

State of West Virginia  DIVISION OF JUVENILE SERVICES Donald R. Kuhn Juvenile 1 LORY PLACE JULIAN, WEST VIRGINIA 25529		POLICY NUMBER:  5.00-04	PAGES: 4
CHAPTER: Juvenile Services	REFERENCE AND RELATED STANDARDS: WV Code Chapter §49-5E-1 et seq.; 3-JTS-5A-04; 3-JCRF-5A-13; 3-JDF-5A-15		
SUBJECT: Resident Handbook			
DATE: January 8, 2016			

POLICY

This procedure provides requirements for the resident handbook in order to provide residents with a clear understanding of their rights and responsibilities while in the custody of Donald R. Kuhn Juvenile Center.

CANCELLATION

This procedure supersedes operational procedure 5.00-04 dated November 16, 2015.

APPLICABILITY

This procedure applies to all employees of the Donald R. Kuhn Juvenile Center.

PROCEDURES

1. At a minimum the resident handbook shall include or provide information on the following:
 - a. Resident's rights to be free of personal abuse, corporal punishment, personal injury, disease, property damage and harassment.
 - b. Resident's right to access the courts.
 - c. Information regarding Prison Rape Elimination Act (PREA). (Insert Intake Orientation pamphlet on Sexual Misconduct Prevention and Intervention (Attachment #2) of Policy 151.00 – Prison Rape Elimination Act (PREA).)
 - d. Resident's rights against discrimination based on race, religion, national origin, sex, disability, or political views in making administrative decisions and in providing access to programs. Resident's rights to equal access to programs and services for male and female juveniles.
 - e. Phase system
 - f. Fire prevention and safety information and instruction for fire drills.

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- g. Daily schedule
- h. Behavior expectations for all areas of the facility.
- i. Dress code for all areas of the facility.
- j. Personal hygiene
 - i. Residents are allowed freedom in personal grooming, except when valid interest justifies otherwise.
 - ii. Articles necessary for maintaining proper personal hygiene are provided to all residents on an as needed basis.
 - iii. Areas covered:
 - 1) Showering
 - 2) Shaving
 - 3) Hair care / cuts
 - 4) Feminine hygiene
- k. Residents are afforded unimpeded access to health care.
 - i. Doctor sick call
 - ii. Nurse sick call
 - iii. Dispensing medication
 - iv. Outside medical consultations
 - v. Hospitalization
 - vi. Dental care
 - vii. Psychological or psychiatric care
- l. The resident grievance procedure that is made available to all juveniles that includes type and availability of appeal.
- m. Laundry schedule and operations
- n. Summary of Resident Discipline and Procedures as listed in Policy #330.00
- o. Control of Contraband and Allowable Items
 - i. Body Searches
 - ii. Room Searches

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- iii. K-9 Searches
 - p. Facility Programs and Treatment
 - q. Education Services / Expectations
 - r. Aftercare Services
 - s. Control, safeguarding and storage of resident personal property
 - t. Athletic, recreational and leisure-time activities
 - u. Resident involvement in community groups
 - v. Voluntary participation in religious programs and counseling
 - w. Resident Mail Procedures and Limitations
 - i. Rule on access to publications
 - ii. Access to postage and writing materials
 - x. Telephone calls procedures and limitations
 - y. Visitation
 - i. Visiting hours
 - ii. Background checks
 - iii. Visitor lists
 - z. Pre-release orientation and planning
 - aa. Food Services
- 2. Resident handbooks shall not include specific information on:
 - a. Surveillance equipment
 - b. The storage of security equipment
 - c. The facility security manual
 - d. Maintenance of security devices
 - e. Vehicle searches or sally port operations
 - f. The use of physical force or restraints, except that residents have the right to medical

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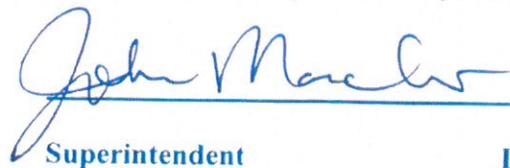
treatment after application

- g. The use of chemical weapons
 - h. Storage and accountability of dangerous tools and equipment
 - i. Transporting residents
 - j. Procedures for major disturbances and hostage situations
 - k. Drug testing procedures for residents
 - l. Key control procedures
 - m. Emergency plans and evacuation procedures, except that practice drills (such as fire drills) will be conducted
 - n. Emergency power and communications
 - o. Escape procedures
 - p. Suicide management, except that residents will be free to talk to staff; as well as the availability of psychological treatment
 - q. Hunger strike procedures
 - r. Canine Procedures
3. New residents shall receive written orientation materials or translations in their own language who are limited English proficient (LEP). When a literacy problem exists, a staff member assists the juvenile in understanding the material.
4. A signature sheet (Attachment #2) shall be given to the resident to verify that he or she has received the handbook during intake and after revisions. The signature sheet will be uploaded by the OA's into the OIS system.

RIGHTS RESERVED

The superintendent reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

AUTHORIZED BY:

 1-13-16

Superintendent

DATE

CC: Division Director

DONALD R. KUHN JUVENILE CENTER

RESIDENT HANDBOOK



**ONE LORY PLACE
JULIAN, WV 25529
304-369-2976
304-369-2991 FAX**

JOHN MARCHIO, SUPERINTENDENT

REVIEW COPY

VER. 1.3



DIVISION OF JUVENILE SERVICES

Donald R. Kuhn Juvenile Center
One Lory Place • Julian, WV 25529
304-369-2976 • 304-369-2991 Fax

Earl Ray Tomblin
Governor
Joseph C. Thornton
Cabinet Secretary
Stephanie Bond
Division Director

John A. Marchio
Superintendent

Dear New Resident,

Welcome to the Donald R. Kuhn Juvenile Center. Whether your visit is for detention or commitment, I wish you the most successful stay and a beneficial learning experience that may help you to avoid similar issues in the future. I trust you will find this resident handbook very useful. I remind you that if you need help or an explanation of anything contained herein please do not hesitate to ask. While the following is also again addressed in your handbook, I want to specifically list below items of crucial importance that will go a long way towards a successful stay and favorable reporting to others involved in your case.

- 1) The condition of your room. All rooms will be thoroughly sanitized prior to you being placed on your unit. You are expected to follow the regular cleaning schedule and keep all trash picked up and thrown away promptly. Your bed is expected to be made in accordance with the handbook. Any destructive behavior, (writing on walls, tampering with fixtures, flooding, flushing of anything other than human waste, etc.) will be recorded, shared with your probation officer and judge and may subject you to additional criminal charges.
- 2) Staff of DRK will address you one of two ways; either Resident (last name) or Mr. or Ms. (last name). You are expected to address staff either by Officer (last name), by title and last name (Corporal, Sergeant, Case Manager, Counselor (last name), or Mr. or Ms. (last name).
- 3) Use of profanity will not be tolerated. Staff are not permitted to curse at any time in the course of their official duties. You will be cited for disrespect for the use of any inappropriate language.
- 4) Staffing is a violation. You will often see me several times a day. I enjoy meeting and discussing many things with all new residents and I will always make time to speak with you. However, if you have a pending need or concern which you have already discussed with a staff member, please allow them time to see to your needs. Only when you are certain it is not being taken care of, or if you consider it an absolute emergency, should you ask multiple staff for assistance. Otherwise, do not ask the same questions or request action by multiple staff members. This is not productive and may result in a write-up. This does not include items explained in this handbook and identified as serious, immediate action required items as you will read.

Again, I hope your stay is as rewarding and enriching as possible. It is the responsibility of staff to ensure your most basic needs are met and you are provided an environment in which you have the opportunity to succeed with your goals. This clearly requires your best effort and cooperation as well and I am confident of your abilities going forward.

I will be talking to you soon.

Sincerely,

John A. Marchio, Superintendent.

Cc John Breeding, Captain

Issued: (October 14, 2015)

We hope that upon reviewing the following information, you will feel more comfortable and positive about your placement. Our staff is committed to helping you improve your life, but the ability to change lies within you.

If you have questions or concerns regarding this handbook or programming you may request to speak with a staff member.

This handbook is available to you in several different languages upon request. Este manual está disponible para usted en varias diversas idiomas a petición.

The mission of the Donald R. Kuhn Juvenile Center is to provide continuing education for residents who are both adjudicated and being detained while awaiting court adjudication, disposition or further placement. This facility is to ensure a safe and secure environment for pre-dispositional and committed youth with quality services and progressive programming to achieve positive outcomes for detention and post-adjudicatory residents.

