

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER IX: DEPARTMENT OF JUVENILE JUSTICE  
SUBCHAPTER d: OPERATIONS

PART 2504  
DISCIPLINE AND GRIEVANCES

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**AUTHORITY:** Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and implementing and authorized by Sections 3-2.5-20, 3-5-2, 3-6-3, 3-10-8 and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2.5-20, 3-5-2, 3-6-3, 3-10-8 and 3-10-9]. Section 2504.60 implements a Consent Decree (U.S. Department of Justice vs. the State of Illinois, #S-CIV-76-0158, S.D. Ill., 1978). Section 2504.70 implements a Consent Order (Arsberry vs. Sielaff, #74 C 1918 and Longstreet vs. Sielaff, #74 C 1951, N.D. Ill., 1982).

**SOURCE:** Adopted at 8 Ill. Reg. 14427, effective August 1, 1984; amended at 12 Ill. Reg. 8351, effective June 1, 1988; amended at 16 Ill. Reg. 10430, effective July 1, 1992; amended at 22 Ill. Reg. 1206, effective January 1, 1998; amended at 25 Ill. Reg. 10775, effective September 1, 2001; amended at 27 Ill. Reg. 6214, effective May 1, 2003; the policies embodied in this Part transferred to the Department of Juvenile Justice pursuant to Section 3-2.5-50 of the Unified Code of Corrections on June 1, 2006 and codified at 38 Ill. Reg. 16443; amended at 39 \_\_\_\_, effective \_\_\_\_.

**Section 2504.30 Preparation of Disciplinary Reports**

- a) Every employee has the duty to observe the conduct of youth.
- b) When the rule infraction is minor, every effort should be made to take corrective action that is adapted to individual circumstances, administered immediately and consistently, and is understood by the youth through appropriate counseling efforts. If an employee observes a youth committing a potentially major offense, discovers evidence of its commission, or receives information from a reliable

witness of such conduct, the employee shall promptly prepare a disciplinary report. When the rule infraction is potentially major and may justify placement on investigative status, the shift supervisor should be contacted immediately. Use of confinement in response to an offense must be consistent with the requirements of Subpart B.

- c) The disciplinary report must be fully completed. The reporting employee shall provide the following information to the extent known or available.
  - 1) The name and youth identification number of the youth.
  - 2) The place, time, and date of the offense.
  - 3) The offense that the youth is alleged to have committed.
  - 4) A written statement of the conduct observed.
  - 5) The names of youth, employees, and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
  - 6) The signature of the reporting employee and the date and time the report is completed.
- d) If a youth is placed on investigative status, an investigative report shall be issued that reasonably informs the youth of the subject of the investigation to the extent that safety and security allow.
- f) Service of a disciplinary report or investigative report upon the youth shall commence the disciplinary proceeding. If a youth is currently confined on investigative status, he or she must be served with an investigative report within 12 hours after placement in confinement. In no event shall a disciplinary report or investigative report be served upon any youth more than 6 days, after the commission of an offense or the discovery thereof unless the youth is unavailable or unable to participate in the proceeding.

#### **Section 2504.40 Temporary Confinement (Repealed)**

#### **Section 2504.50 Review of Disciplinary Reports**

- a) The Chief Administrative Officer of each facility shall designate one or more Internal Investigators.

