

**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,

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**INFORMATIVE MOTION TO FILE THE MONITOR'S QUARTERLY REPORT**

TO THE HONORABLE COURT:

Today, the Monitor submits the Monitor's First Quarter Report for 2014. The report covers the months of January through March 2014. 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 15th day of August, 2014, 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

USACPR Monitoring Inc.

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## Monitor's Quarterly Report Second Quarter 2014

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

The following is the Monitor's Second Quarter Report for 2014. 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 Detention Classification
Document Attachment C:	Report on Incidents and Understaffing
Document Attachment D:	Abuse Referrals Tracking Statistics
Document Attachment E:	Case Assessment Table to Paragraph 78
Document Attachment F:	Chronology of Site Visits

Separate Attachment One: Table of Compliance Ratings

### **Provision Phrase Deletions in the Table of Ratings**

In several provisions (3, 4, 5) relating to the January 2009 Stipulation, phrases within the provision referencing terminated provisions have been ~~struck~~, while the remainder of the language remains.

Respectfully Submitted,



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F. Warren Benton, Ph.D.  
Monitor

# Document Attachment A: Consultant Robert Dugan Report on Staffing

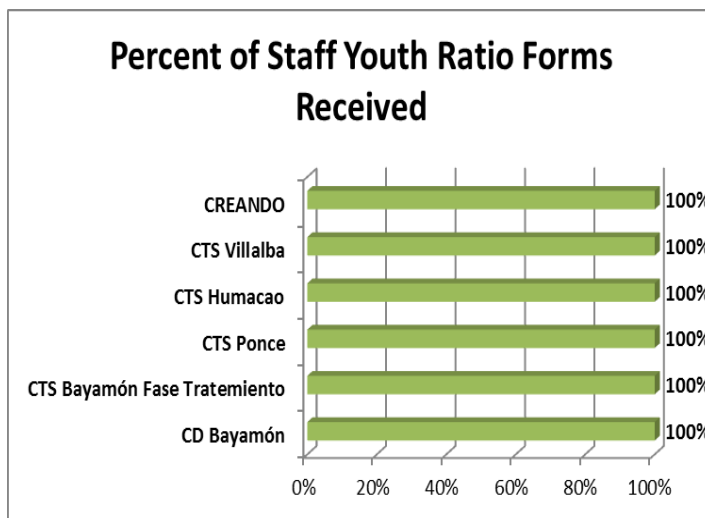
## NIJ Staffing Quarterly Report: March 30, 2014 – June 28, 2014

Prepared by Bob Dugan: Office of the Monitor

### Background:

The following report provides information from Staff Youth Ratio forms that were provided to the consultant for the period of March 30 through June 28, 2014. As of the Friday, July 11, 2014 the following forms have been submitted:

Facilities	Volume of Weeks of Staff Youth Ratio Forms Requested	Volume of Staff Youth Ratio Forms Received
<a href="#">CD Bayamón</a>	13	13
<a href="#">CTS Bayamón Fase Tratamiento</a>	13	13
CTS Ponce	13	13
<a href="#">CTS Humacao</a>	13	13
<a href="#">CTS Villalba</a>	13	13
CREANDO	13	13
<b>Totals</b>	<b>78</b>	<b>78</b>

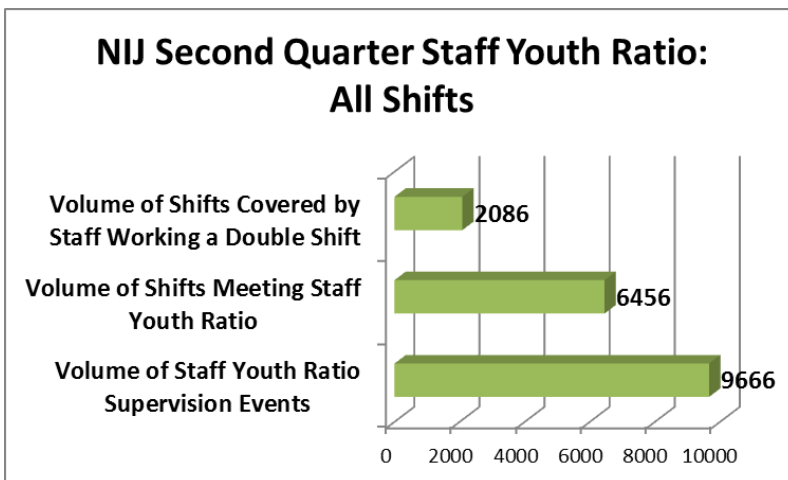


NIJ submitted a total of 78 facility staff youth ratio forms for the six operational facilities requiring staff youth ratios, allowing for 100% of the staff youth ratio forms being available for analysis. NIJ has consistently been providing all requested Staff Youth Ratio forms used for monitoring and reporting. The table displaying the date that staff youth ratio forms were received is on page 14 of this report.

