YOUTH SERVICES
POLICY

Title: Youth Code of Conduct - Secure Care	**Type:** B. Classification, Sentencing and Service Functions **Sub Type:** 5. Administrative Remedy Procedure/Disciplinary Process **Number:** B.5.1
	Page 1 **of** 16
References: Act 351 of the 2010 Regular Session of the Legislature; ACA Standards 2-CO-3C-01 and 2-CO-4A-01 (Administration of Correctional Agencies); 4-JCF-3B-01, 4-JCF-3B-02, 4-JCF-3B-03, 4-JCF-3B-04, 4-JCF-3B-05, 4-JCF-3B-06, 4-JCF-3B-07, 4-JCF-3B-08, 4-JCF-3B-10, 4-JCF-3C-05, 4-JCF-3C-06, 4-JCF-3C-07, 4-JCF-3C-08, 4-JCF-3C-09, 4-JCF-3C-10, 4-JCF-3C-11, 4-JCF-3C-12, 4-JCF-3C-13, 4-JCF-3C-14, 4-JCF-3C-15, and 4-JCF-3C-16; YS Policy Nos. A.1.9 "Records Management and Retention", B.2.1 "Assignment, Reassignment, and Release of Youth", B.2.2 "Youth Classification System and Treatment Procedures", B.2.3 "Secure Care Intake", B.2.7 "LAMOD Program and Youth Stage Procedures", B.2.8 "Behavioral Health Treatment Unit (BHTU)", B.2.12 "Fast Track Program", B.2.14 "Secure Care SAVRY", B.2.21 "Behavioral Intervention Rooms", C.1.6 "Establishment of Secure Care Facility Standard Operating Procedures (SOPs)", and C.2.7 "Youth Drug/Alcohol Testing"	
STATUS: Approved	
Approved By: *James Bueche, Ph.D., Deputy Secretary*	**Date of Approval:** 03/06/2019

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Youth Code of Conduct (COC) as a YS policy which holds youth accountable for negative behaviors and designates the LAMOD process as the procedure through which positive behavior is rewarded.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Health Services Director, Regional Directors, Facility Directors, secure care staff, Contracted Health Care Providers (CHP), volunteers, interns, and all secure care youth.

IV. DEFINITIONS:

Administrative Remedy Procedure - A formal review process through which a youth may seek resolution of complaints relating to his stay in secure care. (Refer to YS Policy No. B.5.3)

Assault – For the purposes of this policy an assault is an offensive, aggressive intentional act.

Code of Conduct Committee - A three person committee composed of the Code of Conduct Officer, a Juvenile Justice Specialist (JJS), and a social services staff member selected to hear Code of Conduct Violation Reports, discuss the youth's behavior, and encourage the youth to identify and change the negative behavior to positive behavior by imposing consequences.

Code of Conduct Due Process Hearing - A hearing conducted by the Code of Conduct Committee that has been convened to hear Violation Reports, and provides the youth with an opportunity to be heard. The youth shall have additional rights as outlined in Section IX.C.

Code of Conduct Officer – The administrative staff member that manages the Code of Conduct process and proceedings, and records information in the Code of Conduct database.

Code of Conduct Violation - Behavior which disrupts the provision of services or threatens the safety of the facility, the youth, visitors and/or staff and results in a Due Process Hearing before the Code of Conduct Committee.

Code of Conduct Violation Report – The document which records the behavior violating Code of Conduct Rules. The Violation Report is written by the reporting staff member and, with the exception of violations that are found through Investigative Services (IS) video review or are being investigated, given to the youth within 24 hours of the time of the violation.

Deferral – For purposes of this policy, the action by the Code of Conduct Committee resetting a hearing to a later date in the limited circumstances outlined in Section IX. (E)(2)(c).

Inappropriate/Problematic Adolescent Behavior – Youth behavior that does not require due process and can be resolved without the imposition of serious penalties. Inappropriate/problematic adolescent behaviors do not violate any state or federal statutes, and shall be resolved informally through LAMOD therapeutic approaches by staff.

Informal Resolution Process - The purpose of the "Informal Resolution Process" is to identify and change inappropriate/problematic behavior through:

a. Individual Process - A discussion between a youth and staff regarding the youth's inappropriate / problematic behavior.
b. Group Process - A discussion among the youth's group (youth and staff) regarding the youth's inappropriate / problematic behavior.

Staff Representative - A person selected by the youth to represent him, or a specially trained staff member assigned to represent youth at Code of Conduct Hearings. The staff representative's duties may include advising the youth of his hearing rights, presenting evidence, asking questions, raising defenses, and advising the youth about his appeal rights.

YS Staff – For the purposes of this policy, staff includes employees, contracted health care provider staff, education staff, and interns.

V. POLICY:

It is the Deputy Secretary's policy that a youth disciplinary system shall be in place to address inappropriate/problematic adolescent behaviors through an informal resolution process, and to address violations formally through a written report and due process in order to preserve structure and order in the facilities.

