




TITLE: Youth Disciplinary Process	PAGE 1 OF 18
	NUMBER: 156-DSC-01
RELATED RULE/CODE: ORC: 5139.05 (B) (1); 5139.01 (A) (18) (a-c); 5139.50, and 5139.51 OAC 5139.68.01 (T)	SUPERSEDES: Policy 156-DSC-01 dated 9/3/2020 Policy 156-DSC-01 dated 7/15/2022
RELATED ACA STANDARDS: 4-JCF-3B-01, 4-JCF-3B-02, 4-JCF-3B-03, 4-JCF-3B-04, 4-JCF-3B-05, 4-JCF-3B-07, 4-JCF-3B-08, 4-JCF-3B-09, 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, 4-JCF-3C-16, 2-CO-3C-01	EFFECTIVE DATE: August 10, 2023
RELATED PREA STANDARDS: 115.378	APPROVED:  Amy L. Ast, Director

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5139.01, which delegates to the Director of the Department of Youth Services the authority to adopt rules for the governance of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property.

II. PURPOSE

The purpose of this policy is to establish the requirements of the youth disciplinary process continuum.

III. APPLICABILITY

This policy applies to persons employed by the Ohio Department of Youth Services (DYS), independent contractors providing a service to DHS, volunteers, and youth.

IV. DEFINITIONS

Aggravating Factor – A circumstance(s) that increases the seriousness or outrageousness of a given rule violation, which shall increase the youth's consequences or discipline.

Capacity Assessment – A clinical process to determine if a youth understands the charges against him and, in addition, can meaningfully participate in his own defense.

Hearing Officer – A specially trained staff person(s) designated by the superintendent to coordinate activities of the youth behavior intervention hearing and to serve as one of its members.

Independently Licensed Clinician – A practitioner, not otherwise defined in this procedure, who holds one of the following licenses: Licensed Independent Social Worker (LISW), Licensed Professional

Clinical Counselor (LPCC), Licensed Independent Marriage and Family Therapist (LIMFT), Licensed Psychologist or one who practices under the license of a psychologist.

Intervention Time – Additional time that delays a youth’s planned release, imposed following a youth behavior intervention hearing, which was recommended by the superintendent and approved by the Release Authority- as defined in OAC 5139.68.01 (T).

Major Rule Violation – Rule violation that can create an immediate and direct threat to the safety and order of the facility and require a youth behavior intervention hearing.

Mental Health Caseload – Youth that has been identified, following the assessment of symptoms and level of functioning, as requiring targeted mental health services. The mental health caseload classifications are as follows: a. M1 - Serious symptoms, OR any serious impairment in social, occupational, or school functioning, OR some impairment in reality testing or communication, OR major impairment in several areas, such as work or school, family relations, judgment, thinking, or mood. b. M2 - Some moderate symptoms, OR moderate difficulties in social, occupational, or school functioning. c. M3 - Some mild symptoms, OR some difficulty in social, occupational, or school functioning, but generally functioning pretty well; has some meaningful interpersonal relationships. d. The designation of “N” shall be used for youth who are not on the mental health caseload.

Minor Rule Violation – Rule violation that can create a climate of disorder that have immediate sanctions that can be issued by any staff member.

Mitigating Factor – A circumstance(s) that does not justify or excuse an offense, but in fairness or mercy may influence reducing the penalty associated with the offense.

Youth Advocate – A neutral and specifically trained staff person available to assist youth in a youth behavior intervention hearing proceeding.

Youth Behavior Intervention Hearing (YBIH) – A disciplinary hearing that is conducted, consistent with due process as established in this policy, to determine by a preponderance of the evidence whether the allegation of a youth charged with a major rule violation is proven or not proven.

V. POLICY

It is the policy of the Ohio Department of Youth Services (DYS) to establish rules of youth conduct, specifying acts prohibited within the facility and provide the process for conducting and recording youth intervention hearings. The written rules shall be reviewed annually and updated as necessary.

Juveniles shall not be subjected to corporal or unusual punishment, humiliation, disease, property damage, mental or personal abuse or harassment, personal injury or punitive interference with the daily functions of living, such as eating or sleeping. Food shall not be withheld nor shall the established menu be varied, as a disciplinary sanction.