FACILITY DESCRIPTION

The Donald R. Kuhn Juvenile Center is located in Boone County, West Virginia. The facility houses male youth age 10-21 and female youth age 12-21. The facility is charged with providing residential 24-hour care to pre and post dispositional residents who have been committed to the custody of DJJS. Every resident has been court ordered into the custody of the Division of Juvenile Services for the purpose of either detaining a resident while awaiting adjudication, disposition or post-dispositional care. Residents committed to our facility may be participating in our commitment programming or waiting to finish their sentence.

All residents will be issued a DRKJC Resident Handbook which defines the process and rules of conduct for all residents. The handbook contains a description of the phase system as well as a listing of sanctions that may be imposed on any resident found to be in violation of a rule of conduct while at DRKJC. If there is anything in the handbook that is difficult to understand, please do not hesitate to ask a staff person to clarify. You will be required to sign an acknowledgement form indicating you have received this handbook.

STAFFING

The Donald R. Kuhn Juvenile Center has a Superintendent who oversees the overall operation of the facility, a Captain who oversees the overall security of the facility and Unit Managers who oversees the overall treatment needs of the facility. A Clinical Supervised Psychologist serves all residents of the facility. Therapists will provide additional counseling and programming to our commitment residents. The recreation department provides a therapeutic recreation program which is specific to your individualized needs. Upon intake, you will be assigned to a treatment team and will meet with your Counselor and / or Case Manager.

All staff are responsible to make sure you are kept safe and secure.

YOUR RIGHTS

Certain privileges may be taken from you if you are not amenable to reasonable direction and control

The Division of Juvenile Services will ensure that all residents under its jurisdiction receive a copy of the following rights upon intake as provided by West Virginia Code §49-5-16a:

1. A resident may not be punished by physical force, deprivation of nutritious meals, deprivation of family visits or imposition of solitary confinement;
 2. A resident shall be afforded an opportunity to participate in physical exercise each day;
 3. Except for sleeping hours, a resident in a state facility may not be locked alone in a room unless that resident is not amenable to reasonable direction and control;
 4. A resident shall be provided with his or her own clothing or individualized clothing, which is clean and supplied by the facility, and shall also be afforded daily access to showers;
 5. A resident shall be afforded constant access to writing materials and may send mail without limitation, censorship or prior reading, and may receive mail without prior reading, except that mail may be opened in the residents presence, without being read, to inspect for contraband;
 6. A resident may make and receive regular local phone calls without charge and long distance calls to his or her family without charge at least once a week, and receive visitors on Saturday and Sunday, and Holidays;
 7. A resident shall be afforded immediate access to medical care as needed;
 8. A resident in a residential detention facility or residential correction facility shall be provided access to education, including teaching, educational materials and books;
 9. A resident shall be afforded reasonable access to an attorney upon request; and
 10. A resident shall be afforded a grievance procedure, including an appeal mechanism.
-

The Division has also assured the following rights to residents under its jurisdiction:

1. Basic hygiene items at no cost.
2. To not be discriminated against based on race, religion, national origin, gender or physical handicap.
3. To be adequately protected from personal abuse, personal injury, disease, property damage and harassment. You may request to be placed in protective custody if you feel unsafe.
4. Immediate access to emergency dental care.
5. Have access to religious material and service.
6. To be provided due process safeguards as outlined in Division Policy 330.00 – Resident Discipline;

In case of emergency, any or all of these procedures or all other rules pertaining to resident privileges may be temporarily suspended by the facility superintendent, in writing, with the written approval of the Division Director.

DRKJC, your attorney and your family will help you protect your rights. You and you alone must protect your privileges.

FACILITY PROGRAMMING

While you are here you will be provided with several programming elements, which include but are not limited to:

- Medical Services
- Mental Health Services including crisis intervention and therapeutic counseling
- Substance Abuse Assessments and Counseling
- Voluntary Religious Services
- Library Services
- Therapeutic Recreational Activities
- Additional Activities as Scheduled
- Educational Services

DETENTION UNIT PROCESS

Detention is a bit different in that we do not know how long you will be staying with us. You meet with your case manager or counselor within 72 hours. They will gather information from you to aid in your placement. You will work with your treatment staff in the development of an Initial Service Plan, Psychosocial Assessment and some initial testing. You will begin educational services the next day school is in session after your arrival and will be immediately involved in group and individual counseling sessions.

Your case manager and / or counselors will talk with your probation officer and DHHR worker, if you have one, and begin your discharge planning. We will transport you to all court hearings and will aid in the legal process.

COMMITMENT UNIT PROCESS

Residents are committed to DJS by court order. You may be sentenced for a specific amount of time, successful completion of a program or both. Committed residents are expected to participate in facility programming and abide by all rules and regulations of the facility.

You will be assigned a treatment team consisting of a case manager and two counselors. An orientation interview will be conducted with you by a member of your treatment team within 48-hours of arrival.

A progress letter outlining your treatment progress, behaviors and attitudes will be completed by your treatment team every thirty (30) days. This letter is submitted to your judge, attorney, social worker, DJS aftercare worker, prosecutor and family.

An MDT meeting will be held after one month of continuous custody in order to create and define your treatment goals and needs. You will have additional MDT meetings scheduled every sixty (60) days to track your progress and review your treatment plan.



Reduction/Education/Safety/Planning/Elimination/Compliance/Treatment

**West Virginia Division of Juvenile Services
PREA Juvenile Offender Orientation for Newly Admitted Juvenile Residents**

Introduction: The Division of Juvenile Services (DJS) is committed to your safety and the safety of staff. You have the right to serve your sentence with dignity and free from sexual abuse, sexual harassment, and retaliation. The DJS has zero tolerance regarding sexual abuse and sexual harassment within its facilities. This means we DO NOT tolerate any level of sexual harassment, misconduct, or assault in the facilities. EVERY effort will be made to prevent sexual abuse and harassment from occurring, EVERY allegation will be investigated, EVERY perpetrator punished, and EVERY victim offered services.

There is a federal law against sexual assault inside correctional systems called the Prison Rape Elimination Act (PREA). This law covers male and female individuals incarcerated in any type of correctional facility, as well as offenders on community supervision. This law also covers any form of sexual relationship between staff and offenders, even if they both consent to the relationship. We also have laws against custodial sexual misconduct. This is when a staff member becomes sexually involved with an offender. All of these types of offenses are felonies and any allegation shown to be true will be referred to law enforcement for prosecution.

When you first arrive here, you may want to find comfort and want to develop relationships with others. All of this is normal, but there are a variety of relationships that might be harmful. Most staff are here to help you and most offenders want to do their time, like you, without feeling pressure from other offenders. Not all offenders will try to sexually abuse or sexually harass you. We will work with you to do everything we can to ensure you remain safe.

What is sexual abuse?: There are two categories of sexual abuse – juvenile offender and juvenile offender or staff and juvenile offender. In either of these cases, it is not your fault if you were sexually abused or sexually harassed. These definitions are outlined in your orientation with your PREA Counselor. If after you read through it and have any other questions, you can ask any staff member for assistance.

During you stay at a DJS facility, consensual sexual relationships are prohibited. Consensual sexual relationships between juvenile offenders are against policy. Offenders who engage in these relationships will be charged with a major infraction with appropriate sanctions. Even though these types of relationships may be something that is desired by both people, they present medical and psychological issues which compromise your safety and the safety of other offenders and staff. The spread of sexually transmitted diseases, jealousy between participants and from other offenders, fear of homosexuality and other issues make consensual sex a threat to everyone's safety.

Prevention: How to prevent sexual abuse / harassment – Pay attention to where you are, situations that make you feel uncomfortable, special attention that someone may be giving you, who you tell private information to, accepting loans, offers of protection and do not let manners get in the way of keeping yourself safe. Everyone is vulnerable in these kinds of situations but they are less likely to happen if you follow some of the common sense rules outlined in the Resident PREA PowerPoint/guide.

Staff are trained to look for behaviors of offenders which may indicate that some form of sexual abuse / sexual harassment may be occurring or offenders who are at risk for sexual victimization. Some of these include: Changes in routine, mood or behavior, to include eating, hygiene, and sleeping habits; avoiding

staff members or staying too close to staff; staying out of the dining hall, yard or shower areas; irritability or mood swings; requesting housing changes; one offender getting lots of attention from other offenders, particular a younger or weaker offender; never having canteen items; and suicide attempts or threats.

