

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

Subject: <b>Use of Force</b>		Policy Number: <b>1</b>
Number of Pages: <b>10</b>		Section: <b>VII</b>
<b>Attachments</b>		<b>Related Standards &amp; References</b>
Form VII.1.A- Pepper Spray Protocol		ACA 3-JTS-3A-18, ACA 3-JTS-3A-16 ACA 3-JTS-3A-28, ACA 3-JTS-3A-31 ACA 4-JCF-2A-17, ACA 4-JCF-2A-29
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**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services that, to prevent injuries to staff and youth, only the minimal amount of force necessary shall be used to control a youth or situation in the facility. Any use of force shall be fully documented and reported. Use of mechanical and chemical restraints, (except during transportation) shall be imposed only with authorization by the Facility Administrator/designee. Use of physical force is limited to situations where no alternative is available. In no event is the use of physical force used as punishment.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. **Use of Force:** Intentional physical contact or use of restraint equipment or techniques to control behavior in a confrontational or unsafe situation.
- B. **Excessive Use of Force:** Use of force that exceeds or falls outside of the procedurally authorized response to behavior or an event being managed or the premature use of approved methods when circumstances did not require such interventions.
- C. **Physical Restraints:** Facility authorized and trained holds used by staff to subdue an otherwise uncontrollable youth in order to prevent the youth from injuring him/herself or others. Does not include escort techniques and routine contact with compliant youth.
- D. **Mechanical Restraints:** Mechanical devices such as plastic or metallic handcuffs or wristlets, chains or anklets, or any other approved or authorized device used to restrict physical movement.
- E. **Chemical Restraints:** Chemical devices used (such as pepper spray, mace, etc.) to prevent an out-of-control youth from injuring him or herself or others.
- F. **Uncontrollable Behavior** – Behavior exhibited by youth that poses a serious threat to the safety of others and/or the regular operations of the facility. Behavior that is seriously threatening, assaultive or destructive.

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- F. **Uncontrollable Behavior** – Behavior exhibited by youth that poses a serious threat to the safety of others and/or the regular operations of the facility. Behavior that is seriously threatening, assaultive or destructive.
- G. **Incident Reports:** The form used to document that an unusual event or incident, which details relevant information and circumstances.
- H. **Administrative Review:** A review of incident details by management staff for accuracy, comprehensiveness and improved institutional practices, including incident reports, videotapes, witness statements and medical reports.

### III. PROCEDURE

- A. Use of Force: Any deliberate physical contact with a youth in a confrontational situation is considered to be a use of force. The force can be physical contact or the use of equipment to control behavior in a confrontational situation.
  - 1. Mere touching that includes shaking hands or placing a hand on a youth's shoulder in a non-confrontational situation, body searches for security purposes, or the application of restraints for transportation to court or another facility in a non-confrontational situation are not considered the use of force and do not fall under the reporting provisions of this policy.
  - 2. Only security staff or personnel who have been trained in the application of physical force and restraints shall take necessary measures. Staff shall only use physical force or mechanical restraints as is necessary to bring the situation under control. As soon as the youth regains self-control, use of physical force and/or mechanical restraints shall cease.
  - 3. Except for routine transportation, during the time that a youth is in mechanical restraints staff must:
    - a. Provide one on one crisis intervention when youth show signs of distress;
    - b. If a youth is placed in a room while wearing mechanical restraints an additional observation staff member shall be either in the cell with the youth or directly outside the cell providing constant observation. The individual providing constant observation shall be named in the incident report describing the event.
    - c. Interact as is appropriate;
    - d. Ensure periodic assessments are performed by mental health and medical professionals.
- B. Prohibitions on the Use of Force
  - 1. Abusive Institutional Practices:

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- a. Restraining a youth as punishment and using techniques such as hog-tying or pole shackling; or the use of any practice or method of control not authorized is strictly prohibited. The following shall never be used as a means of force on youth:
    - i. Restraint chairs;
    - ii. Restraining youths to fixed objects (i.e. beds, pipes or walls);
    - iii. Hitting youth with a closed fist;
    - iv. Shoving, pushing, kicking, or striking a youth;
    - v. Using pressure point holds; or joint manipulations;
    - vi. Using choke holds or prone restraint techniques on youth, as these may cause positional asphyxiation.
  2. Keeping a youth in restraints for a period of time beyond what is necessary for the youth to regain control and begin to comply with the staff's instruction.
  3. Denying youth reasonable access to toilet and hygiene supplies while they are in restraints.
- C. Levels of Force: All authorized forms of restraint are intended to be used only as necessary to regain control of an unsafe situation or one that has become unmanageable by other means. They are not intended for, and shall never be used as a means of punishment. The following levels of force are authorized under the described circumstances:
1. Verbal Commands: Verbal requests or commands shall be given to a youth before and during any use of force situation. If the youth complies with the verbal commands, no further force shall be used. Verbal commands themselves do not constitute a use of force. De-escalation and crisis intervention techniques and skills shall be employed to facilitate verbal commands.
  2. Physical Restraints: The first level of force available to a staff member is the use of his or her hands. The employment of physical restraint shall only include the techniques taught by the approved training method. If circumstances require immediate action or non-physical alternatives have failed, staff may physically restrain a youth using the following guidelines:
    - a. The force used in physical handling shall be only as much as is reasonable and necessary in the circumstances and utilizing the approved techniques taught in training.
    - b. The type and amount of force used is consistent with the Division's training on use of force tactics and techniques. The training curriculum, "Handle with

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Care”, shall be used to teach staff to physically restrain youth. Staff shall use restraint techniques taught in that program and properly document the application of this method.

- c. Use of physical restraint involves application of methods taught in the “Handle with Care” curriculum. Staff using those methods must be appropriately trained and certified in its use and be able to record on Incident Reports the specific methods employed and the sequence in which they were utilized.
  - i. Mechanical Restraints: Unless there is an emergency situation that requires immediate action to prevent the escape, assault upon another or one’s self, and/or the destruction of property, every reasonable attempt should be taken to obtain prior authorization. Authorization for the use of Mechanical restraints may only be given by the Shift Supervisor or higher authority, time and circumstance permitting. The application of mechanical restraints may only be exercised by staff trained in the proper use of force. When time and circumstance do not permit prior authorization, the incident must be adequately documented and reported to the Administrator at the earliest possible opportunity. Use of mechanical restraints is restricted to necessary applications:
    - ii. To gain control of out-of-control youths, whose behavior threatens imminent harm to the self or others.
    - iii. As a precaution against escape during transport or movement following an incident.
3. Chemical Restraints: Approved chemical agents shall only be used as a last resort in circumstances where there is an immediate threat of harm to others, or where a weapon or hostage situation is present, or the potential exists to lose physical control of a unit or area of containment. Use of a chemical restraint can only be authorized by the Facility Administrator/designee and must be used by trained staff under the supervision of a shift supervisor. Refer to Form VII.1 Pepper Spray Protocol.
  - a. Presence of a Weapon: Spray may be used when a youth is out of control, the use of force is warranted, and the youth has a weapon that presents an imminent and serious danger to staff, other youth, and/or other people.
  - b. Group Disturbance: Spray may be used if a group of youth is refusing to comply with instructions and one or more of the circumstances justifying the use of force are present including the threat of a loss of the ability to continue to contain and isolate the group.
  - c. Usage: Chemical Spray is to be used in a manner consistent with the manufacturer’s directions and within the guidelines provided by an agency approved training program. Storage and staff access to

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chemical agents is defined by policy (VII.4- Inventory and Control of Restraint Equipment). Access and possession is limited to staff persons who are properly trained in the appropriate use of such agents in addition to other approved restraint equipment and techniques. No person may be in possession of chemical agents except that they are trained in the proper use of the device and are working in a post or assignment that is authorized to possess the device.

- d. Staff training must include the proper use of force, proper application of the agent, decontamination of the agent and residual effects, alerts to restrictions on use and medical contraindications, mandatory medical follow up, comprehensive incident reporting and documentation, care and handling of the delivery device and documentation of the devices weight, recording of measured contents of canisters both when issued and returned for storage each shift.

D. Justification for Using Force: The use of force shall be a last resort. Every effort shall be made to manage youth's behavior by lesser means, to remind youth about the rules and expectations of the facility. Supervision of activities and youth shall be provided to discourage and prevent unacceptable behavior. Intervention shall be directed at resolution without force. Utilization of the approved physical control methods shall occur only when time and circumstances require an immediate response. The use of verbal interventions shall be used in lieu of physical force whenever possible. Five situations are recognized that may justify the use of force on a youth exhibiting seriously out of control behavior. They are:

1. To Prevent Escape: To secure youth attempting to escape from custody or supervision.
2. Justifiable Self Defense: If staff members realize they are in immediate danger of being assaulted or injured in some way, force may be used; and the youth must have the means and the opportunity to inflict harm. Verbal threats are not sufficient justification of the use of physical force.
3. To Protect Another Person(s): Staff shall intervene if a youth is harming or indicates clear intent to harm another youth, staff member, visitor, or member of the public.
4. To Avoid Significant Property Damage: Action should be taken to prevent a youth from continuing to damage or destroy property especially when related to facility security and life safety systems.
5. Seriously Out of Control Behavior: See policy VII.10: Behavior Management Isolation.

E. Storage/Availability of Security Equipment: Restraint equipment shall be stored in a secure area for emergencies, inventoried and inspected before issue. The availability, control, and use of security equipment shall be the responsibility of the Security

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Administrator. Handcuffs shall be distributed at the beginning of each shift to authorized staff only. Only restraint equipment authorized by written policies and procedures shall be used in a situation requiring the use of force. Staff authorized to use restraint equipment shall be trained in the proper application and use of restraint equipment annually. (See policy IV.1 Training Management)

- F. Levels of Force: All authorized forms of restraint are intended to be used only as necessary to regain control of an unsafe situation or one that has become unmanageable by other means. They are not intended for, and shall never be used as a means of punishment. Pain compliance techniques are not authorized forms of force at the facility. The following levels of force are authorized under the described circumstances:
1. Verbal Commands: Verbal commands shall be given to a youth before and during any use of force situation. If the youth complies with the verbal commands, no further force shall be used. Verbal commands themselves do not constitute a use of force. De-escalation and crisis intervention techniques and skills should be employed to facilitate verbal commands.
  2. Physical Restraints: The first level of force available to a staff member is the use of his or her hands. The employment of physical restraint shall only include the techniques taught by the approved training method if circumstances require immediate action or non-physical alternatives have failed, staff may physically restrain a youth using the following guidelines:
    - a. The force used in physical handling shall be only as much as is reasonable and necessary in the circumstances and utilizing the approved techniques taught in training.
    - b. The type and amount of force used is consistent with the Division's training on use of force tactics and techniques. The training curriculum Handle with Care shall be used to teach staff to physically restrain youth. Staff shall use restraint techniques taught in that program and properly document the application of this method.
    - c. Use of physical restraint involves application of methods taught in the "Handle with Care" curriculum. Staff using those methods must be appropriately trained and certified in its use and be able to record on Incident Reports the specific methods employed and the sequence in which they were utilized.
  4. Mechanical Restraints: Unless there is an emergency situation that requires immediate action to prevent the escape, assault upon another or one's self, and/or the destruction of property, every reasonable attempt should be taken to obtain prior authorization. Authorization for the use of Mechanical restraints may only be given by the Shift Supervisor or higher authority, time and circumstance permitting. The application of mechanical restraints may only be exercised by Staff trained in the proper use of force. When time and circumstance do not permit

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prior authorization, the incident must be adequately documented and reported to the Administrator at the earliest possible opportunity. Use of mechanical restraints is restricted to necessary applications:

- a. To gain control of out-of-control youths, whose behavior threatens imminent harm to the self or others..
  - b. As a precaution against escape during transport or movement following an incident.
5. Chemical Restraints: Approved chemical agents shall only be used as a last resort in circumstances where there is an immediate threat of harm to others, or where a weapon or hostage situation is present, or the potential exists to lose physical control of a unit or area of containment. Use of a chemical restraint can only be authorized by the Facility Administrator and must be used by trained staff under the supervision of a shift supervisor. Refer to Form VII.1 Pepper Spray Protocol.
- a. Presence of a Weapon: Spray may be used when a youth is out of control,
  - b. Group Disturbance: Spray may be used if a group of youth is refusing to comply with instructions and one or more of the circumstances justifying the use of force are present including the threat of a loss of the ability to continue to contain and isolate the group.
  - c. Usage: Chemical Spray is to be used in a manner consistent with the manufacturer's directions and within the guidelines provided by an agency approved training program. Storage and staff access to chemical agents is defined by policy (VII.4- Inventory and Control of Restraint Equipment). Access and possession is limited to staff persons who are properly trained in the appropriate use of such agents in addition to of other approved restraint equipment and techniques. No person may be in possession of chemical agents except that they are trained in the proper use of the device and are working in a post or assignment that is authorized to possess the device.
  - d. Staff training must include the proper use of force, proper application of the agent, decontamination of the agent and residual effects, alerts to restrictions on use and medical contraindications, mandatory medical follow up, comprehensive incident reporting and documentation, care and handling of the delivery device and documentation of the devices weight, recording of measured contents of canisters both when issued and returned for storage each shift.
  - e. All use of chemical agents shall be independently reviewed by knowledgeable and appropriately trained staff persons from the Office of Program Integrity.
- G. Medical Treatment: Medical staff shall be consulted whenever force is used to treat injuries and to assess potential injuries. Medical staff shall exam any youth that has been involved in a use of force incident to determine if any injuries have been

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sustained. Medical staff shall assess the youth in an area that is out of sight and sound of other individuals. Refer to Policy XI.26 Emergency Response and Services.