VI. PROCEDURE

A. General

1. The deputy superintendent of direct services at each DYS facility shall oversee and implement the youth disciplinary process.
2. Facility intake staff shall distribute and review the Rules of Youth Conduct with all youth within twenty-four (24) hours of his admission to a DYS facility as outlined in DYS Policy, 152-YRE-01, Youth Intake at Reception.
3. Rules of Youth Conduct shall be posted on all living units.
4. All Rules of Youth Conduct are located in Appendix A of this policy.
5. All employees shall receive training on the Rules of Youth Conduct during Pre-Service and On-the-Job Training (OJT). (Refer to DYS Policy 139-TRN-08, Employee Orientation and Basic Academy Training)
6. Violations of the Rules of Youth Conduct shall be subject to sanctions. The primary objective of a sanction shall be to avoid future rule violations and enhance the rehabilitation process while preserving the safety and security of youth and staff.
7. The youth disciplinary process shall be carried out promptly and fairly, allowing staff directly affected by a youth rule violation to provide input into the disciplinary process, and to not punish youth for being seriously mentally ill or cognitively/developmentally disabled.
8. Staff shall use discretion when addressing youth behavior and implement the least restrictive means necessary, to include redirecting youth without using a Youth Behavior Incident Report (YBIR).
9. The staff who conduct youth behavior incident reports reviews or has oversight of the YBIR data entered into JJCMS shall have the authority to correct any coding errors that have been identified on the youth behavior incident report.

B. Issuing a Youth Behavior Incident Report (YBIR)

1. Any youth who violates a Rule of Youth Conduct is subject to receive a YBIR (DYS2217).
2. All YBIRs shall be completed in JJCMS.
3. The YBIR shall document the following:
 - a. What rule violation the youth is alleged to have committed; the date and time of the rule violation;
 - b. Staff member(s) or youth who may have witnessed the violation;
 - c. Description of the incident documenting the actions of the youth committing the rule infraction;

- d. The sanction issued/recommended per Youth Rules of Conduct Sanctions Grid (DYS2009);
- e. Staff signature;
- f. Youth signature or refusal;
- g. Youth statement;
- h. Disposition of physical evidence; and
- i. A supervisor review.

C. Minor Rule Violation Process

1. When a youth engages in a minor rule violation, the staff member shall have the option to review the incident with the youth and correct the behavior in a verbal manner. The staff member shall not create a YBIR for these instances.
2. When the youth engages in a minor rule violation that the charging staff member believes requires a YBIR, the charging staff member shall create a YBIR in JJCMS and inform the youth of the violation. The staff member shall obtain the youth's signature prior to the end of his/her work shift or the shift when the violation was discovered.
 - a. The staff shall ask the youth if he would like to make a statement and ensure the youth's choice is reflected on the YBIR (DYS2117).
 - b. If the youth chooses to write a statement, he shall be provided with a Statement Form (DYS1050). The form shall be forwarded to the unit manager (UM) and uploaded/attached to the YBIR in JJCMS.
 - c. If the youth refuses to make a statement and/or sign the YBIR, this shall be documented on the YBIR with staff initials and date. Youth who are uncooperative, display threatening behavior or display violent behavior shall be considered as a refusal and this shall be indicated on the YBIR.
 - d. The youth shall be given a written copy of the YBIR, only if requested by the youth.
3. If the charging staff member cannot obtain the youth's signature prior to the end of his/her shift, the charging staff member shall indicate this on the YBIR and notify the operations manager (OM) or UM. The OM or UM shall follow up within twenty-four (24) hours of the incident and attempt to obtain the youth's signature. (Note: this is different from a youth's refusal to sign).
4. Sanction choices shall auto-populate in JJCMS with each respective rule violation in accordance with the Rules of Youth Conduct Sanction Grid (DYS2009).
5. The sanctions for a minor rule violation shall start immediately and shall be noted on the YBIR (located in the drop-down options). The youth shall be informed of all sanctions at the time of

the YBIR. Allowable sanctions are listed on the Rules of Youth Conduct Sanctions Grid (DYS2009).

6. The charging staff member shall ensure the immediate sanctions are communicated with unit staff and documented in the unit log book. The unit youth specialist shall notate the sanction on the youth's Youth Rule Violations Tracking Form (DYS2300).
7. Upon entering the minor rule violation into JJCMS, the charging staff member shall follow the step-by-step process to move the YBIR to the "Ready for UM Review" stage.
8. The UM shall conduct a daily review of the units YBIRs. The UM shall review each violation and close the YBIR in JJCMS within two (2) business days.
 - a. The UM may decide a violation is not well founded and indicate why on the YBIR.
 - i. The UM shall indicate, within JJCMS, that the violation is 'not proven' and administratively close the YBIR.
 - ii. The UM shall lift any/all sanctions.
 - b. In the event the YBIR rule violation is found 'not proven', the charging staff member must be notified of the decision and shall remove corresponding sanctions from the unit logbook and Youth Rule Violations Tracking Form (DYS2300).
9. The unit management administrator (UMA) shall conduct daily monitoring of each UM's unit YBIR status (located on the YBIR widgets in JJCMS).
10. If the rule violation rises to the level of an incident report, the OM shall ensure the incident has been reported in JJCMS pursuant to DYS Policy 101-COM-08, Incident Reporting.