Reporting and Investigations: What to do if you've been assaulted or if sexual misconduct has occurred. Offenders can participate in an investigation in many ways, including being the alleged victim, suspect, reporter, or witness. Reporting can be done several ways:

- a. If you have been assaulted or witness an assault you have several options for reporting a PREA complaint, which includes, but is not limited to:
 - i. PREA Counselor,
 - ii. Any staff member,
 - iii. PREA Compliance Manager,
 - iv. Request to see the nurse or counselor,
 - v. Locked PREA Box,
 - vi. Grievance Box,
 - vii. WV State Police
 - viii. Child Abuse Hot Line (1-800-352-6513),
 - ix. DJS Sexual Abuse toll-free hot-line (1-855-366-0015),
 - x. DJS Website (<http://www.djs.wv.gov>),
 - xi. Supreme Court Juvenile Justice Commission via United States Mail (pre-addressed envelopes provided with postage pre-paid)
 - xii. Report to anyone you trust, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.
 - xiii. Or See your Counselor to call the **DJS Hotline @ 1-855-366-0015; emailing at DJSPREACoordinator@wv.gov or visiting <http://www.djs.wv.gov> .**

If you are the victim, request immediate medical attention. Do not shower, brush your teeth, use the restroom or change your clothing. You may destroy valuable physical evidence.

DJS will ensure that an administrative or criminal investigation is completed on **ALL** allegations of sexual abuse and sexual harassment. Information gathered during the internal inquiry and investigation will be limited to those individuals on a need to know basis.

Retaliation against offenders who participate in PREA investigations can take many forms, including threats, harassment, infractions, loss of privileges, or asking others to harass or intimidate the offender. Retaliation by staff or other offenders due to reporting an allegation or participating in an investigation is prohibited and will also be investigated.

Those individuals who fail or refuse to cooperate (except victim) or those who otherwise takes action to obstruct an investigation, including providing false or misleading information may be subject to disciplinary actions. Making false allegations hurts the process and those offenders who have been victimized. Also lying during an investigation doesn't allow the investigators to get to the truth, minimizing our ability to hold people who have engaged in misconduct accountable or provide services to those who have been victimized.

What to expect: We will work with you to keep you safe. If the allegation is substantiated, we will keep you separated from the perpetrator throughout your stay, either by unit or facility separation.

All staff are required to report the allegation / incident to the superintendent, which will start the investigation process. This includes the medical and mental health providers

An investigation may include: a medical exam, a mental health referral and evidence collection. We will do our best to keep the information you report as confidential as we can while conducting the investigation. We expect the same of all juvenile offenders involved in the investigation (alleged victim, suspects and witnesses). We will also ensure that victims receive a referral to mental health services for treatment and counseling. It is common for victims of sexual abuse to have feelings of embarrassment, anger, guilt, panic, depression, and fear for several months or years after the incident. Other common reactions include loss of appetite, nausea or stomach aches, headaches, loss of memory and/or trouble concentrating and changes in sleep patterns. Seek medical support or support from a counselor or other staff person if you need help managing any of these or other reactions.

Summary:

Did you know?

- Sexual assault usually does not happen spontaneously.
- Sex assault is a deliberate action against the victim.
- Sexual assault has nothing to do with the victim's present or future sexual orientation.

We want this facility to be a safe environment for staff and juvenile offenders. Correctional staff are trained in what to do if you report a sexual threat or assault. Each report is taken seriously. We will make every attempt to protect sexual assault victims from further harm. We will do everything we can to make sure all sexual aggressors are prosecuted.

Remember, we have zero tolerance regarding sexual abuse / sexual harassment within our facilities. This means that we do not tolerate any level of sexual harassment, sexual misconduct, or sexual assault. Every effort will be made to prevent sexual abuse / harassment from occurring. Every allegation will be investigated. Every perpetrator prosecuted and every victim will be provided services.

DAILY ACTIVITY SCHEDULE

SOUTH HALL

WEEKDAY SCHEDULE

7:00 – 7:30	Wake-Up (Linen Exchange on Tuesday)
7:30 – 8:00	Breakfast in dining hall
8:00 – 8:45	Education PE
8:45 – 9:00	RTU / Hygiene
9:30 - 11:45	Education
11:45—12:15	Lunch
12:15—12:30	RTU / Hygiene
12:30—2:45	Education
2:45 – 4:00	Structured Recreation/Group
4:00 – 5:00	Therapeutic Recreation
5:00 – 5:30	Dinner
5:30 - 7:00	Pass out laundry / Showers / personal time / telephone calls
7:00 – 7:30	Snack / Med Pass
7:30 – 10:00	Showers / personal time / telephone calls until scheduled bedtimes.

WEEKEND / HOLIDAY SCHEDULE

7:00 – 7:30	Wake-Up
7:30 – 8:00	Breakfast in dining hall
8:00 – 11:45	RTU / Hygiene / Leisure time or Structured Recreation/Group
11:45 – 12:15	Lunch
12:15 - 4:00	RTU / Hygiene / Leisure time or Structured Recreation/Group
4:00 – 5:00	Therapeutic Recreation
5:00 – 5:30	Dinner in dining hall
5:30 – 7:00	Pass out laundry / Showers / personal time / telephone calls
7:00 – 7:30	Snack / Med Pass
7:30 – 10:00	Showers / personal time / telephone calls until scheduled bedtimes.

*You will be provided two (2) hours of large muscle group recreation on weekends and holidays.

**Cleaning of resident rooms will be completed on Wednesday and Saturday each week.

**** Daily schedule may be changed at any time to better serve the needs of the facility.

***** Special Non-school day schedules will be distributed as needed.

8:00 - Phase 1 bedtime

8:30 - Phase 2 bedtime

9:00 - Phase 3 bedtime

9:30 - Phase 4 bedtime

10:00 - Phase 5 bedtime

Structured Recreation includes Therapeutic Groups, activities, Gym time and other planned events by treatment staff.

DAILY ACTIVITY SCHEDULE

NORTH HALL

WEEKDAY SCHEDULE

6:30 – 7:00	Wake-Up (Linen Exchange on Wednesday)
7:00 – 7:30	Breakfast
8:00 – 8:45	Education
8:45—9:30	Educational PE
9:30—12:30	Education
12:30 – 1:00	Lunch
1:00 – 2:45	Education
2:45 – 3:00	RTU / Hygiene
3:00 – 4:00	Therapeutic Recreation
4:00 – 5:30	Structured Recreation/Group
5:30 – 6:00	Dinner in dining hall
6:00-7:30	Pass out laundry / Showers / personal time / telephone calls
7:30 – 8:00	Snack / Med Pass
8:00 – 10:00	Showers / personal time / telephone calls until scheduled bedtimes.

WEEKEND / HOLIDAY SCHEDULE

6:30 – 7:00	Wake-Up
7:00 – 7:30	Breakfast in dining hall
7:30 – 11:15	RTU / Hygiene / Leisure time or Structured Recreation/Group
12:30—1:00	Lunch
1:00—3:00	RTU / Hygiene / Leisure time or Structured Recreation/Group
3:00 – 4:00	Therapeutic Recreation
4:00 – 5:00	RTU / Hygiene / Leisure time or Structured Recreation/Group
5:00 – 5:30	Dinner in dining hall
5:30 – 7:30	Pass out laundry / Showers / personal time / telephone calls
7:30 – 8:00	Snack / Med Pass
8:00 – 10:00	Showers / personal time / telephone calls until scheduled bedtimes.

*You will be provided two (2) hours of large muscle group recreation on weekends and holidays.

**Cleaning of resident rooms will be completed on Wednesday and Saturday each week.

**** Daily schedule may be changed at any time to better serve the needs of the facility.

***** Special Non-school day schedules will be distributed as needed.

8:00 - Phase 1 bedtime

8:30 - Phase 2 bedtime

9:00 - Phase 3 bedtime

9:30 - Phase 4 bedtime

10:00 - Phase 5 bedtime

COMMUNICATION

TELEPHONE USAGE

You will have access to a telephone on specified days unless you are demonstrating threatening or out of control behavior during telephone hours. Treatment staff, in cooperation with your probation officer, maintains your approved call list. Security staff cannot change this list for any reason. You will be allowed the following two types of telephone calls:

PERSONAL CALLS – These calls are to your family and others listed on your approved call list. You have the right to make one (1) phone call of at least fifteen (15) minutes duration to your family / friends each week without charge. All other phone calls must be collect. Permitted contacts will be determined by treatment staff and your probation officer. Scheduled times for any calls will be determined by staff. You should review the phase system frequently and ask for clarification on any issues you don't understand. Abuse of your telephone privileges may result in the loss of those privileges as well as the loss of other privileges. Three way calling is prohibited.