1. Any suspected, alleged, or declared abuse shall be reported consistent with agency policy and state law related to mandatory reporting of abuse or neglect allegations. These inquiries shall be documented in the medical record and steps taken to preserve evidence including pictures of all injuries observed or reported. Refer to Policy VII.5 Abuse and Neglect Reporting
  2. Immediate medical attention shall be given to youths if injuries were suffered or the youth complains of injuries.
  3. A nurse or medical staff person shall assess/examine and interview the youth to determine if any injuries have been sustained. Medical staff shall assess the youth in an area that is out of sight and sound of other individuals. The interview results shall be documented in the medical record. Allegations, suspicions, or observed abuse shall be documented in the record, reported to the hot line and an incident report completed.
  4. The medical staff shall photograph, all injuries received by youth. This should include any bruises, scrapes, or marks received during the use of force incident. Photos should be dated and time noted and. Photos shall also be taken to document the lack of alleged injuries. Photos of youth injuries shall be placed into the medical record. Photos of all injuries shall be attached to the Incident Report.
- H. Reporting the Use of Force: The Shift Supervisor shall collect documentation when a use of force incident occurs, via an Incident Report. (For instruction on form completion see Policy VII.2- Incident Reporting) All staff who witness an incident involving the use of force shall submit written witness statements. The Shift Supervisor is responsible for notifying the Facility Administrator/designee and taking steps necessary to manage the incident, respond to injuries, and protect youth and staff, preserve evidence and restore order.
1. A concise explanation of the events leading to the use of force and the reasons for using such force.
  2. A description of the restraint method used and why it was necessary, including the order of "Handle with Care" or other approved techniques used.
  3. A description of the restraining devices, if any, the manner in which it was used and the length of time or duration of its use.
  4. A description of the injuries suffered, if any, and the treatment given and/or received.
  5. A list of the photographs that were taken and any evidence that was collected during or following the use of force incident.

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6. A list of all staff and students that were either involved and/or witnessed the incident.
  
- I. Incident Reviews: All use of force applications shall be reviewed by the Shift Supervisor, and administrative staff. All incidents, including those reported by youth, involving the use of physical force and/or physical, mechanical, chemical, and or shall be reviewed to ensure compliance with the facility's policies and procedures; to ensure that such incidents are reported appropriately, expected practices are upheld and to protect youth from undue restraints. This includes but is not limited to the following standards:
  1. Physical force, chemical restraints, or mechanical restraints are not used for punishment, discipline or treatment plans.
  2. Documentation of all uses of restraint includes a detailed description of the methods or techniques used by staff, including de-escalation efforts, application of Handle With Care holds (and detailed descriptions of each), and any approved uses of mechanical restraint devices.
  3. The Facility Administrator shall regularly review (and document review of) incidents involving use of physical force and maintain a file in the office for at least one year after each incident is reported.
  
- J. Training: Training in the use of force policy shall be provided as follows:
  1. Pre-service: New employees shall be trained in the use of force policy before they are assigned to work in areas where youth are housed or present. Such training shall consist of:
    - a. A comprehensive overview of the Use of Force Policy and Procedure, including a briefing on the legal obligation of staff with respect to protection of youth from harm.
    - b. Instruction on the use of appropriate restraint techniques, which have been approved by the Division.
    - c. Observation and Application of all DYS approved methods of restraint.
    - d. Utilization of videos and the participation of staff in mock drills intended to demonstrate and improve skills in the utilization of approved methods of response.
    - e. De-escalation techniques
    - f. Conflict Resolution/management
    - g. Crisis Intervention management
    - h. Assaultive behavior;

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i. Use of less restrictive methods of managing and controlling problematic situations.

j. Documentation and reporting requirements.

2. How to handle physical evidence caused by an incident;

a. The evident shall be documented and placed into containers, sealed and a chain of evidence established in compliance with agency procedures for evidence management, handling and storage by the security/direct care staff.

b. Staff shall be trained to handle evidence and properly collect and store evidence and in the proper documentation to support a chain of evidence. Training shall be documented in their training file.

K. Training: Training in the use of force policy shall be provided as follows:

1. Pre-service: New employees shall be trained in the use of force policy before they are assigned to work in areas where youth are housed or present. Such training shall consist of:

a. A comprehensive overview of the Use of Force Policy and Procedure, including a briefing on the legal obligation of staff with respect to protection of youth from harm.

b. Instruction on the use of appropriate restraint techniques, which have been approved by the Division.

c. Observation and application of all DYS approved methods of restraint; staff competence of utilizing force must be approved by a certified trainer.

d. Utilization of videos and the participation of staff in mock drills intended to demonstrate and improve skills in the utilization of approved methods of response.

e. Non-physical De-escalation techniques

f. Use of less restrictive methods of managing and controlling problematic situations.

g. Documentation and reporting requirements.

2. Handle with Care and Core Curriculum either initial or refresher shall be received annually. Documentation of afore mentioned training shall be updated on a monthly basis.

# Pepper Spray Protocol

Though frightening, the direct result of Pepper spray exposure is rarely serious or life threatening. However, anxiety, fear, and disorientation, sometimes to the point of panic are normal reactions. Providing reassurance is a valuable part of any immediate intervention.

Youth should be moved away from the area of exposure, and then checked for signs and symptoms of serious distress such as a pounding heart beat and/or gasping for breath.

The decontamination process will begin immediately; the procedure is outlined on the next page (page 2) this decontamination shall begin immediately after exposure to the chemical.

If at all possible decontamination should take place prior to presenting to the clinic.

Eye injury not related to the spray itself can result from eye rubbing following exposure, vigorous irrigation, or from the effects of other spray components. Corneal exposure to an alcohol carrier could result in significant corneal epithelial erosion that might require treatment.

Although unlikely, the spray could result in swelling, rash on the face and eyelids. Bleeding in these areas are a serious complication and should be taken care of immediately.

## Protocol for spray exposure:

1. Calm the student
2. Instruct the student NOT to rub the affected area
3. Move the student to fresh air and/or provide adequate ventilation (away from the contaminated area)
4. Check for breathing or heart problems such as a pounding heart beat and/or gasping for breath. If either of these is so bad that it prevents student from standing in the shower call EMS (911).
5. Remove contaminated clothes
6. Allow the student to shower and provide fresh clothes. Skin should be washed with non-oil based soap if available (student should be instructed not to allow soap to touch eye area or the area around the mouth). Instruct student to flush areas of pepper spray contact with water (this can be accomplished by splashing water on the face or allowing the shower spray to contact the area directly).
7. Accompany student to the medical clinic (between the hours of 06:00-23:00) between these times;
8. Watch student closely. Significant improvement should be noted within 15-30 minutes after exposure. If symptoms persist or are severe, the student should be evaluated by appropriate medical personnel. Student should be taken to Emergency Room either by campus transport or ambulance.
7. If student has no complaints (as far as eyes- like eyes are swollen shut or a bleeding rash) The eye evaluation can be provided in the medical clinic.
9. Remember that the student will likely recover even if no first aid is provided, so avoid "heroic" measures that could cause injury. These measures that should not be performed;

Rubbing the student's face or eyes

Washing the face (student should only be allowed to have water splashed- or the spray from a shower head)

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> <b>Incident Reporting</b>		<b>Policy Number:</b> <b>2</b>
<b>Number of Pages:</b> <b>7</b>		<b>Section:</b> <b>VII</b>
<p style="text-align: center;"><b>Attachments</b></p> Incident Report Form VII.2.A Agency Policy 45 Form 260- Serious Incident Report Form Incident Reporting Log Form VII.2.C		<p style="text-align: center;"><b>Related Standards &amp; References</b></p> ACA 4-JCF-2A-19
<b>Effective Date:</b> 07/25/07  <b>Revised:</b> 05/21/10, 01/30/12,03/01/12,03/15/12,05/21/12		<b>Approved:</b> 

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, that all incidents pertaining to youth and staff safety and other major events are reported to the facility administration in writing. The incident report is used to document events that have taken place and to provide the organization with accurate and complete information upon which to make decisions and to take appropriate action. More serious incidents receive an additional level of scrutiny by the Administrative Review Team and are reports to DYS Administration.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. Incident:** An observed event pertaining to youth and staff safety or facility security.
- B. Incident Report Form:** A form for the specific purpose of documenting a noteworthy incident.
- C. Serious Incident:** Incidents with serious consequences to youth and staff safety or facility security. These incidents require additional documentation and review by the Administrative Review Team and DYS management.
- D. Serious Incident Report Form:** A standard form with the specific purpose of documenting a serious incident.
- E. Incident Reporting Log:** A log used to catalog incidents received on a daily basis. The log includes; the incident report number, the name of the person writing the report, the name of the primary student involved, the date and time of incident.
- F. Administrative Review Team:** Group of staff designated by the Facility Administrator to review serious incidents and other situations that require immediate attention. Through these reviews, the team may recommend policy revisions, additional training or corrective action for staff.

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### III. PROCEDURE

A. All staff are required to report any incident they observe verbally and in writing.

1. The staff person should verbally report the incident to their immediate supervisor as soon as possible.
2. The individual with the most primary role in the incident must complete a written report using the Incident Report form. The report must be completed and turned in to the Shift Supervisor before the shift is over and the individual leaves the facility.
  - If the incident includes an allegation of staff misconduct (e.g., excessive force etc.) the accused staff will not complete the report, but will provide a witness statement. The report will be written by another staff member who was involved or observed the event.
3. All other staff, who observed or were involved in the incident must complete a witness statement. The statement must be written independently and must account both for the staff's own actions and those of others involved. The statement must be completed and submitted to the individual writing the report before the end of the shift on which the incident occurred.
4. All youth involved in the incident will be asked to write a statement. If the youth refuses to write a statement, the refusal must be documented in writing. Youth who were not involved but who observed the incident may also be asked to complete a witness statement. All youth witness statements must be written independently. Staff must provide assistance to youth who have limited writing skills.
5. Failing to report an incident may result in disciplinary action up to and including suspension and/or termination.

B. The following types of incidents require an incident report:

1. Assaults: Physical conflict with another even if there is no injury involved.
2. Accidents with or without injuries: An unintended, unforeseen event or occurrence to youth, staff or visitor with or without injury, loss or damage.
3. Contraband: Prohibited items (e.g., drugs, alcohol, weapons, cigarettes, lighters, cell phones etc.) that are discovered within the facility or on facility grounds.
4. Suicide Attempt: Any act undertaken with the intent of ending the youth's life.
5. Suicidal Ideation/Gestures: Statements (e.g., "I feel like I want to kill myself") or behaviors (e.g., tying a t-shirt around one's neck but not tying it to a stationary object, cutting, etc.) in which the youth intends to do harm, but for the purpose of communicating rather than ending his or her life.
6. Escape/Attempted Escape – Leaving or attempting to leave the facility grounds with-out permission.
7. Destruction of Property: Damaging state property valued at \$25.00 or greater.

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8. Alleged Neglect: An allegation that staff ignored disregarded or failed to show adequate concern for the welfare of the youth.
  9. Alleged Physical Abuse: An allegation that staff physically mistreated youth. The staff may have intentionally tried to hurt a youth by choking, slapping, punching, etc., or may have used excessive or unnecessary force when trying to control youth.
  10. Alleged Sexual Abuse: An allegation that staff was sexually inappropriate with youth, which could include sexualized statements, inappropriate sexual relationships, or forced sexual behavior.
  11. Alleged Inappropriate Conduct/Comments: An allegation that staff behaved inappropriately in some way. This could include statements (profanity, derogatory words, name-calling, antagonizing, threatening, etc.) or behaving in an unprofessional manner with youth.
  13. Group Disturbance: Major disruption to the standard operations of the facility by a group of youth (generally 4 or more). The disruption may involve violence, property destruction or general out-of-control behavior.
  14. Automobile Accident with State Vehicle and/or staff Traffic Accident/Citation – A traffic accident involving a State vehicle, a traffic citation received while driving a State vehicle or a traffic accident while on state business in a personal vehicle.
  15. Sexual Contact, Youth- on-Youth- Either consensual or forced sexual contact between youth under the State’s care.
- C. When the decision is made that an Incident Report is to be completed; the primary person (who is responsible for writing the main report and collecting all necessary documentation) shall call the Central Control Room and state that an Incident Report will be written so that the Control Room staff can assign an Incident Report number
1. The following information shall be given;
    - a. Name of staff writing the report,
    - b. Name of primary student,
    - c. Date and time of incident,
  2. The Incident Report number:
    - a. Shall be generated by using the year followed by a dash (-) and a 4 digit number. The four digit number shall begin with 0001 (i.e. 12-0001)
      - i. This number shall be given to the staff writing the report and that staff person will be responsible for putting the assigned number on all pages of the incident report.
      - ii. The Control Room staff assigning the IR number will document the following information in the Incident Report Log Book Form VII.2.C
        - Name of staff writing the report,
        - Name of primary student,
        - Date and time of incident

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- b. After the primary staff completes the IR (this includes making sure that all witness statements, medical assessments and any other necessary documents). The IR will be given to the JCW Supervisor. The JCW Supervisor will then complete the checklist and the Supervisory critique and place the IR in the Director V's "in-box".
- c. The Director V will make two copies and place
  - i. One copy to the Due Process Hearing Officer's "in-box",
  - ii. and the other copy to be filed in the Master File
- d. The Director V and the Director of Operations will then review the Incident Report ensuring that all documentation is present and correct.
- e. The Director V will then make a folder for the original incident report and file the folder in the file cabinet designated for this purpose

D. An Incident Report Form-VII.2.A must include the following information:

- 1. Name of staff writing the report
- 2. Names of other staff who witnessed the incident
- 3. Time and date of incident
- 4. Location of the incident
- 5. Names of all youth involved
- 6. Type of incident- see "B"
- 7. Whether verbal de-escalation was used
- 8. Whether physical and/or mechanical restraints were used
- 9. Whether youth or staff were injured and the type of treatment provided. If a youth was injured, or all youth that were involved in an altercation must be taken to the medical clinic for evaluation as soon as the situation warrants. The Youth Injury and Assessment Form (XI.26.A) must be attached to the Incident Report Form VII.2.A. If staff were injured, whether they obtained off-campus medical treatment.
- 10. Whether youth were placed in Behavior Management Isolation (BMI) and the date in/-time/in should be documented and shift supervisors are responsible for approving this action.
- 11. Detailed description of the incident:
  - a. Question 1- Who was present for the incident
    - i. The number of youth present (involved or witnesses) and where they were physically located
    - ii. The names of all staff present and where they were physically located.
  - b. Question 2- What happened just before the incident? This includes, but is not limited to:
    - i. What activity was in progress?