- b) If a youth is currently confined on investigative status and an investigative report has not been served on the youth within 12 hours after placement in confinement, the Internal Investigator shall inform the Chief Administrative Officer.
- c) A youth who is placed on investigative status shall be interviewed by the Internal Investigator in order to permit the youth an opportunity to present his or her views regarding the incident. The interview shall be conducted within 3 days after initial placement of a youth in investigative status, whenever possible.
  - 1) If the investigation does not indicate that the youth may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the youth's records. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.
  - 2) If, as a result of the investigation, it is necessary to amend or modify the original charges, the youth shall be issued a revised disciplinary report.
  - 3) Upon completion of the investigation, the youth shall appear before the Adjustment Committee for a hearing on the disciplinary report unless the report has been expunged.
- d) The Internal Investigator shall review each disciplinary report and determine whether:
  - 1) The reported facts justify a disciplinary hearing. If not, the report shall be expunged from the youth's records. A copy shall be maintained in an expungement file.
  - 2) The disciplinary report has been completed properly. If not, the Internal Investigator shall make the necessary corrections or direct the reporting employee to make the corrections. The youth shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the youth shall be provided a copy of the corrected report at least 24 hours prior to the hearing, unless the youth waives this notice in writing.
  - 3) The offense is major or minor in nature. Disciplinary reports for major offenses shall be assigned to the Adjustment Committee for a hearing and disciplinary reports for minor offenses shall be assigned to the Program Unit for a hearing.

- A) Aiding and abetting, soliciting, attempting to commit, conspiring to commit, or committing any offense listed in the 100, 200, or 500 series of Table A shall be considered a major offense.
- B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense and the following factors :
  - i) The aggressiveness of the youth;
  - ii) The threat posed to the safety and security of the facility or any person;
  - iii) The need to restrict the youth's access to general population to conduct the investigation; or
  - iv) The seriousness of the offense.

**Section 2504.70 Adjustment Committee Hearing Procedures**

- a) The Adjustment Committee hearing shall be convened but need not be concluded within 7 days after the commission of the offense or its discovery, whenever possible, unless the youth has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purposes of this Section, when an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the youth from the facility for any reason or certification by health care staff that the youth is unable to appear.
- b) The youth shall receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The youth may waive the 24-hour advance notice. The waiver shall be in writing.
- c) The youth shall be informed before or at the hearing of information that would tend to show that the youth was not guilty. If information is provided to him or her at the hearing, the youth shall, upon request, be given a continuance.
- d) Any person who initiated the allegations that serve as the basis for the disciplinary report, or who conducted an investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not serve on the Adjustment Committee hearing that disciplinary report. A youth who objects to a member of the Committee based on a lack of impartiality must raise the matter at the

beginning of the hearing. The Committee shall document the basis of the objection and the decision in the Adjustment Committee summary.

- e) A youth may, upon written request and for good cause shown, be granted additional time to prepare his or her defense. If at the time of the hearing the Committee determines that the youth was unable to prepare a defense, because of a language barrier, the Committee shall automatically grant a request for a continuance for language assistance. The committee shall then make the necessary arrangements for language assistance. Inability to prepare a defense due to a language barrier includes, but is not limited to, a request for witnesses.
- f) Any youth charged with a violation of any rules shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be adversely construed against the individual by the Adjustment Committee.
  - 1) The youth may make any relevant statement or produce any relevant documents in his or her defense.
  - 2) Prior to the hearing, the youth may request that witnesses be interviewed. The request shall be in writing on the space provided in the disciplinary report and shall include an explanation of what the witnesses would state. If the youth fails to make the request in a timely manner before the hearing, the individual may be granted a continuance for good cause shown.
- g) The Committee shall consider all material presented that is relevant to the issue of whether or not the youth committed the offense.
- h) The Adjustment Committee shall consider any statements of witnesses with relevant knowledge of the incident who are reasonably available.
  - 1) The Committee or its Hearing Investigator may interview witnesses and prepare or review summaries of their testimony prior to or at or subsequent to the hearing.
  - 2) The offender does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to the Committee prior to the hearing. These questions shall be asked by the Committee or its Hearing Investigator unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
  - 3) A means shall be provided in each living unit for youth to submit witness request slips. The Committee may disapprove witness requests that are

not received prior to the hearing.