CREANDO was operational for all thirteen weeks of the Second Quarter reporting period.

### NIJ Staff Youth Ratio Averages:

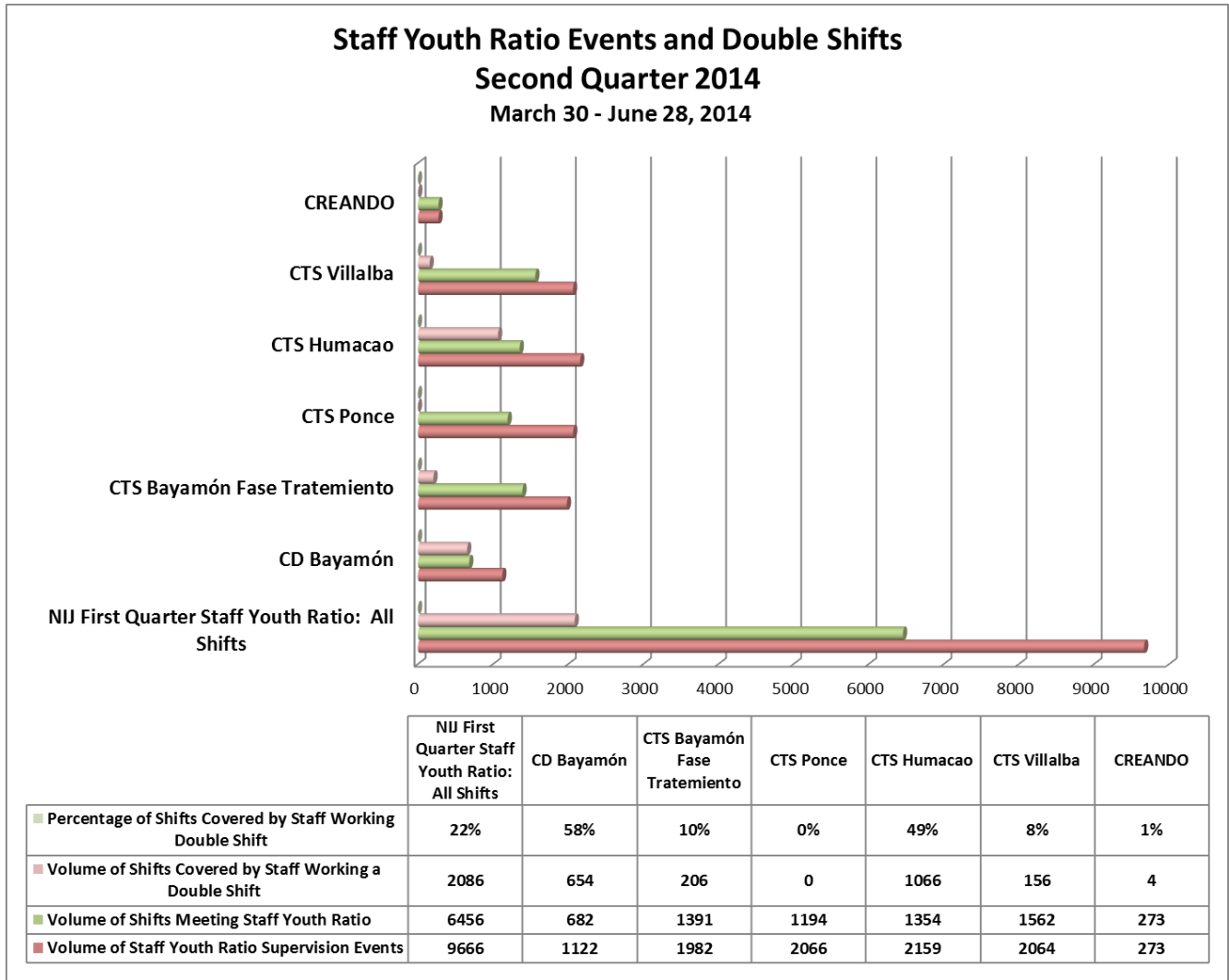
During the Second Quarter 2014 reporting period (March 30, 2014 through June 28, 2014), NIJ documented a total of 9666 shift / unit events that required staff to youth supervision. This is a decrease of 416 staff youth supervision events from the First Quarter of 2014 (10,082 events). Of the 9666 shift / unit events, 6456 of the events (67%) were supervised with the required staff youth ratios, a 15% increase from the 52% of events supervised with the required staff youth ratios from the First Quarter of 2014.