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- ii. Was there history between the individuals?
- c. Question 3- What happened during the incident? This includes, but is not limited to:
    - i. How did the incident start? (i.e. what those involved said or what action started the incident)
    - ii. How/what ended the incident? (i.e., what point did the youth comply? Did verbal de-escalation work? Was physical restraint necessary to end the incident?)
      - Describe in detail any physical restraints that were necessary  
I.e. One man PRT- I approached student X from the right I grabbed his right arm and using the least force necessary I completed the maneuver by sliding my left arm under his left arm and brought both arms behind the youth. At that point the youth calmed down and became compliant.
      - How did the incident end? Include all actions/reactions of all staff and youth present.
  - d. Question 4-What happened after the incident was over? This includes, but is not limited to:
    - i. Were the youth placed in their rooms? Did some youth go to the medical clinic for evaluation? Was order restored without having to confine any of the youths.
    - ii. Was there an attempt to get the youth witnesses to complete witness statements?
12. The staff who wrote the incident report must collect the witness statements from the youth and staff involved, ensures the Youth Injury and Assessment Form is connected to the incident report, and submits the entire packet to the Shift Supervisor before the end of the shift.
13. Comments from Shift Supervisor
- a. The Supervisor must complete the checklist to verify that the incident report packet is complete. The Supervisor must clearly indicate what information needs to be added clarified or corrected and which staff are responsible for these changes.
  - b. Once all necessary information has been collected, the Supervisor must critique staff's handling of the incident
    - i. Were staff's decisions made during the incident appropriate?
    - ii. Were staff's actions during the incident appropriate?
    - iii. What could have prevented the incident?
  - c. The supervisor must also document that he or she reviewed the critique with the staff involved.

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- d. The supervisor must sign the incident report to certify that all of the steps discussed above were completed.
- E. The Shift Supervisor shall collect and submit all reports of incidents that occurred on his or her shift to the Director V/Director of Operations.
- F. Serious Incident Reports
1. If the incident is serious enough to warrant a Serious Incident Report Form (SIR), Form VII.2.B, Agency Policy (AP) 45 Form 260, the Shift Supervisor shall immediately contact the Facility Administrator/designee so that a SIR can be completed.
    - a. The SIR shall be completed as follows;
      - i. Type of incident
        - Accident with injury
        - Escape/ Runaway
        - Facility/Mechanical/Fire
        - Assault/Fight/Use of Mace
        - Stolen Property
        - Break-in
        - Vehicle Damage/ Abuse
        - Threat via Telephone/ Mail
      - ii. Section 2
        - Name of person reporting incident
        - Date
        - Position of person reporting incident
        - Division of the Agency (DYS)
      - iii. Section 3
        - Location of incident
        - Date and Time of incident
        - Police notified
        - Ambulance notified
        - Description of incident
      - iv. Section 4
        - Form completed by
        - Date
        - Acknowledged by (Division Director)
        - Date
    - b. The SIR must be distributed within 24 hours to:
      - Division Director
      - Deputy Directors
      - Executive Director
- F. Submission – The Shift Supervisor shall attach all completed incidents from their shift to the Shift report, which shall be submitted to the Director V/Director of Operations.

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- H. Administrative Review – All incidents involving violence by youth or staff shall be analyzed on a weekly basis by the Administrative Review Team:
1. The review shall include an examination of the underlying causes in order to track recurring problems and develop an institutional corrective action for the problem.
  2. Minutes shall be kept of the weekly review
  3. Based on the weekly administrative reviews, the Facility Administrator shall provide feedback to all staff no less than monthly, including a summary of recurring problems and actions to be taken.
- I. Training - All staff employed at Oakley Training School shall be trained in the incident reporting process. Training shall include both pre-service and in-service training. (For additional information about training see policy IV.1 – Training Management.)

# Oakley Youth Development Center

## INCIDENT REPORT

- Student Incident  Incident Report No.: \_\_\_\_\_  
 Staff Incident:

Name of Staff Writing Report: _____	Date: & Time: _____
Other Staff Involved: _____	Location of Incident: _____
_____	Youth Involved: _____
_____	_____

### SECTION 1: TYPES OF INCIDENTS: (Choose the Appropriate Box)

- |  |   |  |
|--|---|--|
| <input type="radio"/> Physical Violence: Youth on Youth<br><input type="radio"/> Physical Violence: Youth on Staff<br><input type="radio"/> Suicide /Ideation/Gestures<br><input type="radio"/> Suicide Attempt<br><input type="radio"/> Contraband<br><input type="radio"/> Alleged Neglect of Youth by Staff | <input type="radio"/> Sexual Contact: Youth on Youth<br><input type="radio"/> Alleged Physical Abuse: Youth by Staff<br><input type="radio"/> Alleged Sexual Abuse of Youth by Staff<br><input type="radio"/> Attempted Escape/Escape<br><input type="radio"/> Destruction of Property<br><input type="radio"/> Group Disturbance | <input type="radio"/> Alleged Inappropriate Conduct/Comments by staff<br><input type="radio"/> Automobile Accident Involving OYDC<br><input type="radio"/> Vehicles/Staff<br><input type="radio"/> Accident/Injuries<br><input type="radio"/> Others: _____<br>_____ |
|--|---|--|

### SECTION 2: USE OF FORCE:

Was verbal or crisis de-escalation used? \_\_\_Yes\_\_\_ No (If Yes please describe in Section 5)

Did the Incident involve physical or mechanical restraints? \_\_\_Yes\_\_\_ No (If Yes, Please check all that applies below.) (If No, SKIP to Section 3).

#### Type of Force Used

- Physical Restraint  Mechanical Restraint

### SECTION 3: Injury Source

Was the youth injured? \_\_\_No\_\_\_ Yes Source \_\_\_\_\_

Did youth receive medical care? \_\_\_No\_\_\_ Yes (If yes, please attach medical report.) Date: \_\_\_\_\_ Time: \_\_\_\_\_

Was staff injured? \_\_\_No\_\_\_ Yes Source \_\_\_\_\_

Did staff receive medical care? \_\_\_No\_\_\_ Yes (If yes, please attach medical report.) Date: \_\_\_\_\_ Time: \_\_\_\_\_

### Section 4: Confinement

Following the incident- the youth may be placed in Behavior Management Isolation\* for 15 minutes or more. \*Behavior Management Isolation: a cooling off period where placement of out of youth in a room either locked or unlocked for the purpose controlling out of control behavior, restoring order, correcting undesirable behavior and to achieve compliance with behavioral rules and expectations.

Was the youth placed in BMI? YES \_\_\_ \_\_\_ NO \_\_\_ \_\_\_

Action	Date In	Time In
Behavior Management Isolation (BMI)		

Shift Supervisor Approved \_\_\_Yes\_\_\_ No Signature \_\_\_\_\_

Revised: 03/12/12



# Oakley Youth Development Center

Date of Incident: \_\_\_\_\_ IR#: \_\_\_\_\_

## Section 5: SUPPLEMENTAL PAGE FOR NARRATIVE/DETAILS PAGE

Continue Question 1: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Continue Question 2: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Continue Question 3: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Continue Question 4: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Oakley Youth Development Center

Date of Incident: \_\_\_\_\_ IR#: \_\_\_\_\_

## SECTION 6: COMMENTS FROM SUPERVISOR

Must include a critique of staff handling of the incident including whether decisions/actions could have been improved or whether staff did an exceptionally good job. Comment here so staff can learn from the incident:

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Shift Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Checklist:</b>
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1. All sections filled out completely? Yes \_\_\_ No \_\_\_ (If no, attach explanation)
2. Supervisor comments filled out? Yes \_\_\_ No \_\_\_ (If no, attach explanation)
3. All youth/staff statements attached? Yes \_\_\_ No \_\_\_ (If no, attach explanation)
4. Nurse report of injury attached? (Photos included) Yes \_\_\_ No \_\_\_ N/A \_\_\_ (If no, attach explanation)
5. Signed & dated. Yes \_\_\_ No \_\_\_ (If no, attach explanation)
6. Checked for spelling, grammar and adequate details. Yes \_\_\_ No \_\_\_ (If no, attach explanation)
7. Supervisor returned to staff for corrections Yes \_\_\_ No \_\_\_
  - a. Items needing corrective action \_\_\_\_\_
  - b. Date sent back \_\_\_\_\_ To Whom \_\_\_\_\_
  - c. Date returned \_\_\_\_\_ corrected Yes \_\_\_ No \_\_\_
  - d. Date sent back (2<sup>nd</sup>) \_\_\_\_\_ To Whom \_\_\_\_\_
  - e. Items still needing corrective action \_\_\_\_\_
  - f. Date returned second time \_\_\_\_\_ Corrected (2<sup>nd</sup> time) Yes \_\_\_ No \_\_\_
8. Signed & dated by Supervisor verifying Report is full and complete Supervisor's (Do not sign until IR is correct and complete)

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

Next Level Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

Director of Operations Signature \_\_\_\_\_ Date \_\_\_\_\_



# Oakley Youth Development Center

Date of Incident: \_\_\_\_\_ IR#: \_\_\_\_\_

## Attachment Form

This form is to be used to document any items on the supervisors check list that were answered with a response of NO.

1. \_\_\_\_\_

\_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_

6. \_\_\_\_\_

\_\_\_\_\_

7. Any additional comments regarding items needing correction or information regarding a

third (3<sup>rd</sup>) return for corrections. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SERIOUS INCIDENT REPORT

Type of Incident:  Accident with Injury  Stolen Property  
 Escape / Run-away  Break-in  
 Facility / Mechanical / Fire  Vehicle Damage / Abuse  
 Assault / Fight / Use of Mace  Threat via Telephone / Mail  
 Other - Specify: \_\_\_\_\_

Reported By: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_ Division: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_

Police Notified:  Yes (attach police report)  
 No

Ambulance Notified:  Yes, because: \_\_\_\_\_  
 No

Description of Incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_  
Division Director

Distribution Required within 24 Hours of Serious Incident to:

Executive Director  
Deputy Directors  
Division Directors



<b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS</b>	
Subject: <b>Institutional Investigations</b>	Policy Number: <b>3</b>
Number of Pages: <b>3</b>	Section: <b>VII</b>
Attachments <b>A. Witness Statement B. Investigations Log</b>	Related Standards & References <b>ACA JTS-3C-12</b>
Effective Date: <b>September 26, 2007</b>	Approved:  <b>Kathy Pittman, Director</b>

## I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, that all serious and unusual incidents be objectively and thoroughly investigated in order to resolve complaints made against staff, security breaches, incidents resulting from youth misconduct and other incidents when necessary; and to ensure a safe, healthy, and equitable environment for youth being housed in DYS facilities as well as Training School employees working.

## II. DEFINITIONS

As used in this policy and procedure, the following definitions apply:

- A. **Campus Investigator:** The DYS staff member assigned to examine serious incidents related to facility operations, inappropriate use of force, and all other unusual events deemed necessary by the Facility Administrator.
- B. **Program Integrity (P.I.) Investigator:** The departmental staff member assigned to examine all incidents that potentially involve abuse or unsafe practices, involving abuse to youth and/or the safety of youth in a Training School.
- C. **Contraband:** Any item(s) introduced or found in the facility, including improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.
- D. **Evidence:** Indicators used to prove the existence or nonexistence of a fact or the validity or invalidity of an allegation.

## III. PROCEDURE

Staff shall cooperate with Campus and P.I. Investigators. Refusal of any staff member to cooperate in an administrative investigation or to provide information requested as part of the investigation is grounds for disciplinary action up to and including dismissal.

Subject	Policy #	Page
Institutional Investigations	VII.3	2 of 3

A. Investigators

1. Grievances – Conducted by the grievance officer unless they are serious enough to require a higher level of investigation.
2. Disciplinary – Conducted by an assigned investigator (could be any staff member), but should not be the campus investigator unless it is serious and requires a higher level investigation.
3. Campus Investigator – Examples would be minor damage or loss of state property such as keys, supplies, suspicious circumstances such as a report of possible escape attempt, or minor staff misconduct such as failing to complete an incident when required to do so.
4. Program Integrity – These investigators should be used for any incident requiring a report to DHS. They should also investigate all allegations of staff or youth on youth abuse.
5. Law Enforcement – If a serious crime has occurred and criminal charges are likely, an immediate referral to a local law enforcement agency should be made. An example might be a youth stabbing another youth.

B. Violations of MDHS/DYS policy, including those listed in the Incident Reporting policy as serious shall be reported through the chain of command to the Division Director.

C. The Campus Investigator shall collect and review all evidence associated with the incident or individual under investigation, including but not limited to incident reports, witness statements, medical statements, and relevant camera film.

D. Following the review of relevant evidence the Investigator shall call upon and interview any and all witnesses associated with the case. All interviews should be recorded either by audio or video tape.

E. Any staff member who is the subject of an administrative investigation:

1. Shall be interviewed and given an opportunity to provide the Investigator with any information relevant to the investigation; and
2. May be ordered by the assigned Investigator to cooperate in the investigation and to appear before an Investigator(s) at a reasonable time and place to submit to questioning or any other investigative procedure.
3. Investigations conducted pursuant to this policy are for non-criminal violations or for violations that may be criminal but for which the purpose of the investigation is purely administrative.

F. All Department/State property is subject to search at any time.

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1. Staff's personal property located anywhere on Department/State grounds or in Department/State vehicles may be searched, as a result of a security concern, by security personnel at the request of the Campus Investigator with the approval of the Facility Administrator.
  2. All searches conducted pursuant to this policy shall be witnessed by a third party.
  3. Any contraband found during these searches shall be tagged and dully noted in the Investigative Report.
- G. The Campus Investigator shall prepare an Investigative Report for submission to the Facility Administrator upon completion of an investigation.
1. The written report shall include not be limited to the subject, the allegations, notation of substantiated or unsubstantiated, all details of the methods used, a list of all evidence acquired and findings based on the facts obtained during the course of the investigation.
  2. The Campus Investigator shall maintain a log of all internal investigations, which should note the date of investigation initiation, the incident being investigated, the Incident Report number, the date of closure, any referral to be made, the results of investigation, and the date of submission for the investigation report.
- H. The Facility Administrator shall consult the Director of Institutions, Division Director, the Human Resources Director and Department's legal counsel when reporting a possible criminal violation and when implementing disciplinary or administrative action.
- I. The Facility Administrator, Institutions Director and Division Director shall be notified of the outcome of all investigations.
- J. Suspension of an Investigation
1. The Division Director may suspend an administrative investigation as necessary.
  2. The Campus Investigator may cease investigative activities as safety and security warrant.
  3. The Campus Investigator shall obtain permission from the Division Director to suspend an investigation.
  4. When the Campus Investigator encounters evidence that involves potentially abusive or unsafe practices, involving abuse to youth and/or the safety of youth involved, the Campus Investigator shall cease the investigation and forward all evidence to the P.I. Investigator for completion.