VI. YOUTH ORIENTATION:

A. Within 24 hours of direct intake to a secure care facility, staff shall advise the youth of the Youth Code of Conduct both verbally and in writing. The "Youth Receipt of the Code of Conduct" [see Attachment B.5.1 (b)] shall be signed by both the youth and staff, and placed in the youth's Master Record under Clip VI.

B. Translators shall be provided for youth who do not understand English. In addition, assistance shall be provided to any youth who is unable to read or comprehend written or verbal explanations of the Youth Code of Conduct.

VII. YOUTH INCENTIVES FOR POSITIVE BEHAVIOR:

Youth incentives shall be provided pursuant to the LAMOD Youth and Staff Manuals. (Refer to YS Policy No. B.2.7)

VIII. INAPPROPRIATE / PROBLEMATIC ADOLESCENT BEHAVIOR:

Inappropriate/problematic adolescent behaviors which do not immediately affect the safety of the unit yet need to be addressed in order to help the youth develop more appropriate responses, shall be resolved informally through LAMOD therapeutic approaches pursuant to the OJJ "LAMOD Staff Manual". Unit team members shall work together utilizing the informal resolution process to identify and change adolescent youth behavior.

IX. CODE OF CONDUCT VIOLATIONS, PROCEDURES, AND CONSEQUENCES:

A. Intentional acts of physical violence or sexual behavior found through an IS video review shall be cause for a violation report to be written within 24 working hours of the camera viewing. If the violation is being investigated by IS, the violation report shall be written no later than 24 hours from the time IS confirms the violation occurred.
The behavior described in a Violation Report should match the appropriate rule number cited in the Youth Code of Conduct. If the rule number needs to be changed for accuracy, any Code of Conduct staff / Committee Member shall make and initial the change or state the fact of change on the record. A change of this nature does not require a delay of the proceedings.

B. Violations include the following: (The asterisk* refers to those violations that are subject to restorative justice / reparation.)

1. *Aggravated Unauthorized Area* - A youth shall not be away from his assigned area causing disruption to the normal operations of the facility, such as being on the roof of a building, hiding, roaming the facility, etc., and includes Attempted Escape.

2. *Assault (Youth/Youth)** - A youth shall not assault another youth through offensive, aggressive, intentional acts.

   Examples of youth/youth assaultive behavior are:

   a. Fighting
   b. Hitting
   c. Spitting
   d. Throwing or projecting objects or other substances, including any bodily fluids or products.

3. *Assault (Youth / Staff / Visitors / Volunteers / Contract Providers / Interns)** - A youth shall not assault staff/visitors/volunteers/contract providers/interns through offensive, aggressive or intentional acts. Examples of youth/staff assaultive behavior are:

   a. Fighting
   b. Hitting
   c. Spitting
   d. Throwing or projecting objects or other substances, including any bodily fluids or products.

4. *Contraband* – A youth shall not possess items that are detrimental to the security of the facility or prohibited by law or facility rules/policies. A youth shall not have a positive result on a drug screen or exhibit signs of intoxication. (Examples of contraband are illegal drugs; medications with/without a prescription; alcoholic beverages; yeast; tattoo machines, syringes; weapons; nude pictures; money; cigarettes; computers; computer accessories, including thumb drives; telephones / cell phones, security radios (walkie-talkies); cameras, security screens, fire alarms, keys, and locks. Refusal of a drug test shall result in an automatic finding of "guilty" on a contraband write up.)

5. *Escape** - A youth shall not depart from either the grounds of a secure facility, or from the custody and control of staff while off the grounds of the facility, or fail to return to the facility from a furlough.

6. *Gang/gang-like organization/activity* - Youth may not create or join any group that has not been authorized by the Facility Director. No such group shall destroy property or violate the Code of Conduct rules. Youth shall not draw or otherwise display symbols associated with gang/gang-like activity.

7. *Property Destruction** – A youth shall not damage or destroy property of the state or others.

8. *Sexual Misconduct* – Youth shall not engage in sexual behavior with any person or in front of any person, or threaten to conduct sexual acts with staff or youth. Examples of this include, but are not limited to:

    a. Sexual intercourse or oral sex;
    b. Exposing of genitals to others;
    c. Masturbation;
    d. Making sexually aggressive statements to staff or youth;
    e. Groping, touching or fondling;
    f. Sexual coercion, which is the use of debt, threats of physical harm, peer pressure, deceit, personal favors or positional authority to force or lure sexual favors from a person, including but not limited to, sexual fondling, oral sex and sexual intercourse; and
    g. Solicitation of sexual favors from a youth or a YS staff member.

9. *Tampering with Security Devices** - Youth shall not touch, obstruct, activate or interfere with security devices in any manner. These devices include computers, telephones, radios, cameras, security screens, fire alarms, fire extinguishers, keys, locks, security log books, security paperwork, etc.