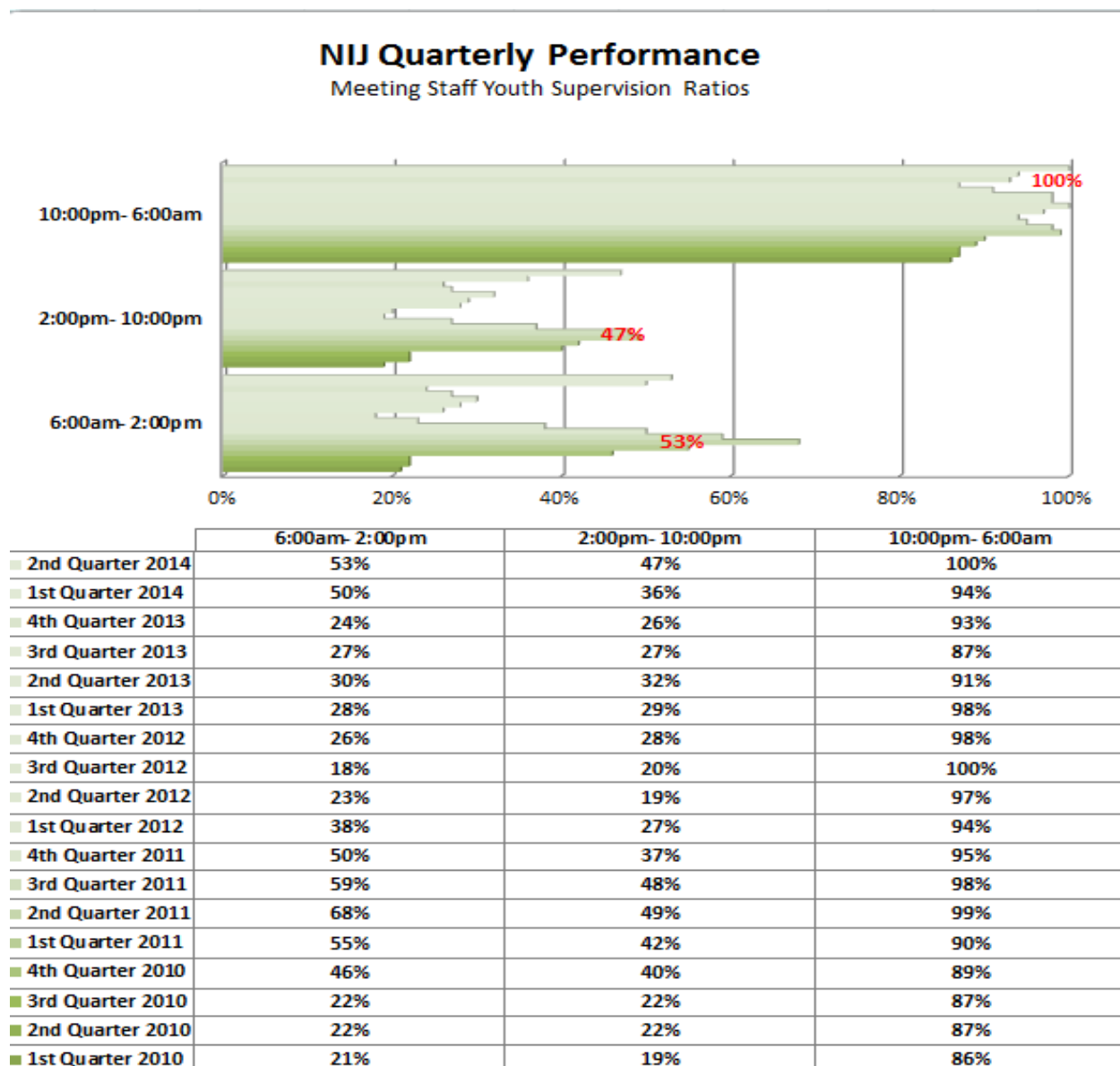
Of the 6456 staffing events meeting the

required staff youth ratio, 3223 (50%) 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 2014 Second Quarter, 2086 of the 9666 (22%) staff youth ratio events were covered by staff working a double shift. This is a 5% increase of volume of shifts requiring staff to work a double shift since the First Quarter 2014 reporting period.