COLLECT CALLS – Collect calls may be made from 12pm-10pm on weekdays and 9am – 10pm on weekends and holidays. You may make one collect phone call per day. If the phone is not in use you may make more than one collect call per day. This shift supervisor has final authority to make this decision based on the number of calls to be made etc. Collect calls will not exceed fifteen (15) minutes. Three way calling and call forwarding is prohibited and will cause your call to be disconnected. All collect phone calls are monitored and / or recorded. Collect phone use is a privilege and may be taken due to a disciplinary sanction. It may also be suspended due to an emergency situation.

LEGAL CALLS – These calls are made between 8am and 4pm Monday – Friday and are to your attorney, your DHHR social worker, your aftercare worker or your probation officer. If you need to speak with one of these, you must complete a counselor request form. When a call is made to one of your legal professionals and a message is left for them to call you back, you will not be able to place a second call to that person during the same day

CORRESPONDENCE

While at this facility, you will be provided access to writing materials. You may send and receive mail subject to the following conditions:

PERSONAL MAIL – You will be able to send ten (10) pieces of personal mail that is paid for by the facility per month. You may have stamps sent to you from your family or friends. Your treatment team will keep track of your stamps for you. You will not be allowed to send contest entries, order forms, etc. You will be permitted to engage in written correspondence with all family members and friends including those who are incarcerated, unless a court or other appropriate authority has determined that communication with such family member or friend is not in the child's best interest. You will not be permitted to write correspondence to any individual who is in the custody or care of DJS without prior facility superintendent approval. Incoming mail may not be read or censored in its entirety unless there is a substantial reason to believe it to be a security risk. Your mail will be opened in your presence and scanned for contraband. All postage stamps, stickers, tape, paper clips and staples will be removed. All outgoing mail is to be scanned for contraband by staff and then sealed by the resident in the presence of staff. Outgoing mail can then be placed in your counselor's box.

PROFESSIONAL MAIL – This type of mail is to and from attorneys, social workers, probation officers, members of the clergy, Supreme Court advocates, etc. Professional mailings may not be subject to the above conditions. Mail that is hand-delivered by a process server or officer of the court will come under this category. All postage stamps, stickers, tape, paper clips and staples will be removed. Incoming mail may not be read or censored in its entirety unless there is a substantial reason to believe it to be a security risk. Your mail may be opened in your presence and scanned for contraband.

VISITATION

While a resident of this facility, you are entitled to both personal and professional visitation. You will not be denied these visits unless you are not amenable to reasonable direction and control or unless you have lost the privilege to visit due to a disciplinary sanction. Room Restriction and Administrative Segregation Residents will only be allowed one (1) 30-minute visit per weekend in the non-contact visitation room. The facility superintendent may make arrangements for special visits on a case by case basis. A resident may refuse any visitor.

Upon intake, your treatment team will talk to your probation officer and family to determine who may visit you at the facility. The team will approve persons for visitation unless court order or other legal document states differently. If additional information indicates that members of the immediate family should not be permitted to visit or additional persons be added to the visitation list, treatment staff will make those changes and the whole team will be notified of the change. **All requests for visitation must be made at least one day prior to the visit.** Normally visitation times are Saturdays, Sundays and all legal holidays from 12:30pm to 4:00pm. The facility will strive to make reasonable accommodations if your visitor cannot visit during regular visiting hours.

The facility shall contact the appropriate law enforcement agency immediately upon the discovery of any illegal contraband being introduced into the facility by a visitor. The contraband item shall be secured.

It is the policy of the Division of Juvenile Services to seek prosecution of any person who introduces or attempts to introduce any illegal contraband into any Division of Juvenile Services facility.

Employees are authorized to strip search residents immediately following any visitation. Residents shall be searched by employees who are of the same sex as the resident.

A resident shall be informed in a timely manner of the verifiable death or critical illness of an immediate family member. In case of the critical illness of an immediate family member, the resident is allowed, whenever statutes and circumstances allow and with facility superintendent permission, a bedside visit under escort or alone. *This may require a court order signed by the judge / magistrate having jurisdiction*

Instructions and guidelines for visitation at the facility will be mailed to your parent or legal guardian upon intake. Request for visitation forms may be found on the DJS website at <http://www.wvdjs.state.wv.us/>

TESTING AND EVALUATIONS

All residents will receive a variety of test and evaluations:

- A complete medical examination.
- Assessment of current educational level and skills.
- Mental Health Assessments
- Substance Abuse Assessment
- Risk of Recidivism, if applicable
- Any other testing and evaluation deemed necessary and appropriate by the facility
- Individualized psychological testing

COUNSELING SERVICES

You will meet with a member of your treatment staff within twenty-four (24) hours upon your arrival. Your orientation will be completed at this time. You will then meet with your assigned counselor at least once a week for individual counseling sessions. Groups will be held three times weekly. Participation is required as it applies directly to your individualized treatment plan and what you need to do to meet your treatment goals and become more successful upon your release.

The following services / programs will be offered to all residents:

Crisis Intervention
Suicide Screening / Monitoring
Substance Abuse Programming
Cognitive Behavioral Therapy
Life Skills & Second Step Violence Prevention programs
Victim Empathy
Individualized Treatment Plan development
Multidisciplinary Team Evaluation / Recommendation

Additional specialized programming will be offered to best meet your individual needs. Additional groups are continually being developed.

RELIGIOUS SERVICES

Religious services are offered in the facility. Community volunteers provide these services. You may participate in religious-based activities only if you choose to do so. If you would rather not take part, we ask that you respect the rights of residents who do. You will be denied religious services if you are not amenable to reasonable direction and control.

FIRE AND OTHER EMERGENCY DRILLS

During a fire or emergency drill, you are to follow the instructions given to you by staff members. You will be instructed as to which unit or exit to use. You will be expected to line up and follow staff directives in an orderly manner. All evacuation routes are posted on the wall to assist you exiting the facility during an emergency. Failure to follow staff directives during an emergency situation shall result in a write up.

SEARCHES

You, your belongings and your room can be searched at any time. Pat-down searches and strip searches shall be conducted by a staff member that is of the same sex as you. You will be patted down at various times throughout the day. At any time you, your belongings and your room could be searched by K-9.

EDUCATION PROGRAM

The education program is designed to meet the needs of all residents. The resident population can be comprised of students from any of the 55 counties in West Virginia. Students attend school daily and the curriculum is designed to remediate skills as well as offer core area content which can be transferred back to your home school system. Policies and procedures set forth by the West Virginia State Board of Education are followed within the facility. Students' school attendance, grades and testing results should be used by the local school system when the student returns to re-enroll.

When a student enters the facility the educational process begins on the first day classes are held. School and special education records are requested from the student's previous school and a multitude of skill based tests are administered: the WRAT (Wide Range Achievement Test), a Career Cluster Survey to assess job interest areas, Learning Styles Inventory to determine learning style of the resident, Reading-Level Indicator to determine instructional and independent reading levels, and Woodcock Johnson III Test of Achievement. Students may be scheduled for the TASC, if they meet the WVDE criteria. All assessment and school records are utilized to meet the needs of the student. Special education services are provided for students entering the facility with an IEP.

Students attend classes for assessment, instruction in basic skills, keyboarding skills and a computer aided instruction program. Students also spend time in the classroom receiving instruction from core content area teachers. Grades and attendance are combined for the final grade.

Expectations of students are to complete assessment to the best of their ability, participate in class work and assignments and follow all classroom and facility rules.

Prior to the release of residents, an educational packet is developed for residents which contains school grades, test results, number of school days attended and a brief report of students overall evaluation. Two copies are sent, one for the judge and one for the probation officer. The probation officer should forward a copy of the packet to the school in which the student will be enrolling.

Education staff recognize positive behavior and effort through an incentive program. A weekly incentive program for all well behaved students, a Student of the Week award and A Student of the Month award. An incentive is also given each week for a student who has shown the most improvement!

EDUCATION POSITIVE BEHAVIOR INCENTIVE PROGRAM

Weekly Incentive Program Criteria

1. Zero unexcused absences from education (these include medical/court/therapy)
2. No Category I or II write-ups (excusals from education)
3. No more than 2 Point Reduction Forms
4. All assignments are completed satisfactorily by the education faculty

Reward: Education will provide an event/activity for all students who meet the minimum criteria.