- 4) Requests by youth for witnesses may be denied if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied, a written reason shall be provided.
- 5) At least one person who serves as an Adjustment Committee member shall hear the in-person testimony of the youth's witnesses where the youth makes a timely request for the witnesses or is granted a continuance to request witness testimony. In-person testimony of the youth's witnesses shall be defined as face-to-face contact or telephonic contact by the Adjustment Committee.
- 6) If the Adjustment Committee makes a written determination that the in-person testimony by the witness requested by the youth would undermine authority or would present potential disruption of the operations of the facility or a threat to the safety of any person or institutional safety or correctional goals, the Adjustment Committee may elect to accept the testimony through other legally permissible means, including, but not limited to, a sworn written summary of an interview of the witness or a sworn statement.
- 7) A sworn written statement or sworn written summary of a witness' testimony is a reasonable alternative to in-person testimony if the witness' testimony will be accepted as credible and it involves verification of alleged facts, including but not limited to a witness who will testify to the authenticity of contents of a record or document, cell location, work assignment, writ status, staff work schedule, or identification.
- 8) When testimony is presented to the Adjustment Committee in the form of a written summary or statement, a copy of the written summary or statement shall be given to the accused youth unless the Adjustment Committee finds that disclosure presents a threat to the safety of any person.
  - i) The youth shall not have the right to either retained or appointed counsel. The youth may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is illiterate or does not speak English or when other circumstances exist that preclude the individual from adequately preparing his or her defense.
  - j) The Adjustment Committee shall decide whether or not the youth committed the offense based upon all relevant information and evidence.

- 1) The Committee must be reasonably satisfied there is some evidence that the youth committed the offense for the individual to be found guilty.
  - 2) Polygraph results may be considered but may not be the sole basis for finding the youth guilty of the offense.
- k) The Adjustment Committee shall take one of the following actions, based upon the evidence admitted:
- 1) Find that the youth did not commit the offense. In that case, the Committee shall order that the disciplinary report be dismissed and expunged from the youth's record. A copy shall be maintained in an expungement file.
  - 2) Find that further investigation is necessary to determine if the youth did or did not commit the offense and place the youth in investigative status.
  - 3) Find that additional time is needed to obtain information relative to the charge. The hearing may be continued for a reasonable time. However, unless the youth is placed in investigative status, the individual may not be placed in confinement.
  - 4) Find that the youth did commit the offense or a lesser offense for which the elements were included in the original charge. The Committee may recommend one or more of the following disciplinary actions:
    - A) Reprimand the youth.
    - B) Suspend or restrict one or more privileges of the youth for a specific period of time.
    - C) Reduce the youth's grade or level.
    - D) Change the youth's program.
    - E) Change the youth's housing assignment or transfer the individual to another youth center.
    - F) Increase the youth's security classification.
    - G) Require the youth to make restitution.
    - H) Require forfeiture of items of contraband used in the offense or possessed in violation of this Part.



- I) Delay referral of a youth to the Prisoner Review Board for recommended parole or aftercare.
- 5) This Part shall in no way be construed to restrict or limit the Department's ability to administratively change a youth's job, educational, program, or housing assignment, to restrict privileges, or to transfer the youth to another facility.
- l) A written record shall be prepared and signed by all members of the Committee that contains:
  - 1) A summary of oral and written statements and other evidence presented.
    - A) The Committee may consider information from confidential sources if:
      - i) It finds that his or her identity must be withheld for reasons of security; and
      - ii) The information is reliable.
    - B) Reliability may be established by one of the following:
      - i) The investigating officer has indicated, in writing and by his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information;
      - ii) Corroborating testimony such as statements from other sources or polygraph results; or
      - iii) A statement by a member of the Adjustment Committee or an oral or written statement to the Adjustment Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.
    - C) If the identity of a source is being withheld for reasons of security, a statement to that effect and a statement that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.