D. Major Rule Violation Process

1. When a youth engages in a major rule violation, the youth's actions have created an immediate and direct threat to the safety and order of the facility, staff, visitors, or other youth. These rule violations require a Youth Behavior Intervention Hearing.
2. Any youth who has engaged in a major violation shall have their PRIDE privileges immediately suspended.
 - a. The unit staff shall change the youth's PRIDE level designation to IH Suspension in JJCMS.
 - b. All personal property shall be removed from the youth's room/bed area and inventoried.
 - c. The youth is not permitted to participate in any PRIDE activities.
3. The charging staff member shall create a YBIR in JJCMS and inform the youth of the violation. The staff member shall obtain the youth's signature prior to the end of his/her work shift or the shift when the violation was discovered.

- a. The staff shall ask the youth if he would like to make a statement and ensure the youth's choice is reflected on the YBIR (DYS2117).
 - b. If the youth chooses to write a statement, he shall be provided with a Statement Form (DYS1050). The form shall be forwarded to the unit manager (UM) and uploaded/attached to the YBIR in JJCMS.
 - c. If the youth refuses to make a statement and/or sign the YBIR, this shall be documented on the YBIR with staff initials and date. Youth who are uncooperative, display threatening behavior or display violent behavior shall be considered as a refusal and this shall be indicated on the YBIR.
 - d. Unit staff shall provide the youth with a written copy of the YBIR within twenty-four (24) hours following the incident.
4. If the charging staff member cannot obtain the youth's signature prior to the end of his/her shift, the charging staff member shall indicate this on the YBIR and notify the operations manager (OM) or UM. The OM or UM shall follow up within twenty-four (24) hours of the incident and attempt to obtain the youth's signature. (Note: this is different from a youth's refusal to sign).
 5. The Gang Intervention Specialist (GIS) shall conduct a daily review of all STG related (rule violation 1.g. and 11) YBIR's. The GIS shall review and close the YBIR within two (2) business days.
 - a. The GIS may determine the STG rule violation is not proven and indicate why in the notes section of the YBIR.
 - ii. The GIS shall indicate that the violation is 'not proven' and administratively close the YBIR.
 - iii. The GIS shall communicate through email and UM shall lift any/all sanctions related to minor rule violations.
 6. If the STG violation is proven, the GIS shall complete the DYS Security Threat Group Identification/Intelligence Assessment (DYS2331), if warranted.
 7. In the event the hearing officer does not agree with the GIS proving the YBIR is STG related, the hearing officer shall contact the GIS and discuss the issues they are having with the supporting evidence. If the hearing officer and the GIS cannot mutually agree on an appropriate outcome of the YBIH, the direct deputy superintendent shall make the final decision before the sanctions are dismissed or forwarded to the superintendent for final YBIH approval. If the hearing officer and GIS agree the evidence does not support STG behavior or the direct deputy superintendent determines the evidence does not support the GIS finding, the youth's STG status shall be changed back if warranted and documented by the GIS in JJCMS.
 8. If a youth's STG status is changed to Active, the GIS shall notify the youth's unit manager and case manager so his PRIDE level can be changed to PRIDE IH Suspension immediately.

9. The facility superintendent shall identify a staff member to serve as a back-up for when the GIS is out of the facility.
10. The UM shall review and close the YBIR, in JJCMS, within two (2) business days.
 - a. The UM may decide that a violation is not well founded and indicate why on the YBIR.
 - i. The UM shall indicate within JJCMS that the violation is ‘not proven’.
 - ii. The UM shall complete the review and close the YBIR.
 - b. For any violations that have been determined ‘not proven’, the UM shall lift the sanctions.
11. The youth shall also receive a Notice of Hearing Rights (NOHR) (DYS2010).
 - a. The OM/designee shall present the Notice of Hearing Rights form to the youth for signature and provide him a copy.
 - b. The OM/designee shall ensure the NOHR and YBIR details match.
 - c. If the OM/designee observes that the youth has not received/signed for the YBIR, he/she shall complete the signature process and ensure the youth receives his copy.
12. The OM shall ensure the incident has been reported in JJCMS pursuant to DYS Policy 101-COM-08, Incident Reporting.
13. If the rule violation results in a serious staff assault, the OM shall ensure provisions occur pursuant to DYS Policy 150-FAM-03, Rapid Response Protocol for Serious Staff Assaults.
14. If there is physical evidence from the incident, it shall be documented by the individual collecting evidence on the Property Control Form (DYS1048) and handled in accordance with DYS Policy 109-INV-01, Protection of a Crime Scene and Preservation of Physical Evidence.
15. All criminal violations shall be reported to the Ohio State Highway Patrol in accordance with DYS Policy 109-INV-02, DYS Investigations.

