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| GEORGIA DEPARTMENT OF JUVENILE JUSTICE | Transmittal # 13-03 | Policy # 16.4 |
| Applicability: <input type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input checked="" type="checkbox"/> Secure Facilities (RYDCs & YDCs) | Related Standards & References: ACA Standards: 4-JCF-3B-10 DJJ 16.5 | |
| Chapter 16: RULES AND DISCIPLINE | Effective Date: 3/15/13 Scheduled Review Date: 3/15/15 APPROVED: | |
| Subject: PRE-HEARING CONFINEMENT |  _____ Avery D. Niles, Commissioner | |
| Attachments: A – Confinement Checks Form | | |

I. POLICY:

Youth who have allegedly violated a rule and are deemed to be an imminent threat to others or the security of the facility may be confined for up to 72 hours before receiving a disciplinary hearing.

II. DEFINITIONS:

Administrative Duty Officer: The senior official designated by the Director to function in his/her absence and on weekends, holidays, and times other than the facility's normal business hours. The Administrative Duty Officer must have the experience and knowledge necessary to fulfill the duties. Mental health staff, health care staff, and direct care staff who work a regular shift directly supervising youth will not serve as Administrative Duty Officer.

Disciplinary Hearing: A non-judicial administrative procedure to determine if substantial evidence exists to find a youth guilty of a rule violation.

Disciplinary Report: A written report that describes an alleged violation of a facility's rules.

Pre-Hearing Confinement: The non-punitive, protective security measure taken with a youth who has allegedly violated a rule and is an imminent threat to others or the security of the facility.

III. PROCEDURES:

A. Placement Criteria:

1. A youth may be confined prior to a disciplinary hearing for a rule violation only when he/she meets both of the following criteria:
 - He/she is an imminent threat to others or the safety/security of the facility; and
 - Other strategies are not appropriate because of the seriousness of the rule violation and/or threat.

| Chapter | Subject | Policy # | Page |
|----------------------|-------------------------|-----------------|-------------|
| RULES AND DISCIPLINE | PRE-HEARING CONFINEMENT | 16.4 | 2 of 3 |

B. Approval and Review:

1. The facility Director or Administrative Duty Officer must approve pre-hearing confinement within one hour of placement using the placement criteria listed in Section A. above.
2. The youth will be removed from pre-hearing confinement as soon as he/she is no longer an imminent threat to others or the safety/security of the facility.
3. The shift supervisor will have a face-to-face encounter with the youth in pre-hearing confinement during 1st shift and during non-sleeping hours on 2nd shift. Third shift supervisors will document the round in the unit log book. The shift supervisor will release the youth if he/she no longer meets the placement criteria in Section A. above. The shift supervisor will contact the facility Director or Administrative Duty Officer if he/she believes the youth continues to be an imminent threat.
4. Continued used of pre-hearing confinement will be renewed by the facility Director or Administrative Duty Officer at least every 24 hours to ensure that confinement continues to be necessary prior to the disciplinary hearing.
5. Youth will not be held in pre-hearing confinement beyond 72 hours.

C. Documentation:

1. Documentation of the approval and review of pre-hearing confinement will be recorded on the Confinement Checks Form (Attachment A).
2. For all confinement checks, if a youth enters confinement after daily rounds have been conducted, the youth may be evaluated during the next rounds, but no later than 24 hours after the start of confinement.

D. Disciplinary Process:

1. Youth in pre-hearing confinement must have a Disciplinary Report filed within 24 hours of being placed in pre-hearing confinement.
 - a. If the Disciplinary Report is dismissed for any reason, the youth must be removed from pre-hearing confinement at the time of dismissal.
2. Youth in pre-hearing confinement must be provided a copy of the Disciplinary Report within 24 hours of the report being written.
3. The investigation will begin as soon as possible after the alleged rule violation is reported, but always within 24 hours, unless there are exceptional circumstances for delaying the investigation. The reason for delay will be clearly documented

| Chapter | Subject | Policy # | Page |
|----------------------|-------------------------|-----------------|-------------|
| RULES AND DISCIPLINE | PRE-HEARING CONFINEMENT | 16.4 | 3 of 3 |

on the Investigation Summary Report and must be approved by the facility Director or designee.

4. Youth in pre-hearing confinement for any length of time must receive a disciplinary hearing within 72 hours of placement in pre-hearing confinement.
5. The disciplinary report, investigation and hearing must meet all of the requirements in DJJ 16.5, Disciplinary Reports and Hearings.

IV. LOCAL OPERATING PROCEDURE REQUIRED: NO