- 2) If the Committee members find that the youth committed the offense, a statement as to their reasons for the finding. If exonerating evidence is presented and disregarded, the Committee must state the basis for disregarding the evidence.
  - 3) The disposition of the charges, the disciplinary action recommended, and the reasons for recommending the disciplinary action.
- m) If the safety or security of the youth center or any person is jeopardized by certain references in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or security concerns.
  - n) If the youth is found guilty, the individual shall be informed of the opportunity to appeal through the grievance procedures in 20 Ill. Adm. Code 2504.Subpart C.
  - o) A copy of the disciplinary report and Adjustment Committee summary shall be forwarded to the Chief Administrative Officer for review and approval and a copy shall be filed in the youth's record. The youth shall be given a copy of the Adjustment Committee summary.
  - p) The Chief Administrative Officer shall review all Adjustment Committee dispositions. The Deputy Director of the Juvenile Division shall review any Adjustment Committee disposition of a youth when the Committee has recommended a delay in referral of the youth to the Prisoner Review Board for more than 30 days.
- 1) The Director, Deputy Director, or Chief Administrative Officer may take the following actions:
    - A) Confirm the recommendation in whole or in part.
    - B) Order additional or new proceedings.
    - C) Suspend or overturn the recommendation.
    - D) Offer the youth a work assignment which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.
  - 2) The Director, Deputy Director, or Chief Administrative Officer shall not increase the sanctions recommended by the Adjustment Committee, but he or she may reduce them. The youth shall be sent a copy of any modification to the Adjustment Committee recommendations.

### **Section 2504.90 Program Unit Hearing Procedures**

- a) The Program Unit hearing shall be convened, but need not be concluded, within 7 days after the commission of the offense or its discovery, whenever possible, unless the youth is unable to participate in the hearing.
- b) The youth shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) Any person who initiated the allegations that serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not conduct a hearing on that report.
- d) The hearing may be continued to obtain additional information or upon the youth's written request and for good cause shown.
- e) The youth shall have the right to appear before and address the Program Unit Hearing Officer.
- f) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- g) The youth shall not have the right to retained or appointed counsel. The youth may request the assistance of a staff member in the preparation of his or her defense if the individual is illiterate or does not speak English or when other circumstances exist that preclude the individual from adequately preparing his or her defense.
- h) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 2504.20(b) shall be considered when making this determination.
  - 1) If approved by the Chief Administrative Officer, a hearing before the Adjustment Committee shall commence within 7 days after the approval, whenever possible.
  - 2) If not approved, the disciplinary report shall be referred back for a hearing before the Program Unit which shall commence within 7 days after the decision not to approve the recommendation, whenever possible.
- i) The Program Unit Hearing Officer may recommend any of the actions authorized in Section 2504.70(k) of this Part except that the Officer may not recommend

delay in referral of a youth to the Prisoner Review Board for recommended parole or aftercare, an increase in the youth's security classification, or transfer to another youth center.

- j) A record shall be signed by the Hearing Officer that contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
- k) The summary shall be processed in accordance with Sections 2504.70(o) and (p) and 2504.80 of this Part.

### **Section 2504.210 Definitions**

“Administrative Hold” means the status of a youth who is temporarily being housed in a particular youth center, and includes, but is not limited to, youth awaiting transfer to the Department of Corrections or another youth center, youth permanently assigned to another youth center being housed for purposes of attending court, youth awaiting release or who were delivered to the Department by mistake.

“Behavioral Hold” means the confinement of a youth to their own room or other area, separate from the confinement unit, when a youth has violated a department or youth center rule, failed to follow instructions of youth center staff, or otherwise behaved in a disruptive manner.

"Chief Administrative Officer" means the highest ranking official of a youth center.

"Confinement" means intentionally keeping a youth separate from all other youth, removing a youth from the general population, restricting the movement of a youth, or confining a youth to a room or area for any period of time for the reasons defined herein regardless of whether the youth is placed on a confinement unit. Confinement of a youth for any reason not defined in this rule is not permitted.

“Confinement decision” means a decision by a staff member to initially confine a youth, to continue or change the basis for confinement, to remove a youth from confinement, to initially restrict access to programs or services of a youth on confinement, or continue or adjust such restrictions.

“Confinement unit” – means an area within the youth center designated by the Chief Administrative Officer to house youth who, for safety and security reasons, require close supervision and limited out of room time, access to privileges, and contact with other youth. Youth may only be placed in the confinement unit in accordance with Section 2504.225.