10. *Theft** – Youth shall not steal from each other, staff, visitors, volunteers, interns or the state, or be in possession of stolen items.

11. *Threats and Intimidation* – A physical threat or verbal assault on staff or another youth with intent to do physical harm.

C. Pre-hearing Procedures:

1. Violation Reports shall be written by the reporting employee, who shall provide a copy to the youth by the end of the employee's shift, but no later than 24 hours from the time of the violation. Violations found through IS video review or being investigated shall be provided to youth in accordance with Section IX. A.. The form should be a lettered attachment.

   If the youth refuses or is unable to sign the Violation Report, the reason must be documented on the form along with two (2) employee's signatures who witnessed the refusal or inability to sign. A youth's refusal to accept the Violation Report shall not in any way delay the hearing process.

   Failure to obtain the witnessing staff signatures or failure by staff to present the Violation Report to the youth within the 24 hour period shall result in a dismissal of the Violation Report.

   The youth shall make his election of a staff representative when presented with the Violation Report or at the time of the COC hearing.

2. The "Youth Code of Conduct Violation Report Supplemental Page" shall be used if needed to add information to the Violation Report.

D. Youth Rights and Notices:

1. A youth has the right to receive a copy of the Violation Report before the end of the reporting employee's shift but no later than 24 hours from the time of the violation. Violations found through an IS video review shall be cause for a violation report to be written within 24 working hours of the camera viewing. If the violation is being investigated by IS the violation report shall be written no later than 24 hours from the time IS confirms the violation occurred.

2. A youth has the right to receive notice of the time and date of the hearing a minimum of 24 hours prior to the hearing. The "Notice of Hearing" [see Attachment B.5.1 (c)] shall be handed to the youth or posted in his housing unit and/or dining area.

a. The “Notice of Hearing” shall cite the youth's name, Client ID#, the date of the Violation Report, violation number(s), the date and time of the Code of Conduct Hearing, the Hearing Officer, the date and time the notice is posted and by whom the notice is posted.

b. The youth's “Due Process Hearing Rights” [see Attachment B.5.1 (d)] relating to the hearing process shall be posted with the “Notice of Hearing”. If the “Notice of Hearing” is handed to the youth, a copy of the youth “Due Process Hearing Rights” relating to the hearing process shall be given to him also.

c. If the Code of Conduct Hearing is held less than 24 hours from the time of the “Notice of Hearing”, Waiver #1 [see Attachment B.5.1 (e)] must be signed by the youth and witnessed by a staff member. If the youth does not sign the waiver, the hearing must be held 24 hours after the notice is given to the youth.

3. A youth has the right to be present at the Code of Conduct Hearing unless he waives this right by signing Waiver #2 on the “Notice of Hearing” or by exhibiting disruptive behavior which shall be documented on the record. The youth's signature on Waiver #2 must be witnessed by a staff member. If the youth refuses or is unable to sign the waiver, this must be documented on the form with the Code of Conduct Officer/staff member signature and another employee signature who witnessed the refusal or inability to sign.

4. A youth has the right to request a staff member to represent him during the Code of Conduct Hearing. The youth shall make this selection on the Violation Report at the same time he is given the report and signs for it or at the Code of Conduct Hearing. If his specified representative is not reasonably available, another staff member shall be appointed by the Code of Conduct Committee to represent him.

5. A youth has the opportunity to present evidence and may request witnesses (another youth or staff) to provide testimony on his behalf. This “Motion to Call Witnesses” shall be made at the time of the hearing. The Committee and the youth may also agree to the content of the witness’s testimony (stipulate) rather than obtaining the witness’s presence. If the youth is denied the opportunity to present evidence or request witnesses, the youth’s request and the reason for the denial shall be documented on the Violation Report.

6. A youth has the right to receive a copy of the decision, including reasons for the disposition and consequence(s) at the conclusion of the Conduct Code Hearing.

7. A youth has the right to appeal the decision to the Facility Director and to receive a copy of that decision. (Refer to Section IX.I)

8. A youth has the right to have the Regional Director review the Facility Director's decision, and to receive a copy of that decision. (Refer to Section IX.I)

9. The Code of Conduct Officer/designee shall ensure that the "Notice of Hearing" is posted and that all of the necessary waivers and forms are made available to the youth in advance of the Code of Conduct Hearing as described in Section IX.E below.

E. Rights and Notices of Youth Placed in the Behavioral Intervention Room (BIR) Immediately Following a Code of Conduct Violation:

1. Youth shall be removed from the BIR prior to their Code of Conduct Hearing if their behavior is no longer an imminent threat to the safety of the facility, staff and youth. (Refer to YS Policy No. B.2.21).

2. A youth has the right to receive a copy of the Violation Report before the end of the reporting employee's shift but no later than 24 hours from the time of the violation. Violations found through an IS video review shall be cause for a violation report to be written within 24 working hours of the camera viewing. If the violation is being investigated by IS the violation report shall be written no later than 24 hours from the time IS confirms the violation occurred. The same processes as described under IX. D. apply.

