

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

GENERAL DISCIPLINE

This new rule, in compliance with the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, provides that staff utilize progressive discipline in responding to the residents of the RI Training School. This approach begins with positive rewards for appropriate resident behavior and includes graduated sanctions for infractions which are proportional to the offense. The rule also requires that in the disposition of all disciplinary actions, no disciplinary action includes the most severe consequences unless less severe means have been previously tried and have failed.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3685). Interested persons should submit data, views or written comments by April 5, 2010 Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

General Discipline

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: RI Training School

Policy: 1200.1300

Effective Date:

Version: 1

The Division is committed to rewarding residents for appropriate conduct to avoid the incidence of behaviors requiring a disciplinary response. The Division ensures that the rules, sanctions for breaking them and the rationale for rules and sanctions are understood by residents and staff. The practice of progressive discipline is utilized in the disposition of all disciplinary actions; no disciplinary action includes the most severe consequences unless less severe means have been previously tried and have failed. The Division ensures due process including reasonable and equitable treatment of residents.

Related Procedures

General Discipline

Related Policy

Incentive System - Points and Levels

Discipline for Academic and Vocational Classes

Behavior Report

Major Discipline Review

Administrative Classification to Restrictive Status

Lock Up

Resident Handbook

General Discipline

Procedure from Policy 1200.1300: General Discipline

- A. DCYF Policy 1200.1302, Incentive System – Points and Levels requires that residents are rewarded for positive and appropriate behavior and is consistent with American Correctional Association (ACA) Standards 3-JDF-3C-01 and 3-JTS-3C-01.
- B. Staff attempt to re-direct residents to solve routine behavior problems through discussion and informal interaction with residents, consistent with ACA Standards 3-JDF-3C-05 and 3-JTS-3C-05.
- C. The following policies describe two separate and distinct categories utilized for formal disposition of discipline matters:
1. DCYF Policy 1200.1305 Behavior Report.
 2. DCYF Policy 1200.1306, Major Discipline Review.
 3. Paragraph C is consistent with ACA Standards 3-JDF-3C-02; 3-JTS-3C-02; 3-JDF-3C-10; 3-JTS-3C-10; 3-JDF-3C-11; 3-JTS-3C-11; 3-JDF-3C-12; 3-JTS-3C-12; 3-JDF-3C-13; 3-JTS-3C-13; 3-JDF-3C-14; 3-JTS-3C-14; 3-JDF-3C-15; 3-JTS-3C-15; 3-JDF-3C-16; 3-JTS-3C-16; 3-JDF-3C-17; 3-JTS-3C-17; 3-JDF-3C-18; 3-JTS-3C-18; 3-JDF-3C-19; 3-JTS-3C-19; 3-JDF-3C-20; 3-JTS-3C-20; 3-JDF-3C-21; 3-JTS-3C-21; 3-JTS-3C-22; 3-JTS-3C-23 and 3-JTS-3C-24.
- D. Resident conduct alleged to violate state law may be subject to referral to the RI State Police, the Attorney General's Office or the appropriate Court for consideration, consistent with ACA Standards 3-JDF-3C-09 and 3-JTS-3C-09.
- E. In discipline matters, staff:
1. Use good judgment;
 2. Display consistency;
 3. Use a firm, directive, respectful approach when reprimanding residents;
 4. Minimize delay between the time of infraction and disciplinary action;
 5. Do not ignore violations of rules which are witnessed;
 6. Separate the resident from other residents whenever reprimands are given;
 7. Try to anticipate discipline situations and do not wait for the situation to reach inappropriate levels of control before taking action; and
 8. Allow the resident to explain his/her side of the story.
 9. Paragraph E is consistent with ACA Standards 3-JDF-3C-05 and 3-JTS-3C-05.
- F. Employees are prohibited from:
1. Degrading a resident;
 2. Delaying or refusing a resident access to medical care, daily showers, clean laundry, clean linen, or meals or snacks as a form of discipline or while on discipline;
 3. Refusing residents reasonable access to the telephone to contact parents or attorney as a means of disciplinary action or when on discipline status;
 4. Refusing residents visiting from parents, guardians or attorneys as a means of discipline or while on discipline status unless otherwise directed by the Superintendent;
 5. Withholding the incoming mail of residents or prohibiting outgoing mail as a means of discipline or while a resident is on discipline status unless otherwise directed by the Superintendent; and
 6. Any abusive, neglectful or harmful action against any resident.
 7. Paragraph F is consistent with ACA Standards 3-JDF-3D-06; 3-JTS-3D-06; 3 JDF-4A-07 and JDF-4A-08.
- G. Staff receive pre-service and in-service training on disciplinary policy and procedures so that they can accurately answer questions from residents and properly implement policies and procedures.

consistent with ACA Standards 3-JDF-3C-04 and 3-JTS-3C-04.

- H. The Resident Handbook provides information related to discipline as described in DCYF Policy 1200.1301, Resident Handbook, consistent with ACA Standards 3-JDF-3C-03 and 3-JTS-3C-03.
- I. To ensure that the Behavior Report and Major Discipline Review procedures are utilized appropriately, the Superintendent or designee collects the following data on a monthly basis:
 - 1. Nature of the violation(s) alleged,
 - 2. Name of the resident(s) and staff, if any, involved in the incident(s) and reporting the incident (s),
 - 3. Whether the incident(s) was/were handled through the Behavior Report or Major Discipline Review Procedures; and
 - 4. Sanction(s) imposed.
- J. To ensure that sanctions are consistently and fairly applied, the Superintendent or designee charts the data collected and notes whether:
 - 1. The Behavior Report/Major Discipline Review procedures are appropriately utilized;
 - 2. There are patterns that suggest that disciplinary procedures are not being accurately or fairly applied by some staff.
- K. Where the monthly data reveals that the disciplinary procedures are not being accurately or fairly applied, the Superintendent or designee takes corrective action immediately. The Superintendent or designee maintains a written record of actions taken and data charted monthly.