**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> <b>Inventory and Control of Restraint Equipment</b>		<b>Policy Number:</b> <b>4</b>
<b>Number of Pages:</b> <b>3</b>		<b>Section:</b> <b>VII</b>
<b>Attachments</b> Pepper Spray Protocol Form VII.1.A	<b>Related Standards &amp; References</b> ACA 3-JTS-3A-27, ACA 3-JTS-3A-28, ACA 3-JTS-3D-08	
<b>Effective Date:</b> 02/23/07	<b>Approved:</b> 	
<b>Revised Date:</b> 09/12/11		

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services that guidelines be established to address staff responsibilities for the secure storage, control and perpetual inventory of restraint equipment used by staff at Oakley Youth Development Center to maintain security and control. These restraints are outlined in Policy VII, Use of Force. The availability, control, use and storage of restraint equipment are the responsibilities of the Facility Administrator/designee. A perpetual inventory of stored restraint equipment must be maintained by each shift, by the shift supervisor. Restraint equipment on the shift inventory is available for issuance only to shift supervisory staff, and security-related staff authorized for use of restraints. Only trained staff, authorized by the Facility Administrator/designee, may be issued restraints for use. Staff shall be trained in approved restraint equipment inventory and control procedures, annually. In no event shall restraint devices be issued for purposes of discipline or punishment. Restraint equipment in will be stored in a locked secure area.

In-service training needs related to Inventory and Control of Restraint Equipment will be determined annually through the training needs assessment process.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. Mechanical Restraints: Mechanical restraints shall be defined as plastic or metallic handcuffs or wristlets, chains or anklets, or any other approved or authorized device used to limit the movement of the juvenile's body.
- B. Shift Supervisor: The campus shift supervisor is the person designated to be in charge of the facility in the absence of the Facility Administrator.
- C. Closed Storage Inventory: Inventory that is maintained as re-supply restraint equipment and equipment for use during unusual and extreme population control or transportation situations, such as riot or evacuation. Authorization for use of the Storage Inventory must be approved by the Facility Administrator/designee.

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- D. Shift Inventory: Inventory that is Approved Restraint Equipment to be used for the safety and control of youth. This equipment is likely to be issued every shift. This equipment shall be counted at the beginning and ending of each shift and documentation made in the Security and Restraint Equipment Log Book.

### III. PROCEDURE

- A. The availability, control, use and storage of restraint equipment are the responsibilities of the Facility Administrator/designee. The perpetual inventory log of the *Facility Inventory of Approved Restraint Equipment* has two parts;
1. Closed Storage Inventory is Approved Restraint Equipment. All items on the Storage inventories are numbered for tamper-proof individual identification. The inventory is reviewed quarterly by the Facility Administrator/designee and revised as needed.
  2. Shift Inventory is Approved Restraint Equipment. All items on the Shift inventory are numbered for tamper-proof individual identification.
    - a. All Shift Inventory restraint equipment is counted at the beginning and conclusion of each shift by the shift supervisor, duty administrator or designee. Counts are documented in bound Security and Restraint Equipment Logbook.
    - b. Items in this inventory are issued by shift supervisors and documented via the Facility Inventory of Approved Restraint Equipment Sheet, listing date/time, staff name, position, and the equipment inventory number and is notated with staff initials and the signature of the issuing supervisor/designee. This same procedure is used to sign the equipment in at the end of the shift.
    - c. This inventory is reviewed every shift to ensure that all equipment signed out was signed back in an operable condition. The items contained in this inventory are reviewed quarterly with the Facility Administrator/designee and revised as needed. The Shift Inventory is provided for shift-to-shift use and is comprised of the following approved devices:
      - i. Handcuffs -issued at the beginning of each shift to Shift Supervisors, and staff with security related duties and authorized for use of Mechanical Restraints,.
      - ii. Leg Cuffs (maintained in the Security Station).
      - iii. Restraint Belts (maintained in the Security Station).
      - iv. Chemical Agents (Pepper Spray) (maintained in the Security Station).
        - Containers of Chemical agents are weighed at the beginning and conclusion of each shift by the shift supervisor, duty administrator or designee.

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- Containers are numbered and weights are documented at the beginning of each shift and again at the end of the shift in the bound Security and Restraint Equipment Logbook.
- B. Approval for issuance of Closed Inventory restraint equipment must be obtained from the Facility Administrator/designee.
1. Issuance of restraint equipment shall be documented on the Facility Inventory of Approved Restraint Equipment Sheet, listing date/time, staff name, position, and the equipment inventory number and is notated with staff initials and the signature of the issuing supervisor/designee.
  2. Collection of restraint equipment shall be documented on the Facility Inventory of Approved Restraint Equipment Sheet, listing date/time, staff name, position, and the equipment inventory number and is notated with staff initials and the signature of the issuing supervisor/duty administrator or designee.
- C. Missing restraint equipment shall be immediately reported to the shift supervisor, who will notify the Head of Security/designee and Facility Administrator/designee and will organize a facility-wide search.
- D. Restraint equipment shall be inspected routinely.
1. Restraint equipment is visually inspected each time it is issued and collected by the Shift Supervisor/designee.
  2. Equipment found to be inoperable shall be reported to the shift supervisor immediately. Inoperable restraint equipment is removed from the Shift Inventory and replaced with equipment from the Storage Inventory.
- E. Handle with Care and Core Curriculum training, either initial or refresher, shall be attended annually. Documentation of aforementioned training shall be updated on a monthly basis. Any further training shall be conducted by the department head as needed.

## **Pepper Spray Protocol**

Though frightening, the direct result of Pepper spray exposure is rarely serious or life threatening. However, anxiety, fear, and disorientation, sometimes to the point of panic are normal reactions. Providing reassurance is a valuable part of any immediate intervention.

Youth should be moved away from the area of exposure, and then checked for signs and symptoms of serious distress such as a pounding heart beat and/or gasping for breath.

The decontamination process will begin immediately; the procedure is outlined on the next page. (page 2) this decontamination shall begin immediately after exposure to the chemical.

If at all possible decontamination should take place prior to presenting to the clinic.

Eye injury not related to the spray itself can result from eye rubbing following exposure, vigorous irrigation, or from the effects of other spray components. Corneal exposure to an alcohol carrier could result in significant corneal epithelial erosion that might require treatment.

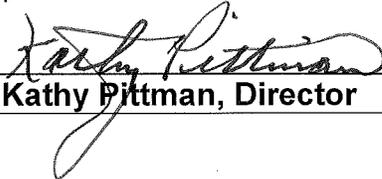
Although unlikely, the spray could result in swelling, rash on the face and eyelids. Bleeding in these areas are a serious complication and should be taken care of immediately.

## Protocol for spray exposure:

1. Calm the student
2. Instruct the student NOT to rub the affected area
3. Move the student to fresh air and/or provide adequate ventilation (away from the contaminated area)
4. Check for breathing or heart problems such as a pounding heart beat and/or gasping for breath. If either of these is so bad that it prevents student from standing in the shower call EMS (911).
5. Remove contaminated clothes
6. Allow the student to shower and provide fresh clothes. Skin should be washed with non-oil based soap if available (student should be instructed not to allow soap to touch eye area or the area around the mouth). Instruct student to flush areas of pepper spray contact with water (this can be accomplished by splashing water on the face or allowing the shower spray to contact the area directly).
7. Accompany student to the medical clinic (between the hours of 06:00-23:00) between these times;
8. Watch student closely. Significant improvement should be noted within 15-30 minutes after exposure. If symptoms persist or are severe, the student should be evaluated by appropriate medical personnel. Student should be taken to Emergency Room either by campus transport or ambulance.
7. If student has no complaints (as far as eyes- like eyes are swollen shut or a bleeding rash) The eye evaluation can be provided in the medical clinic.
9. Remember that the student will likely recover even if no first aid is provided, so avoid "heroic" measures that could cause injury. These measures that should not be performed;

Rubbing the students face or eyes

Washing the face (student should only be allowed to have water splashed- or the spray from a shower head)

<b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS</b>	
Subject: <b>Abuse and Neglect Reporting</b>	Policy Number: <b>5</b>
Number of Pages: <b>2</b>	Section: <b>VII</b>
Attachments	Related Standards & References
<b>A. Abuse &amp; Neglect Reporting Signature Sheet B. Pocket Card</b>	<b>Mississippi Code of 1972, Section 43-21-353</b>
Effective Date: <b>November 02, 2006 Revised September 16, 2009</b>	Approved:  <b>Kathy Pittman, Director</b>

**I. POLICY**

It is the policy of the Mississippi Department of Human Services (MDHS), Division of Youth Services (DYS), that all departmental, contractual, and volunteer employees who have reasonable cause to suspect that a child is being neglected and/or abused while in the custody of the DYS, is expected to properly report to MDHS without fear of retaliation and retribution.

**II. DEFINITIONS**

- A. Abuse: The verbal, physical, and/or sexual mistreatment of youth; and/or the misuse of force, which may result in the death, serious physical harm, exploitation, or humiliation of such youth while in the custody of the DYS; or other act that poses an imminent risk of serious harm.
- B. Neglect: The reckless disregard of the fundamental needs and rights of youth, and/or the failure to provide due care, protect and/or act on behalf of a youth in the custody and care of the DYS by any staff member operating or providing services under the auspices and authority of the DYS.
- C. Mandatory Reporters: Per the Mississippi Code, Section 43-21-353, any individual operating or providing services under the auspices or authority of the MDHS/DYS including but not limited to the following: any physician, dentist, nurse, psychologist, school employee, social worker, intern, child care giver including counselor, recreation staff, juvenile care worker, and/or direct care staff.
- D. Pocket Card: A quick reference card, which states the Mississippi State Statute referenced in the Abuse and Neglect Reporting policy and provides the Child Abuse Hotline Number that shall be given to all Training School Staff.
- E. Abuse and Neglect Reporting Signature Sheet: A form documenting that Training School Employees have been informed of and are familiar with the Abuse and Neglect Reporting policy and have received a Pocket Card for use on duty.

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- F. Reasonable Cause: Knowledge of allegations of abuse or neglect made by youth, parents, guardians and care givers, and/or suspicions based on injury or behavior, or observed abuse or neglect.

### III. PROCEDURE

- A. Duty to Report – It is the duty of all Mississippi Department of Human Services, Division of Youth Services departmental, contractual, and volunteer employees to immediately report any alleged, suspected or apparent acts of neglect or abuse against children by calling the abuse and neglect reporting hotline. The telephone number for reporting abuse is 1-800-222-8000 or (601) 359-4991.
- B. The use of the hotline, in all instances shall be followed by the submission of an Incident Report. All mandatory reporters shall make record of the call in the youth’s master file and/or medical or educational file(s).
- C. Using the abuse and neglect reporting hot line is confidential and staff will not be subject to sanctions, threats, or retribution.
- D. Prior to the assumption of post all new employees shall be given a Pocket Card, which shall be kept within immediate reach of the employee’s person for the duration of scheduled shift. As well, each employee shall sign the Abuse and Neglect Reporting Signature Sheet to verify that the information covered in the policy has been received, understood, and will be upheld, in addition to the receipt of the Pocket Card and its function.
- E. Training – All MDHS/DYS employees will receive documented competency-based training in policy, approved practices and on the requirement to report all allegations, suspicions, or apparent child abuse and neglect. Trainers shall make all efforts to insure that staff members understand and can apply training content.
  - 1. All new employees will receive an explanation of Mississippi Code, Section 43-21-353 and instructions on procedures for reporting child abuse and neglect during the mandatory pre-service training.
  - 2. All staff will receive documented competency-based in-service training, facilitated by their supervisor, at least quarterly, to provide ongoing instruction regarding policy VII.5: Abuse and Neglect Reporting.
  - 3. All staff will be required to sign the Abuse and Neglect Reporting Signature Sheet at the time of training. The signature sheet will be maintained by each supervisor and a copy will be forwarded to the office of the Training Director.



## **Persons Required to Report Child Abuse**

### **Duty to Report (Section 43-21-353)**

Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child care giver, minister, law enforcement officer, public or private school employee or any person having cause to suspect that a child is a neglected child or an abused child, shall cause an oral report to be made immediately by telephone or otherwise and followed up as soon thereafter as possible by report in writing to the Department of Human Services, and immediately a referral shall be made by the Department of Human Services to the youth court intake unit, which unit shall promptly comply with **Section 43-21-357**. Where appropriate, the Department of Human Services shall additionally make a referral to the youth court prosecutor. Upon receiving a report that a child has been sexually abused, or burned, tortured, mutilated or otherwise physically abused in such a manner as to cause serious bodily harm, or upon receiving any report of abuse that would be a felony under state or federal law, the Department of Human Services shall immediately notify the law enforcement agency in whose jurisdiction the abuse occurred and shall notify the appropriate prosecutor within forty-eight (48) hours, and the Department of Human Services shall have the duty to provide the law enforcement agency all the names and facts known at the time of the report; this duty shall be of a continuing nature. The law enforcement agency and the Department of Human Services shall investigate the reported abuse immediately and shall file a preliminary report with the appropriate prosecutor's office within twenty-four (24) hours and shall make additional reports as new or additional information or evidence becomes available. The Department of Human Services shall advise the clerk of the youth court and the youth court prosecutor of all cases of abuse reported to the department within seventy-two (72) hours and shall update such report as information becomes available.

In Mississippi, the Department of Human Services operates a statewide Child/Adult Abuse/Neglect 24 hour hotline to receive reports of suspected abuse/neglect pursuant to the Youth Court Law, Section 43-21-354, Mississippi Code of 1972, Annotated, and the Mississippi Vulnerable Adult Action, Section 43-47-7(6).