Student of the Week Criteria

1. Zero unexcused absences
2. NO Category I or II write-ups
3. NO Point Reductions
4. All assignments are completed satisfactorily by the education faculty

Reward:

1. Certificate
2. Coupon for extra computer time
3. Opt Out Assignment coupon (cannot be used on tests/must be redeemed within a week)
4. Soda (Caffeine –Free)
5. Choice of bag of chips or candy bar

Students may only win “Student of the Week” once per month. If a candidate is not recognized there may not be a selection for that week.

Student of the Month Criteria

The education staff will assess students each week to find a student who has improved in the area of academics, behavior, and/or the social climate of the school. The student will be selected following these guidelines:

1. Must have earned Student of the Week
2. Maintained and excelled at the expectations for Student of the Week throughout the whole month.
3. All assignments are completed satisfactorily by the education faculty
4. Zero unexcused absences
5. NO Category I or II write-ups
6. NO Point Reductions
7. Candidates must interview with faculty to explain why they should earn Student of the Month honors.

Rewards:

1. Certificate
2. Opt Out Assignment coupon (cannot be used on tests)
3. Coupon for extra computer time
4. Soda (Caffeine –Free)
5. Choice of bag of chips AND candy bar
6. Lunch of choice from a locale outside restaurant (approved by the education staff)

MEDICAL UNIT

All residents admitted to the facility are provided a physical exam. Residents are also instructed upon intake of nurse sick call procedures.

MEDICAL SERVICES

While here you are entitled to receive medical services as needed. As needed means you are to receive the service indicated for a chronic or acute illness or injury that you may be experiencing. It does not mean that you will necessarily receive the service you want. **Example:** *A scraped knee on the basketball court requires cleaning and perhaps an antibiotic ointment. It does not require an ambulance ride.* Our health care provider will provide these services.

ON-SITE MEDICAL SERVICES

While a resident of the facility, you will receive the following medical services:

INITIAL HEALTH SCREENING – During the intake process you will be asked questions about your health and health history. This will help us determine if you are in need of any immediate care. It is important that you provide accurate information. If you think of something later, please complete a nurse sick call or let medical staff know while they are on the unit. After your intake, a request for medical information will be mailed to your parent or guardian. In many cases we have been provided with some health history prior to your admission. This combination of information will be of valuable assistance to our health care provider.

Physical exam will include:

- a. General health history and systems check
- b. Vision screening
- c. Hearing screening
- d. Dental screening
- e. Tuberculosis test
- f. Mental health screening
- g. HIV testing (available)
- h. STD testing

You may receive on-site treatment for any chronic or acute problems discovered during your exam or referrals may be made to other health care providers.

SICK CALL – Sick call is held on a daily basis, during the evening hours. Should you need to see the nurse, complete a request for medical services form (green slip) and place in the box provided in back of the dining hall. Do not give these to facility staff members. Should you have an emergency that requires immediate attention, let a facility staff member know at once so they can notify the medical unit.

PRESCRIBED MEDICATIONS AND TREATMENT – You will be expected to follow the treatment plan prescribed for you. Your refusal to comply may result in loss of privileges. **Example:** *You request treatment for a sprained ankle. It is ordered that you wrap your ankle. You decide not to do this. You may not be seen for this ailment again and you may be prohibited from participating in activities such as basketball, volleyball, etc.*

REFERRAL FOLLOW-UP AND OUTSIDE MEDICAL CARE – When referrals for additional medical care are made by our health care provider, or another agency, a determination will be made as to the need for immediate follow-up or referral after your discharge from this facility.

GROOMING AND PERSONAL HYGIENE

It is the policy of Donald R. Kuhn Juvenile Center to allow residents' freedom in personal grooming except when in conflict with the facility's requirements for safety, security, identification and hygiene.

Residents will be provided basic and any medically prescribed personal hygiene items at the expense of the facility.

The facility will provide access to showers daily.

As part of the admissions process each resident should be given, at a minimum, soap, a toothbrush, tooth paste or powder, a comb and toilet paper.

Resident's hair must be neat in appearance and not obstruct / block any part of facial features.

Shaving equipment should be made available on Sundays and Wednesdays each week and shall be accounted for before and after use. It is the policy of Division of Juvenile Services that all residents shall be clean shaven if they are in DJS custody more than seventy-two (72) hours. Refusal to shave will result in a write up. The special hygiene needs of females should be met. Items may be restricted if the resident poses a serious risk to themselves or facility security.

Medically prescribed hygiene items are provided and maintained in secure manner

A container (Box or bag) is provided to each resident to maintain his / her personal hygiene items. If the resident is out of control, has broken their container before or is suicidal this container may be taken from the resident.

Hair Care

- A. There are hair care services available to all residents at the expense of the facility.
- B. Services will be provided with all applicable safety and sanitation standards followed.
- C. Security procedures shall be fully enforced throughout the period of rendering hair care services. Staff must stay with the resident during his / her hair cut.
- D. Limitations on Grooming
 1. Male Residents
 - A. Hair will be kept clean and neatly maintained.
 - B. Hair length will not exceed the top of the collar or ears and be no more than 3 inches on top.
 - C. Male residents will shave any facial hair as required or as needed on a case by case basis deemed necessary by the facility superintendent on Wednesdays.
 - D. The growing and wearing of beards, goatees and mustaches are not permitted, unless medically necessary with approval from the medical department and the facility superintendent or designee.
 - E. All Residents must be secured in their rooms while shaving as directed by staff.
 2. Female Residents
 - A. Hair will be kept clean and neatly maintained
 - B. Hair on the forehead will not extend onto or below the eyebrows.
 - C. No metal hair clips or holders shall be permitted. This facility shall provide adequate devices to properly hold hair in a neat manner.

No resident shall be permitted to have designer haircuts.

RULES AND REGULATIONS

All residents will abide by all rules and regulations.

Staff has the right to utilize audio and / or video recording devices to document your behavior. These audio / video recordings may be released to the court system upon their request.

You are expected to take care of your room and property. Residents must clean their rooms on designated cleaning days or when directed by staff. Your bed must be neatly made and your room straightened every time you leave it. Rooms are to be ready for inspection at all times. You are to flush your toilet immediately after each use. Failure to do so may result in category II offense. Room Inspections will be completed regularly and may be conducted at any time by any staff! Weekly rewards will be given to the cleanest room on North and South Hall. Failure of room inspection can result in a .75 cent reduction in daily money earnings for commissary for commitment residents.

At no time will unauthorized food or drinks be allowed to be kept in your room.

You will be allowed to have letters, cards, pictures, two books, one bible / spiritual publication, and three magazines in your room. These items and other personal items will be stored neatly. Items are not to be hung over windows, doors or on the wall. Your behavior and phase level may take away from items you are permitted to possess up to and including removal of all items.

You must shower and apply deodorant daily if possible. You must brush teeth twice daily. Failure to comply may result in showers being completed in intake or further steps as needed. Do not leave any articles in the shower room such as clothing, soap, etc. If you run out of hygiene items, ask a staff member to replace the item.

You must provide to the staff member the used product that you are asking a replacement for to get another one

You will respect the personal space of all others around you. Do NOT touch other residents or staff members.

Residents on Phase 4 and 5 will be allowed to keep a pencil in their room. It will not be allowed outside of your room and failure to comply may result in the loss of the privilege. Flexible pencils will be available during the evening for all residents and assigned to specific rooms. They will be used on their units as directed by staff. When your pencil needs to be replaced ask a staff member to replace it.

You must provide to the staff member the pencil to get another one

Residents who are restricted to completing education work in their rooms (due to sanctions, etc.) will be provided with a pencil by Education Staff. Education staff will also collect pencils at the end of the school day. Failure to return pencils will result in a write-up.

Do not write or scratch on any painted surfaces, walls, desk, door, etc. This will be considered destruction of property and you may have criminal charges filed against you!

Residents will not enter the room of another resident at any time. This includes standing in another residents door way.

Do not enter staff offices without permission. You are not to stand at the glass of any office and stare inside. The counselors will meet with you as needed. Please be patient and utilize your counselor request forms.

Do not harass others; report harassment incidents to staff on duty immediately.

There will be no unnecessary loud talking. Foul language can result in a write up. Disruptive speaking / behavior will not be tolerated.

Passing notes between residents is prohibited and may result in disciplinary action.

You will wear all undergarments at all times, except in showers.

Residents are not permitted to be under their bed.

Horseplay will not be permitted and could result in disciplinary action.