3. The youth's "Due Process Hearing Rights" shall be given to him within 24 hours of his placement in the BIR.

4. A youth has the right to be present at the hearing unless he waives this right by signing Waiver #2 or by exhibiting disruptive behavior which shall be documented on the record. The youth's signature on Waiver #2 must be witnessed by a staff member. If the youth refuses or is unable to sign the waiver, this must be documented on the form with the Code of Conduct Officer signature, and another employee signature who witnessed the refusal or inability to sign.

5. A youth has the right to request a staff member to represent him during the Code of Conduct Hearing. The youth shall make this selection on the Violation Report at the time he is given the report and signs for it or at the Code of Conduct hearing. If his specified representative is not reasonably available another staff member shall be appointed to represent him

6. A youth has the opportunity to present evidence and may request witnesses (another youth or staff) to provide testimony on his behalf. This "Motion to Call Witnesses" shall be made at the time of the hearing. The Committee and the youth may also agree to stipulate to testimony rather than obtaining the witness's presence. If the youth is denied the opportunity to present evidence or request witnesses, the youth's request and the reason for the denial shall be documented on the Violation Report.

7. A youth has the right to receive a copy of the decision, including reasons for the disposition and consequence(s) at the conclusion of the Code of Conduct Hearing.

8. A youth has the right to appeal the decision to the Facility Director and to receive a copy of that decision. (Refer to Section IX.I)

9. A youth has the right to have the Regional Director review the Facility Director's decision and to receive a copy of that decision. (Refer to Section IX.I)

10. The Code of Conduct Officer shall ensure that all of the necessary waivers and forms are made available to the youth in advance of the Conduct Code Hearing.

F. Code of Conduct Violation Hearing Procedures:

1. Conduct Code Committee

   a. The Code of Conduct Officer is responsible for coordinating, scheduling, publishing hearing notices, conducting and chairing the Code of Conduct Hearings or selecting and training others to conduct and chair the hearings. The hearings shall take place in a private setting. All hearings must be audio recorded and retained pursuant to YS Policy No. A.1.9.

   b. The Code of Conduct Committee shall be composed of three impartial members:

      Code of Conduct Officer;
      Juvenile Justice Specialist; and
      Social Services staff member.

   c. If the COC Officer is unavailable to report to work on the day of a committee hearing, the Facility Director shall appoint an appropriate impartial third committee member.

d. The Code of Conduct Officer shall ensure that Committee members are appropriately trained in the Code of Conduct, its rules, and the proper way to conduct a Code of Conduct Hearing.

2. Procedures

a. Code of Conduct Hearings shall be conducted on Monday, Wednesday, and Friday at all secure care facilities.

b. The Code of Conduct Hearing shall take place within three (3) days, excluding weekends and holidays, following the issuance of the Violation Report. If the Code of Conduct Hearing is not held within three (3) days, excluding weekends and holidays, the Violation Report must be "dismissed".

c. Code of Conduct Hearings may be deferred only in the case of a natural disaster, facility emergency (i.e. escape), or emergency situation which renders the youth unavailable for the hearing. If deferred, the hearing must be held within three (3) days, excluding holidays and weekends, following the facility resuming normal operations or the youth being available.

If the deferral is due to a natural disaster or facility emergency, the appropriate Regional Director shall send the Facility Director a written statement declaring the natural disaster or facility emergency.

If the deferral is due to the youth being unavailable for the hearing, the Code of Conduct Committee shall open the hearing on the youth's violation report and enter the deferral into the record, and the specific reason for the youth's unavailability and the deferral.

In the case of a deferral the youth must be notified on the record of the reason for the deferral.

Pursuant to YS Policy No. C.1.6, facilities shall develop Standard Operating Procedures to ensure Code of Conduct hearings are timely rescheduled after a natural disaster, facility emergency or youth unavailability.

d. The Code of Conduct Officer or assisting personnel must, on the record before the hearing, verbally state the youth's Hearing Rights and ask if the youth understands their rights. The youth's answer must be recorded on the Violation Report.

e. Youth wishing to waive the 24 hour “Notice of Hearing” and/or their presence at the hearing shall execute the attached Waiver form prior to or at the beginning of the Code of Conduct Hearing.

3. The Code of Conduct Hearing

a. Before an individual youth enters the room for his Code of Conduct Hearing, the Code of Conduct Officer shall provide a copy of the Violation Report to the Committee members, or ensure that the Committee reads the Violation Report into the record at the beginning of the hearing.

b. The youth and/or his representative shall have an opportunity to respond to the Violation Report by presenting his case to the Committee.

c. The youth shall have the opportunity to make a statement and present documentary evidence and witnesses (another youth or staff) on his behalf. If the Committee denies the youth’s request for a witness or for documentary evidence, the youth’s request and reasons for that denial shall be recorded on the Violation Report.

d. Each hearing shall last as long as necessary to allow a full statement by the youth and/or his staff representative, and for the Chairman and Committee members to ask questions.

e. Appropriate staff (e.g. CHP or SSD staff) shall be assigned to represent the SMI and/or intellectually disabled youth at Code of Conduct Hearings, along with the youth’s staff representative as described in Section IX.G.

f. The youth whose violation is being heard may be excluded during the testimony of another youth/witness whose testimony must be given in confidence. Reasons for the removal or exclusion of a youth from the hearing process must be stated on the record in the youth’s presence.