E. Youth on a Mental Health Caseload

1. Specific steps shall be taken to assist staff in determining the ability of a youth (capacity assessment) with a mental illness or a cognitive or developmental disability to understand the charges against him and participate in his own defense including providing information in mitigation of any action taken as part of the disciplinary process for major rule violations.
2. When a youth is on the mental health caseload or is identified as having a cognitive disability, the Intervention Hearing Mental Health Review and Assessment (DYS2143) shall be completed by the psychology supervisor or designated independently licensed clinician to complete within one (1) business day by doing the following:

- a. The independently licensed clinician shall evaluate the youth's capacity to participate in the YBIH process by completing a Mental Status Examination and documenting the results in a JJCMS case note within the youth's electronic file.
 - b. Upon completion of Mental Status Examination, the independently licensed clinician shall complete Intervention Hearing Mental Health Review and Assessment (DYS2143).
 - c. The completed Intervention Hearing Mental Health Review and Assessment (DYS2143) shall be attached to the hearing officer's report.
3. All youth on a Special Living Unit shall be accompanied by a behavioral health clinician through all steps of the disciplinary process for major rule violations.
4. If it is determined that the youth has the capacity to proceed with the hearing, the behavioral health clinician shall:
 - a. Provide recommendations for potential sanctions that would be effective in deterring behavior while reducing the likelihood of negatively affecting the youth's mental health, cognitive and/or developmental disability. The recommendations shall be within the Rules of Youth Conduct Sanction Grid (DYS2009).
 - b. Special consideration shall be given specifically to the impact of intervention time as a sanction.
5. If it is determined that the youth does not have the capacity to participate in the disciplinary process, the behavioral health clinician shall:
 - a. Inform the UM and youth advocate that the discipline process shall be postponed until further notice. The youth advocate shall schedule the hearing once the youth has the capacity to participate. The youth advocate shall place the discipline process in a "hold-mental health status" in JJCMS.
 - b. Immediately refer the youth to a Special Living Unit, if the youth is in the general population, for further evaluation and to assist the youth in attaining capacity.
 - c. If it is determined that the youth has attained the capacity to participate in the disciplinary process within thirty (30) days, complete a new mental health assessment utilizing the Intervention Hearing Mental Health Review and Assessment (DYS2143).
 - d. If the youth does not attain capacity within thirty (30) days, the behavioral health staff shall notify the UM that the hearing shall not be held. The status of the YBIR shall be administratively closed in JJCMS.
6. The hearing officer shall follow any recommendations for potential disposition made by the behavioral health clinician. The recommendation shall comply with the Rules of Youth Conduct Sanction Grid (DYS2009).

F. Advocacy Services

1. The youth advocate shall ensure that advocacy services are provided to the youth from the beginning of the YBIH process throughout the completion of the hearing.
2. Prior to, and during the hearing, the youth advocate's role shall include the following:
 - a. Assist the youth in understanding the alleged rule violation(s);
 - b. Conduct an inquiry into the alleged rule violation(s) on behalf of the youth when appropriate;
 - c. Assist the youth during the hearing;
 - d. If the violation is proven, the youth advocate shall assist the youth in understanding the disposition or sanction.