“Confinement Status” means a status assigned to a youth who exhibits or threatens violent, aggressive, or uncontrolled behavior and poses a serious and immediate threat to his or her own safety, the safety of others, or the security of the facility.

“Crisis Status” means a status assigned to a youth who exhibits behavior suggestive of acute mental or emotional disorder or suicidal ideation.

"Department" means the Department of Juvenile Justice.

“Deputy Director of Operations” means the Deputy Director of Operations of the Department of Juvenile Justice.

"Director" means the Director of the Department of Juvenile Justice.

“Investigative Status” means a status given to a youth who is temporarily confined, after approval of the Deputy Director of Operations, where confinement is necessary for the efficient and effective investigation of a major offense as defined in Section 2504.50.

“Medical Hold” means the confinement of a youth ordered by a physician for purposes of medical quarantine, recovery, or observation.

"Youth" means a person committed to the Department or to the custody of the Department.

#### **Section 2504.215 Responsibilities**

- a) Unless otherwise specified, the Director, Deputy Director of Operations, or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director, Deputy Director of Operations, or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

#### **Section 2504.220 Placement in Confinement (Repealed)**

#### **Section 2504.225 Placement in the Confinement Unit**

The confinement of a youth in the confinement unit must comply with the following requirements:

- a) The Chief Administrative Officer may designate an area within the youth center, separate from all other youth, as the confinement unit. Youth may be removed from the general population and placed in the confinement unit only under the following conditions:
  - 1) When a youth is placed on Investigative Status he or she may be placed in the confinement unit. Such confinement must comply with the requirements of Section 2504.250;
  - 2) When a youth is placed on Confinement Status he or she may be placed in the confinement unit only until the youth regains self-control and for no longer than 24 hours;
  - 3) When a youth is on an Administrative Hold and is awaiting transfer to the Department of Corrections or a more secure setting, or the Chief Administrative Officer documents other safety or security reasons why a less restrictive form of housing is not appropriate he or she may be placed in the confinement unit for a maximum of 3 business days;
  - 4) When a youth is on an Administrative Hold for reasons other than those described in paragraph 3 above, he or she may be housed in the confinement unit for a maximum of 24 hours; and
  - 5) When a youth is on Crisis Status he or she may be placed in the confinement unit only when a mental health professional determines that such placement is necessary to prevent physical harm to self or others and a less restrictive area is not available or sufficient.
    - A) The necessity of such placement shall be reviewed by a mental health professional every 24 hours, and if placement in the confinement unit is still necessary after three days, the youth shall be evaluated for psychiatric hospitalization.
    - B) Such youth must be removed from the confinement unit once the risk of physical harm to self or others ends or a less restrictive area become available or sufficient.
    - C) Whenever feasible given the physical layout of the confinement unit and youth then present, a youth on Crisis Status shall be sight and sound separated from youth in the confinement unit for other reasons.

- 6) When a youth is on a Medical Hold he or she may be placed in the confinement unit only when ordered by a physician after a determination that a less restrictive area is not available or sufficient to meet the youth's medical needs.
  - A) The necessity of such placement shall be reviewed by a physician every 24 hours.
  - B) Whenever feasible given the physical layout of the confinement unit and youth then present, a youth on Medical Hold shall be sight and sound separated from youth in the confinement unit for other reasons.
- b) While on the confinement unit, visual checks and verbal communications required by Section 2504.230(e) shall be made no less than every 15 minutes
- c) All other confinement of youth must occur in their rooms or living areas or in another area designated by the Chief Administrative Officer and under the conditions as otherwise provided in this Subpart.

