. The resident's past discipline record is only considered after the Major Discipline reviewer determines that the resident is guilty of the charge(s). Further, the record can only be used to weigh the appropriateness of the sanctions.
3. When the resident's prior discipline record is used to determine penalties, the Reviewer discusses this in the presence of the resident and his/her advocate.

G. The resident and his/her advocate receive a copy of the written decision upon its completion.
Paragraph G is consistent with ACA Standards 3-JDF-3C-18 and 3-JTS-3C-21.

H. Notification of the right to appeal is written on the face of the decision and provided verbally when the resident receives the written decision. The resident is also advised of the appeal procedure. Paragraph H is consistent with ACA Standards 3-JDF-3C-21 and 3-JTS-3C-24.

I. A copy of the written decision is placed in the resident's record in RICHIST. Paragraph I is consistent with ACA Standards 3-JDF-3C-18; 3-JTS-3C-21; 3-JDF-3C-19 and 3-JTS-3C-22.

J. At any point in the process, the Major Discipline Reviewer may make a referral for clinical intervention. As a result of a finding of guilty, the Major Reviewer may impose the following sanctions:
1. A warning and/or discussion with the resident regarding the incident.
2. A resident's participation in a restorative justice meeting with the person(s) who was adversely affected by the resident's actions. This may include reasonable restitution based on the resident's ability to pay and the value of the damaged property.
3. Loss of a resident's points on one shift.
4. Placing a resident in his/her room for a maximum of (1) hour.
5. Extra chores, homework, book reports, facility and public assignments for up to a maximum of five (5) days.
6. Sending a resident to his/her room before "lights-out" but not earlier than 8 PM (limited to one night for each incident; or one hour before the resident's customary bedtime).
7. Loss of a resident's points for one day.
8. Loss of the second scheduled weekly visit or any special visit for one week.
9. Loss of one unit level.

10. Remanding a resident to his/her room for time periods not to exceed 3 days in conformance with DCYF Policy 1200.1307, Lock Up.
11. Paragraph J is consistent with ACA Standards 3-JDF-3C-02 and 3-JTS-3C-02.

K. Staff conduct and document room checks on each resident on Lock Up to assess his/her status in accordance with DCYF Policy 1200.1307, Lock Up.

L. In conformance with DCYF Policy 1200.1308, Administrative Classification to Restrictive Status, if the Major Discipline Reviewer makes a recommendation to place a resident on Restrictive Status, he/she contacts the Superintendent or designee for approval.

Major Discipline Review Disposition and Appeal

Procedure from Policy 1200.1306: Major Discipline Review

A. The disposition of the Major Review Process is documented in the Unit Log Book and the Unit Lock Up Book. The disposition of the Major Review Process is also provided in writing to the Resident and is a part of the Resident's permanent file in RICHIST. This is also documented in the Unit Log Book and the Unit Lock up Book. Paragraph A is consistent with American Correctional Association (ACA) Standards 3-JDF-3C-18; 3-JTS-3C-21; 3-JDF-3C-19; 3-JTS-3C- 22; 3-JDF-3A-06; 3-JTS-3A-06; 3-JDF-3A-09 and 3-JTS-3A-09.

B. Unit Staff check the Unit Log Book and the Unit Lock Up Book and education staff check the daily school notes at the beginning of each shift/school day to ensure consistent compliance with any Major Discipline Review decisions.

C. Whether or not a resident appeals a Major Discipline Review decision, the Superintendent or designee reviews the Review disposition within seventy-two (72) hours and exerts a reasonable effort to conduct the review within twenty-four (24) hours of the decision. The purpose of such review is to determine:

1. If the outcome is appropriate and to revise the outcome if inappropriate.
2. Whether particular staff members are routinely or habitually initiating Major Discipline Review procedures in a manner or pattern which calls into question the appropriateness of the use of the Review procedures by such staff members.
3. Paragraph C is consistent with American Correctional Association (ACA) Standards 3- JDF-3C-20; 3-JTS-3C-23; 3-JDF-3C-21; and 3-JTS-3C-24.

D. If a resident requests an appeal to the decision(s) of a Major Discipline Review hearing, the Major Discipline Reviewer assists him/her.

E. Any sanctions imposed as a result of a Major Disciplinary Hearing are stayed until the conclusion of the appeal process.

F. The Superintendent or designee has the discretion to:

1. Veto Behavior Report Sanctions.
2. Veto Major Disciplinary Review hearing sanctions.
3. Intervene at any time during a Major Disciplinary Review Process.
4. Deny a resident's appeal.
5. Decrease, but not increase, any sanction imposed and must state the reasons for the exercise of such discretion in writing on the relevant discipline papers/records.

G. The Superintendent or designee notifies the resident in writing of the outcome of the appeal within twenty-four (24) hours of the resident's appeal. This decision is also recorded in RICHIST.

H. The Superintendent's decision is documented in the Unit Log Book and the Unit Lock Up Book.

I.A. Paragraphs D - H are consistent with ACA Standards 3-JDF-3C-20; 3-JTS-3C-23; 3-JDF-3C-21; 3-JTS-3C-24; 3-JDF-3A-06; 3-JTS-3A-06; 3-JDF-3A-09 and 3-JTS-3A-09.