G. Youth Behavior Intervention Hearing (YBIH) Process

1. JJCMS automatically sends a notification to designated facility staff that a youth has committed a major rule violation requiring a YBIH.
2. The youth advocate shall schedule the hearings as follows:
 - a. The hearing shall occur no later than seven (7) business days, excluding weekends and holidays, after the alleged violation or knowledge of the alleged violation unless the hearing is prevented by exceptional circumstances documented and approved by the UMA.
 - b. In the event the hearing cannot occur within seven (7) business days, the hearing officer shall explain the reason for the delay using the Youth Behavior Intervention Hearing Report (DYS2012).
3. A youth shall have at least twenty-four (24) hours to prepare for the hearing; however, if he wants to waive the 24 hours' notice, and the youth advocate agrees, the hearing can occur within 24 hours of the rule violation or discovery of rule violation. The youth advocate shall receive the youth's consent in writing.
4. When a youth requests a staff witness, it shall be requested on the Notice of Hearing Rights (DYS2010). The hearing officer shall make reasonable efforts to accommodate this request.
5. If the hearing officer or youth advocate was involved in the incident, he shall defer to another hearing officer and/or a proxy youth advocate.
6. If prior to or during the Youth Behavior Intervention Hearing, the hearing officer, and the youth advocate determine that a different rule violation(s) is more appropriate/necessary, the rule violation(s) shall be amended/modified.
 - a. The youth shall be required to sign an amended YBIR and Notice of Hearing Rights form.

- b. The youth may opt to have an additional 24 hours to prepare for his hearing or he may waive the 24 hours and proceed with the hearing as scheduled.
7. It shall be the right of a youth to attend his hearing unless he waives his right after consultation with the youth advocate or his attendance/behavior presents a risk to the safety or security of the facility, staff, or youth. The youth's waiver shall be documented in the Youth Behavior Intervention Hearing Report (DYS2012).
 - a. When a youth's behavior prevents him from attending his hearing, the hearing shall be postponed for twenty-four (24) hours.
 - b. If this places the hearing beyond seven (7) business days, the UMA shall approve the postponement as an exceptional circumstance and document the reason for Youth Behavior Intervention Hearing Report (DYS2012).
 - c. After twenty-four (24) hours, if the youth's behavior is still not conducive for him to attend the rescheduled hearing, the hearing shall proceed with all necessary staff, including the youth advocate.
8. A youth shall be excluded from the hearing when a witness must give testimony and where revealing his/her identity may reasonably place such witness in danger.
 - a. The specific safety threat shall be documented by the hearing officer on the Youth Behavior Intervention Hearing Report (DYS2012).
 - b. The hearing officer has the discretion to return the youth to the hearing once the witness has been safely escorted from the area.
9. Youth Behavior Intervention Hearings held without the youth in attendance shall always be videotaped. The videotape shall be stored according to DAS/DYS Records Retention Schedule. Refer to DYS Policy 107-YRM-01, Youth Records Management.
10. The hearing officer shall analyze the evidence by reviewing JJCMS, incident report(s), and any other paperwork associated with the rule violation to include witness statements. If video captured the alleged incident, the hearing officer shall review it prior to the hearing.
11. The hearing officer shall read Youth Behavior Intervention Hearing Introductory Script (DYS2011) at the beginning of a Youth Behavior Intervention Hearing.
12. The youth charged with a violation shall have an opportunity to make a statement, present documentary evidence, and request witnesses. The youth shall have an opportunity to request any staff to represent him at a disciplinary hearing and to question relevant witnesses.
 - a. The aforementioned rights shall not be denied unless those rights present a risk to the safety or security of the facility, staff or youth.
 - b. Any denials for safety or security reasons shall be documented in detail by the hearing officer on Youth Behavior Intervention Hearing Report (DYS2012) with the specific safety or

security threat noted.

13. At the conclusion of the hearing, the hearing officer shall reach a decision as to the facts presented at the hearing.
 - a. If the decision is that the rule violation is proven, the youth and the youth's advocate shall be given the opportunity to address the hearing officer as to the appropriate disposition.
 - b. Any STG violation(s) shall require verification by the Gang Intervention Specialist (GIS) prior to the decision and any demotion of the youth to PRIDE IH Suspension.
 - c. The hearing officer may determine that a violation is 'not proven'.
 - i. All rule violations that are determined 'not proven' shall be noted as such on the YBIR.
 - ii. The hearing officer and youth advocate shall complete the YBIH process for all violations.
 - iii. If all violations of the YBIR are determined 'not proven' the hearing officer shall administratively close the YBIR.
 - iv. The UM shall lift any/all sanctions.
14. The hearing officer shall recommend a sanction that reflects the seriousness of the violation and the programmatic needs of the youth. Rules of Youth Conduct Sanctions Grid (DYS2009) shall be used to determine sanctions that are consistent with the youth's individualized treatment plan. Mitigating or aggravating factors shall be considered when determining sanctions.
15. The hearing officer shall complete the hearing report at the conclusion of the hearing and give the completed packet to the youth advocate, who shall immediately forward the packet to the superintendent's office.
16. Within two (2) business days of the hearing officer's decision, the superintendent/or designee shall review the Youth Behavior Intervention Hearing Report (DYS2012) and the supportive records.
 - a. The superintendent/designee may recommend in writing that the disposition (or sanction) is to be altered in a specified fashion. This shall be documented in the Youth Behavior Intervention Hearing Report (DYS2012).
 - b. The superintendent/designee may increase or decrease the hearing officer's recommendation of intervention time based on the intervention & sanctions grid. The superintendent/designee may recommend to the Release Authority that the time be imposed and applied at their next release review hearing.
 - c. The superintendent may recommend a youth's PRIDE level drop more than one level based on compliance with policy 180-YBM-01, Youth Response Incentive Driven Environment (PRIDE).