#### **Section 2504.230 Confinement Procedures**

All confinement, regardless of basis or location, must comply with the following requirements:

- a) All confinement decisions shall be documented and justified in writing as soon as practical by the staff member making such decision.
- b) The Chief Administrative Officer shall be notified of all decisions to confine for any reason as soon as possible and shall review all documentation justifying such decisions.
- c) Any medical complaint registered by the youth or possible medical concern observed by staff while in confinement shall be reported immediately to the medical staff, if on duty, or to the shift supervisor who shall contact a member of the medical staff immediately.
- d) Visual checks by staff shall be made of all youth in confinement no less than every 15 minutes, shall include a verbal confirmation from the youth during waking hours, and during sleeping hours if and as often as ordered by a physician or mental health professional, and shall be documented.
- e) Use of physical restraints on youth in confinement must comply with 20 Ill. Adm. Code 2501.Subpart B.

- f) Youth in confinement shall be provided time outside the room for daily showers, personal grooming, and recreation.
- g) Youth in confinement shall be permitted to have family, attorney, and clergy visits. Family and clergy visits may be restricted by order of the Chief Administrative Officer when the youth poses a threat to the physical safety of the individual or others or to the security of the youth center. Such determinations shall be documented and justified.
- h) Reading materials shall be provided to the youth for use in the room provided the materials are not abused. Youth shall be provided access to writing materials daily, outside the room. Any abuse of reading or writing materials must be documented on a disciplinary report and may result in temporary restriction except for communication to counsel or the court. Such determinations shall be documented and justified.
- i) Youth in confinement shall continue to receive the mental health services they ordinarily receive.
- j) Youth in confinement shall have the opportunity to receive the educational services they ordinarily receive, unless the Chief Administrative Officer personally determines that providing such services to the youth poses a threat to the physical safety of the individual or others or to the security of the youth center. Such determinations shall be documented and justified. The opportunity to receive educational services shall resume when the threat ends.
- k) Youth confined for 24 hours or more shall be provided a minimum of 8 hours of out-of-room time for every 24-hour period, including at least one hour of large-muscle exercise. This hour of exercise shall be out doors when weather permits. During such out-of-room time, the youth shall be in the physical presence of, and have the opportunity to speak with, facility staff.
  - 1) Such out-of-room time may be restricted on orders of the Chief Administrative Officer when release of the youth poses a threat to the safety of the individual or others or to the security of the facility. Such determinations shall be documented and justified.
  - 2) All out-of-room movement shall be documented
- l) Youth confined for 24 hours or more shall be interviewed daily by a mental health professional. If the mental health professional is not licensed, he or she shall review the substance of the interview with a licensed mental health professional.



- m) Anytime a youth is in confinement for 18 consecutive hours or on more than 10 occasions in any 30 day period, the Deputy Director of Operations shall be notified immediately and all documentation justifying such confinement shall be forwarded to him or her.
- n) The parents or guardian of a youth under 18 years of age shall be notified anytime such youth is confined for 24 hours or more.
- o) The Department shall maintain cumulative data on all confinement decisions.

#### **Section 2504.240 Confinement Status**

- a) A youth may be placed on Confinement Status and confined in the confinement unit or other area designated by the Chief Administrative Officer when he or she exhibits or threatens violent, aggressive, or uncontrolled behavior and poses a serious threat to his or her own safety, the safety of others, or the security of the facility.
- b) Such confinement must end when the youth regains self-control and may not exceed 24 hours in duration.
- c) Unless sooner removed from confinement, within one hour of confinement and every hour thereafter if the youth is awake, a supervisory staff member shall meet with the youth to assess whether the youth has regained self-control.
- d) If a youth has not regained self-control after 4 hours in confinement, staff shall meet with the youth, attempt to assist the youth in regaining self-control, and assess whether the youth has any immediate needs for additional mental health services. Such staff shall continue to check in every 2 hours if the youth is awake, until the youth is removed from Confinement Status. If a mental health professional is on grounds, a mental health professional shall perform these checks. If a mental health professional is not on grounds, the checks shall be performed by other staff specifically trained in crisis response.
- e) Within 24 hours after the initiation of confinement status, regardless of whether or not the confinement has ended, the youth shall be referred to a mental health professional to determine whether additional treatment services are needed.