**HOTLINE: 1-800-222-8000 - or 601-359-4991**

Mississippi Department of Human Services  
750 North State Street  
Jackson, Mississippi 39202

## **Indicators of Child Abuse/Neglect**

### **Physical Abuse:**

Physical abuse is non-accidental, serious physical injury of a child, including beatings, burns, bites, strangulation, immersion in scalding water, resulting in bruises, welts, broken bones, scars, serious internal injuries. Watch for unexplained bruises, bites, black eyes, broken bones, fading bruises or other noticeable marks.

### **Sexual Abuse:**

Child sexual abuse is sexual contact between a child and an adult or older child for the sexual gratification of the offender. It can include both physical and non-physical contact. Watch for a child's difficulty in walking or sitting, a refusal to change for gym or participate in physical activity, or demonstration of bizarre, over-sophistication, or unusual sexual knowledge or behavior.

### **Emotional Abuse:**

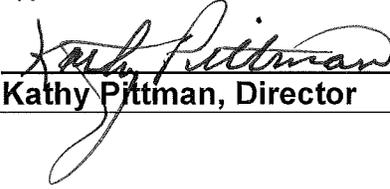
Emotional abuse is a pattern of behavior that attacks a child's emotional development and sense of self-worth. Watch for extremely compliant, passive, aggressive or demanding behaviors, or inappropriately adult or infantile, delayed physical or emotional development, talk of or attempted suicide.

### **Neglect:**

Neglect is the withholding of or failure to provide a child with the basic necessities of life: food, clothing, shelter, medical care, attention to hygiene, or supervision needed for optimal growth and development. Watch for frequently missed school days, begging or stealing food or money, a lack of needed medical or dental care or glasses, a consistently dirty appearance or severe body odor, or alcohol or drug abuse.

**HOTLINE: 1-800-222-8000**

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

Subject: <b>Abusive Institutional Practices</b>		Policy Number: <b>6</b>
Number of Pages: <b>3</b>		Section: <b>VII</b>
Attachments	Related Standards & References	
<b>None</b>	<b>Mississippi State Statute: section 43-21-353 section 43-21-354 section 43-21-357</b>	
Effective Date:  <b>June 12, 2007</b> Revised : September 16, 2009	Approved:   _____ <b>Kathy Pittman, Director</b>	

**I. POLICY:**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (DYS) that a youth housed in a training school will not be subject to abusive institutional practices. Abusive institutional practices are practices or behaviors which humiliate, demean, and/or physically or psychologically abuse youth and include deliberate and/or systematic practices which are inconsistent with Departmental policy and procedures for supervision, treatment, and control. Abusive institutional practices are prohibited and must be reported and documented by all departmental, contractual, and volunteer staff with knowledge of an occurrence or an allegation or suspicion that an abusive practice has occurred. Any staff member ordering, engaging in, or condoning abusive institutional practices will be subject to formal disciplinary action.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. Use of Force – Any application of physical force or use of approved restraint equipment, techniques or chemical agents employed in instances of justifiable self-defense, protection of others, protection of property, or prevention of escapes. The force can be defined as an intentional physical contact or use of equipment to control behavior in a confrontational situation.
- B. Incident Report Form – The form used to document that an incident that has occurred, which details information and circumstances relevant to an incident.
- C. Abusive Institutional Practices - Practices and/or behaviors which humiliate, demean, and/or physically or psychologically abuse youth.

**III. PROCEDURE**

Abusive institutional practices are not condoned. All staff members are responsible for constantly examining their behavior and activities to make sure they are not engaging in abusive institutional practices. Anyone observing an abusive institutional practice is responsible for reporting the incident immediately through the Child Abuse and Neglect Hotline (see policy VII.5).

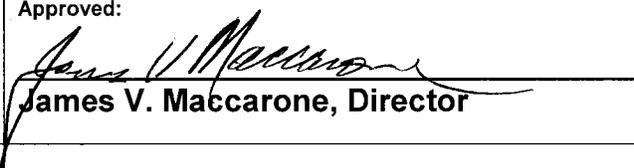
Subject	Policy #	Page
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- A. Abusive Institutional Practices – Abusive institutional practices are practices and/or behaviors which humiliate, demean, and/or physically or psychologically abuse youth. Practices and/or behaviors which, humiliate, demean, and/or abuse youth will never be used to control behavior. Approved institutional practices include those methods for supervision and control that are taught in agency training curriculum, through supervision, and are based in policy and procedure. The following are examples of abusive institutional practices; however, the list is not intended to be an all inclusive list.
1. Harassment and Disrespect - Talking to a youth in a way that is embarrassing or that ridicules or debases the youth is abuse. This includes using profanity when addressing a youth, talking to a youth using words or voice tones that are humiliating, mocking, demeaning, or embarrassing to a youth.
  2. Sexual Contact - All occurrences of adult initiated or maintained sexual contact, sexual penetration, indecent exposure, and voyeurism. Solicitation of youth to engage in sexual contact or penetration.
  3. Sexual Comments, Advances, or Gestures – This includes making embarrassing comments about a youth’s body, gender or sexual orientation, making gestures that have a sexual connotation, and/or touching or pointing at a youth’s body in ways that are sexually suggestive or provocative.
  4. Improper use of Restraints - Restraining a youth as punishment, using techniques such as hog-tying or pole shackling is abuse. The prolonged, improper, and/or unauthorized application of restraints is also abuse.
  5. Demeaning or Excessive Physical Exercise - Forcing a youth to engage in demeaning or excessive physical exercise, which causes youth to suffer from over-exhaustion, experience extreme physical reactions, or humiliates youth is abuse.
  6. Demeaning Behavior – Forcing a youth to engage in behavior which is intended to be embarrassing, without purpose or to be humiliating is abuse. This includes neither youth participating in normal/scheduled unit clean-up activities, nor work detail assignments.
  7. Withholding of Essential Services as Punishment – Deliberately withholding food, access to toilets, medical, legal or other essential services to punish youth are abusive institutional practices.
  8. Other – Utilizing otherwise innocent practices or behaviors in order to humiliate, demean, and/or physically or psychologically abuse a youth are abusive institutional practices.
- B. Reporting – Staff members who engage in an abusive incident, or who observe such an incident, are required to immediately report that incident.

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1. Incident Reports – All incidents should be detailed in an Incident Report, including those involving abusive institutional practices according to policy VII.2: Incident Reporting. The Incident Report is to be completed and submitted prior to the end of the shift being worked, or the end of the employee’s scheduled work day.
  2. Hot line – All alleged, suspected or apparent incidents of abuse or neglect are to be immediately reported using the Child Abuse and Neglect Reporting Hot Line. For further information about reporting a serious incident of abuse or neglect, see policy VII.5: Abuse and Neglect Reporting.
- C. Condoning Abusive Institutional Practices – Staff who observe an abusive institutional practice and do not report the incident are in violation of this policy and procedure and the requirement to report all incidents of abusive institutional practices. They will be viewed as having condoned or supported the abusive practice. Failure to report an incident of abuse will be treated as severely as having committed the incident.
- D. Expected Staff Conduct – At a minimum, the following behavioral expectations are to be upheld by DYS staff persons at all times when interacting with youth and/or with colleagues in the presence of youth:
1. Remain professional at all times.
  2. Youth shall be addressed by their first name or Mr/Miss along with their last name in a respectful manner. Staff shall not use nicknames.
  3. An appropriate tone shall be used with youth at all times in accordance with the setting and situation.
  4. Staff shall model behavior that is expected to be mirrored by youth.
  5. Staff shall maintain appropriate adult/child relationships with youth.
- E. Disciplinary Action – Any staff member who engages in abusive institutional practices, and/or who observes and fails to report an abusive practice, will be subject to formal disciplinary action. Sanctions may include termination of employment.
- F. Training – All staff who will work at a training school shall receive pre-service training on the abusive institutional practices policy and procedure. In-service training requirements shall be determined annually through the training needs assessment process.
- G. Documentation – Any alleged, suspected or observed incident of abusive institutional practices will be documented using an Incident Report form. The report form will be completed before the staff person leaves shift, and will be turned in to the shift supervisor on duty at the time of the shift change.

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> <b>Off Campus Transportation of Youth</b>	<b>Policy Number:</b> <b>7</b>
<b>Number of Pages:</b> <b>5</b>	<b>Section:</b> <b>VII</b>
<p style="text-align: center;">Attachments</p> <p><b>A. Off Campus Transport Form</b> <b>B. Off Campus Transport Log</b> <b>C. Extra Curricular Off Campus Activity/Event Authorization Form</b></p>	<p style="text-align: center;">Related Standards &amp; References</p>
<b>Effective Date:</b>  <b>November 09, 2007</b> Revised: February 4, 2009 Revised: December 11, 2012	<b>Approved:</b>  <b>James V. Maccarone, Director</b>

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, that all youth under its auspices will be transported on or off campus safely and under the authorization of the Facility Administrator. All transport of youth shall be accompanied by the required documentation and attachments. The transport of youth is limited to authorized personnel.

As a safety precaution for DYS staff all youth shall be searched prior to transport in a vehicle. Due to potential liability to the Department, clerical employees, student interns and volunteers, shall not participate in the transportation of youth, including but not limited to driving the vehicle, searching youth, applying or removing restraints, and escorting or guarding youth.

To ensure that DYS resources and staff are utilized in the most efficient manner, a release schedule shall be created based on region of release destination.

It is the policy of DYS to only transport youth in support of services provided through DYS. The DYS staff is not responsible for transporting youth to court hearing or other placements that were not arranged by DYS staff. Arrangement can be made with DYS staff to have the youth available for video conferencing if needed by the courts.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. **Transportation** - Any movement of restrained or un-restrained youth in a motorized vehicle (i.e. truck, van, car, cart, bus, etc.)
- B. **Authorized Personnel** - Employees who are properly licensed and trained in the use of a motorized vehicle.
- C. **Mechanical Restraints:** Mechanical devices used to prevent an uncontrollable youth or youth being transported from injuring him or herself or others. Mechanical

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restraints may only be used for short periods of time and must be used under medical supervision. Mechanical restraints shall be defined as plastic or metallic handcuffs or wristlets, chains or anklets, or any other approved or authorized device used to limit the movement of the juvenile's body.

- D. **Contraband** - Any item(s) introduced or found in the facility, other than those that are provided for youth by the Facility and/or are listed on the approved youth property list.
- E. **Authorized Leave** - The release of a youth from the facility on a temporary basis. This type of leave is administratively pre-authorized or authorized through a court-approved leave process.
- F. **Escape/Walk-Away/AWOL/AWP** - To flee from custody or supervision of the Youth Development Center School, someone assigned to supervise a youth, or the unlawful departure of a youth from the Youth Development Center, or from custody while being transported, or failure to return to the facility while on leave.
- G. **Furloughs/Passes** - An approved leave of absence for a youth from the secure supervision of a facility for a specified period and specified purpose. A furlough typically identifies a location and designated adult to provide supervision.

### III. PROCEDURE

The following procedure shall be followed to minimize the danger to youth, staff and the public. The transport of youth shall be carried out by a pair of officers consisting of both a male and a female, when the youth and the transporting officer are of the opposite sex. The transport of youth in the rear of a truck is strictly prohibited. Youth may not be physically fastened to a motorized vehicle at any time.

#### A. **Pre-Transport:** events leading up to transport

1. Authorization for Transport by Facility Administrator
  - a. Medical
  - b. Placement in a Mental Health Facility by Court Order requested by OYDC
  - c. Extra-Curricular Activity/Event\*
  - d. Emergency Evacuation

\* Transportation of youth to extracurricular activities and events shall be authorized by the Division Director through the Facility Administrator prior to scheduling, by submission of an Extra Curricular Activity/Event Form (Attachment C).

2. The transporting officer shall check out the necessary restraint equipment from the Security Station. (See policy VII.4: Inventory and Control of Restraint Equipment)
3. Youth shall be taken to Clinic for a medical evaluation.
4. Youth shall be frisk searched for contraband.

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5. Vehicle shall be searched for contraband.
6. Youth shall be appropriately restrained prior to placement in vehicle.
  - a. Appropriate restraints for the transport of youth are limited to the following mechanical restraints.
    - i. Handcuffs
    - ii. Leg Irons
    - iii. Transport Belts
  - b. Mechanical restraints shall be applied as to prohibit any sudden or unexpected movement for the protection of transporting officers and other youth. However, restraints shall be applied in a manner which allows for comfortable and safe seating of the youth being transported.
7. Youth shall be securely placed in vehicle.

The use of restraints and mode of transportation shall be determined based on the following criteria:

- a. Stage D and F youth - Includes aggressive youth, escapees, or youth being moved for security reasons. Restraints (handcuffs, leg irons, and transport belts) and mode of transportation limited to van, station wagon, and car with installed security gate.
- b. Stage B and D youth - Youth in this category are those being moved from the institution for court hearings, funerals, or appointments. Restraints (handcuffs, leg irons, and transport belts) and all modes of transportation may be utilized.
- c. Stage H and A youth - This group includes youth being moved for certain appointments and recreational activities as designated and approved by the Facility Administrator. Handcuffs shall be used and all modes of transportation may be utilized.

**B. Transport:** events taking place while transporting youth.

1. A ratio of no more than 5 youth to 1 non-driving transport officer shall be maintained at all times. A minimum of two (2) officers must escort youth during transport. The transport of youth shall be carried out by a pair of officers consisting of both a male and a female, when the youth and the transporting officer are of the opposite sex.
2. All transport of youth shall take place according to an authorized and established travel plan, which shall be considered confidential and not be shared with youth, parents, and other persons that are non-essential to the facilitation transport in progress.

