

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

Plaintiff,

v.

CIVIL ACTION NO. 94-2080 CC

COMMONWEALTH OF PUERTO RICO

Defendants,

INFORMATIVE MOTION TO FILE THE MONITOR'S QUARTERLY REPORT

TO THE HONORABLE COURT:

Today, the Monitor submits the Monitor's Second Quarter Report for 2013. The report covers the months of April through June 2013. This report consists of an introductory statement by the Monitor, along with the compliance ratings tables and special reports by the Monitor's consultants.

WHEREFORE, the Monitor respectfully requests that this Honorable Court grant this motion and accept the attached report.

Respectfully Submitted,

s/ F. Warren Benton

F. Warren Benton

Monitor, United States v. Commonwealth of Puerto Rico
Calle Mayaguez # 212,
Esquina Nueva,
San Juan, PR 00917

Certificate of Service

I HEREBY CERTIFY that this 27th day of August, 2013, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system, which will simultaneously serve notice of such filing to counsel of record to their registered electronic mail addresses.

Respectfully Submitted,

s/ F. Warren Benton

F. Warren Benton

Monitor

Office of the Monitor, U.S. v. Commonwealth of Puerto Rico

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Monitor's Quarterly Report Second Quarter 2013

United States v. Commonwealth of Puerto Rico, Civil No. 94-2080 (CCC)

The following is the Monitor's Second Quarter Report for 2013. The report is in two parts – a narrative overview, along with a set of tables classifying the status of compliance with each provision. The narrative supplements the tables, describing recent events and accomplishments, reviews the results of some of the on-site monitoring tours, and examining particular compliance problems and pending issues. The narrative section does not comment on every category of provisions in every quarterly report.

Document Attachment A:	Consultant Report on Staffing Compliance
Document Attachment B:	Consultant Report on Classification
Document Attachment C:	Report on Incidents and Understaffing
Document Attachment D:	Abuse Referrals Tracking Report
Document Attachment E:	Abuse Referral Case Assessment Report
Document Attachment F:	Consultant Report on Facilities
Document Attachment G:	Consultant Report on Operations
Document Attachment H:	Chronology of Site Visits

Separate Attachment One: Table of Compliance Ratings

Possible Move of Girls from Ponce Ninas to CD Bayamon

The Commonwealth is considering relocating the detained and committed girls from Ponce Ninas to CD Bayamon. The Monitor's understanding is that the primary reason for the possible move is that the population of girls in the system has declined to approximately 40, which the facility can potentially house considerably more youth. At the Ponce Ninas facility, staff and youth have reported to the Monitor's staff and consultant that the move has been announced and that a Director of the facility has been appointed. However, counsel has advised the Monitor that the decision is not final.

The Monitor recognizes a) that decisions to assign populations and functions to facilities is an administrative matter and not a matter subject to the strict jurisdiction of the Consent Decree and Settlement Agreement; b) that the move might have prospective positive and negative consequences for compliance; c) that it is logical to consider relocating the girls population from the Ponce facility because the facility capacity greatly exceeds the number of girls in the system; and d) that the move could present opportunities to improve compliance, efficiency and performance of the youth correctional system.

In order to achieve these potential benefits, the Monitor has recommended that facility use decisions be made in the context of master planning to enhance and facilitate compliance with the SADC provisions, promote efficient use of resources, and advance the achievement of the Commonwealth's strategic youth corrections and youth services reform objectives. The Monitor has posed a set of questions for the Commonwealth to consider in reviewing this decision.

1. Does this plan further the strategic reform objections for youth corrections?

The Commonwealth has expressed interest in a strategic reform initiative that would reduce the overall number of youth in correctional facilities, perhaps closing at least one facility, and redirecting some of the resources saved to improve compliance at the remaining facilities, and some of the resources saved to fund alternative community-based services.

If CD Bayamon is used exclusively for girls, up to half of the capacity might not be occupied at all. Would this be an efficient use of system-wide capacity if a goal is to close a facility? Would it be efficient to operate CD Bayamon at half-capacity, if that made CD Bayamon a particularly inefficient and expensive operation, and it made it necessary to continue to operate an additional facility to make up for the unused capacity at CD Bayamon? Might it not be more efficient to house the girl population in a) a section of CTS Bayamon, b) in a small unit at the former site of CTS Guaynabo (although the condition of the closed facility might make this impractical) or c) at one or more alternative placements such as group homes?

If this could be done, then it might be possible to close an entire youth corrections facility – not the Ponce facility – generating revenues to finance reforms, alternatives programs, and compliance initiatives.

2. Would CD Bayamon still be subject to the Consent Decree and Settlement Agreement?

Today, based on the attached partial termination order, the Court and the parties agree that only a limited set of provisions apply at the Ponce Girls School. If the girls were moved to CD Bayamon, would the same set of limited provisions apply at CD Bayamon? If boys are moved to the Ponce Girls facility, do all of the provisions that apply for boys at other facilities suddenly apply for the Ponce facility?

The Monitor's tentative view is that the 2001 partial dismissal agreement and order relating to the Ponce Detention and Treatment Center for Girls applies to that specific facility for the specific population of girls when housed there. If the Commonwealth acts to change the relevant facts and circumstances – ceasing use of the facility as a detention and treatment center for Girls - the 2001 partial termination order would no longer apply. The order never terminated the provisions for all girls regardless of where they were assigned, or for boys if housed at the Ponce Girls facility.

This is consistent with treatment of the Guali program and population currently located at Ponce Girls. Those boys have been subject to all of the decree provisions applicable to the other facilities in the case, even though they are housed at the Ponce Girls facility. The Monitor believes that if additional boys are moved to the Ponce facility, all of the current provisions of the case would also apply to them.

The Monitor also believes that if some or all of the Ponce girls are moved into CD Bayamon, that all of the provisions of the case applicable to the other facilities would continue in effect for all youth housed at that facility regardless of gender. The rationale is that the termination in 2001 related to the specific facility "Ponce Detention and Treatment Center for Girls" and it related to the facts and circumstances in place at the time at that specific facility. The order never terminated the provisions for girls assigned to other facilities.

Thus, the consequence of the relocation plan is to nullify the effect of the 2001 partial termination order relating to Ponce Detention and Treatment Center for Girls. While this is a programmatically neutral consequence, the Monitor believes that the Commonwealth should take this factor into consideration in evaluating the decision.

3. Would placement of girls at CD Bayamon achieve staffing savings?

The number of staff members to cover posts in housing units is determined by Paragraph 48 of the Settlement Agreement. The number of youth service officers to cover housing units is determined by the number of housing units which is determined by the system population. The locations of the housing units does not influence the numbers of posts and positions required. So moving the population of youth from one facility to another does not reduce the number of youth service officers required.

However, if the relocation plan could be implemented in such a way as to enable closure of a facility, it would result in savings in administrative and support positions.

4. Would placement of girls at CD Bayamon comply with classification provisions?

CD Bayamon is designed as a secure detention center. It is not clear to the Monitor or to consultants Curtiss Pulitzer or Bob Dugan how this facility can be adapted to house committed and detained girls with a range of classification levels and program needs.

In order to accomplish this with the separations involved, it may be necessary to operate and staff more housing units than one might expect, limiting any staffing savings that might be assumed to be possible.

5. Would the Ponce facility require additional renovations and repairs?

The facilities provisions of the SACD have not applied to Ponce Girls since the 2001 termination went into effect. However, if the facility is used for boys, these provisions would be in effect, and repairs and renovations may be discovered to be necessary. Since the Monitor's inspections thus far related only to the Guali sections of the facility, the scope of additional repairs and renovations won't be known until an inspection and evaluation is undertaken.

5. Would the Ponce facility serve the Commonwealth's purposes as a detention center?

Relocating boys' detention to Ponce will probably increase the amount of time that boys spend in police lock-ups before they are transported to detention. This is because more of the boys come from the San Juan region than from the Ponce region. While this is not strictly an issue in this case, it is public knowledge that the Commonwealth has been out of compliance with core requirements of the JJDP Act including separation of juveniles from adult inmates in secure facilities and the removal of youth from jails and lockups. Currently, Puerto Rico is losing 40% of its JJDP Formula and Block Grant funds because of the non-compliance status. Moving the detention of boys to Ponce would only make this situation worse.

In summary, under limited circumstances, the relocation of detained girls from Ponce Ninas could enhance and facilitate compliance with the SACD provisions, promote efficient use of resources, and advance the achievement of the Commonwealth's strategic youth corrections and youth services reform objectives. However, if the girls are moved to CD Bayamon, these objectives probably cannot be achieved, because the use of CD Bayamon for 40 girls would be about as inefficient as using Ponce Girls for the purpose, and because use of the Ponce facility for detention is less efficient than use of CD Bayamon for that purpose.

The Monitor suggests, however, that the Commonwealth might achieve very worthwhile benefits if it were to proceed as follows:

1. Develop and implement processes to screen youth at or before arrival for detention, to place youth in alternative programs, as required by Settlement Agreement Paragraph 52.
2. Develop and implement processes to screen youth in detention to find placement alternatives to commitment in youth corrections facilities, as required by Settlement Agreement Paragraph 52.
3. Close a youth corrections facility and use the savings to support funding of some of the placements in 1 and 2 above and to invest in improved compliance at the remaining facilities.
4. Assign youth within the remaining facilities to a) make best use of capacity; b) place youth in facilities that fit their classifications; c) identify space in existing facilities for specialized mental

health and behavioral treatment units to satisfy the 48 mental health bed requirement as required by Consent Order Paragraph 29, and to separate dangerous youth, and d) provide efficiently located alternatives to police lock-ups for arrested youth.

Staffing: The report on staffing compliance shows that the percentage of compliance with staffing requirements on the 6:00 am – 2:00 pm shift was as follows: CD Bayamon – 28%, Humacao – 1%, CTS Guayama 19%, and Villalba 26%. For on the 2:00 pm to 10:00 pm shift, compliance was: CD Bayamon – 35%, Humacao – 1%, CTS Guayama – 17%, and and Villalba 24%.

At the Monitor's Conference in May, Secretary Negron announced that 100 additional youth service officers be employed in December and another 100 in February.

Disciplinary Provisions: Monitor's Consultants Bob Dugan and David Bogard are continuing the process of assisting DCR with a quality assurance process for quarterly data reported on use of force, transitional measures and protective custody. There have been many changes made as a result of this process and the quality of data is improving incrementally.

Bogard continues to be very concerned about the frequency of incidents involving large numbers of youth. An April 17th incident at CTS Guayama involved more than 90 youth. Most, if not all of these incidents are a direct result of orders by youth leaders and/or power struggles between leaders.

Bogard and Dugan have repeatedly recommended to DCR staff directly and through Quarterly Reports that DCR consider the establishment of a specialized programmatic housing environment for youth identified as leaders. This recommendation was explained and discussed at length with DCR representatives on May 22, although DCR officials reported back on June 19 that the agency did not wish to proceed in that manner. Instead, DCR will pursue a strategy including staffing additions, additional training, enhanced supervision and improved behavior modification as mechanisms to address the problems of youth leaders in the facilities.

Respectfully Submitted,



F. Warren Benton, Ph.D.
Monitor

Document Attachment A: Consultant Robert Dugan Report on Staffing

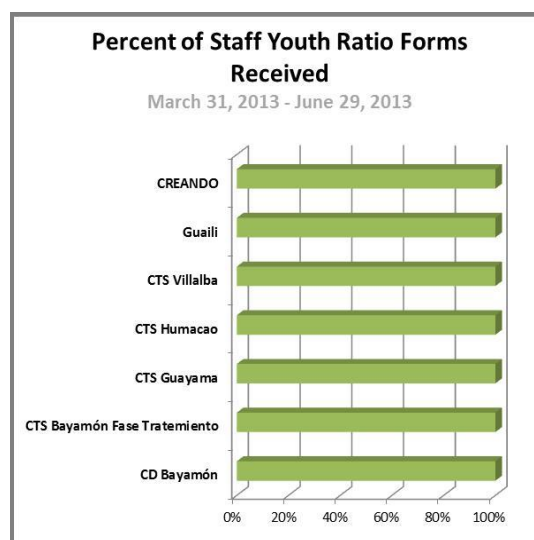
DCR Staffing Quarterly Report: March 31, 2012 – June 29, 2013

Prepared by Bob Dugan: Office of the Monitor: July 13, 2013

Background:

The following report provides information on Staff Youth Ratio forms that were provided to the consultant for the period of March 31, 2013 thru June 29, 2013. As of the Saturday, July 13, 2013 the following forms have been submitted.

Facilities	Volume of Weeks of Staff Youth Ratio Forms Requested	Volume of Staff Youth Ratio Forms Received
CD Bayamón	13	13
CTS Bayamón Fase Tratamiento	13	13
CTS Guayama	13	13
CTS Humacao	13	13
CTS Villalba	13	13
Guaili	13	13
CREANDO	13	13
Totals	98	98



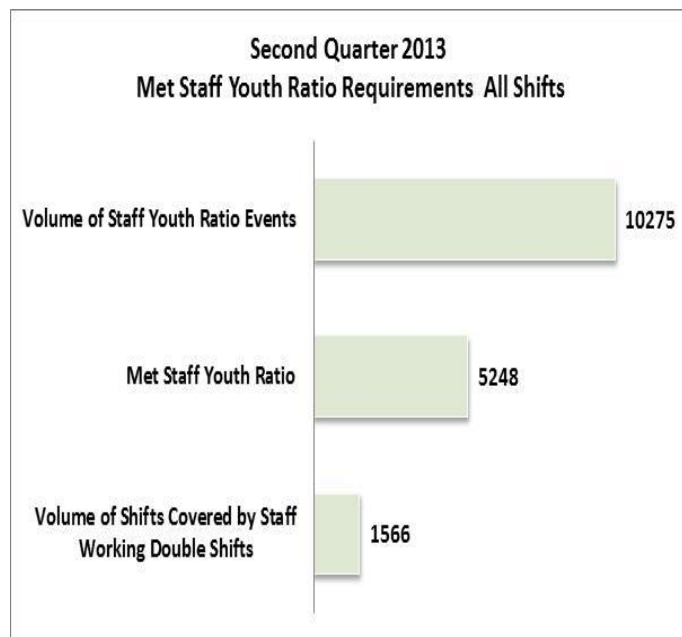
DCR submitted a total of 98 facility staff youth ratio forms for the seven operational facilities requiring staff youth ratios, allowing for 100% of the staff youth ratio forms being available for analysis. DCR has consistently been providing all requested Staff Youth Ratio forms used for monitoring and reporting. CREANDO was operational for all thirteen weeks of the second quarter reporting period. The table displaying the date that staff youth ratio forms were received is on page 15 of this report.

DCR Staff Youth Ratio Averages:

During the Second Quarter 2013 reporting period (March 31, 2013 thru June 29, 2013), DCR documented a total of 10,275 shift / unit events that required staff to youth supervision. This is a decrease of 75 staff youth supervision events since the First Quarter of 2013 (10,350 events).

Of the 10,275 shift / unit events, 5248 of the events (51.1%) were supervised with the required staff youth ratios, 0.5% increase from the 50.6% of events supervised with the required staff youth ratios from the First Quarter of 2013.

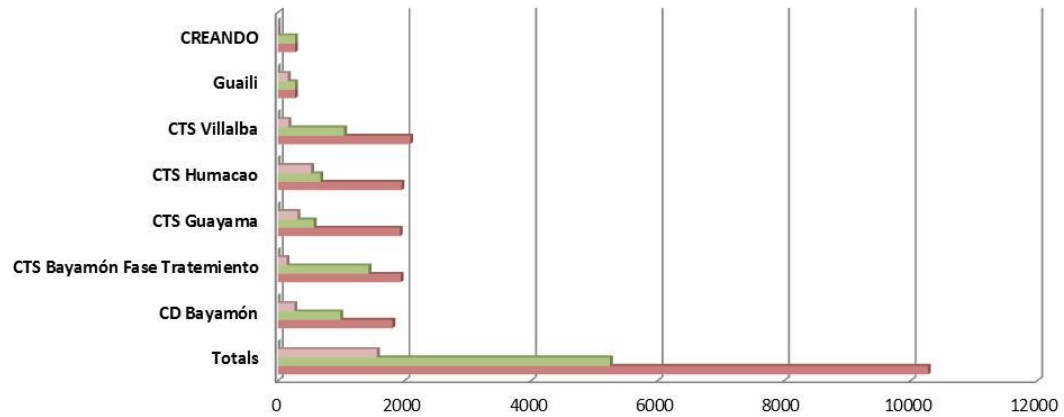
Of the 5248 staffing events meeting the required staff youth ratio, 3432 (65.3%) of the staffing events occurred on the 10:00 PM – 6:00 AM shift.



The Second Quarter Report provides additional data on the volume of staff that are working double shifts in order to meet the reported staff youth ratios. For the 2013 Second Quarter, 1566 of the 10,275 (15.2%) staff youth ratio events were covered by staff working a double shift. This is a 4.2% increase of volume of shifts requiring staff to work a double shift since the First Quarter 2013 reporting period.

