

CONDUCTING A DISCIPLINARY HEARING

1. INTRODUCTION OF PARTICIPANTS:

- Names of those attending

2. EXPLAIN PURPOSE OF DISCIPLINARY HEARING:

- The purpose of this disciplinary hearing is to determine if there is probable cause to believe that you violated a rule of the facility when you allegedly (rule violation). The results of this hearing may cause you to be placed (or continued) in confinement. If you admit to the charges, you may be placed (or continued) in confinement.
- Do you understand the purpose of the hearing? (if he/she claims to not understand or does not appear to understand, assign an advocate and re-schedule the hearing.)

3. EXPLAIN THE FOLLOWING RIGHTS TO THE YOUTH:

- You have the right to a fair and impartial hearing.
- You have the right to be represented by any staff member of your choice. If that staff member is unavailable, I will appoint another staff member to represent you.
- You have the right to receive notice of the date, time, and purpose of the hearing no later than 24 hour prior to the hearing.
- You also should have received a written statement of the alleged violation within 24 hours of the violation being reported
- You have the right to speak on your behalf, present any relevant witnesses who may speak for you and to produce any documentary evidence.
- You have the right to confront and question people who give information against you.
- You have the right to remain silent. You do not have to admit to anything. If you do not want to speak, it can not and will not be held against you.
- Do you understand these rights?
- If at any point you do not understand what is happening, you should tell me so I can try to explain it.

4. REVIEW DOCUMENTS WITH YOUTH:

- Disciplinary Report:**
 1. State the rule violation and the date of the rule violation.
 2. Show the Disciplinary Report to the Youth.
 3. Is there any challenge?

5. ALLOW YOUTH OPPORTUNITY TO RESPOND TO CHARGES:

- Give youth opportunity to question witnesses, present documentary evidence.
- Ask youth if he/she admits or denies the charges set forth in the Disciplinary Report.
- Allow youth to present his/her side of the story.

6. DETERMINE IF PROBABLE EXISTS:

- Facts and circumstances presented in the case are of a reasonably trustworthy nature?
- Known facts and circumstances would lead a reasonable person to believe that the Rule violation was committed?

7. IF NO PROBABLE CAUSE IS DETERMINED:

- Youth will be immediately continued in the general population.

8. IF PROBABLE CAUSE IS DETERMINED:

- Hearing Officer presents evidence to youth to show probable cause.
- Review previous history of rule violations with youth.
- Determine sanction for the rule violation that is proportional to the offense.
- Advise youth that he/she has the right to appeal the findings of the Hearing Officer to the facility Director or designee within 15 days.

9. PREPARE DUE PROCESS HEARING FORM:

- Indicate hearing date and time and DR # at the top of the form.
- Staff advocate to complete "Advocate" section, or mark "No Staff Advocate".
- List each rule violation separately, including the youth's plea, your finding, and the sanction.
- Justify the reason for your finding in the "Justification" section – Why did you find the youth guilty or not guilty? What evidence supported your findings?
- Complete "Youth Notification" section.
- Sign the form.
- If there is ANY guilty finding, send a copy of the form to the facility case manager (counselor).
- Route the form to the Director.