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3. All transport exceeding two (2) hours shall consist of the necessary restroom and mealtime breaks. **Note:** Youth with special medical conditions noted by medical staff shall be extended additional breaks as necessary.
4. The transporting officer(s) shall make contact with the Youth Development Center no less than hourly to confirm status: location, number and name of youth in custody, and Estimated Time of Arrival (ETA).
5. All persons on transport shall wear seat belts as required by law.
6. No phone calls shall be made by youth; if necessary, calls shall be made by a transporting officer.
7. In no circumstance shall state lines be crossed while transporting youth except when authorized by the Division Director.
8. In the event of an accident or emergency, seek the assistance of the nearest sheriff or police department. If necessary, place the youth in the area Detention Center and secure a receipt for him/her. (The Facility Administrator and Director of Institutions shall be notified of any unusual occurrences.)
  - a. DYS shall designate a road-side assistance vendor to provide services in case of emergencies (i.e. AAA, North American Fleet, etc.).
  - b. Transporting Officers shall at all times have available a means of communication. (i.e. cell phone, radio, etc.)
9. Transporting officers shall directly supervise youth at all times.

**C. Post- transport:** events taking place following transport.

1. Upon return, the transporting officer shall review documentation to assure that all paperwork is correctly completed and/or authorized. All documentation shall be returned to the proper receiving authority.
2. Youth and vehicle shall be searched for contraband.
3. Youth shall be taken to Clinic for medical evaluation to insure that youth is in good health and has received all required medication.
4. Transporting officer(s) shall return any restraint equipment used during transport per policy VII.4: Inventory and Control of Restraint Equipment.

**D. Confiscation of Contraband**

1. Any contraband found prior to, during, or after transportation shall be handled according to policy VII.8: Property, Contraband and Searches.

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2. Any item or document pertinent to a youth's transport shall be maintained by the transporting staff person.

**E. Documentation**

1. All transport of youth shall be accompanied by a Transport Form (VII.7.A) for each youth being moved.
2. When applicable a Transport Form should be accompanied by the appropriate documentation.
3. A copy of youth Transport Forms shall be maintained in the Security Station.
4. All transport of youth shall be documented in the Transport Log (VII.7.B).
5. The Chief of Security shall review Transport Logs on a monthly basis to insure that proper protocol is being followed. Consistent discrepancies and/or errors should result in relevant in-service training sessions.
6. A Transport Form is not necessary for each youth in an instance of emergency evacuation. However, a log entry should be made for all emergency evacuations.

**MDHS/DYS Training School  
Oakley and Columbia Campuses  
Off Campus Transport Form – VII.7.A**

Youth Name \_\_\_\_\_ Date of Transport \_\_\_\_\_

Sex of Youth:      Male       Female

Staff Escort \_\_\_\_\_ M/F      Staff Escort \_\_\_\_\_ M/F

*Note: Attach appropriate documentation*

**1. Destination:**      Name of Location \_\_\_\_\_

Street Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone # \_\_\_\_\_

Time of Departure \_\_\_\_\_ Time of Arrival \_\_\_\_\_

Time of Departure \_\_\_\_\_ Time of Return \_\_\_\_\_

**2. Restraints:** *If no restraints used mark N/A*

Handcuffs \_\_\_\_\_ Leg Irons \_\_\_\_\_ Transport Belts \_\_\_\_\_ N/A \_\_\_\_\_

**3. Reason:**

Parole \_\_\_\_\_ Court Order \_\_\_\_\_ Medical \_\_\_\_\_

Authorized Leave \_\_\_\_\_ Emergency Evacuation \_\_\_\_\_ Home Visit \_\_\_\_\_

Placement \_\_\_\_\_ Extra Curricular Activity \_\_\_\_\_

**4. Notes/Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Authorization:** \_\_\_\_\_

Facility Administrator      Date

**6. Notification:** Date of Notification \_\_\_\_\_

Youth's Home County Court \_\_\_\_\_ County Judge \_\_\_\_\_

**MDHS/DYS Training School  
Oakley and Columbia Campuses  
Off Campus Transport Log – VII.7.B  
December 11, 2012**

Date	Name of Youth	Destination	Staff Escort	Staff Escort	Time of Departure	Time of Check-in		Time of Arrival	Time of Check-in		Time of Return	Reason	Use of Restraint

Monthly Audit:                      Signature, Security Chief \_\_\_\_\_                      Date \_\_\_\_\_

Parole - PL                      Medical – ML                      Court Order - CO                      Authorized Leave - AL                      Placement – PT  
 Extra Curricular Activity/Event - EC                      Emergency Evacuation - EE

**MDHS/DYS Training School  
Oakley and Columbia Campuses  
Extra Curricular Off Campus Activity/Event Authorization Form – VII.7.C**

Requesting Staff Person \_\_\_\_\_

Date of Requested Activity \_\_\_\_\_ Expected Time of Departure \_\_\_\_\_

*Note: Attach appropriate documentation*

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**1. Destination:** Name of Location \_\_\_\_\_  
Street Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone # \_\_\_\_\_

---

**2. Youth in Attendance:**

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

---

**3. Purpose:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**4. Authorization:**

_____	_____	_____	_____
Facility Administrator	Date	Division Director	Date

**MDHS/DYS Training School  
Oakley and Columbia Campuses  
Youth Property Inventory Sheet (VII.8.A)**

Name \_\_\_\_\_ County \_\_\_\_\_  
 Date \_\_\_\_\_ Student I.D. # \_\_\_\_\_  
 Gender: Male  Female  Cubby Hole/Locker # \_\_\_\_\_

Youth Property:		Laundered	Quantity	Yes	No
Coat/Jacket					
Underwear/Panties					
Bra					
Shirt					
Shoes					
Socks					
Pants (L/S)					
Skirt					
Jewelry					
	Ring(s)				
	Bracelet				
	Necklace				
	Ear ring(s)				
Money					
Medication					
Other					

I \_\_\_\_\_, confirm that the property noted above is mine. Furthermore, I understand that my property shall be returned to me upon release from this facility.

Youth Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I \_\_\_\_\_, have received all of my property as noted above in the same condition as was inventoried.

Youth Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MDHS/DYS Training School  
Oakley and Columbia Campuses  
DYS Issued Youth Property Inventory Sheet (VII.8.B)**

Name \_\_\_\_\_ POD/ \_\_\_\_\_  
Date \_\_\_\_\_ Cottage \_\_\_\_\_

**Gender:** Male  Female

<b>DYS Property:</b>	<b>Quantity</b>	<b>Size</b>	<b>Stock #</b>
Pants			
Shirt			
Belt			
T-Shirt			
Socks			
Tennis Shoes			
Underwear			
Toothbrush w/ holder			
Soap w/ holder			
Deodorant			

I \_\_\_\_\_, understand that the items given to me are the property of the state of Mississippi and that I shall return them upon release from this facility.

Youth Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I \_\_\_\_\_, have returned all of the property noted above in the same condition as was given to me. (excluding reasonable wear and tear)

Youth Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MDHS/DYS Training School  
Oakley and Columbia Campuses  
DYS Issued Youth Property Inventory Sheet (VII.8.B)**

Name \_\_\_\_\_ POD/ \_\_\_\_\_  
Date \_\_\_\_\_ Cottage \_\_\_\_\_

**Gender:** Male  Female

<b>DYS Property:</b>	Quantity	Size	Stock #
Pants			
Shirt			
Belt			
T-Shirt			
Socks			
Tennis Shoes			
Underwear			
Toothbrush w/ holder			
Soap w/ holder			
Deodorant			

I \_\_\_\_\_, understand that the items given to me are the property of the state of Mississippi and that I shall return them upon release from this facility.

Youth Signature: \_\_\_\_\_ Date: \_\_\_\_\_

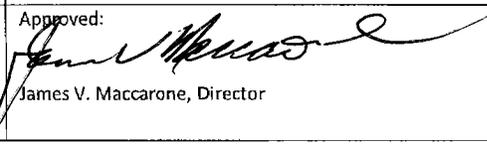
Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I \_\_\_\_\_, have returned all of the property noted above in the same condition as was given to me. (excluding reasonable wear and tear)

Youth Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> Due Process Hearings	<b>Policy Number:</b> 9
<b>Number of Pages:</b> 9	<b>Section:</b> VII
<p style="text-align: center;"><b>Attachments:</b></p> Due Process Rights Form VII.9.A Notice of Violation Form VII.9.B Special Accommodations Form VII.9.C Youth Statement Form VII.9.D Review of Evidence Form VII.9.E Due Process Hearing Report Form VII.9F Witness Statement Form VII.9.G Due Process Appeal Form VII.9.H	<p style="text-align: center;"><b>Related Standards &amp; References</b></p> ACA 4-JCF 3B-02, ACA 4-JCF 3B-03, ACA 4-JCF 3B-04, ACA 4-JCF 3B-05, ACA 4-JCF 3B-06, ACA 4-JCF 3B-07, ACA 4-JCF 3B-08, ACA 4-JCF 3B-09, ACA 4-JCF 3B-10, ACA 4-JCF-3C-01, ACA 4-JCF-3C-03, ACA 4-JCF-3C-05, ACA 4-JCF-3C-07, ACA 4-JCF-3C-08, ACA 4-JCF-3C-09, ACA 4-JCF-3C-10, ACA 4-JCF-3C-11, ACA 4-JCF-3C-12, ACA 4-JCF-3C-13, ACA 4-JCF-3C-14, ACA 4-JCF-3C-15
<b>Effective Date:</b> 05/04/10 <b>Revised:</b> February 25, 2014  <b>Revision Date:</b> 06/30/12	<b>Approved:</b>  James V. Maccarone, Director

**I. POLICY:**

It is the policy of the Mississippi Department of Human Service, Division of Youth Services (DYS), to maintain a safe and secure environment and that, in all cases where youth are alleged to have committed a major, or a pattern of minor violations, a due process hearing shall occur. Sanctions administered as a result of a due process hearing shall not be retaliatory; corporal or degrading punishment, cruel or unusual punishment, punishment that interferes with eating or sleeping, or punishment that endangers a youth physically or psychologically shall be imposed.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. **Due Process Hearing** – A non-judicial administrative procedure to determine if substantial evidence exists to find a youth guilty of a rule violation.
- B. **Constitutional Right** – Liberties to which youth are entitled by mandate of the United States Constitution and Mississippi State Statutes. Examples of such rights include, but are not limited to, access to exercise and fresh air, access to mail, educational programs, medical care, a balanced and nutritional diet, attorney access, and protection from harm.
- C. **Privileges** – Earned liberties, which may be given or withheld from a youth, based on their behavior, including absence of disciplinary incidents, participation in treatment, reaching a criterion on daily point sheets, and progress toward service/treatment team goals. Privileges may include such activities as watching television (e.g., suitable broadcast programs and movies), playing video and electronic games, listening to music, (radio and suitable CDs), extended bed times, receiving extra telephone calls, using a personal computer for suitable activities, participating in special recreational activities, and taking trips off campus.

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- D. **Loss of Privileges**-Loss of privilege does not necessarily mean a total loss of Behavior Incentive Bucks earned prior to committing the offense. If a restriction is imposed the youth may or may not be allowed to make purchases with his bucks during the same week of his committing offense. The amount of bucks earned prior to the offense can be banked.
- E. **Major Rule Violation** – Actions that cause harm or which represent a threat to the safety, control, and security of the facility.
- F. **Minor Rule Violation** – Behaviors that are prohibited by the rules but are not immediately threatening or dangerous to self, others, or the security of the facility.
- G. **Disciplinary Hearing Officer** – An impartial supervisory staff member or designee assigned to conduct disciplinary hearings and with the authority to impose sanctions.
- H. **Disciplinary Hearing Committee** – An impartial supervisory committee, that consist of a three member group (JCW Representative, Mental Health Representative, and the Disciplinary Hearing Officer) assigned to conduct disciplinary hearings and with the authority to impose sanctions.
- I. **Due Process Isolation** – A sanction that arises from Due Process proceedings. A youth is confined alone in a room as a result of a rule violation.
- J. **Pod Restriction:** Limitation on the use or enjoyment of activities held on the Pod. This form of restriction will not prohibit the youth from being able to go to school. (See pages 6-8 of this policy for possible duration of restriction)
- K. **Room Restriction:** Limitation on the use or enjoyment of activities held on or off the pod. (See pages 6-8 of this policy for possible duration of restriction)

### III. PROCEDURES

All Incident Reports are reviewed by the Disciplinary Hearing Officer (DHO) and Disciplinary Hearing Committee (DHC) that makes a determination based on the objective observations of the situation, that a Due Process Hearing should be held.

- A. If the violation is minor the Disciplinary Hearing Officer and Committee shall discuss the violation with the student and explain that if this pattern of behavior is continued Due Process shall be initiated. Minor violations can receive limited sanctions such as early bedtime (8:00 pm), pod restriction, or room restrictions of short duration (see attachment list below for more descriptions of room and pod restrictions and coordinating violations).

- Students are placed on Pod/Room restriction as a result of inappropriate behavior on or off the housing unit.

1. Youth that are on pod or room restrictions will not be able to participate in any special activities that are not school related. Pod and room restriction will begin at 3:30pm on

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school days and at 8:00am on weekends and special activity days. Youth will be given a second chance to be removed from pod or room restriction prior to the scheduled special activity. In the case that the youth remains on restrictions, the youth will be prohibited from any participation in any special activities during the period of the restriction.