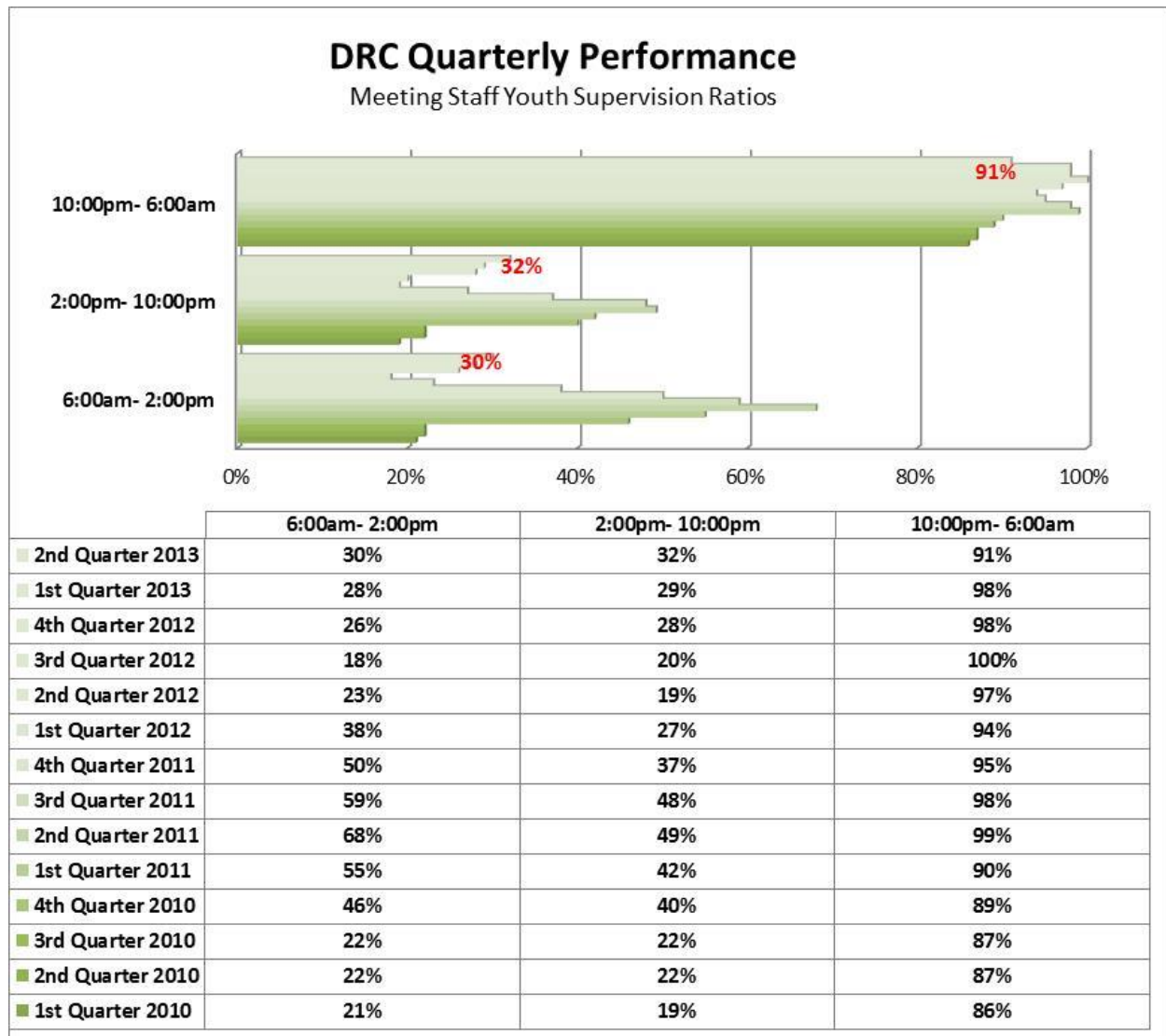
Staff Youth Ratio Events and Double Shifts Second Quarter 2013

March 31 - June 29, 2013



	Totals	CD Bayamón	CTS Bayamón Fase Tratamiento	CTS Guayama	CTS Humacao	CTS Villalba	Guaili	CREANDO
Percentage of Shifts Covered by Staff Working Double Shift	15%	15%	7%	16%	27%	8%	58%	0%
Volume of Shifts Covered by Staff Working a Double Shift	1566	263	137	312	527	168	158	1
Met Staff Youth Ratio	5248	986	1433	567	670	1046	273	273
Volume of Staff Youth Ratio Supervision Events	10275	1810	1943	1928	1956	2092	273	273

The following chart represents the DCR agency Staff Youth Ratio averages by shift for the last fourteen quarters through June 29, 2013:



The Second Quarter of 2013 has resulted in following performance in meeting required Staff Youth Ratios during waking hours:

- 6:00 am- 2:00 pm shift: 30% of events, 2% increase
- 2:00 pm- 10:00 pm shift: 32% of events, 2% increase
- 10:00 pm- 2:00 am shift: 91% of events, 5% decrease

DCR Agency 1:1 Supervision Events:

From the First Quarter of 2010 through the Third Quarter of 2012, there had been a continual reduction in the volume of youth designated for 1:1 supervision.

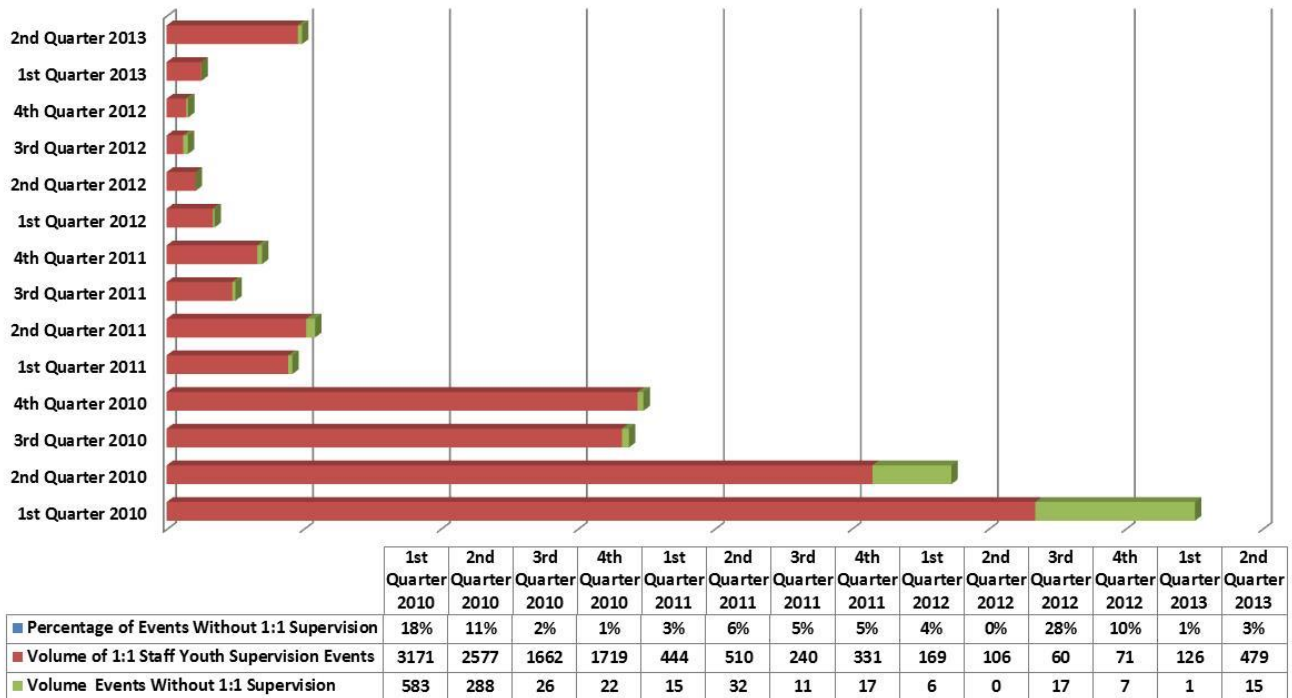
The Second Quarter of 2013 reporting period indicates a significant increase in the volume of 1:1 supervision events reported:

- 3171 events 1st Quarter 2010
- 2577 events 2nd Quarter 2010
- 1662 events 3rd Quarter 2010
- 1719 events 4th Quarter 2010
- 444 events 1st Quarter 2011
- 510 events 2nd Quarter 2011
- 240 events 3rd Quarter 2011
- 331 events 4th Quarter 2011
- 169 events 1st Quarter 2012
- 106 events 2nd Quarter 2012
- 60 events 3rd Quarter 2012
- 71 events 4th Quarter 2012
- 126 events 1st Quarter 2013
- 479 events 2nd Quarter 2013

Correspondingly, the Second Quarter of 2013 has an increase in the volume of these events without required 1:1 supervision, 15 events:

- 583 events 1st Quarter 2010
- 288 events 2nd Quarter 2010
- 26 events 3rd Quarter 2010
- 22 events 4th Quarter 2010
- 15 events 1st Quarter 2011
- 32 events 2nd Quarter 2011
- 11 events 3rd Quarter 2011
- 17 events 4th Quarter 2011
- 6 events 1st Quarter 2012
- 0 events 2nd Quarter 2012
- 17 events 3rd Quarter 2012
- 7 events 4th Quarter 2012
- 1 events 1st Quarter 2013
- 15 events 2nd Quarter 2013

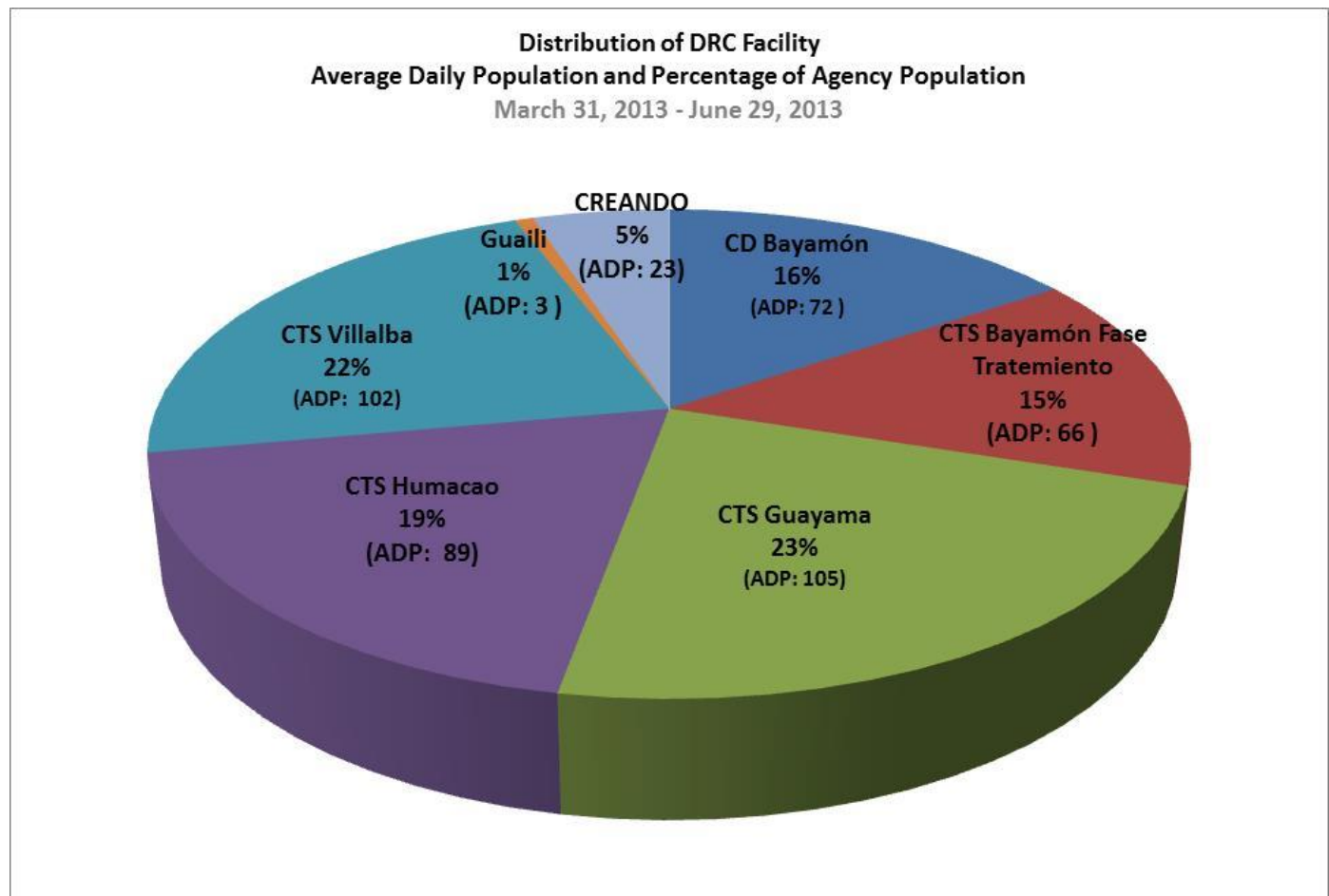
DRC 1:1 Supervision Events by Quarters



DCR Average Daily Population:

Analysis of Staff Youth Ratio forms displays staffing information compared to facility average daily population (ADP). Facility average daily population was computed from the weekly Staff Youth Ratio forms by averaging the 6:00-2:00 shift facility population on the first Monday of each of the thirteen reporting weeks.

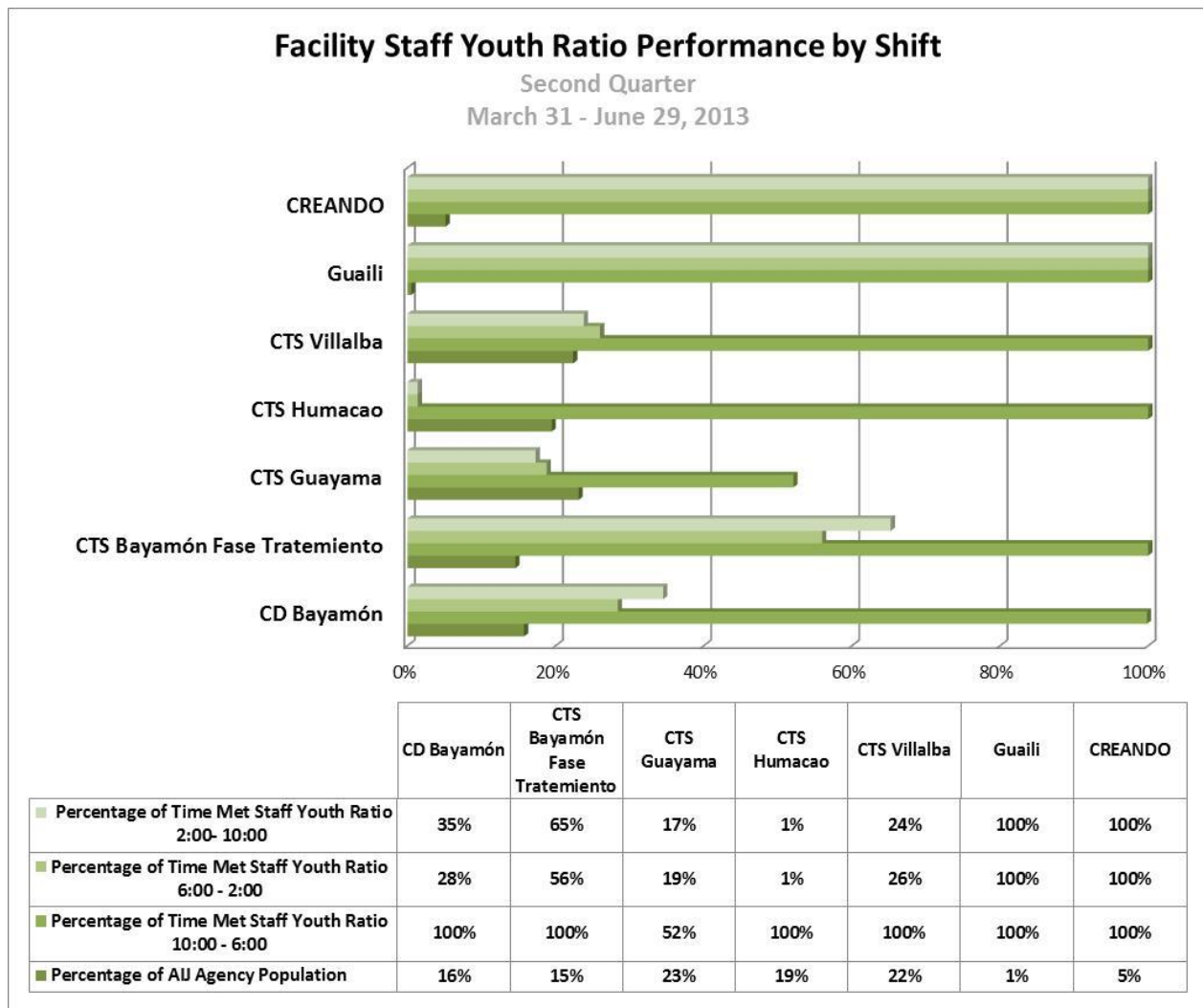
The table below displays each facility's average daily population for the reporting cycle (March 31, 2013 thru June 29, 2013) as well as the proportionate facility youth population that each facility contributes to the agency average daily population.