- d. The youth advocate shall ensure the youth receives a copy of the disposition and sanctions within two (2) business days of the superintendent/designee's decision.
- 17. The youth advocate shall notify staff members of the disposition and sanctions, via email, who are victims of any rule violation involving sexually inappropriate behavior (Rules 6-10 and 29e) of the Rules of Youth Conduct.
- 18. The youth's case manager shall ensure that all sanctions (except IH time) are logged and tracked on the DYS2300 Youth Rule Violations Tracking Form.
- 19. The youth advocate shall ensure the following documents are scanned and attached to the youth's YBIH widget in JCMS:
 - a. YBIR (DYS2217)
 - b. Notice of Hearing Rights (DYS2010)
 - c. Intervention Hearing-Mental Health Review & Assessment (if the youth is on MH caseload) (DYS2143)
 - d. Youth Behavior Intervention Hearing Report (DYS2012)
 - e. Behavior History Report (Report on IH database)
 - f. Youth Behavior Intervention Hearing Introductory Script (DYS2011)

H. Youth Behavior Intervention Hearing (YBIH) Appeal Process

- 1. Where the charges were found proven in a hearing, the youth shall have fifteen (15) days after receiving a copy of the Youth Behavior Intervention Hearing Report (DYS2012) from the superintendent/designee to appeal the disposition to the Division of Legal Services.
- 2. The youth advocate shall talk with the youth after the hearing packet is signed by the superintendent/designee and inform the youth again of the right to appeal and offer to assist the youth in writing the appeal. The youth advocate shall do this within two (2) business days of receiving the packet from the superintendent.
- 3. The appeal shall be in writing on the Youth Behavior Intervention Hearing Report (DYS2012) and state the grounds for the appeal. Grounds for appeal shall consist of the following:
 - a. New evidence exists that would affect the action to be taken;
 - b. The hearing officer did not follow the requirements of the hearing process; or
 - c. The sanctions or interventions are unsuitable for the violation committed.
- 4. When a youth decides to appeal, the youth advocate shall place the youth's written reasons for

the appeal in JJCMS.

5. The Division of Legal Services shall review youth appeals and shall decide on the appeal within fourteen (14) business days of receipt.
6. The youth shall receive a written response providing a reason for the ruling on the appeal.
7. If the response is beyond fourteen (14) days, the Division of Legal Services shall provide an explanation to the youth through the youth advocate. This shall be communicated through email as well in JJCMS on the YBIH Hearing Report (DYS2012).
8. On appeal, the Division of Legal Services may affirm, reverse, or modify the decision. They may also return the matter to the youth advocate for rehearing or such other actions as may be necessary to correct any defects in the original proceedings. In such cases, the facility has fifteen (15) business days to provide the requested information or take the necessary action to rectify the matter.
9. If there is an appeal, the Division of Legal Services shall update the information in JJCMS.
10. The youth advocate or designee shall inform the youth of final actions and obtain the youth signature within three (3) business days on Section 7 Youth Notification, of the Youth Behavior Intervention Hearing Report (DYS2012). This shall be placed into the JJCMS Youth Behavior Intervention Hearing record.

I. Release Authority's Role in the YBIH Process

1. When a youth is recommended for Intervention Time, a Release Authority staff shall send a letter to the youth, committing court, youth's parent/ legal guardian, regional administrator, and superintendent explaining the violation and the sanction imposed.
2. The IDT and superintendent shall have input through the IDT worksheet prior to the Release Review Hearing.
3. At the release review panel, the Release Authority may find extenuating circumstances that persuade them not to apply the intervention time. If the Release Authority does not find extenuating circumstances on the record, and the recommendation is not modified based on an appeal, the Release Authority hearing panel shall accept the recommendation of the superintendent/designee based on the serious misconduct and apply the intervention time to the youth's sentence. The Release Authority has final authority under ORC 5139.01, 5139.05, 5139.50, and 5139.51 to apply or not apply the intervention time based on youth's serious misconduct.
4. At the Release Review Hearing, the Release Authority may modify the intervention time recommended by the superintendent not to exceed the maximum allowable according to the sanction grid.
5. If a youth is sanctioned with YBIH time after being approved for release, the facility superintendent shall contact the Release Authority chairperson to discuss the need to schedule a

special release review to reconsider the release decision.