2. Youth placed on pod or room restriction will receive meals on the unit, early bed time, recreation on the unit, restricted movement, no detail off the unit, or laundry detail.
  3. Youth will be seen by the Due Process Hearing Committee if the youth refuse to follow the rules and expectations of the facility. Once the Due Process Hearing Committee reviews all information and evidence related to an incident that a youth has been involved in and found that the youth was in the wrong, the youth will be told of the consequences of their behavior. The consequence (sanction) given will be based on the type of violation (major or minor). More than one sanction can be assigned to the youth depending on how often the youth has violated that rule or expectation in the past or the intent/seriousness of the youth's behavior.
  4. The youth's Length of Stay at Oakley Youth Development Center can be extended as a result of poor behavior.
- B. A disciplinary tracking number shall be assigned to the Incident Report by the Disciplinary Hearing Officer. This log should contain the date the incident was referred for a due process hearing, the date of the violation, the nature of the violation, the name(s) of the accused youth, and the disposition of the Disciplinary Hearing Officer.
- C. The Disciplinary Hearing Committee shall discuss with the youth the rule violation/s that he/she is being accused of and shall explain the youth's due process rights.
1. At this time Form VII.9.B Notice of Rights – Violation shall be presented to the youth with an explanation by the Disciplinary Hearing Officer. The youth will be asked to sign the form after he/she has been afforded the opportunity to ask questions and understands the information before him. The youth's counselor shall be present to act as a liaison.
  2. At this time the youth will be asked to:
    - a. Plead guilty, in which case no investigation or hearing will be held and a sanction will be issued and explained to the youth by the Disciplinary Hearing Officer, or

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- b. Plead innocent in which case the youth will be allowed to “tell his side”, explain his actions and name witnesses. An investigation will begin conducted by the Disciplinary Hearing Committee and will be documented on the following forms
- i. Form VII.9.D Youth Statement Form
  - ii. Form VII.9.E Review of Evidence Form
  - iii. Form VII.9.F Due Process hearing Report
  - iv. Form VII.9.G Witness Statement Form
- All relevant information gathered during this time shall be documented on Form VII.9.C Due Process Hearing Report.
3. All Due Process Hearings shall be held within 24 hours of the notification of the hearing, excluding weekends and state observed holidays. All youth shall be present for Due Process hearings; unless the youth waives the right and the waiver is in writing.
  4. When a youth has been identified as having special education needs, a special education professional shall perform an assessment and confer with the Disciplinary Hearing Officer to decide on an appropriate sanction. If the youth proceeds with the hearing a special education teacher or appropriate substitute should be present to act as a liaison.
  5. When a youth is being serviced on the mental health caseload, a Qualified Mental Health Professional (QMHP) shall conduct an evaluation to determine the youth’s current mental status (within 24 hours of notification) and shall confer with the Disciplinary Hearing Committee to decide on an appropriate sanction. If the youth proceeds with the hearing a QMHP or appropriate substitute should be present to act as a liaison.
  6. The youth may request any staff member to act as a staff representative to provide assistance during Due Process hearing. If the requested staff representative is not available, the youth may request another staff member to assist them.
- D. The DHC may identify a variety of sanctions or consequences that are appropriate based on the violation at hand and the youth’s behavioral history. Based on the severity of the specific offense, or the youth’s behavior pattern or history, the DHC may impose a sanction of pod restriction or room restriction.

The following sanctions shall not be used for:

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1. Retaliation or revenge
  2. Physical punishment
- E. Students who have been sanctioned shall not be denied educational, counseling, medical, dental, psychiatric, psychological, recreational or dietary services.
- F. If the youth is found guilty, a copy of the Due Process hearing report shall be placed in the youth's master file and a copy given to the youth. If the youth is found not guilty, the Due Process hearing report will not be entered into the youth's master file.
- G. Appealing a Sanction – Youth have the right to appeal the findings of any Due Process hearing to the Facility Administrator by submitting Form VII.9.H Due Process Appeal Form. Youth have one (1) week to file an appeal following the receipt of the Disciplinary Hearing Committee's decisions. When receiving a youth appeal, the Facility Administrator or designee shall consider the following:
1. Was there any variation from outlined procedures;
  2. Was the Disciplinary Hearing Committee decision based on substantial evidence;
  3. Was the sanction imposed appropriate.
- H. The Disciplinary Hearing Committee shall forward all hearing records to the Facility Administrator to assure that all Due Process hearings and actions taken conform to DYS policy and procedures and expected practice.
- I. The facility administrator may, at his discretion, administer a new Length of Stay to the youth based on his/her positive or negative behavior. This will be in accordance with the Length of Stay Policy (Length of Stay Policy #15, Section XIII).
- J. Criminal Violations/Serious property Damage – Youth who commit acts that are considered criminal under state law, in addition to receiving an appropriate sanction, may also be subject to referral to juvenile court for a formal hearing. The state may also proceed civilly to collect restitution from the youth and the youth's family for the cost of medical services related to injuries caused to other youth, staff and/or damage to state property.

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#### IV. ATTACHMENTS

- A. Below is a list of infractions that are classified as **Minor Violations**. The ranges of the specific sanctions and the duration of the restriction are noted next to the category of violations. Based on the severity of the specific offense, or the youth's behavior pattern or history, the DHC may impose a sanction of pod restriction or room restriction.

Minor Infraction or Violation	Sanction & Duration of Restriction
Throwing bodily fluids and/or by-products at individuals other than staff	Counseling intervention, up to 2 days loss of privileges, Pod and/or Room Restriction
Throwing liquids and/or any food product at individuals other than staff	Counseling intervention, up to 1 days loss of privileges, Pod and/or Room Restriction
Tattooing and/or ear piercing	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction
Fighting without injury	Counseling intervention, up to 3 days loss of privileges, and/or 1 days Due Process Isolation privileges, or Pod and/or Room Restriction
Minor damage of facility property	Counseling intervention, up to 3 days loss of privileges, and/or 1 days Due Process Isolation, and/or fined up to 5 positive behavior incentive bucks privileges, Pod and/or Room Restriction
Refusing to follow adult instruction	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction
Leaving assigned area	Counseling intervention, up to 3 days loss of privileges, Pod and/or

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	Room Restriction
Communication with unauthorized outside individuals	Counseling intervention, up to 3 days loss of privileges, (Pod and/or Room Restriction
Refusal to maintain clean and orderly personal and common space	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction
Use of obscenity, profanity, vulgar language or verbal abuse to others	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction
Entering another's room without permission	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction
Soliciting staff to violate facility rules	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction
Aiding others to violate rules	3 days of loss privileges, Pod and/or Room Restriction
Possession of non-security related contraband	3 days of loss privileges, Pod and/or Room Restriction
Lying	3 days of loss privileges, Pod and/or Room Restriction
Interfering with facility count	3 days of loss privileges, Pod and/or Room Restriction
Trafficking or trading contraband	3 days of loss privileges, Pod and/or Room Restriction
Trading food	3 days of loss privileges, Pod and/or Room Restriction
Gambling	3 days of loss privileges, Pod and/or Room Restriction

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Violation of school activity rules	3 days of loss privileges (Pod or Room Restriction)
Letter writing to youth of the opposite sex	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction

- A. Below is a list of infractions that are classified as **Major Violations**. The ranges of the specific sanctions and the duration of the restriction are noted next to the category of violations. Based on the severity of the specific offense, or the youth's behavior pattern or history, the DHC may impose a sanction of due process isolation, pod restriction, or room restriction.

Major Infraction or Violation	Sanction & Duration of Restriction
Inappropriate sexual conduct(i.e. touching, positioning, exhibition)	Counseling intervention, up to 1 days loss of privileges, Pod and/or Room Restriction, and/or 2 days Due Process Isolation
Creating serious disturbances	Counseling intervention, up to 1 days loss of privileges, Pod and/or Room Restriction, and/or 2 days Due Process Isolation
Disorderly conduct or creating a security risk to the facility	Counseling intervention, up to 3 days loss of privileges, and/Pod or Room Restriction, and/or 1 day Due Process Isolation
Fighting with injury	Counseling intervention, up to 5 days loss of privileges, Pod and/or Room Restriction, and/or 2 days Due Process Isolation
Entering an unauthorized area without permission	Counseling intervention, up to 3 days loss of privileges, Pod and/or Room Restriction, and/or 1 day

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	Due Process Isolation
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**Room restriction is based on inappropriate/aggressive behavior and repeated patterns of assault or aggression with staff and/or students**

<b>Major Infraction or Violation</b>	<b>Duration of Restriction</b>
Physical Violence with Injuries: Youth on Youth	Up to 3 days of Due Process Isolation
Physical Violence: Youth on Staff	Up to 3 days of Due Process Isolation
Verbal threats toward youth/staff	Up to 3 days of Due Process Isolation
Serious Group disturbances	Up to 3 days of Due Process Isolation
Gang related activity	Up to 3 days of Due Process Isolation
Making weapons to harm staff/youth	Up to 3 days of Due Process Isolation

**MDHS/DYS Oakley Youth Development Center  
Form VII.9.A Due Process Rights**

Youth Name: \_\_\_\_\_ Date of Violation: \_\_\_/\_\_\_/\_\_\_  
Rule Violation Tracking #: \_\_\_\_\_ Incident #: \_\_\_\_\_

**The following is an explanation of the youth rights as they relate to due process, which should be verbally explained to the youth:**

1. You have the right to be notified of the rule violation(s) being charged against you and of the resulting due process hearing to be held.
2. You have the right to be present and to present documentary evidence at the hearing or to waive the hearing.
3. You have the right to request witnesses and to have them present at the hearing or to have statements from those individuals presented at the hearing.
4. You have the right to self-represent, or to request to be represented by a staff person during the hearing.
5. You may present questions to the Due Process Hearing Officer and the staff representative, to ask to the witnesses.
6. You have the right to appeal the Due Process Hearing Officer's decision to the Facility Administrator. (You may appeal the decision by completing a Grievance, within one (1) week)  
*The Facility Administrator's decision is final.*
7. You have the right to waive a hearing or your right to be present. Any decision from a waived hearing may not be appealed.

Staff Representative Requested:  Yes  No Name \_\_\_\_\_

Witness Requested:  Yes  No Name \_\_\_\_\_  Staff  Youth  
Statement(s) attached  Yes  No

Witness Requested:  Yes  No Name \_\_\_\_\_  Staff  Youth  
Statement(s) attached  Yes  No

I have read the statements above (or have had them read to me) and I understand my due process rights.

Youth Signature: \_\_\_\_\_ Staff Witness: \_\_\_\_\_

DHO Signature: \_\_\_\_\_ Date Form Served: \_\_\_\_\_

MDHS/DYS Oakley Youth Development Center  
Form VII.9.B Notice of Violation

Youth Name: \_\_\_\_\_ Date of Violation: \_\_\_\_\_  
Violation Tracking Number: \_\_\_\_\_ Incident Number: \_\_\_\_\_

You have been charged with the following violation/s

Major:  Pattern of Minor Violations:

**Violations/s**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Youth Response**

I have read (or have read to me) and signed the form that that explains my due process rights, Form VII.9.A. Based on that information, I elect to take the following action:

**I plead:** Guilty  Not guilty

**Hearing:**  I want a hearing  I waive my right to have a hearing

I understand that if I plead GUILTY to this/these charge/s, no hearing will be held and the decision (sanctions) cannot be appealed.

\_\_\_\_\_  
Youth Signature

\_\_\_\_\_  
Staff Witness

\_\_\_\_\_  
DHO Signature

\_\_\_\_\_  
Date Form Served

**MDHS/DYS Oakley Youth Development Center  
Form VII.9.C Special Accomodations**

Youth Name: \_\_\_\_\_ Date of Violation: \_\_\_/\_\_\_/\_\_\_  
Rule Violation Tracking #: \_\_\_\_\_ Incident #: \_\_\_\_\_

**Recommendations for addressing the misconduct of youth with special needs**

**Mental Health**

- Address misconduct via formal due process hearing. Youth is capable of assisting with his/her defense.
- Address misconduct via formal due process hearing. However, youth requires a staff representative familiar with issues related to serious mental illness or cognitive impairment.
- Based on the evaluation and recommendation of a qualified mental health professional (QMHP), the youth in violation will have specific consequences applied to address his or her behavior (see attached document):

QMHP: \_\_\_\_\_ Counselor: \_\_\_\_\_

Due Process Hearing Officer \_\_\_\_\_ Date: \_\_\_\_\_

**Special Education**

Input required:  Yes  No Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Issues/Challenges:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recommendations:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special Education Representative: \_\_\_\_\_

DHO: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Requested:  Yes  No Name \_\_\_\_\_  Staff  Youth  
*Statement(s) attached*  Yes  No



**MDHS/DYS Oakley Youth Development Center  
Form VII.9.E Review of Evidence**

Youth Name: \_\_\_\_\_ Disciplinary Tracking Number: \_\_\_\_\_  
Date of Violation: \_\_\_\_\_ Date Investigation Started: \_\_\_\_\_

**Physical Evidence:**

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**Other Facts About The Incident:**

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Investigators Findings: *Based on evidence, Incident Reports, Witness Statements, Youth's statement, Camera review, etc.*

**The allegations brought against the youth have been:**  Substantiated  Unsubstantiated

**Comments:**

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DHO Signature: \_\_\_\_\_ Date Investigation concluded: \_\_\_\_\_





**MDHS/DYS Oakley Youth Development Center  
Form VII.9.H Disciplinary Appeal**

Youth Name: \_\_\_\_\_ Date of Violation: \_\_\_/\_\_\_/\_\_\_  
Rule Violation Tracking #: \_\_\_\_\_ Incident #: \_\_\_\_\_

I have been advised of my right to appeal the Disciplinary Hearing Officer's/Treatment Team's determination to the Facility Administrator. I hereby wish to appeal:

- \_\_\_\_\_ The decision of my case.
- \_\_\_\_\_ The sanction(s) that were imposed.

The date of the filing of this waiver with the Disciplinary Hearing Officer/Treatment Team may be considered the date hereof.

Youth Name	Date Filed	Housing Unit
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\_\_\_\_\_  
Youth Representative

Reason for Appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appeal:  
 Upheld  
 Reversed  
 Modified

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of DHO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Facility Administrator

\_\_\_\_\_  
Date

**MDHS/DYS Oakley Training School  
Due Process Appeal – VII.9.I**

Youth Name: \_\_\_\_\_ Date of Violation: \_\_\_/\_\_\_/\_\_\_

Rule Violation Tracking #: \_\_\_\_\_ Incident #: \_\_\_\_\_

I have been advised of my right to appeal the Due Process Hearing Officer's decision to the Facility Administrator. I hereby wish to appeal:

\_\_\_\_ The decision of my hearing.

\_\_\_\_ The sanction(s) that were imposed.