Facility Staff Youth Ratio Performance by Shift:

The staff youth ratio analysis below represents the staffing information received for the period of March 31, 2013 thru June 29, 2013; 13 weeks). The dark green bar for each facility represents the proportionate average daily population that facility contributes to the DCR average daily population. The table of average daily population can be found on page 15 of this report.

During the Second Quarter reporting period (March 31, 2013 thru June 29, 2013), CTS Guayama, CTS Humacao and CTS Villalba have the largest volume of deficiencies meeting the staffing youth ratio, representing 67% of the DCR youth population.



CD Bayamón Staff Youth Ratio Analysis:

March 31, 2013 thru June 29, 2013

Level 5 Facility: DCR has CD Bayamon as a detention center, classified as a Level 5 facility.

At this time all of the detention youth population is expected to meet the following Staff Youth ratios:

- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM-6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

- **Volume of Staff Youth Ratio Events:** 1810
- **Volume of Staffing Events with Staff Working a Double Shift:** 263 (15%)

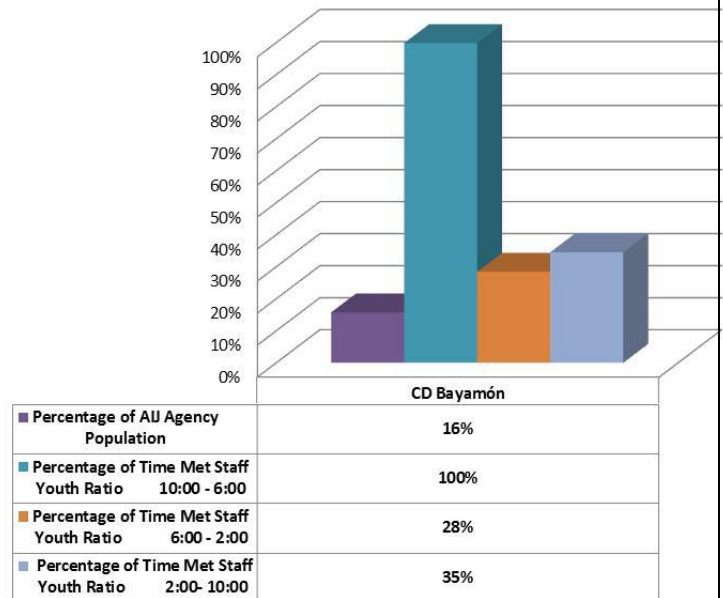
The Second Quarter of 2013 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm - 6:00am: 100% required staff youth ratio, maintained
- 6:00 am – 2:00 pm: a 8% decrease since 2013 First Quarter reporting
- 2:00 pm – 10:00 pm: a 5% decrease since 2013 First Quarter reporting

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 92

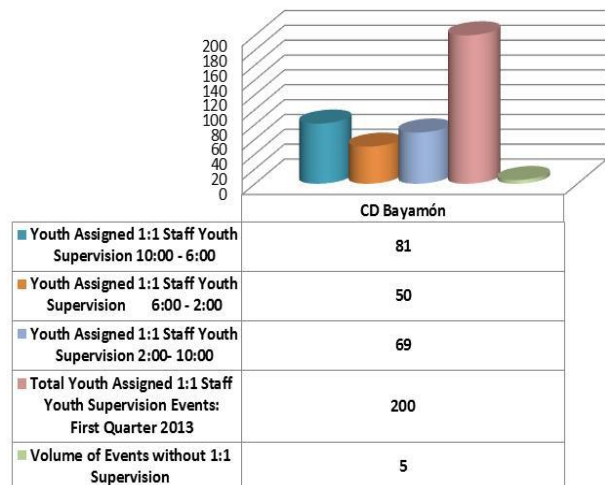
CD Bayamón
Percent of Unit Events Meeting Staff Youth Ratio



200 youth supervision 1:1 events for the Second Quarter of 2013

Volume of 1:1 Events Without Required staffing during reporting period: 5

CD Bayamón
1:1 Supervision Events



CTS Bayamón Fase Tratamiento Staff Youth Ratio Analysis:

March 31, 2013 thru June 29, 2013

Level 4 and 5 Facility: The youth placed at CTS Bayamón Fase Tratamiento, are in one of two Puertas units; one of two MER units; or one of Nivel IV units; or one of three Program Arbitraje units. At this time all for these youth populations are expected to meet the following Staff Youth ratios:

- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM- 6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

- **Volume of Staff Youth Ratio Events:** 1943
- **Volume of Staffing Events with Staff Working a Double Shift:** 137 (7%)

The Second Quarter of 2013 Staff Youth Ratio requirements display the following characteristics:

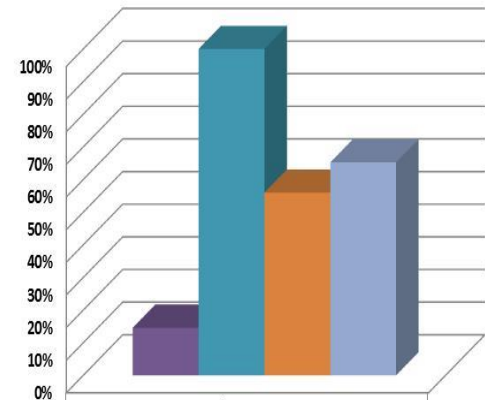
- 10:00pm- 6:00am: maintained 100% required staff youth ratio
- 6:00 am – 2:00 pm: a 9% decrease in meeting staff youth ratio requirements since the First Quarter reporting
- 2:00 pm – 10:00 pm: a 8% decrease in meeting staff youth ratio requirements since the First Quarter reporting

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 92

CTS Bayamón Fase Tratamiento

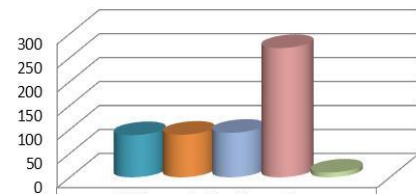
Percent of Units Events Meeting Staff Youth Ratio



Percentage of All Agency Population	15%
Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	100%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	56%
Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	65%

270 youth 1:1 supervision events for the Second Quarter of 2013

Volume of 1:1 Events Without Required staffing during reporting period: 10

**CTS Bayamón
1:1 Supervision Events**

Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	88
Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	89
Youth Assigned 1:1 Staff Youth Supervision 2:00 - 10:00	93
Total Youth Assigned 1:1 Staff Youth Supervision Events First Quarter 2013	270
Volume of Events without 1:1 Supervision	10

CTS Guayama Staff Youth Ratio Analysis:

March 31, 2013 thru June 29, 2013

Both a Level 2 and 3 Facility:

Guayama staff youth ratio is being analyzed as follows:

- A Staff Youth Ratio of 1:8 during 6:00 AM -2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM - 6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

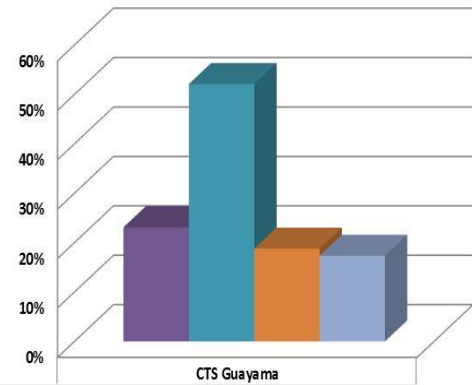
- Volume of Staff Youth Ratio Events: 1928
- Volume of Staffing Events with Staff Working a Double Shift: 312 (16%)

The Second Quarter of 2013 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: 22% decrease since First Quarter reporting period
- 6:00 am – 2:00 pm: a 5% increase since First Quarter reporting period
- 2:00 pm – 10:00 pm: a 6% increase since First Quarter reporting period

Volume of Weeks Analyzed: 13**Volume of Days Analyzed: 92****CTS Guayama**

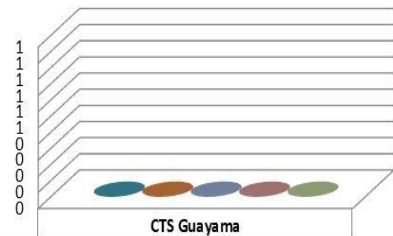
Percent of Units Events Meeting Staff Youth Ratio



Percentage of AU Agency Population	23%
Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	52%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	19%
Percentage of Time Met Staff Youth Ratio 2:00- 10:00	17%

0 youth 1:1 supervision events for the Second Quarter of 2013

Volume of 1:1 Events Without Required staffing during reporting period: **0**

**CTS Guayama
1:1 Supervision Events**

Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	0
Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	0
Youth Assigned 1:1 Staff Youth Supervision 2:00- 10:00	0
Total Youth Assigned 1:1 Staff Youth Supervision Events: First Quarter 2013	0
Volume of Events without 1:1 Supervision	0

CTS Humacao Staff Youth Ratio Analysis:

December 30, 2012 thru March 30, 2013

Level 4 Facility:

- A Staff Youth Ratio of 1:8 during 6:00 AM-2:00 PM and 2:00 PM -10:00 PM and
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

Percent of Forms Available: 100%**Volume of Weeks Analyzed:** 13 of 13 requested

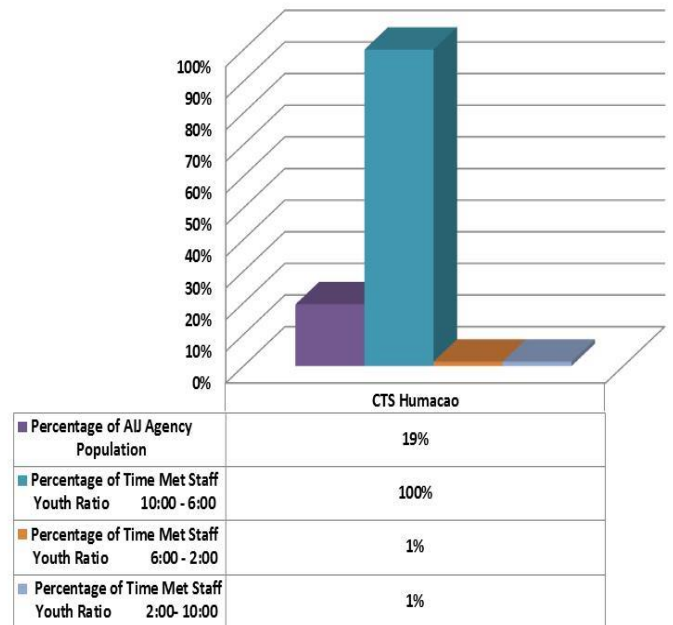
- **Volume of Staff Youth Ratio Events:** 1956
- **Volume of Staffing Events with Staff Working a Double Shift:** 572 (27%)

The Second Quarter of 2013 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: maintained at 100%
- 6:00 am – 2:00 pm: a 9% decrease since 2012 Fourth Quarter reporting
- 2:00 pm – 10:00 pm: a 8% decrease since 2012 Fourth Quarter reporting

Volume of Weeks Analyzed: 13**Volume of Days Analyzed: 92**

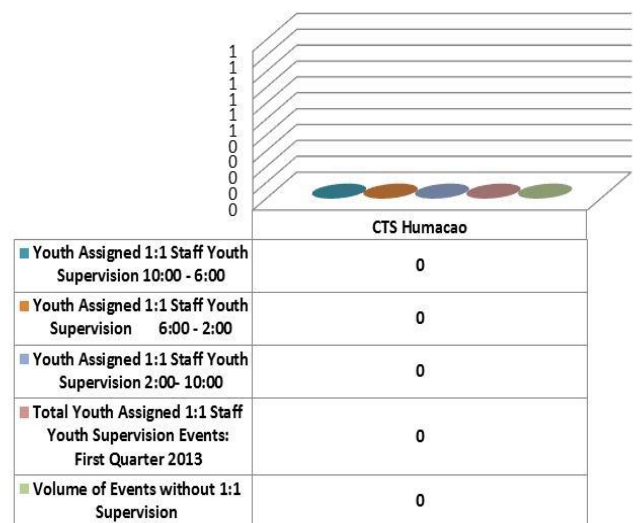
CTS Humacao
Percent of Units Events Meeting Staff Youth Ratio

**0 youth supervision events for the Second Quarter of 2013**

Volume of 1:1 Events Without Required staffing during reporting period:

0

CTS Humacao
1:1 Supervision Events



CTS Villalba Staff Youth Ratio Analysis:

March 31, 2013 thru June 29, 2013

Level 5 Facility:

- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

- Volume of Staff Youth Ratio Events: 2092
- Volume of Staffing Events with Staff Working a Double Shift: 168 (8%)

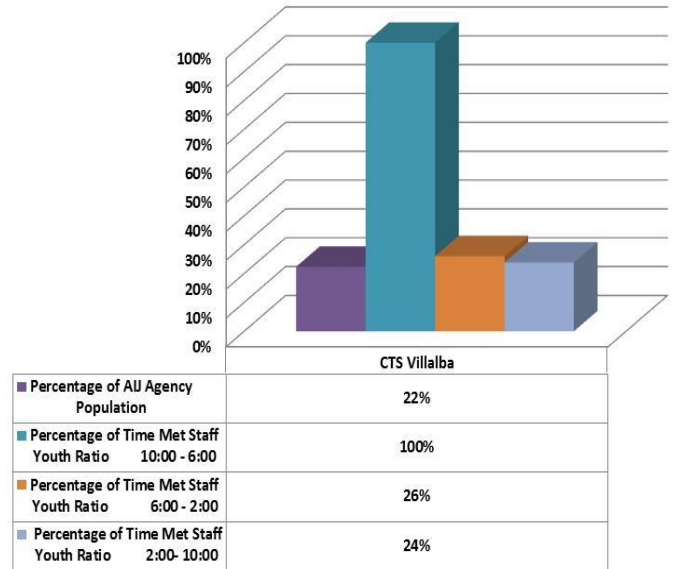
The Second Quarter of 2013 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: maintained at 100%
- 6:00 am – 2:00 pm: a 12% increase since 2012 Fourth Quarter reporting
- 2:00 pm – 10:00 pm: a 14% increase since 2012 Fourth Quarter reporting

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 92

CTS Villalba
Percent of Units Events Meeting Staff Youth Ratio

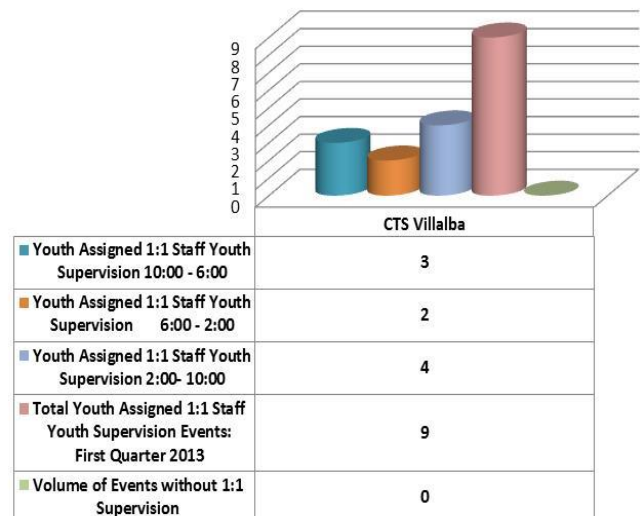


9 youth 1:1 supervision events for the Second Quarter of 2013

Volume of 1:1 Events Without Required staffing during reporting period:

0

CTS Villalba
1:1 Supervision Events



Guaili Staff Youth Ratio Analysis:

March 31, 2013 thru June 29, 2013

Level 2 Facility:

- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

- Volume of Staff Youth Ratio Events: 273
- Volume of Staffing Events with Staff Working a Double Shift: 158 (58%)
- This is probably not an accurate volume of overtime.

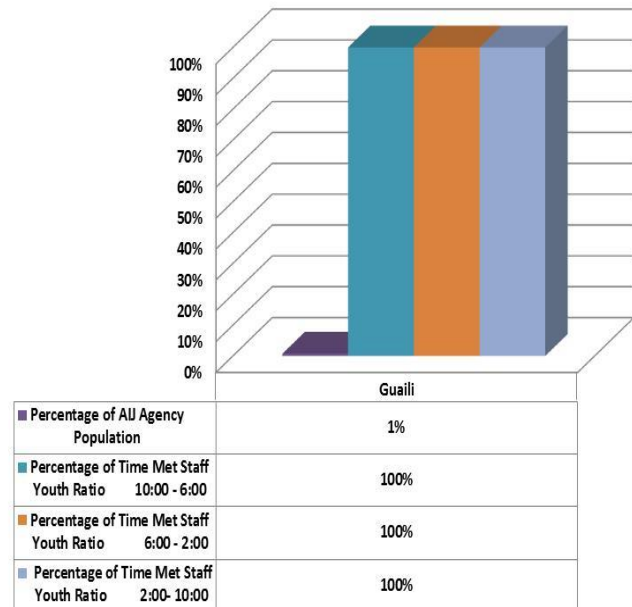
Guaili has maintained Staff Youth Ratio expectations for all fourteen quarters of 2010, 2011, 2012 and first and second quarter 2013 reporting periods.