Residents should not use call boxes unnecessarily.

Residents are not permitted to lean on walls or railings.

Residents are not permitted to press their face against or touch the control room windows.

Window covers are not permitted in your room or inside of the shower. You may be charged with contraband if you place window covers inside of your room or inside of showers.

Residents may be placed in their room for cooling off periods, incidents that affect the safety / security of the facility, voluntarily or for medical reasons.

Residents who are suspended from school will not attend education recreation and will be given separate recreation as determined by staff and policy guidelines.

Video Games will be turned off during shower times unless directed otherwise by the shift supervisor. Showers will be completed during the times determined by staff. Refusal to complete showers when directed may result in a write-up for insubordination.

Video games and TV's will be turned off during education hours. Staff may use these items if they are conducting a structured activity for residents.

Any time that you are out of your room you will be required to secure your door. Failure to do so could result in disciplinary action.

****Sweat Pants are *NOT* allowed in Education, Dining Hall or Visitation. Sweatpants may only be worn during recreation, while on the living units or while in your room. Sweatpants may NOT be worn UNDER regular khaki pants during other times. ****

**** Shorts are allowed *ONLY* during recreation****

Residents will follow all instructions / directions issued by staff. If you disagree with a directive, follow the instruction then utilize your grievance procedure.

If you are having problems speak to a staff member.

COMMISSARY

Each commitment resident will earn \$0.75 a day. This money is earned through daily behavior and following facility rules and guideline. You may be prevented from earning money for a day due to failing room inspection at any time during that day. Room inspection will be done by two (2) staff, one (1) treatment and (1) security. This will enable you to have a fair judgement regarding the condition of your room.

Breaking sprinklers or flooding your room, in addition to marking on walls with pencils, toothpaste, etc. will result in an immediate failure of room inspection for that day. Commissary earning may also be suspended for a set amount of time due to sanctions from write-ups.

The amount of commissary items that you may purchase is directly related to the phase level that you are at the time commissary orders are placed. The number of items you may purchase can also be restricted by sanctions from the Hearing Officer.

Commissary order forms will be distributed on Wednesdays after phase reviews. Order forms must be turned into the box located in the dining hall at dinner time. If you do not put your order in the box at dinner time you will not receive commissary for that week. **This is your responsibility!!**

All commissary items must remain in your room at all times. The only exception to this rule will be during showers when you may bring your hygiene items out of your room to shower. If you bring your commissary items out of your room the items will be confiscated by staff. You may not get these items back and it will result in a write up.

No resident may have in their possession another residents commissary items. Commissary may be subject to inspection at any time.

If you give away or trade your commissary items staff will confiscate the items. You may not get these items back and it will result in a write up.

If you have commissary and then you are reduced to Administrative Segregation or Room Confinement, treatment staff (or security staff if treatment is unavailable) will take all commissary items and place them in your personals. The items will be documented and returned once you reach Phase II or higher on the Behavioral Phase Level.

You may only order one of each hygiene item at a time per month.

Detention 'DRK-Mart' rewards are different and separate from commissary for commitment residents.

Commissary bags will be issued to residents on phases 2 – 5. These bags are used to store your commissary items. If you destroy this bag you will be charged with the replacement cost of the bag. If you cannot afford to pay the replacement cost of the bag then your commissary will be taken until the replacement cost has been reached.

If you destroy any state property you may be charged restitution. If you cannot afford to pay the replacement cost of the item(s) then your commissary will be taken until the replacement cost has been reached.

Electronic items may be rented after you have been on phase 5 for twenty-eight (28) days. If you break these items you may be charged restitution for them and you may lose your privilege to order additional electronic items.

If you obtain phase 5 behavior level and maintain phase 5 for twenty eight (28) days you may be eligible to attend special activities scheduled by staff. However, meeting phase requirements does not automatically make you eligible. You may be denied this privilege due to security concerns.

The facility utilizes resident work crews. You must meet specific requirements to be eligible for work crews. Even if you meet all requirements you may be denied this privilege due to security concerns.

Your parents / friends may send you money for your commissary. **No checks or cash will be accepted.** The facility will accept money orders **ONLY**. Money Orders can be mailed or brought to the facility at the beginning of visits. A receipt will be issued once it is received. If the Money Order is brought to the facility a receipt will be issued to the person bringing the money. If a Money Order is received in the mail a receipt will be issued to the resident.

Sales tax will be added to any non-food item

Electronic items may be purchased after you have been on phase 5 for twenty-eight (28) days. If you break these items you may be charged restitution for them and you may lose your privilege to order additional electronic items.

BEHAVIORAL PHASE SYSTEM

BEHAVIORAL PHASES

The facility offers five (5) phase levels. Phase 5 is the highest level and carries with it the most privileges. Phase 1 is the lowest level and has the least amount of privileges. You may maintain and / or obtain higher phases by demonstrating good behavior (following rules and directives). You may be placed on lower phases by displaying an uncooperative attitude and negative behaviors.

All residents entering facility custody will begin their phase system with phase 2. Residents transferring from another DJS facility will retain their current phase.

If you have any doubts about a specific action or behavior, ask a staff member for guidance. Phases will be posted throughout the facility so that you can become familiar with them. Get to know these phases and the behavior that is expected since they will dictate what privileges you will be allowed.

Point reduction forms can be issued by staff for minor rule infractions such as use of foul language, talking in transport, failing room inspection, removal from education or recreation etc. Staff must bring you this form if points have been lost. You have the right to utilize your grievance procedures if you disagree with the reason points were taken. The total loss of point reduction forms are added up each Wednesday. If you receive more than the allotted point reductions in any given timeframe you will have to start the timeframe from the beginning. If you are on phase 5 and you receive more than five point reductions in one week your treatment team will issue a category 2 write up for disruptive conduct. It is your responsibility to control your behavior so that you can remain on phase 5.

Phase advancement requirements are as follows:

Detention residents:

Phase 4 to 5	Three (3) weeks (21 Days) and no more than two (2) point reduction forms
Phase 3 to 4	Seven (7) days and no more than two (2) point reduction forms
Phase 2 to 3	Seven (7) days and no more than three (3) point reduction forms
Phase 1 to 2	Seven (7) days and no more than three (3) point reduction forms

Commitment Residents:

Phase 4 to 5	Twenty-eight days and no more than two (2) point reduction forms
Phase 3 to 4	Twenty-one (21) days and no more than two (2) point reduction forms
Phase 2 to 3	Fourteen (14) days and no more than three (3) point reduction forms
Phase 1 to 2	Seven (7) days and no more than three (3) point reduction forms

Phase reviews will be held every Wednesday by treatment and security staff to determine your eligibility to advance phases.

'DRK-MART' / Behavior Phase Level Rewards

- The Staff of DRK has developed a reward system to recognize your positive behaviors.
- You may choose snack/hygiene items from 'DRK-Mart' each week based on phase level
- DRK-Mart privileges will be revoked for the week if you received a category II or higher write-up or sanctions from the Hearing Officer. Each week begins on Sunday.
- Each phase you obtain increases privileges.
- DRK-Mart is currently for detention residents only.

MOVIE NIGHTS

On Friday nights, a movie deemed appropriate by the facility superintendent or designee will be shown to residents who qualify that week. When available, popcorn and soft drinks may be provided with the movie. At any time, staff may cancel movie night before or during the movie if deemed necessary.

For Pizza eligibility, resident must be on Phase 4 or 5 and should not have received any of the following for the past two weeks (Note - Date of Sanctions and hearings are used, not dates of write-ups):

- Sanctions for Category II or I write-ups
- Informal Resolutions
- Loss of privileges through Behavior modification plans or phase reviews.

PHASE 5

On Phase 5, the resident is eligible for the following:

- All privileges of Phase 4 PLUS
- One trip to 'DRK-Mart' each week for 5 items
- Bed time at 10:00 pm
- Phone calls - 15 minutes in duration on specified call days
- 2 hour visits on weekends
- Commitment ONLY:** May order any commissary item. Hygiene items are offered once monthly. You may order electronic products which require special approval and may spend up to \$15.00 weekly.

PHASE 4

On Phase 4, the resident is eligible for the following:

- One trip to 'DRK-Mart' each week for 4 items
- Bed time at 9:30 PM
- All T.V. board, card and video game and privileges
- Phone calls - 10 minutes in duration on specified call days
- Commitment ONLY:** May order any commissary item. Hygiene items are offered once monthly. No Electronics. May spend up to \$15.00 weekly.