4. The Decision

a. Once all parties are heard the Code of Conduct Committee shall deliberate with the youth present, shall complete the voting section of the Violation Report and shall indicate the decision as “guilty”, “not guilty” or “dismissed”.

b. The Committee shall only consider evidence and testimony that it hears or receives during the hearing. Additional evidence shall not be considered after the Code of Conduct Hearing has been completed and a decision rendered.

c. At least two (2) of a three (3)-member Code of Conduct Committee must concur to render a decision.

d. At the completion of the hearing the youth shall be provided a copy of the completed Violation Report. The original shall be maintained in the youth's Master Record under Clip VI. A copy shall be maintained by the Code of Conduct/ Officer for entry into the COC/Assaults database in Lotus Notes within three (3) working days.

5. Consequences for Violations

a. Consequences that may be imposed when a guilty decision is rendered are listed below:

1) Non-monetary restitution (chores/service work);
2) Community Service inside/outside (Restorative Justice);
3) Mediation;
4) Recommend LAMOD Stage reduction pursuant to YS Policy B.2.7;
5) Loss of one (1) off-grounds recreational activity or restriction from activity, not to exceed one (1) occurrence;
6) Recommend change in job, or work status;
7) Restriction to telephone use outside of minimum allowed, not to exceed one (1) week;
8) Loss of visitation privilege(s) up to one (1) week if violation was associated with visitation; and/or
9) Revoke pending or upcoming escorted absences.

b. If a youth is found guilty of injuring someone, damaging or destroying property, escaping or attempting to escape, causing or attempting to cause injury to himself or others, theft or tampering with security devices, monetary restitution in a fixed amount may be ordered as an enhancement to the consequences imposed by implementing the "Notice of Restitution" form [see Attachment B.5.1 (f)].

c. Consequences shall be imposed at the time of the hearing, and may only be suspended if a youth pleads guilty and requests an appeal prior to the end of the hearing process. There shall be no other suspension of sentences associated with the Code of Conduct. Refer to Section IX.I. for further details on the appeal process.

d. Violations shall be reported in the youth's Progress Report to the court and discussed during quarterly reclassification staffings.

e. Code of Conduct violations rising to the level of criminal conduct shall be referred to the District Attorney for possible prosecution. (Refer to YS Policy No. C.1.3.)

6. Consequences for Code of Conduct Violations SHALL NOT include:

a. Corporal or unusual punishment.

b. Behavioral Health Treatment Unit (BHTU) or a Behavior Intervention Room.

c. Denial of access to medical and dental care, courts, legal counsel, government officials, grievance procedures, personal legal papers and legal research materials.

d. Different meals than those provided to other youth in the facility or program or withholding of snacks.

e. Humiliation or mental abuse; or interference with the daily functions of living, such as eating or sleeping, for punitive purposes.

7. Disposition of Records

a. If the Violation Report is dismissed, it shall not be included in the youth's Master Record.

b. If the youth is found "guilty", the Code of Conduct Committee shall assign a consequence to the youth and indicate whether or not the consequence is suspended due to the youth filing an appeal prior to the end of the Hearing process. The record shall reflect the Committee's decision and the documentation shall be placed in the youth's Master Record under Clip VI.

c. If the youth is found “not guilty”, the Violation Report and the Code of Conduct database shall reflect that decision and the documentation shall be removed from the youth's Master Record. The documentation removed from the youth’s record shall be maintained in the Code of Conduct Office records.

G. Review of Hearing

At the conclusion of the Code of Conduct Hearing, the hearing record shall be forwarded to the Facility Director for review to ensure that the hearing was conducted in accordance with stated procedures, and that the action taken conforms to the procedures outlined in this policy.

H. Special Population Considerations:

1. When an SMI/ID (Intellectually Disabled) youth receives a Violation Report, the Code of Conduct Officer shall prepare an “SMI/ID Youth Violation Report” [see Attachment B.5.1 (g)]. The Code of Conduct Officer shall forward the report along with a copy of the youth's Violation Report, to the CHP, who shall determine if the violation is directly related to the youth's mental illness or low cognitive abilities. This determination should be made as soon as possible to avoid an unnecessary Code of Conduct Hearing, and shall be recorded on the Violation Report and returned to the Code of Conduct Officer.

2. If it is determined that the violation was not related to the youth’s mental illness and/or low cognitive abilities, the Code of Conduct Hearing shall occur according to the procedures outlined in E. above.

