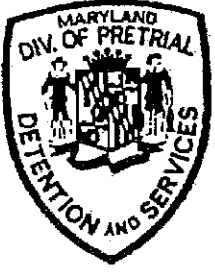



STATE OF MARYLAND  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
DIVISION OF PRETRIAL DETENTION AND SERVICES

	Pretrial Detention and Services Directive Number: <b>105-12</b>
	Program: <b>Resident Disciplinary Procedures</b>
	Title: <b>Juvenile Cases</b>
	Effective Date: <b>June 11, 2008</b>
	Approved by:  Howard Ray, Jr., Commissioner

**.01 Purpose.**

To establish policy and procedure regarding the disciplinary process as it applies to juvenile residents (male/female) in the custody of the Division.

**.02 Scope.**

The Division of Pretrial Detention and Services

**.03 Policy.**

Central to the BCDC Juvenile Program is a graduated schedule of incentives and sanctions. Juvenile Program officers and staff are expected to monitor the behaviors of juvenile residents and provide sanctions when deemed appropriate. Sanctions are established consequences that juveniles receive in response to negative behaviors. Level 1 sanctions are reserved for the most serious behaviors and result in immediate and serious sanctions.

As a juvenile resident's behavior improves, that juvenile shall be rewarded with greater and more substantial incentives. Rewards for progress are more important than sanctions in shaping behavior and promoting the process of positive change.

**.04 Authority/Reference.**

COMAR 12.16.02.35 § B  
DPSCSD #105 series  
ACA 4-ALDF-6C-17

**.05 Definitions.**

Staff - is defined as an individual possessing identification issued by the Division of Pretrial Detention and Services for purpose of employment or volunteer services, to include permanent, contractual, and temporary positions.

**.06 Responsibility/Procedure.****A. General Guidelines**

1. The Division of Pretrial Detention and Services is governed by specific rules and regulations. In addition, there are certain regulations designated only for the juvenile population.
2. There are four (4) categories of sanctions:
  - a. Residents committing a level 1 infraction shall be immediately placed on administration segregation pending formal adjustment hearing conducted by a Juvenile Program Officer. The hearing officer shall adhere to the sanction matrix (Attachment A) authorized for the juvenile population. During a Hearing Officer's absence, assigned duties shall be assumed by the Program Manager or designee.
  - b. Level 2 infractions will result in immediate staff intervention, completion of a sanction form, and referral to the Interdisciplinary Sanction Team for determination of the appropriate sanction.
  - c. Level 3 and 4 infractions warrant verbal reprimand, completion of a sanction form and referral to the Interdisciplinary Sanction Team.
  - d. EXCEPTION: When a level 2, 3 or 4 infraction occurs in a school setting, the principal or designee will immediately issue the necessary sanction.
3. When an infraction occurs, the appropriate reporting form must be written, reviewed by the Housing Unit Custody Supervisor and served on the defendant resident within 24 hours of the recorded date/time of the infraction. Level 1 infractions shall be recorded on a *Notice of Resident Rule Violation and Disciplinary Hearing* while infractions other than level 1 shall be addressed using the *Juvenile Program Sanction Form*.
4. The juvenile program staff shall notify the resident of service and unless serious security concerns prohibit, provide the resident an opportunity to read the notice and any other documentation before the resident signs for service. The resident is responsible to read the notice form and any attached associated documentation or notify the serving staff if he/she is illiterate or otherwise unable to read or understand the documents presented and request that the notice form and any other documents be read to him/her. The resident shall allowed to make a statement and list on the notice form the name(s) of any representative(s) or witness(s) requested.
5. When all preliminary reviews have been completed, level 1 cases shall be placed on a docket by the institutional representative for the formal hearing. The resident shall appear before a hearing officer within seven days of the date indicated on the notice form as the date of the rule violation and be notified of the hearing date and time. Hearings shall be held as needed and on a daily basis, Monday through Friday excluding holidays.