PHASE 3

On Phase 3, the resident is eligible for the following:

- One trip to 'DRK-Mart' each week for 3 items (Hygiene and Miscellaneous Items Only)
- Bed time at 9:00 PM
- All board, card games and T.V. privileges.
- No Video Game Privileges
- Phone calls – 10 minutes in duration on specified call days
- Commitment ONLY:** May order hygiene and school supplies only from commissary. Hygiene items are offered once monthly. You may spend up to \$15.00 weekly

PHASE 2

On Phase 2, the resident is eligible for the following:

- One trip to 'DRK-Mart' each week for 2 items (Hygiene and Miscellaneous Items Only)
- Bed time at 8:30 PM
- All board games and card games
- No T.V. or video game privileges
- Phone calls – 10 minutes in duration on specified call days
- Commitment ONLY:** May order hygiene items only from commissary. Hygiene items are offered once monthly. You may spend up to \$15.00 weekly

PHASE 1

On Phase 1, the resident is eligible for the following:

- Not eligible for 'DRK-Mart'
- Bed time at 8:00 PM
- No T.V. or game privileges
- Phone calls – one 15 minute phone call per week
- Commitment ONLY:** May not order any commissary item

Special Activities and events will be available to specific levels on a case by case basis as determined by the facility superintendent or designee.

Commissary and DRK Mart are subject to change at any time as deemed appropriate by the facility superintendent.

CATEGORY I OFFENSES - The most serious violations that threaten life or limb, and breach facility security and / or public safety. A resident can be charged with the related Category I offense if they cause or create, attempt to cause or create, or attempt to enlist other resident(s) to violate a Category I Offense. The resident(s) must have the current capacity to carry through with a Category I Offense to be charged. Additional federal or state charges may be sought for Category I offenses.

1.1(a) Escape or 1.1(b) Attempted Escape: Leaving or attempting to leave the facility or the custody of any staff member of the Division; or not coming back from an off-grounds furlough at the assigned time.

1.2 Inciting or Participating in a Riot: Organizing, coordinating or forcing (or being organized or coordinated into) participation in unauthorized activities that might substantially hurt others, damage property, or create a major disturbance.

1.3 Assault: Physical attempt or substantial threat to harm others. A resident may not intentionally cause physical harm to another person, to include poisoning.

1.4 Arson: A resident may not start any fire.

1.5 Causing an Explosion: A resident cannot cause an explosion or make anything explode.

1.6 Sexual Acts: A resident may not engage in sexual acts with another person or intentional touching of any breasts, buttocks and / or genitalia of another person even if that person has consented. A resident may not request such acts, or hire another person to perform these acts.

1.7 Possession, Manufacturing, or Use of Intoxicants: Possessing or using any unauthorized substance or drug paraphernalia, including controlled substance or intoxicants and / or medications that have been hoarded, not prescribed for the resident, or used in a manner not consistent with the prescription or direction of medical staff. This includes the failure to provide a sample within two (2) hours for testing.

1.8 Intentional Damage or Alteration of Property - \$500 or more: Destroying, damaging, altering or changing anything that is owned by the state or by another person.

1.9 Possession or Manufacture of Weapons: Possessing an item or items that have been made or adapted for use as a weapon and may cause injury or bodily harm.

1.10 Tampering with Security / Fire Devices: A resident may not remove, destroy, change, damage, or make inoperable any locking, security or fire device including, but not limited to, a door, window, equipment, furniture, fire extinguisher, fire sprinkler, vehicle or any other security / fire device at any time.

CATEGORY II OFFENSES – Such offenses that tend to disrupt the normal operation of the facility or subvert the facility's systems of security and control. A resident can be charged with the related Category II offense if they cause or create, attempt to cause or create, or attempt to enlist other resident(s) to violate a Category II Offense. The resident(s) must have the current capacity to carry through with a Category II Offense to be charged.

2.1 Attempting to Circumvent Institutional Count: A resident may not be absent from any count without prior knowledge and approval by authorized staff. A resident may not hide, remain silent during name count, cause confusion or error at or during any count; leave the area assigned without the approval of authorized staff; leave assigned room; living unit; class; meeting; event; appointment or visit without the approval of institution of authorized staff.

2.2 Tampering with Food / Drink: A resident may not put unsanitary items or substances in any food or drink item before, during or after preparation that could be consumed by another person.

2.3 Making a False Report or Statement / Lying: A resident may not say or write something that is not true which causes harm, distress, or injury to another.

2.4 Counterfeiting or Forgery: A resident may not make, change, fake or possess any document so that it appears as if it were made, signed, initialed or stamped by someone else, or at a different time.

2.5 Contraband: Any item not issued or allowed by the facility, to include items altered from their original state.

2.6 Contempt: No residents shall shout, act rudely, speak persistently out of turn, or otherwise disrupt proceedings at any disciplinary hearing.

2.7 Threats / Intimidation / Tampering with a Witness: Bullying. Saying or doing something to scare another person into thinking that person and / or property may be harmed. Bribing / convincing another resident to withhold information relating to a category charge or a safety / security concern.

2.8 Fighting: A mutual physical conflict between two or more residents. A resident may not engage in any physical contact with another resident to cause harm or inflict injury.

2.9 Insubordination: A resident may not disregard or delay lawful instruction given by a staff member for any reason, including refusal to move to required location.

2.10 Fraudulent Representation: Changing the physical, facial or vocal features without the knowledge or permission of staff in order to conceal or mislead staff as to the resident's identity.

2.11 Gambling: A resident may not bet or wager in anyway, at any time with another person for anything.

2.12 Disruptive Conduct: A resident may not act in a way that causes disruption by using foul language, loud talking or making of loud noises, horseplay, making

obscene gestures or similar conduct. No resident shall obstruct any person from performing their duties, nor shall a resident interfere with normal or free movement of any person.

2.13 Intentional Damage or Alteration of Property under Five Hundred Dollars:

Destroying, damaging, altering or changing anything that is owned by the state or by another person which is valued at less than five hundred dollars (\$500.00). This includes destruction of identification devices such as ID badges, ID wristbands, etc.

2.14 Unauthorized Possession or Transfer of Property: A resident may not give, sell, lend, receive, take, buy, borrow, barter, or trade any item with another person.

2.15 Misuse of Correspondence: Sending mail or other items to individuals with whom a resident is not permitted to correspond.

2.16 Mutilation / Disfigurement of Yourself or Others: A resident may not cause or allow injury or damage to one's self or another person. Residents may not injure, tattoo, cut, pierce, mutilate, remove, discolor or disfigure any part of their bodies or the body of another person.

2.17 Disrespect: A resident may not use name-calling, profanity, yelling, or any disrespectful act toward another person. A resident may not show disrespect to any person doing business for or visiting the facility.

2.18 Gang-related Activities: Any attempt to organize, create, or participate in gang-related activity.

2.19 Solicitation or Manipulation of Staff: 1) Pitting staff against each other; 2) Diverting staff attention to cover a facility violation; 3) Coercing or attempting to force staff, volunteers, contractors, or visitors to introduce contraband or engage in other infractions; 4) Attempting to buy anything from or sell to staff, volunteers, contractors, or visitors.

2.20 Resident Handbook Rule Violations: Violations of resident handbook rules that have been approved by the facility superintendent that meet the definition of a Category II offense.

2.21 Unauthorized Presence: Being in an unauthorized area or leaving an assigned area without staff permission.

2.22 Unauthorized Physical Contact / Exposure / Sexual Harassment: Holding hands, kissing, rubbing or massaging; a female resident may not expose her breasts nor any resident expose his / her genitals or buttocks. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal or written comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another.

2.23 Aiding and Abetting: A resident may not aid or assist another resident in

committing any category offense.

The following are examples of Point Reduction Violations that a resident could do which would result in a loss of points. Additional offenses may be added to this section at the discretion of the superintendent as deemed necessary to address specific program, treatment and / or security requirements. The staff member witnessing the offense will decide whether to issue a point reduction form or issue a category offense.