3. When a violation is directly related to a youth's mental illness and/or low cognitive abilities, the CHP (for SMI youth), and/or the OJJ Case Manager (for ID youth) shall immediately initiate interventions designed to correct the youth's behavior, and the Code of Conduct Committee shall “dismiss” the Violation Report.

I. Retention of Recordings of Code of Conduct Hearings/Video Reviews:

Recordings of Code of Conduct Hearings and/or video reviews must be retained by the facility where the hearing took place until the end of the fiscal year in which the hearing or appeal is concluded plus six (6) fiscal years, pursuant to YS Policy No. A.1.9.

J. Appeal Process:

1. At the conclusion of a Code of Conduct Hearing, after the Committee has made its findings and imposed consequences, the Committee Chairman shall ask the youth if he wishes to appeal.

2. An appeal is not available to youth who enter a “guilty” plea to the charge in a Violation Report or who waive their appearance at the hearing.

3. During the appeal process the youth's consequence(s) are suspended until a final decision is made. If the appeal is not addressed and/or a response is not provided to the youth within the timeframe specified below the Violation Report shall be “dismissed”.

4. A youth may appeal the findings of the Code of Conduct Committee to the Facility Director as described below:

   a. The youth may appeal his case to the Facility Director within 15 days of receipt of the decision.

   b. If the Facility Director is out or going to be out of the office for more than three days, the Facility Director shall designate the Deputy or Assistant Director to render a decision on the appeal.

   c. If the youth appeals the Code of Conduct Officer shall forward the violation report, evidence presented at the hearing and the record of the hearing to the Facility Director, or in the Director’s absence to the designee.

   d. The Facility Director/designee shall render a written decision no later than 15 calendar days from the date he received the appeal, and a copy shall be provided to the youth, the Code of Conduct Officer, and to the youth’s Master Record under Clip VI.

   e. If the appeal is granted the consequence(s) and the guilty plea are invalidated and all reference to the matter shall be removed from the youth’s Master Record. The documentation removed from the youth’s record shall be maintained in the Code of Conduct Office records.

5. Within five (5) calendar days of receiving the Facility Director/designee’s decision, a youth may request a review of the decision by the Regional Director.

   The Facility Director/designee shall forward the violation report, evidence presented at the hearing, and the record of the hearing to the Regional Director for review.

   The Regional Director shall render a written decision no later than 15 calendar days from the date he receives the appeal.

If the Regional Director overturns the decision the violation report and the Code of Conduct database shall reflect that decision and the documentation shall be removed from the youth's Master Record. The documentation removed from the youth's record shall be maintained in the Code of Conduct Office records.

Copies shall be provided to the youth, the Facility Director, and the Code of Conduct Officer. The Code of Conduct Officer shall ensure that a copy is also placed in the youth's Master Record under Clip VI, if the decision is upheld.

The decision rendered by the Regional Director shall be the final decision.

X. STAFF DEVELOPMENT:

A. All secure care and CHP staff shall receive annual training on the contents of this policy.

B. All direct care staff shall receive training on the Youth Code of Conduct prior to supervising youth without the presence of another trained staff member.

C. Training shall also be provided on an as needed basis when it has been determined by a Supervisor or above that compliance with this policy is not being adhered to. A copy of the documented training shall be forwarded to the individual's supervisor for Performance Evaluation documentation and / or disciplinary purposes.

D. The Code of Conduct Officer shall be responsible for training the Code of Conduct Committee Members and Chairpersons. Training must occur prior to participation in the Code of Conduct process.

E. All Code of Conduct training shall be entered into the Training Records Entry Completed (TREC) database and/or Louisiana Employees Online (LEO) by the Unit's Staff Development Training Specialist.

XI. QUALITY ASSURANCE:

Continuous Quality Improvement Services (CQIS) shall routinely monitor database activity for reporting trends and for developing reporting mechanisms as necessary.

Previous Regulation/Policy Number: B.5.1
Previous Effective Date: 02/19/2018
Attachments/References: B.5.1 (a) Code of Conduct Violation Report March 2019
B.5.1 (b) Youth Receipt Form.Jan 2018.docx
B.5.1 (c) Notice of Hearing.July 2015.docx
B.5.1 (d) Hearing Rights.July 2015.docx
B.5.1 (e) Waiver.July 2015.docx
B.5.1 (f) Notice of Restitution.July 2015.docx
B.5.1 (g) SMI-ID MH Form.Jan 2018.docx

OFFICE OF JUVENILE JUSTICE

CODE OF CONDUCT VIOLATION REPORT

○ ACY ○ BCCY ○ SCY ○ SCYC

1. Name of Youth:	2. CLIENT ID#	3. Date of Incident:	4. Time of Incident:
5. Place of Incident:	6. Job/School Assignment(Youth):	7. Housing Assignment (Youth):	
8. Violation:		9. Violation Number:	

