

<b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS</b>	
<b>Subject:</b> <b>Due Process Isolation</b>	<b>Policy Number:</b> <b>11</b>
<b>Number of Pages:</b> <b>4</b>	<b>Section:</b> <b>VII</b>
<b>Attachments</b>	<b>Related Standards &amp; References</b>
Observation Documentation Form VII.10.B Due Process Information Form V11.11.A Due Process Isolation Log VII.11.B	ACA 3-JDF-3A-30, ACA 3-JDF-3C-02, ACA 3-JDF-3C-06, ACA 3-JDF-3C-07, ACA 3-JDF-3C-08, ACA 3-JDF-3C-11, ACA 3-JDF-3E-01, ACA 3-JDF-3E-02, ACA 3-JDF-3E-04, ACA 3-JDF-3E-05
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**I. POLICY:**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (DYS), that Due Process Isolation (DPI) shall be imposed only after a hearing has been conducted. The purpose of Due Process Isolation (DPI) is to change youth behavior and ensure the safety and security of all youth and staff. Due Process Isolation (DPI) 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. **Behavior Management Isolation (BMI):** A "cooling off" period for youth, where youth are placed in a room, either locked or unlocked, for the purposes of controlling aggressive behavior, restoring order, correcting undesirable behavior, and to achieve compliance with behavioral rules and expectations
- B. **Constant Supervision:** A youth shall be assigned a staff member who shall provide continuous, uninterrupted, one-on-one supervision within five physical feet while the youth is sleeping and awake. A youth under constant supervision must remain within the clear, unobstructed view of staff at all times. The staff member will not be responsible for supervising any other youth while assigned this duty.
- C. **Disciplinary Hearing Officer:** An impartial supervisory staff member or designee assigned to conduct disciplinary hearings
- D. **Due Process Isolation:** Any instance when a youth is confined alone in a room as a result of a Due Process Hearing.
- E. **Observation Documentation Form:** The form used by staff to document staggered intervals of observation of a youth placed on any Precautionary Status, Safety Alert Level, Behavior Management Isolation (BMI), Behavior Management Isolation Extension, Rotating Floor Schedule (RFS), and/or Due Process Isolation (DPI).
- F. **Qualified Mental Health Professional (QMHP):** Mental health care provider licensed and sufficiently trained to provide the necessary mental health program services.

- G. **Rotating Floor Schedule (RFS):** Upon review of frequency of Major Violations (see Major Violations attached to this policy) and history of sanctions/restrictions imposed, a youth may be placed on a specified schedule in which the youth will rotate from a room in which the door is closed and locked during the hours of non-sleep (not to exceed 1 hour) to the dayroom floor to receive services.
- H. **Staggered Intervals:** Regular checks conducted at random intervals, 5 minutes minimum and 10 minutes maximum, to ensure that observation of the youth is on an unpredictable schedule in order to promote youth safety for a youth classified on any Safety Alert Level or Precautionary Status.
- I. **Unit Log Book:** Log book located in a residential unit that contains pertinent shift information including changes or observations of youth on a Precautionary Status or Safety Alert Level.

### III. **PROCEDURE**

The Due Process Isolation (DPI) shall be implemented after the Due Process Hearing is completed. The DPI process is as follows:

- A. The Disciplinary Hearing Officer will complete a Due Process Information Form (Attachment: VII.11.A) for the youth.
- B. Before the youth begins DPI the Disciplinary Hearing Officer shall explain what DPI is and why the youth is receiving the sanction.
- C. The youth shall receive regular meals, hygiene items/activities, health and mental health care services, educational services, and recreational services (minimum of one hour of upper body exercise).
- D. The youth and the room that he/she shall be confined in will be searched for contraband prior to placement in the room, and each search is to be documented in the Unit Log Book.
- E. Staff shall ensure that the room is properly ventilated, free of objects that may cause harm, and is at an appropriate temperature.
- F. 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 and the DPI Log (Attachment: VII.11.B). The following information shall be included (this is the information contained on the Due Process Information Form, Attachment: VII.11.A):
  - a. Name of youth
  - b. Start date and time of DPI, and date and time DPI is scheduled to end
  - c. Length of time imposed by the Disciplinary Hearing Officer
  - d. Name of staff escorting the youth to housing unit where DPI will be served
- G. Ending documentation-The following information shall be entered into the Unit Log Book and the DPI Log (Attachment: VII.11.B):
  - a. Name of youth
  - b. Date and time of removal from DPI
  - c. Name of staff removing youth from DPI