Guaili represents 1% of the DCR institutional population.

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 92

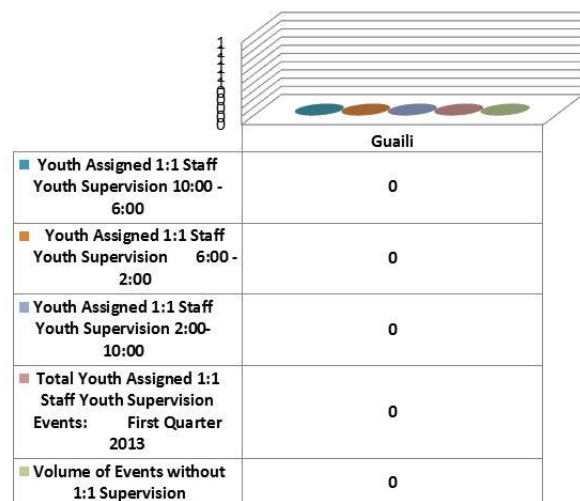
Guaili
Percent of Units Events Meeting Staff Youth Ratio



Guaili reported no youth on 1:1 supervision for the Second Quarter.

Volume of 1:1 Events Without Required staffing during reporting period: **0**

Guaili
1:1 Supervision Events



CREANDO Staff Youth Ratio Analysis:

March 31, 2013 thru June 29, 2013

Level 2 Facility:

- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

- Volume of Staff Youth Ratio Events: 273
- Volume of Staffing Events with Staff Working a Double Shift: 1 (0%)

For the Second Quarter reporting period, CREANDO was in operation from March 30, 2013 thru the end of the reporting period.

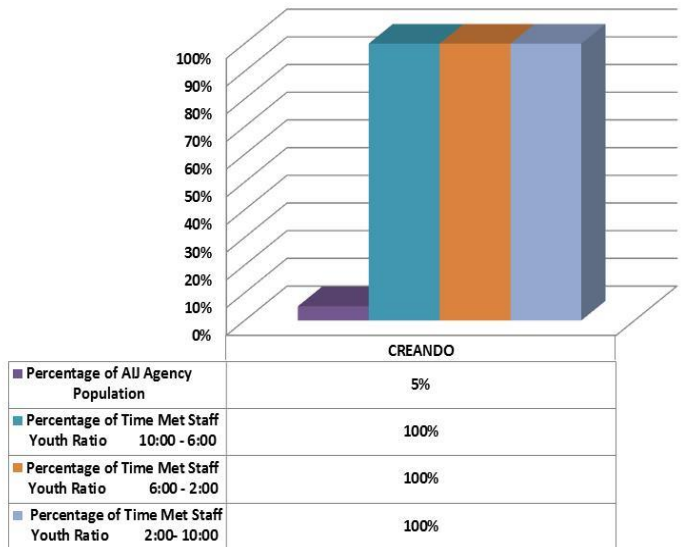
CREANDO represents 5 % of the DCR institutional population.

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 92

CREANDO

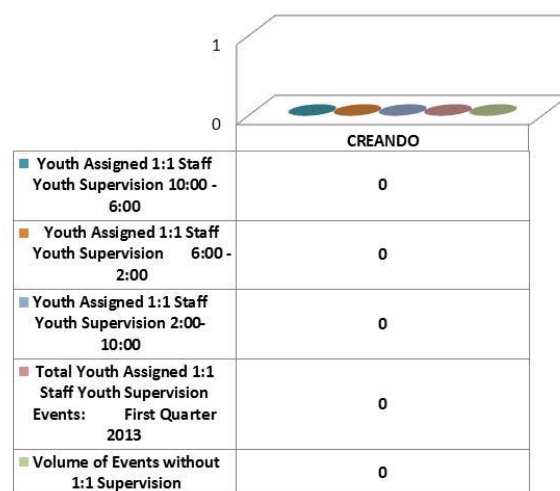
Percent of Units Events Meeting Staff Youth Ratio



CREANDO reported no youth on 1:1 supervision for the Second Quarter.

Average volume of youth assigned 1:1 staff youth supervision per reported day: **0**

Volume of 1:1 Events Without Required staffing during reporting period: **0**

**CREANDO
1:1 Supervision Events**

Facility Table of Shift Compliance with Staff Youth Ratio:

Second Quarter 2013 Staff Youth Ratio Performance by Shift	Percent of Staff Youth Ratio Forms Received	<u>Percentage of AIJ Agency Population</u>	Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	Percentage of Time Met Staff Youth Ratio 2:00- 10:00	<u>Average Daily Population</u>
<u>CD Bayamón</u>	100%	16%	100%	28%	35%	72
<u>CTS Bayamón Fase Tratamiento</u>	100%	15%	100%	56%	65%	66
<u>CTS Guayama</u>	100%	23%	52%	19%	17%	105
<u>CTS Humacao</u>	100%	19%	100%	1%	1%	89
<u>CTS Villalba</u>	100%	22%	100%	26%	24%	102
<u>Guaili</u>	100%	1%	100%	100%	100%	3
<u>CREANDO</u>	100%	5%	100%	100%	100%	23

Facility Table of Assignment of 1:1 Supervision by Day:

Second Quarter 2013 Youth Assigned 1:1 Supervision	Percentage of DRC Agency Population	Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	Youth Assigned 1:1 Staff Youth Supervision 2:00- 10:00	Total Youth Assigned 1:1 Staff Youth Supervision Events: First Quarter 2013	Volume of Events without 1:1 Supervision	Volume of Days Analyzed
<u>CD Bayamón</u>	16%	81	50	69	200	5	92
<u>CTS Bayamón Fase Tratamiento</u>	15%	88	89	93	270	10	92
<u>CTS Guayama</u>	23%	0	0	0	0	0	92
CTS Humacao	19%	0	0	0	0	0	92
CTS Villalba	22%	3	2	4	9	0	92
Guaili	1%	0	0	0	0	0	92
CREANDO	5%	0	0	0	0	0	92
Totals	100.0%	172	141	166	479	15	644

Table of Date of Receipt of Facility Staff Youth Ratio Form:

<u>Date</u>	<u>CD Bayamon</u>	<u>CTS Bayamón Fase Tratamiento</u>	<u>CTS Guayama</u>	<u>CTS Humacao</u>	<u>CTS Villalba</u>	<u>Guaili</u>	<u>Program CREANDO</u>	<u>Ponce Ninas</u>
March 31 - April 6, 2013	6/10/2013	5/1/2013	5/1/2013	5/1/2013	5/14/2013	5/14/2013	5/1/2013	5/14/2013
April 7 - 13, 2013	5/1/2013	6/10/2013	5/1/2013	5/1/2013	5/14/2013	5/14/2013	5/1/2013	5/14/2013
April 14 - 20, 2013	5/1/2013	5/1/2013	7/2/2013	5/1/2013	5/14/2013	5/14/2013	5/1/2013	5/14/2013
April 21 - April 27, 2013	6/10/2013	6/12/2013	6/27/2013	5/1/2013	5/14/2013	5/14/2013	5/14/2013	5/14/2013
April 28 - May 4, 2013	6/12/2013	6/12/2013	6/27/2013	6/10/2013	6/11/2013	5/14/2013	5/14/2013	5/14/2013
May 5 - May 11, 2013	6/10/2013	5/24/2013	6/27/2013	6/10/2013	6/11/2013	6/11/2013	6/13/2013	6/11/2013
May 12 -May 18, 2013	6/10/2013	6/10/2013	6/27/2013	6/10/2013	5/23/2013	6/12/2013	6/11/2013	6/12/2013
May 19 -May 25, 2013	6/10/2013	6/10/2013	6/27/2013	6/10/2013	6/11/2013	6/11/2013	6/13/2013	6/12/2013
May 26 -June 1, 2013	6/12/2013	6/12/2013	6/27/2013	6/10/2013	6/11/2013	6/11/2013	6/13/2013	6/11/2013
June 2 -June 8, 2013	6/13/2013	6/13/2013	6/27/2013	6/13/2013	6/12/2013	6/11/2013	6/13/2013	6/11/2013
June 9 -June 15, 2013	6/25/2013	6/25/2013	6/27/2013	6/25/2013	6/25/2013	6/25/2013	6/27/2013	6/25/2013
June 16 -June 22, 2013	6/26/2013	6/26/2013	6/27/2013	6/26/2013	6/26/2013	6/25/2013	6/27/2013	6/25/2013
June 23 -June 29, 2013	7/2/2013	7/2/2013	7/3/2013	7/3/2013	7/3/2013	7/3/2013	7/3/2013	7/3/2013
	13	13	13	13	13	13	13	13
Volume of Forms Submitted	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Table of Date of Facility Average Daily Population Based on Monday AM Weekly Count:

Dates of Reporting Period	<u>CD</u> Bayamon	<u>CTS</u> Bayamón	<u>CTS</u> Guayama	<u>CTS</u> Humacao	<u>CTS</u> Villalba	<u>Guaili</u>	<u>Program</u> CREANDO	<u>Totals</u>
		<u>Fase</u> Tratamiento						
March 31 - April 6, 2013	72	68	96	90	108	4	24	462
April 7 - 13, 2013	74	66	97	88	108	3	24	460
April 14 - 20, 2013	69	69	100	90	108	3	24	463
April 21 - April 27, 2013	69	61	104	90	107	3	24	458
April 28 - May 4, 2013	58	69	102	88	108	3	24	452
May 5 - May 11, 2013	64	65	105	87	108	3	24	392
May 12 -May 18, 2013	68	66	106	88	103	3	23	457
May 19 -May 25, 2013	69	64	109	86	102	3	24	457
May 26 -June 1, 2013	74	67	104	89	99	3	24	460
June 2 -June 8, 2013	81	69	107	97	89	3	23	469
June 9 -June 15, 2013	80	65	110	87	88	3	22	455
June 16 -June 22, 2013	71	69	114	87	97	3	22	463
June 23 -June 29, 2013	83	65	114	86	100	3	22	473
Totals	932	863	1368	1153	1325	40	304	5921
Percentage of AIJ Agency Population	16%	15%	23%	19%	22%	0.7%	5%	100%

Document Attachment B: Consultant Robert Dugan Report on Classification

DRC Classification Quarterly Report: April 1 – June 30, 2013

Prepared by Bob Dugan: Office of the Monitor: July 13, 2013

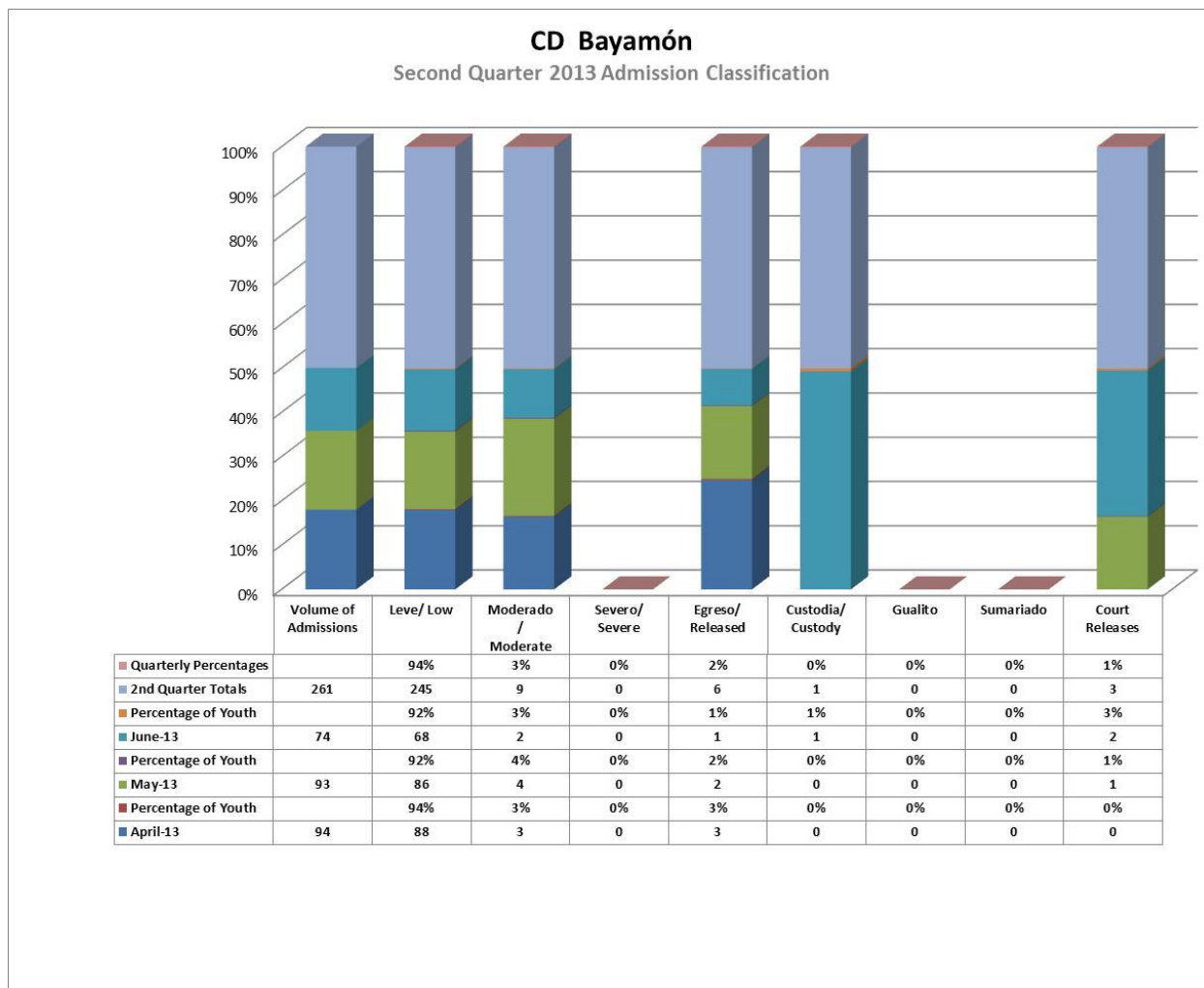
S.A. 52. states the following: At both the detention phase and following commitment, Defendants shall establish objective methods to ensure that juveniles are classified and placed in the least restrictive placement possible, consistent with public safety. Defendants shall validate objective methods within one year of their initial use and once a year thereafter and revise, if necessary, according to the findings of the validation process.

This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.341.

Specifically classification and screening must assess for risk of sexual victimization and abusiveness using an objective screening instrument. The standards require that youths be screened for risk of being sexually abused or sexually abusive and that screening information be used to inform housing, bed, work, education, and program assignments.

Second Quarter May 1, 2013 – June 30, 2013 CD Bayamón Admission Classification:

The Second Quarter of 2013 is the fifth time that DRC has produced CD Bayamón Admission Classification data to be included in the Quarterly Report.



There were 261 admissions for the second quarter, of which 94% were classified as low; 3% were classified as moderate; and 0% were classified as severe.

DRC is having a classification validation study conducted on committed and detention youth. The results of the validation study have not been produced at this time.

Document Attachment C: Report on Incidents and Understaffing January- March 2013

The following is a table of incidents that took place at times and in locations where the required levels of staffing coverage, as specified by Paragraph 48, were not in place.

There is a possibility that some cases are missing from this table, and the Monitor's Office is assessing this possibility. If there turn out to be missing cases, the parties will be informed and an updated table will be included in the next QR.

For each of these cases, the number of youth service officers present in the housing unit did not meeting the ratio requirement of Paragraph 48, which is the same requirement as standard 115.313 of the Prison Rape Elimination Act.