10. Was the violation a result of an IS video review? ○ YES ○ NO

11. DESCRIPTION OF BEHAVIOR (Include all relevant information – "usual youth behavior, staff witnesses, physical evidence & disposition, immediate action including the use of interventions"; use supplement if necessary)

12. Signature of reporting employee:	13. Name, Title, Assignment (PRINT):

14. Date of Report:	15. Time of Report:	16. Report (copy) given to Youth by:	17. Youth's Signature:

18. Youth Refused or is Unable to Sign Report: ○ YES ○ NO	19. Reason youth refused or is unable to sign:

20. Does youth want a staff representative at his hearing? ○ YES ○ NO If YES, Who?	Witness Signature	Witness Signature

21. Youth Advised of Rights? ○ YES ○ NO	22. Youth Understand Rights? ○ YES ○ NO
	23. Date of Hearing:
24. 24-Hour Waiver: ○ YES ○ NO	25. Plea by Youth: ○ Guilty ○ Not Guilty
26. Verdict: ○ Guilty ○ Not Guilty ○ Dismiss	27. Staff Representative:

28. REASON FOR DISPOSITION:

- ☐ Report is clear and precise
- ☐ Lack of a credible defense/little or no defense
- ☐ Based on youth's statement
- ☐ Pled Guilty/Accepted Guilty plea
- ☐ Only defense is denying contents of report
- ☐ The Youth presented no evidence to refute the charges
- ☐ Employee's version/report is determined to be more credible
- ☐ Other

29. MOTIONS (INCLUDE REASON IF DENIED):

Name of Youth	Client ID#	Date of Incident:	Time of Incident:

30. **CONSEQUENCE**:

31. **CONSEQUENCE:**

Restitution:	Code of Conduct Committee Chairman:
If a youth is found guilty or injuring someone or damaging property, monetary restitution in a fixed amount may be ordered as an enhancement to the consequences imposed. Restitution may be ordered for any property loss, damage, or medical expense occasioned through the fault of a youth who in so causing the loss, damage, or medical expenses also is found guilty through the disciplinary process.	**Vote:** ○ **Guilty** ○ **Not Guilty** ○ **Dismiss** **Member:** **Vote:** ○ **Guilty** ○ **Not Guilty** ○ **Dismiss** **Member:** **Vote:** ○ **Guilty** ○ **Not Guilty** ○ **Dismiss**

APPEALS	
32. **Suspended Due to Appeal at Conclusion of Hearing:** ○ **YES** ○ **NO**	**Appeal Date:**
33. **Appeal filed by youth within 15 days of hearing:** ○ **YES** ○ **NO**	**Appeal Date:**
34. **Facility Director Appeal Outcome:** ○ **Granted** ○ **Denied** ○ **Dismissed**	**Date of Outcome:**
35. **Youth Appealed to Regional Director:** ○ **YES** ○ **NO**	**Appeal Date:**
36. **Regional Director Appeal Outcome:** ○ **Granted** ○ **Denied** ○ **Dismissed**	**Appeal Date:**

OFFICE OF JUVENILE JUSTICE

YOUTH CODE OF CONDUCT

VIOLATION REPORT SUPPLEMENTAL PAGE

○ **ACY** ○ **BCCY** ○ **SCY** ○ **SCYC**

1. **Name of Youth:**	2. **CLIENT ID#:**	3. **Date of Incident:**	4. **Time of Incident:**

5. **Location of Incident:**	6. **Witness Signature:**	**Witness signature:**

CONTINUED DESCRIPTION OF INCIDENT:

7. **Signature of Reporting Employee:**	8. **Name, Title, Assignment (PRINT):**	**9. Date of Report:**	**10. Time of Report:**

STATE OF LOUISIANA
YOUTH SERVICES
Office of Juvenile Justice

RECEIPT OF:

YS Policy No. B.5.1 "Youth Code of Conduct – Secure Care"

This is to acknowledge that I, _____ have received a copy of Youth Services Policy No. B.5.1 "Youth Code of Conduct – Secure Care", which outlines the youth disciplinary rules and the consequences for violating the rules.

I understand that I am responsible for familiarizing myself with its contents; and that I must conduct myself in accordance with the Code of Conduct Rules.

I further acknowledge that if I have any questions or need assistance I will seek guidance from my Case Manager.

_____ _____

Youth Signature Date

_____ _____

Youth's Name (printed and legible) Date

_____

Client ID #

CODE OF CONDUCT NOTICE OF HEARING

ASSIGNED HOUSING UNIT:_____

DATE OF HEARING: _____ TIME: _____ HEARING OFFICER:_____

	YOUTH NAME	CLIENT ID#	VIOLATION DATE	VIOLATION NUMBER(S)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date / Time Notice was Posted: _____AM/PM

Notice Posted by: _____ (Staff Name/Title)

CODE OF CONDUCT DUE PROCESS HEARING RIGHTS

- A youth has the right to receive a copy of the Violation Report before the end of the reporting employee's shift, but no later than 24 hours from the time of the violation.