- PR 1 Residents will not engage in sign language, codes, etc., unless medically necessary.
- PR 2 Residents will wear their clothing properly (no sagging). All clothing will be worn right side out and no items of clothing are to be defaced in any way. Residents will roll their pants legs up (not above the ankle) if they are too long. **Residents may only wear sweatpants while on the unit, in their rooms or during recreation. Sweatpants may be worn *UNDER* Khaki pants during other times, but must still maintain a neat appearance with no sagging. Shorts are allowed only in recreation or while sleeping in their room.**
- PR 3 Residents may not tie knots in any clothing or bedding materials.
- PR 4 Residents will not leave any items in the shower.
- PR 5 Failing room inspection - Each resident will maintain a sanitary living area. Each resident will be responsible for the cleanliness of his / her living area including the walls, windows, floor, sink, toilet and other property in the area.
- PR 6 Residents will not touch other residents, engage in horseplay, shadow boxing, wrestling or any such activity.
- PR 7 Residents will not litter and will place trash in approved containers.
- PR 8 There is to be no talking or noise making while in transport.
- PR 9 Residents may not sit or lay between chairs, on tables, or put feet in chairs or on tables.
- PR 10 Residents will not turn another residents light on / off without permission from staff.
- PR 11 Residents will not place or remove other residents window covers.
****Having a window cover inside your room or inside shower will result in a category 2 write up for contraband****
- PR12 Residents will not have the remote controls. If the remote(s) are in your room you will receive a category II write up for contraband.
- PR13 Use of foul language/racial slurs (Foul language/Racial Slurs directed at other residents or staff will result in a category write up. Repeated use will result in a category write up)
- PR14 Refusal to attend or participate in programming. Education refusal will result in an **Automatic Phase Drop** to level I (See Resident Handbook Violations Below)
- PR15 Staffing – Residents will not make the same request to more than one staff member
- PR16 Participating in activities that you are not on the appropriate phase level.

RESIDENT HANDBOOK RULE VIOLATION(S)

****These violations may fall under Class II Offense 2.20****

1. **3rd warning in the same hour or activity** – No resident shall demonstrate negative behavior which has to be repeatedly prompted by staff during the course of an activity or a limited period of time.
2. **Tampering with electronic equipment** – Residents will not touch the TV/VCR/DVD.
3. **Throwing/Slamming items or property and toppling over furniture in anger** – Residents will not engage in the act of throwing items, property or toppling over furniture or any such manner thereof.
4. **Hands inside clothing** – Residents may not have their hands inside their pants or waistband. They may not have their hands within any part of their clothing, including sleeves. Residents violating this rule while wearing sweatpants will lose the privilege of wearing sweatpants for 30 days in addition to normal Category II Sanctions.
5. **Academic Dishonesty** – No Resident shall cheat or plagiarize during educational activities. This includes unauthorized computer usage/computer use violations. This will result in an immediate Petition for Phase Review and an **Automatic Phase Drop** to level I.
6. **Refusal/Removal from School/Education Recreation** – No resident shall verbally or physically refuse to participate in or attend school, other educational activities or homework required by the education department. Students will not demonstrate any behavior which any staff determine to be disrespectful or disturbing to the class to the point that it interferes with others learning. Removal or refusal from school will result in an immediate Petition for Phase Review and an **Automatic Phase Drop** to level I.
7. **Refusal Therapeutic Groups/Structured Recreation** – No Resident shall refuse to participate in structured recreation or therapeutic groups. Any refusal or failure to comply will result in an immediate Petition for Phase Review and an **Automatic Phase Drop** to level I.

PHASE REVIEW PETITION

Participation in education and therapeutic counseling/groups is mandatory. Residents who refuse to participate delay their program advancement and violate facility policy. A phase review petition is a tool used by staff to encourage residents to attend all classes and counseling sessions. Failure to follow these particular rules (listed above) will result in an immediate meeting between education, security and treatment staff for a phase review and an **Automatic Phase Drop** to level I.

The Phase Review Petition can also be used to raise or lower phase levels outside of normal Category I or II write-ups. Example: Excessive Point Reduction Forms within a short time period may result in a phase drop or an improvement in behavior and attendance may result in a partial or full restoration of your phase as determined by staff.

GRIEVANCE PROCEDURE

There is a three step grievance procedure available to all residents in the custody of the Division of Juvenile Services. These steps include relevant staff member, facility superintendent and the Division Director.

Any issue that is unresolved by staff to a resident's satisfaction can result in a formalized grievance procedure. Residents shall not be required to discuss any grievance with any staff involved or unit staff prior to filing a grievance.

A resident may submit a written and signed grievance form to be placed in a locked Grievance Box. This box can only be opened by the facility superintendent or the grievance coordinator.

Any resident who has difficulty writing shall receive assistance in preparing their grievance.

Any staff member answering a grievance have a responsibility to research the grievable issue, meet with resident to hear the issue, write their response on the original form and forward the original back to the grievant coordinator within seven (7) calendar days.

A resident may appeal a grievance response to the facility superintendent via the grievance box. A resident's appeal must be answered within seven (7) calendar days by the facility superintendent.

A resident may appeal any decision of the facility superintendent to the Division Director via privileged mail. All appeals to the Division Director will be reviewed and a decision determined within seven (7) calendar days of receipt of the grievance appeal.

INFORMAL RESOLUTION

Staff and resident may agree on a penalty for minor infractions of rules that bypasses the formal hearing process. If staff and resident are unable to agree on an adequate resolution, or if the resident fails to meet his or her obligation under the agreed upon informal resolution, the staff will submit an incident report of the original category II violation. Informal resolutions may consist of:

- Loss of access to arts, crafts, video games or television
- Loss of one instance of organized recreation
- Loss of any facility-specific privileges
- Extra writing assignment
- Extra duty assignments
- Early bed time for the night the infraction occurred

FOR CATEGORY I AND II OFFENSES

Written Notification of Charges: The shift supervisor shall ensure that residents are informed in writing of charges against them within twenty-four (24) hours of charge(s) being filed.

The Hearing Officer shall schedule a hearing for residents charged with Category I offenses as soon as practical. The initial hearing shall be held no sooner than twenty-four (24) hours and no later than seven (7) calendar days.

Residents shall be informed of their right to plead guilty to charges and accept imposed sanctions with verification by a written plea agreement signed by all involved parties.

The shift supervisor may place a resident in pre-hearing segregation prior to the hearing only if it is necessary to ensure the safety of the resident, other residents or ensure the security of the facility and for only 24 hours. Confinement of periods of over 24 hours shall be reviewed every 24 hours by the facility superintendent or designee who was not involved in the incident.

A resident placed in segregation prior to a hearing must have his / her hearing within two (2) business days.

Residents charged with rule violations may decide to waive his right to be present at any point in the hearing and leave the proceeding after signing his or her waiver. The resident will be present at his or her hearing unless: Such right is waived in writing, Attendance is restricted by the resident's negative or violent behavior or if testimony from a witnessing resident must be given in confidence.

Residents must have an opportunity to make a statement and present documentary evidence at the hearings and can request witnesses on their behalf. The reasons for denying such request must be stated in writing by the hearing officer.

A written record of the decision and the supporting reasons shall be given to the resident.

Any disruptive resident may be removed from the hearing and be charged with contempt in accordance with the disciplinary rules. The hearing may continue in the absence of a resident who persists in disorderly behavior.

APPEAL PROCESS

Residents have the right to appeal decisions of the Hearing Officer.

- i. The initial appeal is made to the facility superintendent within fifteen (15) days of the receipt of the decision. The resident shall complete a *Resident Hearing Appeal Submission* form (which can be requested from any staff member) and forward it to the facility superintendent to initiate the appeals process. The facility superintendent must respond to the appeal using the same form within ten (10) days.
- ii. A resident who is unsatisfied with the appellate decision of the facility superintendent may appeal to the Division Director. The resident has up to fifteen (15) days to submit the appeal. A written decision on an appeal to the Division Director shall be issued within ten (10) days of receipt of the appeal.
 1. Upon consideration of an appeal, the facility superintendent or Division Director may:
 - a) Affirm the guilty verdict.
 - b) Reverse the verdict and order the record expunged, upon approval from the Director of the Division, from the resident's permanent file. The resident could not be retried if this order is given.
 - c) Order the hearing officer to conduct a new hearing or correct technical errors found within the hearing report.
 - d) Reduce the sanction.

STAFF REPRESENTATIVES

As specified in the hearing process, residents charged with a rule violation and scheduled for a disciplinary hearing must be advised that they may request the services of an approved staff member to assist them with the preparation and presentation of their case. Residents may request the services of any member of a pool of staff members selected for this purpose that is on duty at the time of their scheduled hearing to assist the resident with case preparation and presentation. The representative must not have had any involvement with the incident that brought about the disciplinary hearing.

The facility superintendent and the director of the Division of Juvenile Services reserve the right to modify, suspend or replace this handbook, in part or in whole, without advance notice.