Apr. 6	CTS Villalba	13-079	Afternoon	Allegedly, two juvenile had consent sexual relations in Living Unit C-2, bathroom area. After the investigation one of the youth said was threatened verbally by the other.	1 officer, 11 juveniles
Apr. 8	CTS Villalba	13-068	Morning	Allegedly, a group of (11) juveniles assaulted other youth. The incident occurred in Living Unit A-II, bathroom area.	1 officer, 13 juveniles
Apr. 8	CD Guayama	13-070	Morning	Allegedly, a juvenile was punched in his face by other youth. The incident occurred in the school area hall.	2 officer, 25 juveniles
Apr. 20	CTS Villalba	13-073	Afternoon	Allegedly, a juvenile was punched in his face and hit with a soap bar. The incident occurred in the victim's room in Living Unit C-I.	1 officer, 11 juveniles
Apr. 30	CTS Guayama	13-081	Afternoon	Allegedly, a juvenile was punched in his face while he was watching TV. The incident occurred in Living Unit Step Down.	1 officer, 18 juveniles
May 6	CTS Guayama	13-084	Morning	Allegedly, a juvenile was punched and kicked by a group of (9) youths. The victim was also hit in his back with a chair. The incident occurred in Living Unit VII.	1 officer, 15 juveniles
May 18	CTS Bayamón	13-094	Afternoon	Allegedly, a juvenile was punched in his back by a youth officer during a fight between juveniles. The incident occurred in Living Unit Orange, stairs area.	1 officer 10 juveniles

May 23	CTS Villalba	13-100	Afternoon	Allegedly, a juvenile was hit in his chest and threatened with “shanks” by a youth in Living Unit A-II. During the incident investigation the youth officer admitted he went to the living unit main control area to have dinner.	1 officer, 12 juveniles
Jun. 4	CTS Villalba	13-103	Morning	A juvenile was threatened with a piece of a “art scalpel” by other youth. The incident occurred in Living Unit B-1, bathroom area. After the incident, during a search in the living unit, multiple razor blades and other sharp objects were confiscated.	1 officer, 14 juveniles
Jun. 6	CTS Ponce Girls	13-104	Night	Allegedly, a girl in therapeutic observation (constant watch) was left alone by the youth officer assigned to provide the observation.	0 officer, 1 juvenile
Jun. ?	CTS Ponce Girls	13-106	Information not available	Allegedly, a girl was touched in her “private parts” by a facility teacher. Apparently, the teacher was providing contraband to the girl to allow him that sexual conduct.	Information not available
Jun. 29	CD Bayamón	13-116	Afternoon	Allegedly, a juvenile was hit by other juvenile. The incident occurred in Living Unit I.	1 officer, 15 juveniles
Jun. 29	CTS Guayama	13-114	Night	Allegedly, a juvenile was hit by a group of youths. The incident occurred inside a room in Living Unit I.	1 officer, 18 juveniles

Document Attachment D: Abuse Referrals Tracking Report

The following tables summarize statistics about case management for the last two quarters of 2012 and the first two quarters of 2013. The underlying source of the information is the case tracking records maintained by AIJ along with other records.

The first table summarizes overall incident statistics, and then describes the incidents suicide and self-mutilation incidents known to mental health staff. Many of these do not warrant abuse allegations.

Statistics for 2012-2013		2012-3rd	2012-4th	2013-1st	2013-2nd
Incidents		158	187	178	167
	Suicidal Incidents	13	14	14	12
	Self-Mutilation Incidents	26	28	28	18
Suicidal Incidents (From M/H Records)		13	14	14	12
	Youth Involved	13	11	13	12
	Cases involving ideation only	12	13	13	12
	Cases involving suicide intention	0	0	0	0
	Cases w/ ambulatory treatment	13	12	13	12
	Cases with hospitalization	0	2	1	0
	Cases leading to death	0	0	0	0
	Cases with 284a report filed	0	1	0	0
Self-Mutilations Incidents (MH records)		26	28	28	18
	Youth Involved	21	25	14	17
	Cases requiring sutures	0	0	0	0
	Cases requiring hospitalization	0	0	0	0
	Cases leading to death	0	0	0	0
	Cases with a 284a report filed	2	3	2	2

The above cases come from mental health records. AIG has implemented a screening procedure and instrument that diverts the investigation of some incidents from the Paragraph 78 process to a recently developed mental health process. Of the 167 suicide and self-mutilation incidents for the fourth quarter, two resulted in a Paragraph 78a abuse referral. The remaining cases were to be referred to the mental health process.

The second table concerns incidents that warranted abuse referrals.

Statistics for 2012-2013		2012-3rd	2012-4th	2013-1st	2013-2nd
284 A Incidents		81	81	66	52
	Level Two Incidents	61	69	51	33
	Referrals to SAISC	61	69	51	33
	Suicide Ideation/Attempt	0	1	0	0
	Self-Mutilation Idea/Attempt	4	3	2	2
	Youth-to-Youth Incidents	53	42	34	28
	Youth-to-Youth Injuries	18	37	17	16
	Youth-to-Youth with External Care	12	10	14	9
	Youth-to-Youth Sexual	5	3	2	1
	Youth-to-Youth Sexual w/ Injury	0	0	0	0
	Staff-to-Youth Incidents	28	38	32	24
	Staff-to-Youth Injuries	13	16	11	3
	Staff-to-Youth with External Care	5	1	7	0
	Staff-to-Youth Sexual	2	1	1	2
	Staff-to-Youth Sexual with Injury	0	0	0	0
	SOU 284A Interventions	1	4	2	2
	284A with Item 5 completed	70	65	56	65
	284A with Staffing Compliance	56	42	39	29

There was compliance with Paragraph 48 staffing requirements for about half of the 284A incidents.

Statistics for 2012-2013		2012-3rd	2012-4th	2013-1st	2013-2nd
Initial Case Management					
	284A percent with admin actions	86%	90%	90%	94%
	284A Within 24 hours	95%	99%	94%	88%
	284A Within 72 hours	5%	1%	99%	100%
	284B or Local Report Within 5 days	N/A	N/A	N/A	N/A
	284B or Local Report Within 15 days	N/A	N/A	N/A	N/A
	284B or Local Report Within 20 days	66%	83%	80%	100%

The reported 20-day completion rate for local investigations has reached full compliance.

The following table concerns referrals and investigations of cases to and by OISC, which is the new title for the investigation unit previously referred to as “SAISC.”

Statistics for 2012-2013		2012-3rd	2012-4th	2013-1st	2013-2nd
OISC					
	Cases Referred from this quarter	63	69	51	33
	Referred Within 1 day	30	41	42	26
	Referred Within 3 days	9	15	1	5
	Referred Within 10 Days	24	13	8	1
	Referred Within 20 Days	0	0	0	1

Paragraph 78.c requires that cases are to be provided to the OISC investigator responsible for the facility involved within 24 hours of knowledge of the incident.

The following table summarizes the SAISC investigation durations for the cases involved.

Statistics for 2012-2013		2012-3rd	2012-4th	2013-1st	2013-2nd
OISC Investigation Durations					
	Completed in less than 10 workdays	0	0	0	1
	Completed in 11-20 workdays	2	1	2	14
	Completed in 21-30 workdays	6	0	10	6
	Completed in 31-45 workdays	1	0	8	1
	Completed in more than 45 workdays	0	2	3	0
	Completed in a subsequent quarter	60	27	139	
	Not completed yet.	54	66	26	11
	Returned for Further investigation	1	0	0	9
	Further Investigation Completed	0	0	0	2

Paragraph 78.e requires that OISC complete investigations within 30 days. For the second quarter of 2013, there were 33 cases referred to OISC, and 21 cases were completed within the 30-day limit specified in Paragraph 78.e. OISC reports that another 1 was completed within 45 work days and another 11 were not completed yet.

Nine of the 21 cases initially completed by OISC were returned by the Commonwealth Department of Justice for further investigation.

The following table summarizes the decisions and actions taken in cases that do not involve criminal charges.

Statistics for 2012-2013	2012-3rd	2012-4th	2013-1st	2013-2nd
Administrative Determinations				
Cases with youth discipline referrals	74	46	63	20
Cases with youth discipline actions	41	37	52	18
Cases with youth no discipline actions	29	9	11	6
Cases staff/youth with determinations	0	0	0	0
Cases recommending personnel actions	0	0	1	8
Determinations Completed - Prior Qtr	25	13	43	0
Recmd Personnel Action – prior Qtr	5	4	81	

Because the some cases are still in process, administrative determinations and actions may be taken in the future. The table will be updated for each quarter in future Quarterly Reports.

The following table concerns prosecutorial determinations. Because cases are still in process, it can take several quarters for the final determinations to be made.

Statistics for 2012-2013	2012-3rd	2012-4th	2013-1st	2013-2nd
Prosecutorial Determinations	0	0	0	0
Cases with no determinations	0	2	0	0
Cases with decision not to prosecute	1	0	2	2
Cases with referral for prosecution	0	0	5	0
Total cases documented				

Document Attachment E: Abuse Referral Case Assessment Report January-March 2013

The Monitor's Office has developed an instrument to assess how abuse allegation cases are investigated and managed. This instrument is designed to assess whether a sample of cases meet the quality and timeliness criteria in the Settlement Agreement. It consists of six parts which are to be completed by different participating agencies in the investigation process. The six parts are:

- A. Initial Reporting and Investigation (completed by the facility where the incident is alleged to have taken place.
- B. Police and Prosecutorial Investigation (to be completed by the Puerto Rico Department of Justice in consultation and coordination with the Puerto Rico Police and the prosecutors within the Department of Justice.)
- C. Facility Investigation (to be completed by UEMNI)
- D. SAISC Investigation (to be completed by SAISC)
- E. Case Tracking and Outcomes (to be completed by the Puerto Rico Department of Justice.)
- F. Monitor's Office Assessment

For each item in the instrument, an answer of "Y" or "NA" (not applicable) is intended to mean that there was compliance or an absence of non-compliance with the requirements of the Settlement Agreement. An answer of "N" indicates that a substantive or timeliness criterion was not met.

As the instrument is fully implemented, sampling will be determined by the Monitor's Office and may vary from quarter to quarter as to the types of cases selected. The general approach is that at the end of each quarter, the Monitor's Office will provide a list of 25-50 cases for which the instrument is to be completed and transmitted to the Monitor's Office within one week of receipt of the list of cases. These cases will involve incidents that took place during the quarter previous to the most recent quarter. For example, for March-April-May, the cases will be selected from January-February-March. This will provide sufficient time for investigations to be completed and final determinations to be made.

Note: In each table, the numbers refer to number of "Y" cases that were rated as compliant with respect to the topic. Thus "20 of 21" means that 20 of the 21 cases were rated as complying with the provision requirement.

The first table relates to initial incident reporting.

Case Assessment Instrument – Section A – Initial Reporting		
Assessment Criterion	Status Y/N/NA	Comment
A.1 Was the incident promptly reported?	Y-33, N-3	The percentage for this report is 90%. The percentage in the last Quarterly Report was 83%.
A.2 Were appropriate administrative actions taken to protect the victim(s)?	Y-36	The percentage for this report is 100%. The percentage in the last Quarterly Report was 100%.
A.3 If injury was suspected, was the victim promptly evaluated for injury by health care personnel?	Y-35, N/A-1	The percentage for this report is 97%. The percentage in the last Quarterly Report was 97%.
A.4 Was evidence preserved?	Y-1, N-2 N/A-33	The percentage for this report is less than 1%. The percentage in the last Quarterly Report was 17%. In this reporting period 20 Level II cases were selected.
A.5 Was investigation initiated promptly?	Y-35, N-1	The percentage for this report is 97%. The percentage in the last Quarterly Report was 94%.
A.6 Was the 284-A filed within 24 hours?	Y-30, N-6	The percentage for this report is 83%. The percentage in the last Quarterly Report was 77%.
A.7 Did the reporting official file an incident report before the end of shift?	Y-33, N-3	The percentage for this report is 92%. The percentage in the last Quarterly Report was 74%. Improved Compliance
A.8 If this was a serious incident, was SAISC notified within 24 hours?	Y-36	The percentage for this report is 100%. The percentage in the last Quarterly Report was 89%.
A.9 Was the AIJ preliminary investigation reported within 24 hours to the Police Department, the Department of Family Services, the Department of Corrections, and the AIJ Administration.	Y-35, N-1	The percentage for this report is 97%. The percentage in the last Quarterly Report was 77%. Improved Compliance
A.10 Were any youths suspected as perpetrators separated from the victim(s)?	Y-15, N-3, N/A-18	The percentage for this report is 42%. The percentage in the last Quarterly Report was 37%
A.11 If the case was serious, were the police notified that the case was serious within 24 hours?	Y-36	The percentage for this report is 100%. The percentage in the last Quarterly Report was 89%
A.12 Did the initial investigation accurately list all youth and staff witnesses?	Y-29, N/A-7	The percentage for this report is 81%. The percentage for the last Quarterly Report was 74%.
A.13 Did all staff witness's document what they knew or saw before the end of shift?	Y-35, N-1	The percentage for this report is 97%. The percentage in the last Quarterly Report was 100%.
A.14 If there was timeliness non-compliance, was related to shortage of staffing?	N-11, N/A-25	The percentage for this report is 30%. The percentage in the last report was 1%. A low percentage is a positive fact. Improved Compliance

A.15 At the location of the incident at the time of the incident, was staffing compliant with Settlement Agreement requirements?	Y-17, N-6, N/A-1, Blank-12	The percentage for this report is 47%. The percentage in the last Quarterly Report was 34%
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Case Assessment Instrument – Section B – Police and Prosecutorial Investigation		
Assessment Criterion	Status Y/N/NA	Comment
B.1 Was the incident report received from the facility within 24 hours of the time recorded as the point of knowledge of the incident?	Y-6	For this reporting period the PRDOJ sent information related to 6 of the selected cases.
B.2 If the case was considered serious by the facility where the incident took place, were the police contacted within 24 hours?	Y-6	
B3. Were PRPD expectations met for promptly initiating an investigation?	Y-6	
B.4 Did PRPD investigators determine that evidence was appropriately preserved?	N/A-6	
B.5 If prosecutors communicated an intent to proceed criminally, was AIJ informed to delay any compelled interview of the subject until the criminal investigation was completed?	N-2, N/A-4	
B.6 Were PRPD expectations met for timeliness in completing the investigation?	Y-6	
B.7 Was completion of the investigation documented?	Y-6	
B.8 If there was timeliness non-compliance, was related to shortage of staffing?	N/A-6	

Case Assessment Instrument – Section C – Facility Investigation		
Assessment Criterion	Status Y/N/NA	Comment
C.1 If there were potential injuries, did the investigation include photographs of visible injuries?	Y- 31, N-2, N/A-3	The percentage for this report is 86%. The percentage in the last Quarterly Report was 86%.
C.2 Was there a personal interview of the victim(s) with a record of the questions and answers?	Y-16, N/A-20	The percentage for this report is 44%. The percentage in the last Quarterly Report was 49%.
C.3 Was there a personal interview of the alleged perpetrator(s) with a record of the questions and answers?	Y-16, N/A-20	The percentage for this report is less than 44%. The percentage in the last Quarterly Report was 31%.
C.4 Was physical evidence preserved and documented?	Y-1, N-1, N/A-34	The percentage for this report is less than 1%. The percentage in the last Quarterly Report was less than 1%. The evaluation shows confusion with Level I cases.
C.5. If the incident was classified as Level I, was the investigation completed within 20 calendar days?	Y-14, N/A-22	The percentage for this report is 39%. The percentage in the last report was 28%. Twenty cases were classified as Level II.
C.6 Was the completion of the investigation documented in the tracking database?	Y-36	The percentage for this report is 100%. The percentage in the last report was 100% The agency has a manual database.
C.7 If there was timeliness non-compliance, was related to shortage of staffing?	N/A-36	The answers do not represent the facilities real situation.

Case Assessment Instrument – Section D – OISC Investigation		
NOTE: Completed only for Level II cases.		
Assessment Criterion	Status Y/N/NA	Comment
D.1 If the case was a Level II case, was the referral received by SAISC within 24 hours?	Y-15, N-5	For this reporting period 20 Level II cases were selected. The percentage for this report is 75%. The information in the last Quarterly Report was 63%.
D.2 Did SAISC complete (and transmit to AIJ and the PRDOJ) an investigation within 30 calendar days of the receipt of the initial referral by SAISC?	Y-10, N-10	The percentage for this report is 50 %. The information in the last Quarterly Report less than 23%. Improved Compliance
D.3 Did the investigation meet SAISC's standards for investigation quality?	Y-20	The percentage for this report is 100%. The information in the last Quarterly Report was 95%.
D.4 Did the investigation provide a description of the alleged incident, including all involved persons and witnesses and their role?	Y-20	The percentage for this report is 100%. The information in the last Quarterly Report was 95%.
D.5 Did the investigation provide a description and assessment of all relevant evidence?	Y-20	The percentage for this report is 100%. The information in the last Quarterly Report was 95%.
D.6 Did the investigation provide proposed findings?	Y-1, Blank-19	The percentage for this report is less than 1%. The information in the last Quarterly Report was 1%. According to the evaluation OISC investigations provide proposed findings in most of the cases however, the forms sent were not completed accordingly.
D.7 If there was timeliness non-compliance, was it related to shortage of staffing?	N-11, Blank-9	According to the information provided 55% of the cases were not completed on time due to lack of staff. In the last Quarterly Report the percentage was 18%. Improved Compliance
D.8 Did SAISC completed the investigation within 30 days of receipt of the referral?	—	Not provided

Case Assessment Instrument – Section E – Case Tracking and Outcomes		
Assessment Criterion	Status Y/N/NA	Comment
E.1 At the time of the assessment of this case with this instrument, was the tracking database complete for this case?	N	The tracking database was not updated during this quarter. A manual version was maintained that provides for very limited analysis and reporting.
E.2 Was the initial investigation (284-A) faxed within 24 hour?		
E.3 Was the facility investigation completed within 20 days?		
E.4 If the incident was serious (involving allegations of: abuse; neglect; excessive use of force; death; mistreatment; staff-on-juvenile assaults; injury requiring treatment by a licensed medical practitioner; sexual misconduct; exploitation of a juvenile's property; and commission of a felony by a staff person or juvenile) was SAISC notified and the case referred within 24 hours?		
E.5 If applicable, was a SAISC investigation completed and transmitted to PRDOJ within 30 days of receipt by SAISC?		
E.6 Did AIJ reach an administrative determination concerning the case which is documented in the tracking database?		
E.7 Is there a document demonstrating review, by PRDOJ prosecutors of the PRPD investigation, which documents a prosecutorial determination as to whether to prosecute or not?		
E.8 If there was timeliness non-compliance, was is related to shortage of staffing?		