- H. Routine observations shall be conducted in an attempt to monitor the youth's behavior and to make sure that the youth is safe.
- a. The JCW shall visually observe the youth at least six (6) times an hour. Time between observations is not to exceed ten (10) minutes.
  - b. These checks shall be documented on the Observation Documentation Form (Attachment: VII.10.B), which shall be clearly posted on the room door, near the window for the duration of his/her placement on DPI. This is to ensure a clear view of the youth.
  - c. Staff shall initial and document the actual time of the observation and a description of the youth's behavior at the time of observation on the Observation Documentation Form (Attachment: VII.10.B).
  - d. While a youth is on DPI, the JCW Supervisor is to come and observe the youth every two (2) hours, and sign the Observation Documentation Form at the time of their observation (Attachment: VII.10.B).
  - e. After DPI is discontinued, the youth's Observation Documentation Form (Attachment: VII.10.B) is to be placed in the DPI Log Book, unless the student is being observed in conjunction with another status (i.e. Precautionary Status, Safety Alert, and/or Rotating Floor Schedule). If a youth's observation status continues after DPI has ceased, a copy of the Observation Documentation Form (Attachment: VII.10.B) shall be placed in the DPI Log Book at the end of the shift or after the youth's other status has ceased. The order in which a copy of the Observation Documentation Form (Attachment: VII.10.B) is placed in the DPI Log book is based up on which event occurs first.
- I. While on DPI, youth exhibiting additional negative behaviors can have an additional Incident Report (See OYDC Policy: VII.2, Incident Reporting) and request for a Due Process Hearing (See OYDC Policy: VII.9, Due Process Hearings) completed. The hearing can be held by the Disciplinary Hearing Officer after completion of the current sanction of DPI.
- a. DPI 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 DPI for at least one (1) hour prior to the start of any subsequent DPI.
- J. If a youth in DPI is exhibiting unusual behavior or becomes unresponsive to questions or directions, the JCW shall inform the JCW Supervisor, who shall notify the on-call QMHP for an emergency evaluation and/or suicide prevention as indicated.
- a. If a youth was on DPI prior to placement on Precautionary Status and/or Safety Alert, the youth is not to remain on DPI while on Precautionary Status and/or Safety Alert, unless prior approval has been given to continue DPI by the Facility Administrator (See OYDC Policy: XIII.12, Suicide Prevention).
  - b. If a youth's DPI was not completed while on Precautionary Status and/or Safety Alert, upon dismissal from Precautionary Status and/or Safety Alert, the youth is to return to DPI to finish the remaining hours of their sanction unless otherwise specified by the Facility Administrator (See OYDC Policy: XIII.12, Suicide Prevention).

- c. If a youth is on DPI while on Precautionary Status and/or Safety Alert, youth must be in constant line of sight and within five feet of an assigned staff member, and visual observation must be recorded on the youth's Observation Documentation Form (Attachment: VII.10.B) six (6) times per hour, not to exceed ten (10) minutes between recorded checks (See OYDC Policy: XIII.12, Suicide Prevention).
- d. If a youth is on DPI while on Precautionary Status and/or Safety Alert, the youth's additional status(es) and start/end times must be marked and documented on the Observation Documentation Form (Attachment VII.10.B) as well (See OYDC Policy: XIII.12, Suicide Prevention).
- e. Youth will be provided a suicide smock and tear-resistant mattress when confined to room while on Precautionary Status and/or Safety Alert (See OYDC Policy: XIII.12, Suicide Prevention).