

**Department of Children’s Services**  
**INSTRUCTIONS FOR USE OF FORM**  
**CS-1148**

**Disciplinary Appeal Review**

<p style="text-align: center;"><b>Youth behavior occurs</b></p>	<ul style="list-style-type: none"> <li>• Staff completes major disciplinary report <b><i>by the end of the shift/no later than 24 hrs AND ensures youth signs/receives copy</i></b></li> <li>• Refer to <a href="#">Policy 25.2</a></li> </ul>	<ul style="list-style-type: none"> <li>• Must be for offense allowed by policy</li> <li>• Report should be clear, detailed and all items on form completed and procedures followed</li> </ul>
<p style="text-align: center;"><b>Hearing Officer</b></p>	<ul style="list-style-type: none"> <li>• Receives the disciplinary report on form <a href="#">CS-0055</a> and assures report is correctly completed and within timeframes</li> <li>• Assures written report supports the offense</li> <li>• Schedules the hearing time</li> <li>• Assures the report has been logged and assigned a number</li> </ul>	<ul style="list-style-type: none"> <li>• <b><i>The hearing should occur within 7 days, excluding holidays and weekends, of the alleged incident</i></b></li> <li>• An investigation of major violations must begin within 24 hours of the time the violation is reported</li> <li>• If the youth waives his right to a hearing, the report is forward to the discipline committee to hear the report</li> </ul>
<p style="text-align: center;"><b>The Discipline Hearing</b></p>	<ul style="list-style-type: none"> <li>• <b><i>Held within 7 days of alleged incident</i></b> (excluding holidays &amp; weekends)</li> <li>• Youth enters plea (if waives right to hearing, referred to disciplinary committee)</li> <li>• Youth allowed to obtain an advocate if requested or required per policy</li> <li>• Hearing officer makes decision based on greater weight of information present</li> <li>• The decision and reasons are documented on form <a href="#">CS-0211</a> and a copy is given to the youth</li> <li>• Youth is informed of right/how to appeal and is given <a href="#">CS-0210</a></li> </ul>	<ul style="list-style-type: none"> <li>• Youth is present</li> <li>• Youth presents evidence/testimony</li> <li>• Youth/advocate may call and/or question witnesses</li> <li>• Reporting staff member must be present if requested by youth or when youth pleading not guilty</li> <li>• Any exceptions to the above must be clearly documented and justified</li> <li>• Sanctions given must be within the <a href="#">Disciplinary Punishment Guidelines Policy 25.4</a></li> </ul>
<p style="text-align: center;"><b>The Discipline Committee</b></p>	<ul style="list-style-type: none"> <li>• If the discipline committee is</li> </ul>	<ul style="list-style-type: none"> <li>• All rights/steps listed in the</li> </ul>

<p><b>1<sup>st</sup> level of hearing</b></p>	<p>the first level of hearing, the committee shall have the hearing three (3) days from the date of the waiver, excluding weekends and holidays</p>	<p>Discipline Hearing above apply to this hearing process as well</p>
<p><b>Appeals (youth)</b></p>	<ul style="list-style-type: none"> <li>• Appeals must be <b><i>made within 15 days</i></b> of the written findings of the hearing officer or the discipline committee</li> </ul>	<ul style="list-style-type: none"> <li>• Once an appeal is received, the sanction will be “stayed” until resolution of the appeal</li> <li>• The four (4) reasons for appeal are outlined in <a href="#">Policy 25.3</a> section G</li> </ul>
<p><b>Appeals (Committee/Superintendent)</b></p>	<ul style="list-style-type: none"> <li>• An appeal must be reviewed and a written <b><i>decision made within five (5) days of receipt</i></b>, excluding weekends &amp; holidays</li> <li>• Along with the written decision, the youth is given form <a href="#">CS-0210</a> in order to appeal if desired</li> </ul>	<ul style="list-style-type: none"> <li>• See <a href="#">Policy 25.3</a> section H for possible decisions</li> </ul>
<p><b>Appeals (Deputy Commissioner)</b></p>	<ul style="list-style-type: none"> <li>• The youth <b><i>may appeal the Superintendent’s decision within five (5) days of receipt</i></b> excluding weekends and holidays</li> <li>• An appeal must be reviewed and a written <b><i>decision rendered within days of receipt</i></b>, excluding <b><i>five (5)</i></b> weekends &amp; holidays</li> <li>• This decision is final</li> </ul>	<ul style="list-style-type: none"> <li>• The three (3) reasons for that appeal are outlined in <a href="#">Policy 25.3</a> section I.</li> <li>• If a youth appeals a sanction to the Deputy Commissioner/ Designee, the sanction is NOT stayed pending resolution UNLESS the Superintendent agrees to allow it.</li> <li>• There are no further appeal levels</li> </ul>
<p><b>Expedited Appeals</b></p>	<ul style="list-style-type: none"> <li>• When a youth’s release date is within two (2) weeks and the sanction will result in an extension of his release date, an expedited appeal process shall be used</li> </ul>	<ul style="list-style-type: none"> <li>• See <a href="#">Policy 25.3</a> section K.</li> </ul>
<p><b>Findings or sanctions changed on appeal</b></p>	<p><u>Finding overturned:</u></p> <ul style="list-style-type: none"> <li>• Ensure the youth is no longer subject to the sanction(s) imposed for the incident</li> <li>• Assure no record of the incident or proceedings is in</li> </ul>	<ul style="list-style-type: none"> <li>• See <a href="#">Policy 25.3</a> section L.</li> </ul>

	<p>the youth's master file – however if seclusion was a part, these documents must remain</p> <p><u>Finding amended:</u></p> <ul style="list-style-type: none"> <li>• If sanction(s) were reduced and not dismissed, assure youth is subject only to the part of the sanction remaining, if any</li> </ul>	
<p><b>Discipline Policies</b></p>	<ul style="list-style-type: none"> <li>• <a href="#"><u>25.1 Definitions of Disciplinary Offenses for Youth in YDCs</u></a></li> <li>• <a href="#"><u>25.2 Disciplinary Report/Notice of Hearing for Youth in YDCs</u></a></li> <li>• <a href="#"><u>25.3 Uniform Disciplinary and Appeal Process for Youth in YDCs</u></a></li> <li>• <a href="#"><u>25.4 Disciplinary Punishment Guidelines for youth in YDCs</u></a></li> </ul>	<ul style="list-style-type: none"> <li>• <b>DOE Policies</b></li> </ul>
<p><b>Discipline forms</b></p>	<ul style="list-style-type: none"> <li>• <a href="#"><u>CS-0055 Disciplinary Report/Notice of Hearing</u></a></li> <li>• <a href="#"><u>CS-0211 Summary of Hearing</u></a></li> <li>• <a href="#"><u>CS-0210 Notice of Disciplinary Appeal</u></a></li> <li>• CS-XXXX Disciplinary Appeal Review</li> </ul>	