Case Assessment Instrument – Section F – Monitor's Office Assessment		
Assessment Criterion	Status Y/N/NA	Comment
F.1 Does the Monitor's Office confirms the timeliness facts as asserted in Page A?	Y-30, N-5	All the cases were reviewed and the Monitor's Office confirmed the information provided by the facilities 85% of the cases. The percentage in the last Quarterly Report was 91%.
F.2 Does the Monitor's Office confirms the timeliness facts as asserted in Page B?		For the first time the PRPD sent most of the information required. Twenty nine cases were sent and evaluated.
F.3 Does the Monitor's Office confirms the timeliness facts as asserted in Page C?	Y-31, N-4	The percentage for this report is 89%. The percentage in the last Quarterly Report was 92%.
F.4 Does the Monitor's Office confirms the timeliness facts as asserted in Page D?	Y-20, N-2	The percentage for this report is 90%. The percentage for the last Quarterly Report was 100%.
F.5 Does the Monitor's Office confirms the timeliness facts as asserted in Page E?		The Information was not provided.
F.6 Does the Monitor's Office confirms the investigation quality as asserted in page B?		For the first time the PRPD sent most of the information required. Twenty nine cases were sent and evaluated.
F.7 Does the Monitor's Office confirms the investigation quality as asserted in page C?	Y-31, N-4	The percentage for this report is 89 %. This percentage only means that the Monitor's Office confirms the information provided by the facilities not a percentage of compliance.
F.8 Does the Monitor's Office confirmed the investigation quality as asserted in page D?	Y-20, N-2	The percentage for this report is 90%. This percentage only means that the Monitor's Office confirms the information provided by OISC not a percentage of compliance.

Document Attachment F: Consultant Report on Facilities

SITE VISIT REPORT **Prepared by Monitor's Consultant Curtiss Pulitzer** **July 30, 2013**

CTS Bayamon

I was accompanied on my tour by Javier Burgos and Ricardo Blanco from the Monitor's Office, the Fire Safety Coordinators, Ricardo Betancourt and Cancel, the physical plant manager Henrick Harbar as well as Pedro Santiago, Luis Ortiz and Taraneh Ferdman. **There had been some considerable improvements at CTS Bayamon from my prior visit with many of the air conditioning units having been repaired.** The following observations were made during my tour:

1. Blue Building (population 10 youth – Mental Health; module 2 only)
 - The Blue Building repairs have been completed and overall the housing unit was in very good physical condition.
 - All the air conditioning units were working well.
 - The lighting in the recreation/program module had been fixed.
 - The minor mold problems on the ceiling of the education module appeared to have been repaired.
 - The showers that have received the new special epoxy paint treatment that I had recommended is holding up very well and there was still no mold developing in the showers as has historically happened when inferior epoxy products had been applied.
 - The scratched Lexan in the windows and doors of the lower dorm rooms of Module 3 were still there but new Lexan was on order.
 - There is still shower water that is escaping from the showers on to the mezzanine. I have recommended several times that AIJ look at a Velcro shower curtain product made by the Imperial Fastener Company (just one example) that provides a shower curtain system with no hooks, pins, or cords but it is attached with Velcro tabs. There was no movement yet on this recommendation. This product and others similar to it are designed for the correctional market.
2. Orange Building (population 32 youth – Modules 2 and 3 are CER with 18 youth and 14 Level IV youth in Module 1)
 - The housing units were being painted.
 - There was a new A/C unit in the mini control and the equipment room below the control room had been painted and cleaned.
 - The hot water had been repaired in Module 1 as well as the control panel
 - The A/C appeared to be working well in all the units.

- New day light bulbs were being placed in all the units.
- The recreation yard lighting had been repaired and old basketballs had finally been removed from the razor ribbon on the walls of the recreation yards.
- The dayroom floors, group showers and the cells with showers in them all need the new painting treatment. Hopefully, the new product being used by AIJ in the Blue Building and at Guayama can be applied in these locations.
- In general, the building was in good condition, although I did observe condensation dripping from the A/C units.

3. Green Unit (population 0 youth)

- This Unit remains closed. However, the wiring damaged from the broken water pipes adjacent to mini-control is fixed.
- The agency is waiting for parts for several of the doors and the consoles to be able to reopen this unit. The electronic panel boards are still being worked on.

4. Yellow Building (population 23 youth – 7 in Module 1; 10 in Module 3; 6 in Module 2)

- All the showers were in need of treatment with the new product DCR is now using. One of the floor drains in the shower was still broken and the youth could easily hurt themselves. DCR said they were working on fixing this.
- In Module 3, the A/C was still working well. This had been an on-going problem for many months.
- In Module 3, the ceiling had been repaired where the re-bars from the roof had been exposed.
- The air conditioning in the Program Module was working well.
- The hasp that had been placed on one of the classrooms in the Program Module had been removed which I was very pleased to see.

5. Medical/Social Services Area

- The social services area below the medical unit had new lay-in ceilings in place and the air conditioning units were all working well.
- The ceilings in the common area of the clinic were unfortunately dripping water again after having gone through extensive repairs that had lasted for several months.
- The air conditioning in the clinic had been repaired.
- The registers that lead from the extended the ducts that were put in place last summer to provide some cooling and humidity control and avoid mold problems in the large volume adjacent to the clinic and infirmary volume were in place, although the A/C was not working. There is still a dispute as to whether plastic sheeting to keep the cooled air from escaping from the screened window openings should be installed. The A/C company that does repairs in this area stated that the openings need to be left uncovered. DCR was to investigate this further.

- While the elevator in this building had been repaired after several years it was once again not working due to a circuit problem.
- The air conditioning in the infirmary was still **not working**. The agency told me they are waiting for a new air conditioning unit.
- While the infirmary remains empty, it has been cleaned and was in very good shape but **new ceiling leaks had started there as well**.
- As I have said many times before, a tremendous amount of money was spent here to create crisis and suicide watch beds to serve not only Bayamon but also other facilities. In addition, this is the only juvenile facility with the ability to appropriately provide in-patient skilled nursing care to serve not only CTS and CD Bayamon but other facilities as well. I have been requesting that the agency provide the Monitor's Office with a medical and mental health operations plan. This request has been on-going for more than **five years** on how DCR plans to utilize this amazing yet unused resource.

6. Dining Room/Visitation and Kitchen

- The air conditioning in the dining room **was still not working!** I was told that the ducts were being repaired as they **had become contaminated**. The existing air conditioning unit was also being repaired. The juveniles were eating their meals in the module dayrooms.
- I was not told whether the visiting room was still being used for visitation.
- The roof in the kitchen and warehouse had been repaired and the roof sealed so that water leaks in the kitchen have finally stopped. I observed no new leaks.
- The tray washing machine equipment was not being used as the dining room was closed.

7. Laundry

- The laundry looked in very good condition and all the washers and dryers continued to be working.
- The storage areas remain cleared of all flammable material which is critical in maintaining life safety in this area.

8. Education

- School was in session.
- There still are a number of A/C problems. The air conditioning was not working in the counseling area. On the 2nd floor the office next to the classroom has a hose leak and is causing much condensation. The A/C in the small classroom/office is actually too strong. The same condition exists in the English classroom.
- Air conditioning is still lacking in the Chapel.
- The Hair Care Vocational Classroom is now being used for storage.
- A new problem surfaced in that in two of the classrooms the air conditioning was not working

9. Gymnasium

- As reported in my earlier site visits the Gymnasium is in excellent condition

10. Overall Security and Site Issues

- The air conditioning was working well in Central Control and the condensation drain issue has not recurred. The door into Central Control was secured as it should be.
- The security monitoring lights on the consoles were still not working. This is of **great concern**.
- The fire and smoke alarms **are working**
- A new security gate had been installed between the Blue and Education buildings. The remaining gates are scheduled to be replaced as well.
- The air conditioning in Intake which had been repaired was still working well.
- The Overhead door into the Intake garage had been repaired and was still working. The intercom from the exterior to central control **does not work**.
- The air conditioning in the security office was still working well.
- There was continuing improvement in removal of vines from the perimeter fences but more clean-up is required. Much of the vegetation inside and in front of the perimeter fences has been cleared, **and egress paths from fire exits appeared to be cleared of vegetation**.
- Hasps on the inner perimeter fence need to be repaired and all gates leading out from the inner perimeter need to be secured
- Perimeter security lights were repaired and I presumed were still working.
- The CCTV system for the facility has never been completed
- The service yard is still in a fair state of repair and should be repaved but most of the debris that had been stored there previously has been removed greatly improving its functionality.

Humacao

On the day of my site visit the population at Humacao was 88. I toured the facility with Javier Burgos and Ricardo Blanco from the Monitor's Office, Nelson Echeveria, the Compliance Coordinator, Modesto Moldinado, physical plant, Luis Ortiz and Pedro Santiago. I also met with Director Luis Rodriguez Perez. I was pleased to see continued improvements at the facility from my last visit. The roof repairs to all areas except for the dayroom ceilings apparently have been completed. While I was pleased to see some movement in this long-standing environmental problem, no ceiling repairs had occurred yet in the day rooms of the living areas where there is widespread mold on the ceilings. Air conditioning problems are also still an issue as described below. In addition, Humacao still has no electronic individual door release and intercoms to each cell as in the other juvenile facilities. This is a long standing life safety issue. On a positive note, **security screws had been placed on most of the sink and shower faucets**, which I was pleased to see. A larger security screw still needs to be installed on the remaining sink faucets to complete this necessary security upgrade.

Other issues observed included:

1. Unit 1B (closed)
2. Unit 1A (10 juveniles)
 - The A/C in the dayroom and juvenile rooms was working well.
 - The hot water in the showers took a very long time to turn warm.
 - The sprinkler system was functioning in both units.
3. Unit 2A (13 juveniles)
 - The A/C was working but the dayroom area was warm. The juvenile rooms were at the correct temperature.
 - The bathroom areas were very clean on both levels.
 - The hot water system was working.
 - I Tested fire exit door 35C and the officer remotely unlocked the door in 10 seconds. The vegetation in the fire egress path, however, was very overgrown and unacceptable as was the vegetation on the security fence.
4. Unit 2B (14 juveniles)
 - The dayroom A/C was still ***not working after 5 months.***
 - There was still no door pull on fire exit door 4D.
 - The hot water system was working.
5. Unit 3A (15 juveniles)
 - The A/C in the dayroom was not working well but was working during my prior visit in December.
 - The A/C in rooms 4-7 and 12-15 were not working at all.
 - The hot water system was working.
6. Unit 3B (14 juveniles)
 - The A/C was working well
 - The hot water system was working.
 - I tested fire exit door 4D and the officer remotely unlocked the door in 6 seconds. The vegetation in the fire egress path in this area had been cleared as had the vegetation on the fence.
7. Unit 4A (11 juveniles)
 - The dayroom A/C was working well
 - The A/C in rooms 1-3 and 8-12 was still ***not working after 5 months.***
 - The hot water system was working.
8. Unit 4B (11 juveniles)
 - The air vents are painted over or stuffed with paper put there by juveniles which is why the A/C was not working well on the lower level of rooms.
 - There was no hot water in the showers although this may just be a temperature adjustment issue.
 - I tested fire exit door 4D and the officer remotely unlocked the door in 10 seconds. The vegetation in the fire egress path in this area had been cleared as had the vegetation on the fence.
9. Other Issues

- While the insulation has been removed in the gym, there are still roof leaks over the bleachers.
- The fire alarms in Central Control continue to be broken, although a repair company was there assessing the costs to repair the system.
- The entry lobby, which has always been too cold from the A/C, had **no air conditioning** the day of my visit.
- There was water behind the mini-control in Housing Building 4 due to a leak from the A/C unit on the roof.

Systemwide Plumbing Report

Unfortunately, there has been a serious deterioration in the number of observed broken fixtures at the end of June increasing to 38 from 18 in the last quarter. While there had been a steady decrease in the number of broken fixtures since 2012, when there were 50 in the first quarter, a high of 81 in the second quarter, 58 in the third quarter, 29 in the last quarter of 2012 and an all-time low of 18 in the first quarter of 2013, the current figure is 111% higher than last quarter's. The only improvement was at Humacao which went from 9 broken fixtures last quarter to 2 this quarter, although not all modules had hot water. The remaining facilities all saw increases with CD Bayamon slipping badly from 3 broken fixtures last quarter to 15 this quarter. There is currently a repair program in progress at CD Bayamon, but historically repairs there continue to be a problem, even though there had been positive progress on making timely repairs until this past quarter. The data was collected in late June of this year and is summarized below:

- ☐ CD Bayamon - 15
- ☐ CTS Bayamon - 9 (Blue, Orange and Yellow units)
- ☐ Guali - 0
- ☐ Guayama - 5
- ☐ Humacao - 2
- ☐ Villalba - 7
- ☐ Creando - 0

The full summary appears on the following page by facility. There are also some general comments regarding observations made during the facility tours to capture the plumbing statistics.

Plumbing Conditions Summary
April - June 2013

Facility	Modules in use	Toilets			Urinals			Showers			Sinks			Drink Water	Hot water available	Comments	Summary of Broken Fixtures
		# toilets	# broken	# available	# urinals	# broken	# available	# showers	# broken	# available	# sinks	# broken	# available		(yes/no)		
CTS Guayama	7 of 9	14	2	12	8	1	7	21	1	20	21	1	20	ok	yes	Two modules used for administrative purposes. 1 A/C unit out of service	5
CTS Humacao	8 of 8	32	1	31	32	1	31	32	0	32	32	0	32	ok	partial	Roof leaks under repair, 1 emergency door broken, 3 A/C out of serv. water drain blockage in module II-A.	2
CTS Villalba	7 of 8	28	2	26	28	2	26	28	3	25	28	0	28	ok	yes	Severe roof leaks in modules, 4 doors out of service, 4 A/C units out of serv. B-I closed for repairs.	7
CD Bayamon	7 of 8	30	6	24	20	9	11	20	0	20	30	0	30	ok	partial	Roof leaks, 2 A/C units not working, no security screws, 1 main door broken, Bravo-II module closed for repairs	15
CTS Bayamon	7 of 11	133	7	126	0	0	0	15	0	15	135	2	133	ok	yes	Security screws were installed. Green unit closed for repairs.	9
Guali	1	4	0	4	0	0	0	4	0	4	4	0	4	ok	yes	This module is closed for repairs.	0
CREANDO	4	12	0	12	0	0	0	12	0	12	18	0	18	ok	yes	none	0
Totals	42 of 49	253	18	231	88	13	75	132	4	124	268	3	261	/	/	/	38

Appendix G: Report of Monitor's Consultant David Bogard

Site Visits and Functional Team Meetings

Site visits were conducted by me at CTS Humacao (5/21/13); CTS Bayamon and CD Bayamon (6/17/13); Ponce Ninas (6/18/13); CTS Villalba (4/9/13 and 6/18/13); CTS Guayama (6/19/13).

Functional Team meetings were held on April 10, May 22 and June 19, 2013.

General Comments on Disciplinary Provisions

- Monitor's Consultant Bob Dugan and I are continuing the process of assisting DCR with a quality assurance process for quarterly data reported on use of force, transitional measures and protective custody. There have been many changes made as a result of this process and the quality of data is improving incrementally.
- I continue to be very concerned about the frequency of incidents involving large numbers of youth. An April 17 incident at CTS Guayama involved more than 90 youth. Most, if not all of these incidents are a direct result of orders by youth leaders and/or power struggles between leaders.
- Bob Dugan and I have repeatedly recommended to DCR staff directly and through Quarterly Reports that DCR consider the establishment of a specialized programmatic housing environment for youth identified as leaders. This recommendation was explained and discussed at length with DCR representatives on May 22, although DCR officials reported back on June 19 that the agency did not wish to proceed in that manner. Instead, DCR will pursue a strategy including staffing additions, additional training, enhanced supervision and improved behavior modification as mechanisms to address the problems of youth leaders in the facilities.
- Monitor's Consultant Bob Dugan and I are continuing the process of assisting DCR with a quality assurance process for quarterly data reported on use of force, transitional measures and protective custody. There have been many changes made as a result of this process and the quality of data is improving incrementally.
- I continue to be very concerned about the frequency of incidents involving large numbers of youth. An April 17 incident at CTS Guayama involved more than 90 youth. Most, if not all of these incidents are a direct result of orders by youth leaders and/or power struggles between leaders.
- Bob Dugan and I have repeatedly recommended to DCR staff directly and through Quarterly Reports that DCR consider the establishment of a specialized programmatic housing environment for youth identified as leaders. This recommendation was explained and discussed at length with DCR representatives on May 22, although DCR officials reported back on June 19 that the agency did not wish to proceed in that manner. Instead, DCR will pursue a strategy including staffing additions, additional training, enhanced supervision and improved behavior modification as mechanisms to address the problems of youth leaders in the facilities.