6. A hearing officer shall read into the record the violation report and any other documentation. The hearing officer shall permit a facility representative (if present) the opportunity to present the facility's case and present any additional evidence. Additional reports shall be read into the hearing record unless prohibited for security reasons.
7. The hearing officer shall review for the record any physical evidence presented at the hearing, and the resident participants may examine such evidence unless prohibited for security reasons.
8. In the absence of a facility representative, all reports, documents, and other evidence forwarded from the juvenile unit supervisor shall be construed by the hearing officer as the facility's case.
9. After the facility's presentation and if the hearing officer has determined there is insufficient evidence that a violation occurred, the hearing officer may, then, without further hearing, find the resident not guilty for any violation charged. If the hearing officer determines the facility has produced sufficient evidence to establish that a rule violation may have occurred, the resident defendant shall be given an opportunity to present a response to the rule violation charged.
10. The resident shall be afforded an opportunity to make a statement or call witnesses. Presenting a defense or giving testimony may subject the inmate to questioning by a hearing officer and/or facility representative.
11. A hearing officer shall weigh the factual record when deciding the case. After making factual findings, a hearing officer shall enter one of the following decisions: Guilty – the credible and reliable evidence substantiates that a level 1 rule violation has occurred; or Not Guilty: the evidence fails to substantiate that a level 1 violation occurred.
12. Within 3 calendar days of the completion of a formal hearing, the defendant resident must be served with a written notice of the decision of the hearing officer.
13. Defendant residents found guilty of a level 1 infraction may appeal this decision via a written appeal to the facility warden. This institutional appeal must be submitted within 15 calendar days of notification of the guilty finding.
14. If the institutional appeal is denied, further appeals may be directed in writing to the DPDS Resident Grievance Officer. They must be filed within 30 calendar days of notification of the warden's finding.
15. On the basis of medical and/ or mental health recommendations or other relevant factors, the commissioner may take any action regarding a case decision for a juvenile defendant. Actions may include but are not limited to:
  - a. Remanding a decision,
  - b. Modifying sanctions while affirming the decision,
  - c. Dismissing rule violation findings, or
  - d. Reduction to incident report.

B. Disciplinary Procedures for Level 1 Infractions

1. Staffing: Hearing Officer; Program Staff; School Personnel.
2. Procedures:
  - a. Staff observes commission of a level 1 infraction;
  - b. Juvenile resident(s) is immediately placed on administrative segregation;
  - c. Staff completes a *Notice of Resident Rule Violation and Disciplinary Hearing* and forwards it to the shift supervisor for review and signature;
  - d. Yellow copy of the *Notice of Resident Rule Violation and Disciplinary Hearing* is served on the defendant juvenile resident within 24 hours of the reported date and time of the infraction.
  - e. White and pink copies are forwarded to the Juvenile Program Hearing Officer;
  - f. Once all preliminary reviews have been concluded the case is placed on a docket for a formal hearing;
  - g. Formal hearings are held Monday through Friday, except holidays.
  - h. Completed *Notice of Resident Rule Violation and Disciplinary Hearing* forms shall be filed upon completion of the hearing.
  - i. Infractions other than level 1 shall be addressed using the *Juvenile Program Sanction Form* and process as described in § .06 C of this directive.

C. Disciplinary Procedures for Level 2, 3 and 4 Infractions

1. Staffing – All Program staff
2. Procedures
  - a. Staff observes commission of a level 2/3/4 infraction;
  - b. Staff informs the juvenile resident(s) that a sanction will be received;
  - c. Staff documents behavior on a *Juvenile Program Sanction Form* (Attachment B) and submit the form to the Juvenile Program Hearing Officer;
  - d. Upon receipt of the *Juvenile Program Sanction Form*, the Juvenile Program Hearing Officer shall:
    - (1) Review the juvenile resident(s) sanction history and the appropriate matrix;
    - (2) Record a recommended sanction; and
    - (3) Return the completed form to the initial staff member.
  - e. Juvenile Program Hearing Officer and initial staff member jointly review the recommended sanction and make arrangements for the sanction to be issued; and
  - f. Staff member ensures that sanction is issued/imposed.

**D. Incentives**

**1. Staffing**

- a. Staff – Juvenile Program correctional officers and civilian employees are expected to monitor the behaviors of juvenile residents and provide incentives when deemed appropriate.
- b. Juvenile Program Hearing Officer/designee - Is responsible for reviewing submitted incentive forms, individual incentive history, incentive matrix (Attachment C), and recommendation of incentives to be awarded.

**2. Graduated Schedule of Incentives**

- a. Level I - Requires that a juvenile resident display behaviors that will be the most challenging to achieve (e.g. remaining infraction-free for 30 days) and will result in the greatest rewards.
- b. Level II – Requires consistency ( e.g. maintaining good grades in school and a continued willingness to participate in all program activities).
- c. Level III – Are for those behaviors that can be adopted (e.g. keeping a clean cell) and will result in lesser rewards.

**3. Procedures**

- a. Staff observes juvenile resident displaying pro-social behavior;
- b. Staff informs juvenile resident that incentive will be awarded;
- c. Staff documents pro-social behavior on a *Positive Behavioral Incentive Form* (Attachment D) and submits it to the Juvenile Program Hearing Officer;
- d. Upon receipt of the *Positive Behavioral Incentive Form*, the Juvenile Program Hearing Officer shall:
  - (1) Review the juvenile resident's incentive history and the appropriate matrix;
  - (2) Record a recommended incentive; and
  - (3) Return the completed form to the initial staff member.
- e. Juvenile Program Hearing Officer and initial staff member jointly review the recommended incentive and make arrangements for the incentive to be issued; and
- f. Staff member ensures that incentive is issued/awarded.