#### **Section 2504.250 Investigative Status**

- a) A youth may be placed on Investigative Status and confined in the confinement unit or other area designated by the Chief Administrative Officer when that youth is alleged to have committed a major offense as defined 2504.50, the temporary confinement is necessary for the efficient and effective investigation of the

offence, and such confinement is personally approved by the Deputy Director of Operations.

- b) Such confinement must end when, regardless of the maximum time established, the Internal Investigator, Chief Administrative Officer, or Deputy Director of Operations determines that continued confinement is no longer necessary for the efficient and effective investigation of the offence.
- c) Such confinement may continue for a maximum of 4 days, unless:
  - 1) The investigation is being conducted by an outside agency and the agency submits to the Deputy Director of Operations documentation supporting why continued placement in the confinement unit is necessary; or
  - 2) In the event that an investigation cannot be completed within 4 days due to an institutional emergency, and the Deputy Director of Operations personally authorizes, in writing, an extension of up to 4 days placement in confinement for pending investigation. As used in this Section, an institutional emergency includes riots, strikes, lockdowns, and natural disasters.

#### **Section 2504.260 Administrative Hold**

- a) A youth may be placed on an Administrative Hold when temporarily being housed in a particular youth center and may be separated from other youth for administrative or security purposes as personally determined by the Chief Administrative Officer.
- b) Youth on an Administrative Hold may be placed in the confinement unit only as provided in Section 2504.225.
- c) The Department shall make every reasonable effort to provide youth on an Administrative Hold, who are not placed in the confinement unit for safety and security reasons, with access to the same programs and services youth in the general population have. Any restrictions on movement or access to programs and services shall be documented and justified by the Chief Administrative Officer.

#### **Section 2504.270 Behavioral Hold**

- a) A youth may be placed on a Behavioral Hold when a youth has violated a Department or youth center rule, failed to follow instructions of youth center staff, or otherwise behaved in a disruptive manner.

- b) The shift supervisor shall be immediately notified anytime a youth is placed on a Behavioral Hold.
- c) All youth shall be informed of what behaviors are unacceptable and may result in a Behavioral Hold.
- d) Youth on a Behavioral Hold shall be confined in their own room or other area designated by the Chief Administrative Officer and may not be placed in the confinement unit.
- e) Within 30 minutes of confinement, a staff member not involved in the behavioral incident shall meet with the youth, provide counsel and guidance regarding the behavior, and de-escalate the behavior where necessary.
- f) A youth shall be removed from the behavioral hold once the shift supervisor determines the youth has demonstrated an understanding of the behavior and the desire and ability to return to program participation with no further behavioral issues. Unless sooner removed from confinement, within one hour of confinement and every hour thereafter, a supervisory staff member shall meet with the youth to assess whether the youth has done so.
- g) At no time may a youth on a behavioral hold be confined for more than 4 hours.

**Section 2504.280 Crisis Confinement**

- a) A youth on Crisis Status may be placed in the confinement unit or other area designated by the Chief Administrative Officer when determined by a mental health professional or other staff specifically trained in crisis response to require removal from the youth's regular housing assignment for mental health treatment or observation.
  - 1) Unless such determination is made by a licensed mental health professional:
    - i) If a licensed mental health professional is on grounds, then within one hour he or she shall personally assess the youth, and decide whether to continue the confinement and whether additional treatment services are needed.
    - ii) If a licensed mental health professional is not on grounds, then within one hour the individual who made the determination shall notify the on-call licensed mental health professional. A licensed mental health professional shall, within one hour of his or her arrival on grounds, but in no event more than 24 hours after the determination was made, personally assess the youth, and decide

whether to continue the confinement and whether additional treatment services are needed.

- 2) Youth shall be removed from confinement if the licensed mental health professional decides under subsection (1)(i) or (1)(ii) that confinement should not continue
- b) The Department shall establish procedures for the timely identification of, referral to appropriate staff, and provision of mental health services to youth in crisis.
- c) Youth on Crisis Status may be placed in the confinement unit only as provided in Section 2504.225.
- d) Where crisis status is ordered and there is no present risk of physical harm to self or others, a youth’s movement and access to programs and services may only be restricted as specifically ordered by a mental health professional based on a finding of mental health need. These restrictions shall be reviewed by a mental health professional daily.