- A youth has the right to receive notice of the time and date of the hearing at least 24 hours before the hearing.

  - The notice shall cite the youth's name, Client ID#, the date of the violation report, violation number(s), the date and time of the Code of Conduct Hearing, the Hearing Officer, the date and time the notice is posted, and by whom the notice is posted.
  - The youth's rights relating to the hearing process shall be posted with the notice.
  - If the hearing is held less than 24 hours from the time of the notice, Waiver #1 must be signed by the youth. If the youth does not sign Waiver #1, the hearing must be rescheduled.

- A youth has the right to be present at the hearing unless he waives this right by signing Waiver #2 or by exhibiting disruptive behavior.

- A youth has the right to request a staff member to represent him during the Code of Conduct hearing. If his specified representative is not reasonably available, another staff member shall be appointed to represent him.

- A youth has the right to request that witnesses (another youth or staff) be compelled to attend the hearing and provide testimony on his behalf.

- A youth has the right to receive a copy of the decision at the conclusion of the hearing.

- A youth has the right to appeal the decision to the Facility Director and to receive a copy of that decision.

- A youth has the right to have the Regional Director review the Facility Director's decision and to receive a copy of that decision.

WAIVERS and SELECTION OF STAFF REPRESENTATIVE

You have the right to request a staff member to represent you during the Conduct Code hearing. If your specified representative is not reasonably available, another staff member shall be appointed to represent you.

You have the right to request that witnesses (another youth or staff) be compelled to attend the hearing and provide testimony on your behalf.

1. WAIVER OF 24 HOUR NOTICE OF HEARING

I have received a copy of the Violation Report dated _____ and I waive my right to a twenty-four (24) hour notice of my hearing.

_____ _____ _____
Youth Signature **Client ID #** **Date**

_____ _____/_____
Conduct Code Officer Signature **Date**

---

2. WAIVER OF PRESENCE AT CONDUCT CODE HEARING

I understand my right to appear before the Conduct Code Hearing Committee for a hearing of my conduct code violation report dated _____. I voluntarily choose to waive my right to appear at the hearing.

_____ _____ _____
Youth Signature **Client ID #** **Date**

_____ _____/_____ _____/_____
Conduct Code Officer Signature **Date** **Staff Member Witness** **Date**

---

3. SELECTION OF STAFF REPRESENTATIVE

_____
Preferred Representative

---

4. WAIVER OF RIGHT TO COPY OF CODE OF CONDUCT VIOLATION REPORT AND AGREEMENT TO PROCEED WITH HEARING

_____ _____ _____
Youth Signature **Client ID #** **Date**

_____ _____/_____ _____/_____
Conduct Code Officer Signature **Date** **Staff Member Witness** **Date**

NOTICE OF RESTITUTION

Incident Date: _____ Housing Unit: _____

Youth's Name: _____ CLIENT ID #:_____

Violation: _____ Code No.: _____

==========

You have been charged and found guilty of a Code of Conduct Violation in which you damaged or destroyed property or security devices, escaped or attempted to escape from the custody of the facility, caused or attempted to cause injury to yourself or another person, or were found in possession of stolen items. You are being ordered to pay restitution for the cost of the stolen, damaged or destroyed property or security devices, escape or attempted escape, or injury caused to yourself or others, as a result of your being found guilty. If you choose to appeal, the restitution will be withdrawn from your youth banking account and placed in a "set aside" account pending final disposition of the appeals process. If you do not have sufficient funds in your youth banking account, your account will be frozen until the amount of the restitution is satisfied.

==========

□ Amount of Restitution: _____

□ Restitution to be Assessed: _____

□ Amount Assessed: _____

Description of item, etc. to be assessed:

_____

□ You waived your appearance at the Code of Conduct Committee hearing of _____. You have been assessed the above restitution.

Code of Conduct Committee Chairman: _____/_____
Date

Member: _____ Date:_____

Member: _____ Date:_____

_____/____
Youth's Signature Date

_____/____
Witness (Representative/Advocate) Date

Original: Master Record
Copy: Business Office
Code of Conduct Office

SMI/ID Youth Violation Code of Conduct Report

(Must be returned to Code of Conduct Officer by next business day)

DATE: _____ HOUSING UNIT:_____ HEARING DATE:_____ HEARING OFFICER:_____

The following youth have an SMI and/or ID (Intellectually Disabled) classification and are scheduled to appear before the Youth Code of Conduct Committee on the above date.

	YOUTH NAME	JETS #	VIOLATION DATE	VIOLATION NUMBER(S)	SMI/ID Representative/Advocate	Incident Related to Mental Illness or Low Cognitive Abilities		Details Regarding Decision by MH Professional
						Y	N	
1								
2								
3								
4								
5								
6								
7								
8								

(Note: Attach copy of Violation Report for youth listed before forwarding to Mental Health Professional for decision. Violation Reports must be returned with form.)

_____ _____

Signature of SMI/ID Youth Representative/Advocate Date