**.07 Attachments.**

- A-Juvenile Adjustment History Sentencing Matrix
- B- Juvenile Program Sanction Form
- C - Incentive Matrix
- D - Positive Behavioral Incentive Form

**.08 History.** Rescinds PDSD #105-8, Juvenile Residents (2-23-07)

**.09 Distribution.** A

## Juvenile Adjustment History Sentencing Matrix

## LEVEL 1 SANCTIONS

Behavior	Program Imposed Sanction	Action
Fighting or threats of violence	<p>Immediate issue of notice of infraction and segregation for the following duration</p> <p><b>1<sup>st</sup> occurrence:</b> 7-14 days</p> <p><b>2<sup>nd</sup> occurrence:</b> 15 to 21 days</p> <p><b>3<sup>rd</sup> occurrence:</b> 22 to 30 days Requires meeting with program team to review behavior.</p> <p><b>4<sup>th</sup> occurrence:</b> 31 to 60 days Requires meeting with program team to review continued program participation</p>	<p>Number of days spent in segregation to be determined by the hearing officer.</p> <p>Loss of current phase may be imposed at the discretion of the hearing officer.</p> <p><b>** Starred offenses need not follow the sanction schedule and may receive maximum segregation time for the first offense.</b></p>
Possession of CDS or any type of intoxicant		
Stealing, theft or possession of stolen property		
Instigating or inciting disorder		
Destruction of State property		
Strong arming		
Possession of any weapon (or item that could be used as a weapon)		
Engaging in a sexual act (consensual or nonconsensual)		
<b>** Attempted escape</b>		
Possession of escape paraphernalia		
<b>** Assault on a juvenile (when victim is the non aggressor)</b>		
<b>** Handling and throwing of feces or urine</b>		

## LEVEL 2 SANCTIONS

Behavior	Program Imposed Sanction	Action
Refusal/failure to participate in school activities	<p><b>1<sup>st</sup> occurrence:</b> Loss of recreation and commissary privileges for 1 week</p> <p><b>2<sup>nd</sup> occurrence:</b> Loss of all privileges noted above and visitation for 2 weeks</p> <p><b>3<sup>rd</sup> occurrence:</b> Loss of all privileges noted above for 4 weeks.</p> <p><b>4<sup>th</sup> occurrence:</b> Loss of all privileges noted above for 90 days.</p>	<p><b>At every sanction:</b></p> <ul style="list-style-type: none"> <li>-Return to beginning of phase</li> <li>-Loss of work assignment</li> <li>-Banned from program incentive activities</li> </ul> <p>Note: The school principal may impose sanctions for infractions that occur during school hours. If behaviors continue while in school, response will be suspension from school. Staff shall determine length of time.</p> <p>Persistent or chronic behavior infractions may be a symptom of a larger problem, i.e. mental health issues.</p>
Failure to participate in program activities		
Failure to follow the chain of command		
Gambling or being in possession of gambling paraphernalia		
Disrespectful or dishonest behavior		
Writing, drawing, marking/graffiti on the walls		
Disobeying direct orders		

## Juvenile Adjustment History Sentencing Matrix Continued

## LEVEL 3 SANCTIONS

Behavior	Program Imposed Sanction	Action
Failure to maintain personal hygiene and cleanliness	<b>1<sup>st</sup> occurrence:</b> Loss of recreation privileges for 3 days.  <b>2<sup>nd</sup> occurrence:</b> Loss of recreation and commissary privileges for 2 weeks  <b>3<sup>rd</sup> occurrence:</b> Loss of recreation and commissary privileges for 4 weeks.	<b>At every sanction:</b> -Return to beginning of phase -Loss of work assignment -Banned from program incentive activities  Note: The school principal may impose sanctions for infractions that occur during school hours. If behaviors continue while in school, response will be suspension from school. Staff shall determine length of time.  Persistent or chronic behavior infractions may be a symptom of a larger problem, i.e. mental health issues.
Failure to maintain living quarters		
Failure to adhere to "quiet time"		
Use of foul, profane or abusive language		
Littering		
Horseplay		
Unnecessary feedback/talking back		
Being in an area without permission, i.e. someone else's cell		
Talking in class after multiple verbal warnings		