S.A. 74.

- Significant improvement has been observed relative to the first component of this provision. It appears that most youths are receiving handbooks admission to the system and then again in the admissions area of the institutions upon transfer. In addition, several institutions have implemented methods to make handbooks fully accessible to youths in the dayrooms by placing them in folders affixed to the wall, by insuring that a copy of the handbook is located on the ledge of the dayroom glass facing the mini control (CTS and CD Bayamon), or by placing the relevant pages behind plexiglass affixed to the dayroom wall (Guayama). I recently recommended that the Guayama approach was the most reliable one and should be adopted

systemwide to work in concert with the distribution of handbooks to insure that youths have adequate notice of rules and potential sanctions. DCR officials committed to implementing this approach although, as of June 17-19 it had not been implemented at all facilities.

- DCR has indicated that several recommendations made by me in my September 2012 report on the hearing process component of this provision have recently been implemented. This will require further documentation and monitoring to determine whether compliance can be asserted.
- DCR has provided me with a revised policy # 15.5 addressing what I previously noted was the unacceptable practice of transferring youth who have assaulted others to a higher custody facility with no disciplinary hearing and no accountability. The policy requires holding hearings at the higher custody facility with evidence and, if necessary, witnesses obtained from the previous facility. I will monitor whether this process is working in practice, commensurate with the dictates of P74.

S.A. 77.

- The increasing number of violent incidents involving large numbers of youth is resulting in escalating levels of use of force. This frequently occurs in the context of multiple youths assaulting others on the orders of youth leaders.
- At Ponce Ninas I identified an incident in which force was used against a girl despite the fact that her actions did not appear to constitute a provocation that satisfied the criteria for force to be used. The girl was "taken down to the floor" and sustained multiple abrasions and lesions for disobeying orders and allegedly inciting other youth to do the same. The Cernimiento form was completed but it did not result in a referral for an investigation, despite the questionable use of force and injuries sustained.
- The parties have now reached agreement relative to modified language for this provision. On June 18, DCR submitted a draft version of a modified policy 9.18 to reflect these changes and others I have previously recommended.
- There continues to be improvements in quarterly reporting of use of force data. Incident reports are still not consistently distinguishing between victims and aggressors (especially when large numbers of youth were involved or present).
- On June 19 DCR officials committed to a process of documentation, prepared by nursing staff, after all use of force incidents as an independent source of documentation. A draft policy was submitted to me and DCR will review and consider a final version of the logging format once I resubmit same.
- Some facilities (e.g., Humacao) have started differentiating in Incident Reports between staff who use force (check marks) and those who witness it (T). This needs to be addressed in policy or administrative order and adopted system wide.
- Up until June 29, Humacao had the lowest number of use of force incidents since I have been tracking this figure. However, there was a major incident on June 29 involving 38 youth, which offset that which was otherwise a peaceful quarter.
- The absence of security cameras, particularly in Humacao and Villalba, makes documentation of events and meaningful review of use of force incidents most difficult. This is a true challenge in the incidents involving large numbers of youth where officers frequently report using force on larger numbers of youth that they actually did and cannot reliably report on what force was used against which specific youths.

S.A. 80.

- A thorough review of this provision, as it relates to youth on both protective custody and transitional measures status was conducted the week of April 13-17. Access to education continues to be the primary area of non-compliance, although there are also safety issues raised by inconsistent and unacceptable methods of making and documenting 15 minute safety and security checks and others related to access to recreation.

- Room check logs used to document 15 minute safety rounds, are not being completed accurately or consistently. Bob Dugan and I have made a number of recommendations to improve the design and utilization of these logs, including redefining 15 minute checks, proper documentation of missed checks, adding observation codes, and placement of logs on or next to room doors. On June 19 we discussed a new form intended to improve the observation log's information and accuracy and DCR will respond to me by mid-August with final comments on this form along with implementation procedures. Once a new form is adopted, DCR staff need to be trained in its use and the entire process of 15 minute checks needs to be incorporated into an administrative directive or policy^{17.20}.
- A new form for measuring P 80 compliance and tracking services received by youth on Transitional Measures or Protective Custody was drafted and presented to DCR. It was discussed on June 19 and DCR will respond with comments and recommended changes by mid-August.
- There continues to be widespread confusion between PC and Transitional Measures.

Review of Use of Force Incidents

The following table addresses use of force data from this quarter as reported on a weekly basis by the institutions. Note that more than one form of force may sometimes be used on a youth in a single event (e.g., separate the minors, take to the floor, apply mechanical restraints).

Institution	Physical Restraints	Mechanical Restraints	OC	Events	# Youth	Notes
Ponce Ninas	19	1	0	10	17	
Villalba	16	0	0	3	7	
Humacao	39	0	40	6	46	Includes June 29 incident with 38 youth
CD Bayamon	14	0	2	2	14	Includes April 7 incident with 12 youth
CTS Bayamon	0	0	0	0	0	
Guayama	9	0	2	2	5	April 17 incident with 90+ youth <u>not reported by the institution.</u>

Bob Dugan and I continue to perform quality assurance checks on the weekly data being reported by the institutions when we visit each site and review primary and secondary forms of documentation. For example, during the course of our site visit we learned of the mass incident involving more than 90 youth on the basketball court at CTS Guayama although, inexplicably, this incident was not reported on the weekly data report.

This is the first quarter in which I am reporting this *quantitative* data and it is my intention to include this on a regular basis from this point on. Analysis of incidents, including the necessity and appropriateness of use of force pursuant to the requirements of Paragraph 77, is ongoing.

Document Attachment H: Site Visit Chronology

The Monitor's Office has conducted site visits to several facilities in order to assess conditions and operations, and to inform the process of developing monitoring protocols and in developing recommendations for improvements where needed. In addition, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco continue to make site visits to follow up the joint monitoring process and to assess conditions that may formally or informally come to their attention. The following is a list of the site visits conducted with participation by officials of the Monitor's Office.

April 9, 2013:	Consultant David Bogard, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CTS Villalba.
April 16, 2013:	Consultant Michael Gatling and Associate Monitor Ricardo Blanco Site visit to CTS Humacao.
April 17, 2013:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco CTS Humacao.
April 18, 2013:	Consultant Michael Gatling and Associate Monitor Ricardo Blanco Site visit to CDT Ponce "Girls".
April 19, 2013:	Consultant Michael Gatling and Associate Monitor Ricardo Blanco Site visit to CTS Bayamon.
April 30, 2013:	Consultant Curtiss Pulitzer, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CTS Humacao.
April 30, 2013:	Consultant Victor Herbert and Consultant Marelli Colón and Site visit to CTS Humacao.
April 30, 2013:	Consultant Curtiss Pulitzer, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CTS Bayamón.
April 30, 2013:	Consultant Curtiss Pulitzer, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CD Bayamón.
May 21, 2013:	Consultant Robert Dugan, Deputy Monitor Javier Burgos, Associate Monitor Ricardo Blanco site Visit to CTS Villalba.
May 21, 2013:	Consultant David Bogard, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CTS Humacao.
June 3, 2013:	Consultant Marielli Colón, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Bayamón.

June 3, 2013:	Consultant Marielli Colón, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CD Bayamón.
June 17, 2013:	Consultant David Bogard and Deputy Monitor Javier Burgos site visit to CD Bayamón and CTS Bayamón
June 18, 2013:	Consultant David Bogard, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CTS Ponce “Girls”.
June 18, 2013:	Consultant David Bogard, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to Guaili.
June 18, 2013:	Consultant David Bogard, Consultant Robert Dugan and Associate Monitor Ricardo Blanco site visit to CTS Villalba.
June 19, 2013:	Consultant David Bogard, Consultant Robert Dugan and Deputy Monitor Javier Burgos site visit to CTS Guayama.

THE UNITED STATES OF AMERICA

Plaintiff,

v.

CIVIL ACTION NO. 94-2080 CC

COMMONWEALTH OF PUERTO RICO

Defendants,

Monitor's Compliance Ratings
Second Quarter 2013

Provision	P	S	R	T	D	G	Comment
Compliance Category and Rating Definitions							
Compliance Category P	This category concerns <u>Policy Compliance</u> as required by Settlement Agreement paragraph 45. "Y" means that there are sufficient written policies and procedures in place so that, if they were implemented, compliance would be achieved. A "Y" also means that there are no policies and procedures in place that are inconsistent with the provision.						
Compliance Category S	This category concerns <u>Staffing Compliance</u> as required by Settlement Agreement paragraph 48. "Y" means that there are sufficient authorized and filled positions so that compliance could be achieved. Temporary vacancies are acceptable, provided that functional coverage is provided while the position is vacant, and the process of replacing the employee proceeds promptly.						
Compliance Category R	This category concerns <u>Resource Compliance</u> as required by Consent Order paragraph 44. "Y" means that there are sufficient funds, equipment and supplies and space that compliance can be achieved.						
Compliance Category T	This category concerns <u>Training Compliance</u> as required by Settlement Agreement paragraph 45. "Y" means that the necessary training has been provided, and that the training informs the employees as to how to implement the provision involved.						
Compliance Category D	This category concerns <u>Documentation Compliance</u> as required by Settlement Agreement paragraph 101. "Y" means that there is procedures and forms in place and in use to document whether compliance is being achieved or not. A "Y" can be assigned when the documentation accurately shows non-compliance.						
Compliance Category G	This category concerns <u>General Compliance</u> - the overall achievement of compliance with the provision involved.						
Compliance Rating Definitions	"Y" means that compliance is achieved. "N" means that compliance is not yet achieved. "#" means that the Monitor has not determined whether compliance has been achieved or not. "I" means that the category is inapplicable to the provision involved.						

Provision	P	S	R	T	D	G	Comment
Facility Provisions							
C.O. 41: Within ninety (90) days of the filing of this Consent Order, Defendants shall repair all defective plumbing in the facilities in this case. The defective plumbing shall be repaired first at Mayaguez, Ponce Industrial, Ponce Detention and Humacao.	N	N	N	#	#	N	
S.A. 29. Each new facility shall be built in accordance with: (1) the American Correctional Association's (hereinafter "ACA") standards in effect at the time of the construction; (2) the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 and 47 U.S.C. §§ 225 and 611, and the regulations thereunder; and (3) all Commonwealth fire codes and regulations.	Y	I	N	Y	N	N	
S.A.31. Existing facilities expected to be occupied by juveniles beyond Fiscal Year 1996-1997 shall conform to applicable federal, state and/or local building codes.	N	I	N	N	N	N	
S.A. 34. In order to properly equip and swiftly evacuate the facilities in the event of a fire or other emergency, in each facility, Defendants shall provide sufficient staff with appropriate keys to unlock exit doors in all buildings occupied by juveniles. The keys shall be color coded and notched or otherwise readily identifiable. Defendants shall also store a backup set of emergency keys at a place accessible at all times to staff on duty on all shifts.	Y	#	#	#	N	N	
S.A. 35. Defendants agree that designated exit doors in all facilities will be maintained in operable condition and shall be readily unlocked in case of an emergency.	Y	#	N	#	Y	N	

Provision	P	S	R	T	D	G	Comment
S.A. 37. AIJ policy shall ensure safety for juveniles and staff by requiring compliance with fire safety code requirements. Specific emergency plans shall be developed and copies made available to staff members. There shall be ongoing training programs and emergency procedures shall be reviewed and updated annually.	Y	Y	Y	N	#	N	

Provision	P	S	R	T	D	G	Comment
Policies and Procedures							
S.A. 45. Within one year of the approval of this agreement by the Court, Defendants agree to provide an agency policy and procedure manual governing all operational aspects of the institutions. Within eighteen months of the approval of this agreement by the Court, Defendants shall further insure that the facilities are strictly operated within these policies and procedures and that all staff have been trained accordingly.	N					N	
Staffing							
S.A. 48. Defendants shall ensure that the facilities have sufficient direct care staff to implement all terms of this agreement. Direct care staff supervise and participate in recreational, leisure and treatment activities with the juveniles. Compliance can be demonstrated in either of two ways.	N	N	N	N	Y	N	This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Sections 115.313.
January 2009 Stipulation Paragraph 1: All necessary steps shall be taken immediately to ensure the reasonable safety of youth by providing adequate supervision of youth in all facilities operated by, or on behalf of, the Defendants.	Y	N	N	N	N	N	This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Sections 115.313, 115.364
January 2009 Stipulation Paragraph 2: All necessary steps shall be taken to provide sufficient direct care staff to implement the Consent Decree and adequately supervise youth, pursuant to Paragraph 48, as amended by Court Order dated May 15, 2007 (Dkt. #719), by hiring qualified direct care staff, beginning with fifty (50) direct care staff within thirty (30) days of this Order, and fifty (50) additional direct care staff every thirty (30) days, until Defendants achieve the goal to provide adequate supervision of youth in all facilities.	N	N	N	N	N	N	
January 2009 Stipulation Paragraph 3: Defendants will include as direct care staff all social workers assigned to its institutions, once such staff receive forty (40) hours of pre-service training, pursuant to Paragraph 49 of the Consent Decree. The same shall also receive annual training as direct care staff, pursuant to Paragraph 50 of the Consent Decree.	#	#	#	#	#	#	The Commonwealth has decided not to employ this provision to enhance coverage.

Provision	P	S	R	T	D	G	Comment
January 2009 Stipulation Paragraph 4: All persons hired to comply with Paragraph 48 shall be sufficiently trained, pursuant to Paragraph 49 of the Consent Decree, before being deployed. Defendants shall deploy all duly trained direct care staff, pursuant to Paragraph 49, to juvenile facilities in a timely manner.	Y	N	N	#	N	N	
January 2009 Stipulation Paragraph 5: On the fifth day of every thirty-day period commensurate with the Order approving this Stipulation, Defendants shall submit a report to the Monitor and the United States providing the following: a. the number of current direct care staff, by position classification, at each facility; b. the number of qualified direct care staff hired during the previous period; c. the number of hired direct care staff in the previous period who were hired and have received pre-service training, pursuant to Paragraph 49; and d. the juvenile facilities where the direct care staff who were hired in the previous quarter and have received pre-service training, pursuant to Paragraph 49, have been deployed or assigned.	Y	Y	Y	Y	Y	Y	

Provision	P	S	R	T	D	G	Comment
Training							
S.A. 50. Defendants shall ensure that current and new facility direct care staff are sufficiently well-trained to implement the terms of this agreement. Each direct care staff, whether current or new, shall receive at least forty (40) hours of training per year by qualified personnel to include, but not be limited to, the following areas: CPR (cardiopulmonary resuscitation); recognition of and interaction with suicidal and/or self-mutilating juveniles; recognition of the symptoms of drug withdrawal; administering medicine; recognizing the side-effects of medications commonly administered at the facility; HIV related issues; use-of-force regulations; strategies to manage juveniles' inappropriate conduct; counseling techniques and communication skills; use of positive reinforcement and praise; and fire prevention and emergency procedures, including the fire evacuation plan, the use of keys, and the use of fire extinguishers.	Y	N	N	I	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Sections 115.332, 115.334, and 115.335.
Classification							
S.A. 52. At both the detention phase and following commitment, Defendants shall establish objective methods to ensure that juveniles are classified and placed in the least restrictive placement possible, consistent with public safety. Defendants shall validate objective methods within one year of their initial use and once a year thereafter and revise, if necessary, according to the findings of the validation process.	N	#	#	#	#	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.341 and 115.342.