**Section 2504.290 Medical Hold**

- a) A youth may be placed on a medical hold and confined for purposes of medical quarantine, recovery, or observation only when ordered by a physician.
- b) Youth on a medical hold may only be confined in their own room or other area designated by the Chief Administrative Officer and may not be placed in the confinement unit.
- c) Where a medical hold is ordered, a youth’s movement and access to programs and services may only be restricted as specifically ordered by the physician based on a finding of medical need. These restrictions shall be reviewed by a physician daily.

**Section 2504.TABLE A Maximum Penalties for Youth**

Offense	Maximum Penalties for Youth			
	Loss or Restriction of Privileges		Good Time Revocation	Delay in Recommendation to PRB
100. Violent Assault of any Person	1 year		1 year	1 year
101. Arson	1 year		1 year	1 year

Offense	Maximum Penalties for Youth			
	Loss or Restriction of Privileges		Good Time Revocation	Delay in Recommendation to PRB
102. Assaulting any Person	1 year		1 year	1 year
103. Bribery & Extortion	6 months		1 year	1 year
104. Dangerous Contraband	2 months		1 year	1 year
105. Dangerous Disturbance	6 months		1 year	1 year
106. Escape or Runaway	1 year		1 year	1 year
107. Sexual Misconduct	6 months		1 year	1 year
108. Sexual Assault	1 year		1 year	1 year
109. Electronic Contraband	6 months		1 year	1 year
110. Impeding or Interfering with an Investigation	6 months		6 months	6 months
201. Concealment of Identity	6 months		1 month	1 month
202. Damage or Misuse of Property	1 month		1 month	1 month
203. Drugs and Drug Paraphernalia	2 months		3 months	3 months
204. Forgery	1 month		1 month	1 month
205. Security Threat Group or Unauthorized Organizational Activity	2 months		6 months	6 months
206. Intimidation or Threats	1 month		1 month	1 month
207. Possession of Money	4 months		1 month	1 month
208. Dangerous Communications	2 months		6 months	6 months
209. Dangerous Written Material	2 months		6 months	6 months
210. Impairment of Surveillance	2 months		6 months	6 months
211. Possession or Solicitation of	2 months		6 months	6 months

Offense	Maximum Penalties for Youth			
	Loss or Restriction of Privileges		Good Time Revocation	Delay in Recommendation to PRB
Unauthorized Personal Information				
212. Frivolous Lawsuit	0 days		6 months	0 days
213. Failure To Reveal Assets	2 months		6 months	6 months
301. Fighting	2 months		2 months	2 months
302. Gambling	1 month		1 month	1 month
303. Giving False Information to an Employee	1 month		6 months	6 months
304. Insolence	1 month		1 month	1 month
305. Theft	2 months		3 months	3 months
306. Transfer of Funds	3 months		3 months	3 months
307. Unauthorized Movement	1 month		1 month	1 month
308. Contraband or Unauthorized Property	2 months		2 months	2 months
309. Petitions, Postings, and Business Ventures	2 months		0 days	2 months
310. Abuse of Privileges	2 months		0 days	2 months
311. Failure to Submit to Medical or Forensic Tests	2 months		0 days	2 months
402. Health, Smoking, or Safety Violations	1 month		1 month	1 month
403. Disobeying a Direct Order	1 month		15 days	15 days
404. Violation of Rules	1 month		0 days	1 month
405. Failure to Report	1 month		15 days	15 days
406. Trading or Trafficking	1 month		15 days	15 days

Offense	Maximum Penalties for Youth			
	Loss or Restriction of Privileges		Good Time Revocation	Delay in Recommendation to PRB
501. Violating State or Federal Laws	2 months		1 year	1 year
601. Aiding and Abetting, Attempt, Solicitation, or Conspiracy	Same as underlying offense		Same as underlying offense	Same as underlying offense