## LEVEL 4 SANCTIONS

Behavior	Program Imposed Sanction	Action
Talking in program	<b>1<sup>st</sup> occurrence:</b> Submission of a written or verbal essay on how to improve behavior  <b>2<sup>nd</sup> occurrence :</b> loss of movie night for 1 week  <b>3<sup>rd</sup> occurrence:</b> Loss of movie night and headphone privileges for 1 week  <b>4<sup>th</sup> occurrence:</b> Loss of all participation in all program incentive activities; cell restriction during program activities and submission of written or verbal essay	The commission of 3 infractions within a 30-day period shall constitute a "1 <sup>st</sup> occurrence". Thereafter, the commission of a single infraction shall constitute an occurrence
Not paying attention in program		
Failing to turn in assignments and to participate in class		
Reporting to class without required materials		
Resting head on desk for extended period of time		
Failing to make bed, keep cell according to specification		
Patterns of lateness		

## Division of Pretrial Detention and Services

# JUVENILE PROGRAM SANCTION FORM

Name: \_\_\_\_\_ SID: \_\_\_\_\_

Time of event: \_\_\_\_\_ a.m. p.m. Date of event: \_\_\_\_\_

**Infraction Level:**    1    2    3    4    **Location:**

Juvenile's current phase : \_\_\_\_\_

**Document the behavior or incident of concern involving the juvenile:**

1. What is the main purpose of the study?

2. What are the research objectives?

3. What is the research methodology?

4. What are the results of the study?

5. What are the conclusions of the study?

6. What are the limitations of the study?

7. What are the implications of the study?

8. What are the future research directions?

9. What are the strengths of the study?

10. What are the weaknesses of the study?

11. What are the contributions of the study?

12. What are the practical applications of the study?

13. What are the theoretical contributions of the study?

14. What are the policy implications of the study?

15. What are the ethical considerations of the study?

16. What are the funding sources of the study?

17. What are the acknowledgments of the study?

18. What are the references of the study?

19. What are the appendices of the study?

20. What are the footnotes of the study?

21. What are the glossary of the study?

22. What are the abbreviations of the study?

23. What are the symbols of the study?

24. What are the units of the study?

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26. What are the hypotheses of the study?

27. What are the models of the study?

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Recommended Sanction(s): \_\_\_\_\_

\_\_\_\_\_

(Juvenile's Signature)

(Date)

(Reporter's Signature / Date)

(Custody Sup/'s Signature/Date)



## Juvenile Incentive Matrix

Central to the Juvenile Program is a graduated schedule of incentives. Positive behaviors are rewarded with greater and more substantial incentives. In order to assure graduated incentives, the Program may implement options in addition to those incentives listed below.

### LEVEL 1 INCENTIVES

Behavior	Program Imposed Sanction	Action
Attend and participate in all Program Activities and Services	<ul style="list-style-type: none"> <li>- Certificate of Good Attendance or Good Behavior</li> <li>- Phase advancement</li> <li>- Choose cellmate in your current phase</li> <li>- Writing journal</li> <li>- 1 contact visit</li> <li>- Community service</li> </ul>	<ul style="list-style-type: none"> <li>- Presented with a certificate in a public forum to acknowledge behavior</li> <li>-Phase advancement</li> </ul>
Meet all requirements in the phase in advance		
No infractions within 30 days		

### LEVEL 2 INCENTIVES

Behavior	Program Imposed Sanction	Action
Maintain good grades in school	<ul style="list-style-type: none"> <li>- A day off from chores</li> <li>- Movie Night with peers</li> <li>- Pizza Night with peers</li> <li>- Extra visits</li> <li>- Extra recreation time</li> <li>- Picture taken</li> </ul>	Verbal praise in public for achievement
Attend and participate in school		
Attend and participate in all Program activities		

### LEVEL 3 INCENTIVES

Behavior	Program Imposed Sanction	Action
Keeping a clean cell	<ul style="list-style-type: none"> <li>- Extra time out of cell</li> <li>- Extra time for lights on</li> <li>- Extra recreation time</li> <li>- Receive tokens to be used for commissary purchases</li> <li>- Receive medallion</li> </ul>	Praise as positive reinforcement for good behavior and setting an example
Completing all homework assignments and work detail		
Being a good team leader/peer		

## Division of Pretrial Detention and Services

# POSITIVE BEHAVIORAL INCENTIVE FORM

Name: \_\_\_\_\_ SID: \_\_\_\_\_

Time of event: \_\_\_\_\_ a.m. p.m. Date of event: \_\_\_\_\_

Incentive Level:    1    2    3    4    Location: \_\_\_\_\_

Juvenile's current phase : \_\_\_\_\_

**Document positive behavior displayed by the juvenile:**

[illegible]

Recommended Incentive(s): \_\_\_\_\_

---

(Juvenile's Signature)

(Date)

(Reporter's Signature / Date)

(Custody Sup/'s Signature/Date)