6. The superintendent may identify youth who have received recommended YBIH time and contact the Release Authority chairperson to schedule a panel discussion regarding the youth's behavior. The superintendent or direct deputy/designee may also be present at the panel discussion.

VII. ATTACHMENTS

DYS2117	Youth Behavior Incident Report
DYS2009	Youth Rules of Conduct Sanction Grid
DYS2010	Notice of Hearing Rights
DYS2143	Youth Behavior Intervention Hearing Mental Health Review and Assessment
DYS2012	Youth Behavior Intervention Hearing Report
DYS2011	Youth Behavior Intervention Hearing Introductory Script
DYS2300	Youth Rule Violations Tracking Form
DYS2331	DYS Security Threat Group Identification/Intelligence Assessment

Table of Effective Changes

Number	Effective Date	Superseded/Modified	Significant Changes
303.01	11/01/1998	NA	First Issuance
303.01	09/27/2006	11/01/1998	
303.01	02/01/2010	09/27/2006	
303.01	01/21/2013	02/01/2010	
303.01	05/10/2013	01/21/2013	
156-DSC-01	04/01/2019	156-DSC- dated 5/10/13 SOP 156-DSC-02 dated 6/9/2013 SOP 156-DSC-03 dated 6/9/2013 SOP 156-DSC-04 dated 6/9/2013 SOP 167-BHS-11 dated 6/9/2013	The policy is a combination of four SOPs. PRIDE is incorporated into the policy. Attachments have been revised/updated. New policy template adopted and new policy number assigned. Rescind BHS-11
156-DSC-01	09/03/2020	04/01/2019	Policy variance content added- section VI. D.5-9. Added form DYS2331.
156-DSC-01	07/15/2022	09/03/2020	Revised Rule #40 in Appendix A
156-DSC-01	8/10/2023	07/15/2022	Added ability to correct coding errors.

APPENDIX A**RULES OF YOUTH CONDUCT****MAJOR Category****MINOR Category****Physical Harm, Assaults, and Related Acts**

1.
 - a) Causing or attempting to cause, the death of another.
 - b) Causing, or attempting to cause, serious physical harm to another.
 - c) Causing, or attempting to cause, physical harm to another.
 - d) Causing, or attempting to cause, physical harm to another with a weapon.
 - e) Throwing, expelling, or otherwise causing a bodily substance to come in to contact with another.
 - f) Intentionally grabbing, or touching anyone, including another youth.
 - g) Identified as a disruptive participant in a security threat group through demonstration of one or more STG motivated actions, to include orchestrating an assault on another
 - h) Throwing any other liquid or material on or at another.
2. Threatening bodily harm to another:
 - a) With a weapon,
 - b) Without a weapon
3. Extortion by threat of violence or other means.
4. Fighting, with or without weapons, including instigation of or perpetuating fighting
5. Hostage taking, including any physical restraint of another.

Sexual Misconduct and Related Acts

6. Forced sexual conduct with another, whether compelled
 - a) By force,
 - b) By threat of force,
 - c) By intimidation other than the threat of force, or,
 - d) By any other circumstances evidencing a lack of consent by the victim
7. Unforced physical contact for the purpose of sexually arousing or gratifying either person.
8. Seductive or obscene acts, including but not necessarily limited to: indecent exposure, masturbation, and any word, action, gesture or other behavior that is sexual in nature and would be offensive to a reasonable person.
9. Sexual Harassment, including repeated and unwelcome sexual advances, requests for sexual favors, verbal comments of an offensive sexual nature.

Disruptive Behaviors and Related Acts

10. Rioting or encouraging others to riot.
11. Engaging in unauthorized group activities such as Security Threat Groups, to include forming, communicating, organizing, promoting, recruiting for, or participating in such groups that threaten the security of the facility.
12. Encouraging or creating a disturbance involving 4 or more youth.
13. Disruptive Behavior, including:
 - a) Physical resistance to a direct order.
 - b) Physical resistance to a direct order that results in the use of force/restraint
14. Disrespect to an employee, visitor, or other youth.
15. Setting a fire; any unauthorized burning.
16. Tampering with fire alarms, sprinklers, or other fire suppression equipment.
17. Use of telephone or mail to threaten, harass, intimidate, or annoy another.
18. Use of telephone or mail in furtherance of any criminal activity.
19. Interfering with staff by preventing staff from utilizing force or carrying out a security function, with or without contact, creating a health or safety hazard.
20. Dealing, conducting, facilitating, or participating in any transaction, occurring in whole or in part, within a facility, or involving a juvenile, employee, or another for which payment of any kind is made, promised, or expected.