Date of Violation: \_\_\_/\_\_\_/\_\_\_

Youth signature \_\_\_\_\_

Reason for appeal:

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Appeal:            \_\_\_\_ Upheld            \_\_\_\_ Reversed            \_\_\_\_ Modified

Explanation:

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Date: \_\_\_/\_\_\_/\_\_\_

Due Process Hearing Officer \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

Facility Administrator \_\_\_\_\_

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> <b>Behavior Management Isolation</b>		<b>Policy Number:</b> <b>10</b>	
<b>Number of Pages:</b> <b>5</b>		<b>Section:</b> <b>VII</b>	
<b>Attachments</b>		<b>Related Standards &amp; References</b>	
VII.10.A Behavior Management Extension Form VII.10.B Behavior Management Isolation Log Form VII.10.C Observation Documentation Form			
<b>Effective Date: 01/13/2009</b>		<b>Approved:</b>	
<b>Revised: 04/05/10, 01/25/12, 05/21/12</b>			

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, that Behavior Management Isolation (BMI) shall only be utilized for the following purposes: To separate youth who are out-of-control from the general population; correct undesirable behavior, restore order and achieve compliance with facility rules and expectations. Behavior Management Isolation shall cease as soon as the youth regains self control and can safely return to regular activity.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

**Behavior Management Isolation (BMI)** – A “cooling off” period for youth; where placement of youth in a room either locked or unlocked for the purposes of controlling out-of-control behavior, restoring order, correcting undesirable behavior and to achieve compliance with behavioral rules and expectations.

**Qualified Mental Health Professional (QMHP)** - Mental health care provider licensed and sufficiently trained to provide the necessary mental health program services.

**II. PROCEDURE**

A. A youth may be placed in BMI when circumstances warrant removing the youth from the general population; when a youth’s behavior threatens imminent harm to others, or a youth is extremely disruptive. A youth’s stay in BMI shall last only until the youth has regained self-control and can be safely returned to the general population. If the youth is an imminent danger to him/herself said youth should be placed on safety alert (see Policy XIII.12 Suicide Prevention).

1. BMI is meant to serve only as a "cooling off" period and the length of time in BMI should be based solely on the time required for the youth to regain his/her control of their behavior.

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2. When warranted, a Juvenile Care Worker (JCW) may place a youth in BMI and must immediately notify the JCW Supervisor. The following information must be entered into the Unit Log Book;
  - a. Name of the youth in BMI
  - b. Date/Time of the initial BMI
  - c. Name of the staff isolating the youth
  - d. Specific description of the behavior(s) necessitating the BMI
3. The JCW Supervisor shall be notified when ever a student if placed in BMI. The JCW Supervisor must discuss the incident with the youth and staff to determine whether BMI is necessary. If approved, the Supervisor must sign the BMI log and the JCW will add the name of the JCW Supervisor to the entry in the unit log book. If the JCW Supervisor does not believe that BMI is warranted, the youth must be released from the room and the name of the JCW Supervisor releasing the youth will be documented in the unit log book.
4. Use of force shall be a last resort and only the minimum force necessary shall be used to place the youth in the room (see policy VII.1- Use of Force).
5. When youth are placed in BMI in excess of eight (8) hours or when the JCW Supervisor feels that the student's behavior needs to be reviewed by the Disciplinary Hearing Officer an Incident Report shall be completed. (see Policy VII.2: Incident Reporting).
6. When youth has been in BMI for two (2) hours, the JCW Supervisor must be notified. The Supervisor must evaluate the youth and the situation to determine whether continued time in BMI is necessary or whether the youth can safely be returned to the general population. If the JCW Supervisor decides that the student should remain in BMI the JCW Supervisor must complete a Behavior Management Extension Form VII.10.A.
  - a. On the form, the JCW Supervisor must indicate the time the youth was evaluated, and provide a specific and detailed account of what the youth said or how he/she is currently behaving that appears to warrant additional time in BMI.
  - b. This form is placed in the unit BMI logbook and a copy is also placed in the youth's master file. This process must be repeated EVERY TWO (2) HOURS until the Supervisor determines that the youth can safely released to the general population.
7. The following services are continued, when applicable, while the youth is in BMI; regular meals, clothing, sleep, health and mental health care services, school; all youth shall have reasonable access to drinking water, hygiene items, and services.

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8. The following services are delayed while the youth is in BMI; recreation services, correspondence, phone calls/ visitation with parents, guardian. These services shall recommence as soon as BMI is discontinued.
- B. Every effort shall be made to avoid the placement of youth BMI. Preventive actions shall be documented in the unit log book. Prior to using BMI, staff shall first utilize less restrictive techniques:
    1. Verbal Intervention – Including talking with youth to de-escalate the situation.
    2. Explanation - Prior to any use of BMI staff shall explain to the youth the reasons for the isolation/confinement and that s/he will be released from BMI upon regaining control.
  - C. Staff shall ensure that all rooms are properly ventilated, free from objects that may cause harm, and are at an appropriate temperature. All youth must place their shoes outside of the room and the room will be searched for contraband (if feasible) prior to placement in BMI.
  - D. BMI may take place in any housing unit in the facility. However, the use of such placement must be appropriate and consistent with the protocol outlined in this policy. All instances of BMI shall be properly documented in the Unit Logbook and BMI Log Book maintained on each housing unit.
    1. Upon review of the situation, the JCW Supervisors must ensure that the youth knows why s/he is being isolated and should be sure to communicate to the youth that the length of time s/he will spend in BMI is directly related to the his/her regaining control of their behavior.
    2. The youth and the room that will be used for the BMI should be searched before the youth is confined.
    3. Only one (1) youth may be placed in a particular room at a time. Two (2) youth shall never be isolated in the same room at the same time.
    4. The Unit Log must reflect review and approval from the JCW Supervisor every two (2) hours; as well as justifications for extended BMI. The Behavior Management Isolation Extension Form must be completed at the first two (2) hour mark as well as every two (2) hours until BMI is discontinued.
    5. Documentation in the Unit log as well as on the BMI /DPI Observation Documentation Form should include the reason the youth is placed in his/her room, the time the youth is placed in confinement, and the time the youth is released from confinement.
    6. As soon as the youth has regained self-control and the youth's behavior no longer poses a serious threat to the safety of the youth, others or serious destruction of property, the youth shall be removed from BMI.

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- E. Routine observations shall be conducted in an attempt to monitor the youth's behavior, and identify when the youth is in control of their behavior, as well as make sure that the youth is safe.
1. During the time a youth is in BMI, staff shall conduct visual checks and speak directly with youth at staggered intervals at least six (6) times an hour and not longer than every ten (10) minutes.
  2. These checks shall be documented on the BMI/DPI Observation Documentation Sheet Form VII.10.C, which shall be clearly posted on the room door, near the window for the duration of his/her placement in BMI; this is to ensure a clear view of youth.
  3. Staff shall initial and document the actual time of the observation on the BMI/DPI Observation Documentation Sheet, Form VII.10.C.
  4. After BMI is discontinued all VII.10.C BMI/DPI Observation Documentation Forms are then placed in the BMI log book
  5. BMI exceeding two (2) hours, the JCW Supervisor shall review and initial the BMI/DPI Observation Documentation Sheet Form VII.10.C posted on the door, every two (2) hours that a youth is held in BMI.
  6. If the JCW Supervisor feels that the youth needs more time to regain his/her composure a BMI extension form shall be completed and placed in the BMI log book. The extension form will be completed by the JCW Supervisor every two (2) hours.
  7. The JCW Supervisor shall reevaluate the youth and document every two (2) hours until it is felt that the youth is ready to return to regular activities.
  8. If a youth in BMI is exhibiting unusual behavior, becomes unresponsive to questions or directions, the JCW shall inform the JCW Supervisor who shall notify the on-call QMHP for emergency evaluation or suicide prevention as indicated.
- F. Sleeping hours
1. If at the regularly scheduled bedtime the youth complies and is observed to be asleep, the JCW Supervisor shall be notified to come and evaluate the youth and remove him/her from BMI.
  2. If the youth does not go to sleep the BMI protocol will continue throughout the night when appropriate.
  3. If the youth awakens and becomes uncontrollable the JCW Supervisor shall be immediately notified and shall promptly evaluate the youth to start a new BMI.

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G. Documentation:

1. The following information shall be documented and highlighted in the Unit Logbook;
  - a. Name of the youth in BMI,
  - b. Date/Time of the initial BMI,
  - c. Name of the staff placing the youth in BMI,
  - d. Specific description of the behavior(s) necessitating the BMI,
  - e. Name of the JCW Supervisor approving the placement of youth in BMI,
  - f. Date/Time the youth was taken off BMI,
  - g. Name of the JCW Supervisor approving the removal of youth from BMI.
  
2. The following information shall be documented in the BMI Log:
  - a. Name of the youth,
  - b. Reason for BMI,
  - c. Date placed in BMI,
  - d. Time placed in BMI,
  - e. Name of staff placing youth in BMI,
  - f. Date youth removed from BMI,
  - g. Time youth removed from BMI,
  - i. JCW Supervisor signature approving placement in BMI,
  - j. JCW Supervisor signature approving removal from BMI.

**MDHS/ DYS OAKLEY YOUTH DEVELOPMENT CENTER**  
**Behavior Management Isolation Extension Form VII.10.A**

Youth's Name: \_\_\_\_\_ Location: \_\_\_\_\_  
Date of BMI: \_\_\_\_\_ Time BMI began: \_\_\_\_\_  
Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date BMI ended: \_\_\_\_\_ Time BMI ended: \_\_\_\_\_  
Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

**EXTENSION- 2 thru 4 hours**

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Reason for Extension: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXTENSION- 4 thru 6 hours**

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Reason for Extension: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXTENSION- 6 thru 8 hours**

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Reason for Extension: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MDHS/ DYS OAKLEY YOUTH DEVELOPMENT CENTER  
Behavior Management Isolation Extension Form VII.10.A

Youth Name: \_\_\_\_\_

Location: \_\_\_\_\_

EXTENSION- 8 thru 10 hours

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reason for Extension: \_\_\_\_\_

EXTENSION- 10 thru 12 hours

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reason for Extension: \_\_\_\_\_

EXTENSION- 12 thru 14 hours

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reason for Extension: \_\_\_\_\_

EXTENSION- 14 thru 16 hours

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reason for Extension: \_\_\_\_\_







**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> <b>Due Process Isolation</b>		<b>Policy Number:</b> <b>11</b>
<b>Number of Pages:</b> <b>3</b>		<b>Section:</b> <b>VII</b>
<b>Attachments</b>		<b>Related Standards &amp; References</b>
Due Process Information Form VII.11.A Due Process Isolation Log Form VII.11.B Observation Monitoring Form VII.10.C		
<b>Effective Date:</b> 01/13/09		<b>Approved:</b>
<b>Revised Date:</b> 04/25/10, 01/15/12, 01/19/12,06/30/12		

**I. POLICY:**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (DYS), that Due Process Isolation shall be imposed only after a hearing has been conducted. The purpose of Due Process Isolation is to change youth behavior, and ensure the safety and security of all youth and staff. Due Process Isolation shall never exceed seventy-two (72) hours unless approved by the Facility Administrator.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. Disciplinary Hearing Officer – An impartial supervisory staff member or designee assigned to conduct disciplinary hearings
- B. Qualified Mental Health Professional (QMHP) - Mental health care provider licensed and sufficiently trained to provide the necessary mental health program services
- C. Due Process Isolation - Any instance when a youth is confined alone in a room as a result of a due process hearing

**III. PROCEDURE**

The Due Process Isolation shall be implemented after the Due Process Hearing is completed.

The DPI process is as follows:

- A. Before the youth begins DPI the Disciplinary Hearing Officer shall explain what DPI is and why they are receiving the sanction.
- B. The youth shall receive regular meals, hygiene activities, health and mental health care services, educational services, recreation activities,
- C. The youth and the room that he/she shall be confined in will be searched for contraband prior to placement in the room and documented in the Unit Log Book.

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- D. Staff shall ensure that the room is properly ventilated, free of objects that may cause harm, and is at an appropriate temperature.
- E. Beginning documentation- The staff escorting the youth to the unit where the DPI will occur shall ensure that the following information is entered into the unit log book. The following list shall be included (this is the information contained on the Due Process Isolation Form):
1. Name of youth
  2. Start date and time of DPI, and date and time DPI is scheduled to end
  3. Length of time imposed by the Disciplinary Hearing Officer
  4. Name of staff escorting the youth to housing unit where DPI will be served
- F. Ending documentation-The following information shall be entered into the unit log book:
1. Name of youth
  2. Date and time of removal from DPI
  3. Name of staff removing youth from DPI
- G. The JCW shall visually observe the youth at least six (6) times an hour and no more than ten (10) minutes apart at staggered intervals. These observations shall be recorded on the Observation Monitoring Form VII.10.C, which shall be posted on the door. Only one (1) youth may be placed in a particular room at a time.
1. While on Due Process Isolation, youth exhibiting additional negative behaviors, can have an additional Incident Report and request for a Due Process Hearing completed. The hearing can be held by the Disciplinary Hearing Officer after completion of the current sanction of Due Process Isolation.
    - a. Due Process Isolation cannot be extended due to continued or additional negative behaviors. A subsequent hearing must be held.
    - b. A youth must complete and be released from the initial Due Process Isolation for at least one (1) hour prior to the start of any subsequent Due Process Isolation.
  2. If a youth in DPI is exhibiting unusual behavior, becomes unresponsive to questions, or directions, the JCW shall inform the Shift Supervisor who shall notify the on-call QMHP for an emergency evaluation or suicide prevention as necessary.
- H. Documentation:
1. The following information shall be documented and highlighted in the Unit Logbook:
    - a. Youth Name
    - b. Start Date/Time of DPI and End Date/Time DPI

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- c. Length of time that Disciplinary Hearing Officer imposed
  - d. Name of staff escorting the youth to the housing unit where the DPI will take place
2. The following information shall be documented in the DPI Log:
- a. Name of the youth
  - b. Duration of DPI imposed by the Disciplinary Hearing Officer
  - c. Actual start Date/Time of DPI
  - d. Actual end Date/Time of DPI
  - e. Initials of admitting staff
  - f. Initials of releasing staff

## DUE PROCESS INFORMATION FORM

<b>Youth Name:</b> _____
<b>Start Date of Due Process Isolation (DPI):</b> _____
<b>Start Time of DPI (actual):</b> _____
<b>Sanction imposed (number of hours):</b> _____
<b>Alternative Sanction Imposed:</b> _____ _____
<b>Date and time DPI is to end:</b> _____
<b>Specific Behaviors (rule violations, etc):</b> _____ _____
<b>Staff escorting youth for placement in DPI:</b> _____

**Disciplinary Hearing Officer:** \_\_\_\_\_

Signature

Date    Time