Provision	P	S	R	T	D	G	Comment
Mental Health and Substance Abuse Treatment							
S.A. 59. Defendants, specifically the Department of Health (ASSMCA), shall provide an individualized treatment and rehabilitation plan, including services provided by AIJ psychiatrists, psychologists, and social workers, for each juvenile with a substance abuse problem.	N	N	Y	#	N	N	
C.O. 29: Defendants shall maintain an adequate 48 bed residential mental health treatment program which provides services in accordance with accepted professional standards, for juveniles confined in the facilities in this case in need of such services as determined by a qualified child and adolescent psychiatrist as part of a qualified interdisciplinary mental health team.	N	N	N	#	N	N	
C.O. 30: Defendants provide adequate qualified staff members for the residential treatment program, which include a child psychiatrist, psychologist, occupational therapist, social workers and nurses.							<ul style="list-style-type: none"> Defendants moved on October 5th for this provision to be dismissed. See the Monitor's upcoming PLRA Report for information about compliance with this provision.
C.O. 34. Within 160 days of the filing of this Consent Decree, Defendants shall train all staff whose responsibilities include supervision of the juveniles regarding the effective recognition of suicidal and/or self-mutilating behaviors.							<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.335..
C.O. 36. Within 120 days of the filing of this consent Order, Defendant Juvenile Institutions Administration shall provide continuous psychiatric and psychology service to juveniles in need of such services in the facilities in this case either by employing or contracting with sufficient numbers of adequately trained psychologists or psychiatrists, or by contracting with private entities for provision of such services. The continuous psychiatric and psychological services to juveniles in need of such services to include at a minimum, a thorough psychiatric evaluation. The continuous psychiatric and psychological services to juveniles in need of such services to include at a minimum diagnostic tests before prescription of behavior-modifying medications.	N	N	#	N	N	N	

Provision	P	S	R	T	D	G	Comment
S.A. 62. In addition to the mental health staff required by ¶ 36 of the Consent Order approved by the Court in this case in October 1994, Defendants shall provide ambulatory psychiatric services by a team. This team shall be composed of a child psychiatrist, a child psychologist and a social work counselor. All mental health care personnel shall have written job descriptions and meet applicable Commonwealth licensure and/or certification requirements. Defendants, specifically AIJ, will provide for residential treatment and, if needed, in-patient hospitalization for those cases where such service is needed.							<ul style="list-style-type: none"> Defendants moved on October 5th for this provision to be dismissed. See the Monitor's upcoming PLRA Report for information about compliance with this provision.
S.A. 63. For each juvenile who expresses suicidal or self-mutilating ideation or intent while incarcerated, staff shall immediately inform a member of the health care staff. Health care staff shall immediately complete a mental health screening to include suicide or self-mutilation ideation for the juvenile. For each juvenile for whom the screening indicates active suicidal or self-mutilating intent, a psychiatrist shall immediately examine the juvenile. The juvenile, if ever isolated, shall be under constant watch. Defendants shall develop written policies and procedures to reduce the risk of suicidal behavior by providing screening for all juveniles at all points of entry or re-entry to AIJ's facilities and/or programs and by providing mechanisms for the assessment, monitoring, intervention and referral of juveniles who have been identified as representing a potential risk of severe harm to themselves. Treatment will be provided consistent with accepted professional standards.	Y	#	N	N	N	N	<ul style="list-style-type: none">
S.A. 66. An AIJ child and/or adolescent psychiatrist shall develop a protocol for the use of psychotropic medication by other physicians. A training program will complement this protocol. A child and/or adolescent psychiatrist will be available on an on-call basis at all times.							<ul style="list-style-type: none"> Defendants moved on October 5th for this provision to be dismissed. See the Monitor's upcoming PLRA Report for information about compliance with this provision.
S.A. 67. Defendants shall obtain specific informed consent from a juvenile's parent or legal guardian or from the state court for the use of psychotropic medication for each juvenile on such medication. All psychotropic medications will be prescribed by a licensed psychiatrist and/or physician. All psychotropic medication will be reviewed and approved by an AIJ child psychiatrist. In all cases, the family of any juvenile taking psychotropic medication will be informed in writing by the family's case manager.							<ul style="list-style-type: none"> Defendants moved on October 5th for this provision to be dismissed. See the Monitor's upcoming PLRA Report for information about compliance with this provision.
S.A. 71. Stimulants, tranquilizers, and psychopharmacological drugs shall only be used as deemed medically necessary and shall not be administered for punishment.	#	N	Y	#	#	N	<ul style="list-style-type: none"> Defendants moved on October 5th for this provision to be dismissed. See the Monitor's upcoming PLRA Report for information about compliance with this provision.

Provision	P	S	R	T	D	G	Comment
S.A. 72. All juveniles receiving emergency psychotropic medication shall be seen at least once during each of the next three shifts by a nurse and within twenty-four (24) hours by a physician to reassess their mental status and medication side effects. Nurses and doctors shall document their findings regarding adverse side effects in the juvenile's medical record. If the juvenile's condition is deteriorating, a psychiatrist shall be immediately notified.	Y	Y	Y	Y	N	N	
S.A. 73. Defendants, specifically AIJ, shall design a program that promotes behavior modification by emphasizing positive reinforcement techniques. Defendants, specifically AIJ, shall provide all juveniles with an individualized treatment plan identifying each juvenile's problems, including medical needs, and establishing individual therapeutic goals for the juvenile and providing for group and/or individual counseling addressing the problems identified. Defendants, specifically AIJ, shall implement all individualized treatment plans.	N	N	N	N	N	N	

Provision	P	S	R	T	D	G	Comment
Discipline							
S.A. 74. Defendants shall specify the rules of the facilities with a complete list of possible punishments for violations of such rules in the handbook described in ¶ 47 above. Written notice of any rule violation, a hearing before a facility staff person not involved in the investigation of the violation, and an appeal to the facility director shall be provided to a juvenile prior to any punishment being imposed, except that Defendants may administratively segregate a juvenile in emergency or life-threatening situations. In the event of an emergency, when circumstances make it inappropriate to hold a hearing prior to segregation, a hearing shall take place within forty-eight (48) hours from the time of segregation.	N	N	Y	N	Y	N	•
S.A. 77. In no event is physical force justifiable as punishment on any juvenile. The use of physical force by staff, including the use of restraints, shall be limited to instances of justifiable self-defense, protection of self and others, to maintain or regain control of an area of the facility, including the justifiable protection of significant property from damage; and prevention of escapes; and then only when other less severe alternatives are insufficient. A written report is prepared following all uses of force and is submitted to administrative staff for review. When force, including restraint, is used to protect a youth from self, this must be immediately referred to the medical area for medical and mental health evaluation and any necessary treatment.	N	N	N	N	N	N	<p>The joint proposal to revise this provision was approved by the Court. (Docket No. 1089) This provision now reflects the revised language.</p> <p>Resources was changed from “I” to No in light of the absence of cameras and recording equipment to enable institutional staff to adequately document the facts surrounding use of force incidents.</p>

Provision	P	S	R	T	D	G	Comment
Abuse and Maltreatment Investigation and Management							
S.A. 78.a Defendants shall take prompt administrative action in response to allegations of abuse and mistreatment, including steps to protect and treat the victim, steps to preserve evidence and initiate investigation, steps to isolate, separate, and sanction youth and/or staff involved in misconduct or criminal conduct. Defendants' policies, procedures, and practices shall clearly define all incidents that must be reported, to include, at a minimum, allegations of: abuse, mistreatment, neglect, excessive use of force, inappropriate use of restraints, sexual misconduct, and assaults. Defendants shall provide for confidential means of reporting suspected abuse and mistreatment, without fear of retaliation for making such report.	Y	N	N	#	N	N	This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Sections 115.321, 115.322, 115.361, 115.362, 115.264, 115.366, 115.367, 115.368, and 115.371.
S.A. 78.b All Defendants' staff or contractors who are involved in, witness, or discover an incident (or evidence of abuse or mistreatment, in the case of a health care worker) shall document the incident or evidence in writing in a standardized incident report. The report shall be submitted to the reporter's supervisor or other designated staff person before the reporter leaves the facility following shift change. The report shall include all relevant details regarding the incident, including a description of the events leading to and immediately following the incident; date, time, and place; all persons involved, including alleged victim(s) and all witnesses; how the incident was detected; reporter's name and signature; and date and time the report form was completed.	Y	Y	Y	#	N	N	This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Sections 115.361 and 115.364.
S.A. 78.c Within 24 hours of knowledge of a potential abuse incident, the report shall be transmitted to the Commonwealth Police for investigation, the Department of Family Services for statistical reporting, the Department of Corrections, and the AIJ administration. For serious incidents involving allegations of: abuse; neglect; excessive use of force; death; mistreatment; staff-on-juvenile assaults; injury requiring treatment by a licensed medical practitioner; sexual misconduct; exploitation of a juvenile's property; and commission of a felony by a staff person or juvenile, the AIJ administration shall also notify SAISC within 24 hours of knowledge of the potential incident, and 1 hour for any juvenile death, and SAISC shall conduct an administrative investigation.	Y	Y	Y	#	N	N	This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.371.

Provision	P	S	R	T	D	G	Comment
S.A.78.d Within 24 hours, AIJ shall prepare and forward a copy of each incident report together with the AIJ preliminary investigation to the Police Department, the Department of Family Services, the Department of Corrections, and the AIJ Administration. Every 30 calendar days, AIJ, SAISC and the Commonwealth Police shall report to the Defendant Department of Justice and AIJ the status of each investigation including final determinations and associated administrative and criminal actions. Defendants shall implement appropriate policies, procedures, and practices to ensure that incidents are promptly, thoroughly, and objectively investigated. AIJ, SAISC, and Defendant Department of Justice shall consult throughout an investigation. If Defendant Department of Justice indicates an intent to proceed criminally, any compelled interview of the subject staff shall be delayed until Defendant Department of Justice concludes the criminal investigation, but all other aspects of the investigation shall proceed. Defendant Department of Justice shall review and investigate allegations of serious incidents following a preliminary investigation by the Puerto Rico Police Department.	N	#	#	#	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.371.
S.A. 78.e Administrative investigations of serious incidents shall be conducted by SAISC and completed within 30 days of SAISC's receipt of the referral. Administrative investigation of incidents classified as less serious may be conducted internally by appropriate facility staff and shall be completed within 20 days of witnessing or discovering an incident.	Y	#	#	#	N	N	<ul style="list-style-type: none">
S.A. 78.f Defendants shall implement investigation standards in conformance with applicable law, including, at a minimum: photographing visible injuries; preserving and analyzing evidence; conducting separate, face-to-face, private interviews of the alleged victim, perpetrator, and all possible witnesses, with a record of the questions and answers. Whenever there is reason to believe that a juvenile may have been subjected to physical sexual abuse, the juvenile shall be examined promptly by outside health care personnel with special training and experience in conducting such assessments.	N	N	Y	#	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.371.

Provision	P	S	R	T	D	G	Comment
S.A. 78.g Every administrative investigation shall result in a written report explicitly providing: a description of the alleged incident, including all involved persons and witnesses and their role; a description and assessment of all relevant evidence; and proposed findings. Defendants shall ensure that there are sufficient numbers of demonstrably competent staff to timely complete competent and thorough administrative investigations. Responsibilities of investigators shall be clearly designated.	N	N	Y	#	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.371.
S.A. 78.h AIJ shall conduct case management, for tracking which includes identification of findings and outcomes and dates of stages of case processing, and for oversight of further administrative actions including analysis to identify and implement corrective actions designed to avoid recurrence of incidents. At the conclusion of an administrative investigation, SAISC shall provide copies of the investigation report to AIJ and Defendant Department of Justice. AIJ's quality assurance personnel shall analyze the report and, as appropriate, identify corrective action to address operational, systemic, or other problems identified in the report and ensure that such action is taken.	N	N	Y	#	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.365.
S.A. 78.i Any employee, staff member or contractor who is criminally charged for offenses involving the abuse or mistreatment of juveniles, excessive force on juveniles, sexual misconduct with juveniles, or any other offense relating to the safety and welfare of juveniles, shall be immediately separated from having contact with detained or committed juveniles, including removal of any such person from exercising supervisory authority over any staff in AIJ facilities, while the criminal investigation or process is pending. Defendants may take additional administrative actions as they deem appropriate.	Y	Y	Y	Y	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.362, 115.364, 115.366 and 115.367.
Separation Order, of December 4, 2006: Any employee, staff member, or contractor who is criminally charged in the future for offenses involving the abuse or mistreatment of juveniles, excessive use of force on juveniles, sexual misconduct with juveniles, or any other offense relating to the safety and welfare of juveniles, shall be immediately separated from having contact with detained or committed juveniles, including the removal of any such person from exercising supervisory authority over any staff in AIJ facilities, while the criminal investigation or process is pending.	N	Y	Y	N	N	N	<ul style="list-style-type: none"> This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.362, 115.364, 115.366 and 115.367.

Provision	P	S	R	T	D	G	Comment
Protection and Isolation							
<p>S.A. 79. Juveniles shall be placed in isolation only when the juvenile poses a serious and immediate physical danger to himself or others and only after less restrictive methods of restraint have failed. Isolation cells shall be suicide resistant. Isolation may be imposed only with the approval of the facility director or acting facility director. Any juvenile placed in isolation shall be afforded living conditions approximating those available to the general juvenile population. Except as provided in ¶ 91 of this agreement, juveniles in isolation shall be visually checked by staff at least every fifteen (15) minutes and the exact time of the check must be recorded each time. Juveniles in isolation shall be seen by a masters level social worker within three (3) hours of being placed in isolation. Juveniles in isolation shall be seen by a psychologist within eight (8) hours of being placed in isolation and every twenty-four (24) hours thereafter to assess the further need of isolation. Juveniles in isolation shall be seen by his/her case manager as soon as possible and at least once every twenty-four (24) hours thereafter. A log shall be kept which contains daily entries on each juvenile in isolation, including the date and time of placement in isolation, who authorized the isolation, the name of the person(s) visiting the juvenile, the frequency of the checks by all staff, the juvenile's behavior at the time of the check, the person authorizing the release from isolation, and the time and date of the release. Juveniles shall be released from isolation as soon as the juvenile no longer poses a serious and immediate danger to himself or others.</p>	N	#	#	#	N	N	<p>Staffing, Resources and Training are marked as # (unknown) because the parameters of this provision remain unclear and subject to varying interpretations.</p> <p>This provision requires policies, actions and/or conditions that are also required by Part 115 of Title 28 of the Code of Federal Regulations Section 115.342.</p>
<p>S.A. 80. The terms of this agreement relating to safety, crowding, health, hygiene, food, education, recreation and access to courts shall not be revoked or limited for any juvenile in protective custody.</p>	N	N	#	N	N	N	•

Provision	P	S	R	T	D	G	Comment
Education and Vocational Services							
S.A. 81. Defendants, specifically the Department of Education, shall provide academic and/or vocational education services to all juveniles confined in any facility for two weeks or more, equivalent to the number of hours the juveniles would have received within the public education system. Specifically, this education shall be provided 5 (five) days per week, 6 (six) hours per day, 10 (ten) months per year. AIJ shall provide adequate instructional materials and space for educational services. Defendants shall employ an adequate number of qualified and experienced teachers to provide these services.	Y	N	R	I	Y	N	
S.A. 86a. Defendants, specifically the Department of Education, shall abide by all mandatory requirements and time frames set forth under the Individuals with Disabilities Education Act, 20 USC §§ 1401 <u>et seq.</u> Defendants shall screen juveniles for physical and learning disabilities.	Y	Y	Y	I	N	N	
S.A. 86b. The screening shall include questions about whether the juvenile has been previously identified by the public school system as having an educational disability, previous educational history, and a sufficient medical review to determine whether certain educational disabilities are present, such as hearing impairments, including deafness, speech or language impairments, visual impairments, including blindness, mental retardation, or serious emotional disturbances adversely affecting educational performance.	Y	Y	Y	I	N	N	

Provision	P	S	R	T	D	G	Comment
S.A. 87. If a juvenile has been previously identified as having an educational disability, Defendants shall immediately request that the appropriate school district provide a copy of the juvenile's individualized education plan ("IEP"). Defendants shall assess the adequacy of the juvenile's IEP and either implement it as written if it is an adequate plan or, if the IEP is inadequate, rewrite the plan to make it adequate, and then implement the revised IEP.	Y	Y	Y	I	N	N	
S.A. 90. Defendants shall provide appropriate services for juveniles eligible for special education and related services. Defendants shall provide each such juvenile with educational instruction specially designed to meet the unique needs of the juvenile, supported by such services as are necessary to permit the juvenile to benefit from the instruction. Defendants shall coordinate such individualized educational services with regular education programs and activities.	Y	Y	Y	I	Y	N	•
S.A. 91. Qualified professionals shall develop and implement an IEP reasonably calculated to provide educational benefits for every juvenile identified as having a disability. When appropriate, the IEP shall include a vocational component.	Y	Y	Y	I	N	N	•
S.A. 93. Services provided pursuant to IEPs shall be provided year round. Defendants shall ensure that juveniles with educational disabilities receive a full day of instruction five (5) days a week.	#	N	N	I	N	N	
S.A. 94. Juveniles shall not be excluded from services to be provided pursuant to IEPs based on a propensity for violence or self-inflicted harm or based on vulnerability. Juveniles in isolation or other disciplinary settings have a right to special education. If required for institutional security, services provided pursuant to IEPs may be provided in settings other than a classroom.	N	N	N	I	N	N	•

Provision	P	S	R	T	D	G	Comment
S.A. 95. When an IEP is ineffective, Defendants shall timely modify the IEP.	Y	Y	Y	I	N	N	
C.O. 43 Until this order is fully implemented, Defendants shall submit to the Legislature of the Commonwealth each fiscal year a report wherein the requirement sums of money will be established so as to implement this Consent order.	Y	Y	N		N	N	•