Resistance to Authority and Related Acts

21. Disobedience of a direct order.
22. Refusal to carry out work or other facility assignments.
23. Refusal to attend programming
24. Giving false information or lying to a departmental employee
25. Refusal to submit a urine sample, or otherwise to cooperate with drug testing or mandatory substance abuse sanctions.
26. Unauthorized use of telephone or violation of mail or visiting rules.
27. Engaging in the practice of tattooing.
28. Any violation of any published rule, regulation, or procedure not otherwise specified herein (formal count, line movement, not wearing a wristband, etc.)

Inappropriate Relationships

29. Establishing or attempting to establish a personal relationship with an employee, without authorization from the Superintendent, but not limited to:
 - a) Sending personal mail to an employee at his or her residence or another address not associated with the Ohio Department of Youth Services,

- b) Making a telephone call to or receiving a telephone call from an employee at his or her residence or other location not associated with the Ohio Department of Youth Services,
 - c) Giving to, or receiving from an employee, any item, favor, or service,
 - d) Engaging in any form of business with an employee; including buying, selling, or trading any item or service,
 - e) Soliciting sexual conduct, sexual contact or any act of a sexual nature with an employee.
30. Conducting business operations with any person or entity outside the facility, whether or not for profit, without specific permission in writing from the Superintendent.

Escape and Related Acts

- 31. Escape from a facility or outside custody (e.g. transport vehicle, agency transport officer, other court officer or law enforcement officer outside work crew, etc.) As used in this rule, crossed a secure facility perimeter; or walked away from or broken away from custody while outside the facility.
- 32. Removing or escaping from physical restraints (handcuffs, leg irons, etc.) or any confined area within a facility (room, recreation area, vehicle, etc.)
- 33. Refusal to return restraints to staff
- 34. Attempting or planning an escape or having knowledge of.
- 35. Tampering with locks, or locking devices, window bars; tampering with walls, floors, or ceilings in an effort to penetrate them.
- 36. Possession of escape material; including keys or lock picking devices (may include maps, tools, ropes, material for concealing identity or making dummies, etc.)
- 37. Being out of place.

Property Infractions and Related Acts

- 38. Threatening harm to the property of another, including state property.
- 39. Stealing or embezzlement of property, obtaining property by fraud or receiving stolen, embezzled, or fraudulently obtained property.
- 40.
 - a) Destruction or alteration of property (computers, tablet, gaming system, television, cameras, maintenance tools and equipment, internet, telephone, and cable, etc.)
 - b) Misuse of property (computers, tablet, gaming system, television, cameras, maintenance tools and equipment, internet, telephone, and cable, etc.)

Contraband

- 41. Possession or manufacture of a weapon, ammunition, explosive or incendiary device.
- 42. Procuring, or attempting to procure, a weapon, ammunition, explosive or incendiary device; aiding, soliciting or collaborating with another person to procure a weapon, ammunition, explosive or incendiary device or to introduce or convey a weapon, ammunition, explosive or incendiary device into a correctional facility.

43. Possession of plans, instructions, or formula for making weapons or any explosive or incendiary device.
44. Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance.
45. Procuring or attempting to procure unauthorized drugs; aiding, soliciting, or collaborating with another to procure unauthorized drugs or to introduce unauthorized drugs into a correctional facility.
46. Unauthorized possession of drug paraphernalia.
47. Misuse of authorized medication.
48. Gambling or possession of gambling paraphernalia.
49. Possession of or use of money in the facility.
50. Possession of property of another.
51. Possession of contraband, including any article, knowingly possessed which has been altered or for which permission has not been given, to include excessive items that are above-designated property limits
52. Possession of devices or material used for tattooing.
53. Possession of tobacco
54. Possession of a cell phone or cell phone accessories or other media devices (to include but not be limited to an mp3 player, computer, USB, disc, SIM cards, etc.)
55. Possession of pornography
56. Possession of staff personal identity information

Complicity (referral to an Intervention Hearing is dependent on the rule one is complicit to)

57. Attempting to commit; aiding another in the commission of; soliciting another to commit; or entering into an agreement with another to commit any of the above acts. Violators are subject to the same level of sanctions as those who directly attempt or commit the offending conduct.