The following chart represents the NIJ agency Staff Youth Ratio averages by shift for the last eighteen quarters through June 28, 2014:



The Second Quarter of 2014 has resulted in following performance in meeting required Staff Youth Ratios during waking hours:

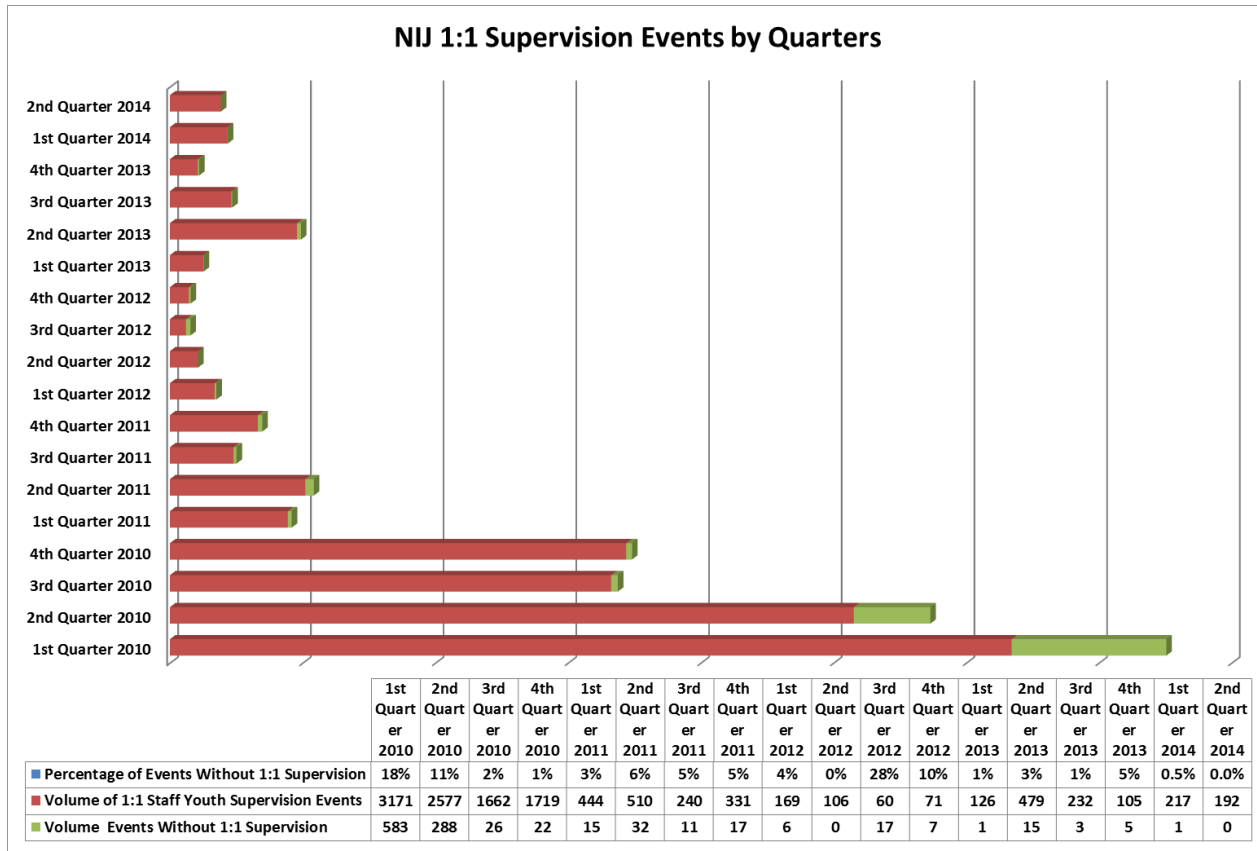
- 6:00 am – 2:00 pm shift: 53% of events, a 3% increase
- 2:00 pm – 10:00 pm shift: 47%, a 11% increase
- 10:00 pm – 6:00 am shift: 100%, a 6% increase

**NIJ Agency 1:1 Supervision Events:**

The Second Quarter of 2014 reporting period reflects the volume of 1:1 supervision events reported, 192 events:

Correspondingly, the Second Quarter of volume of these events without required 1:1 supervision, 0 events:

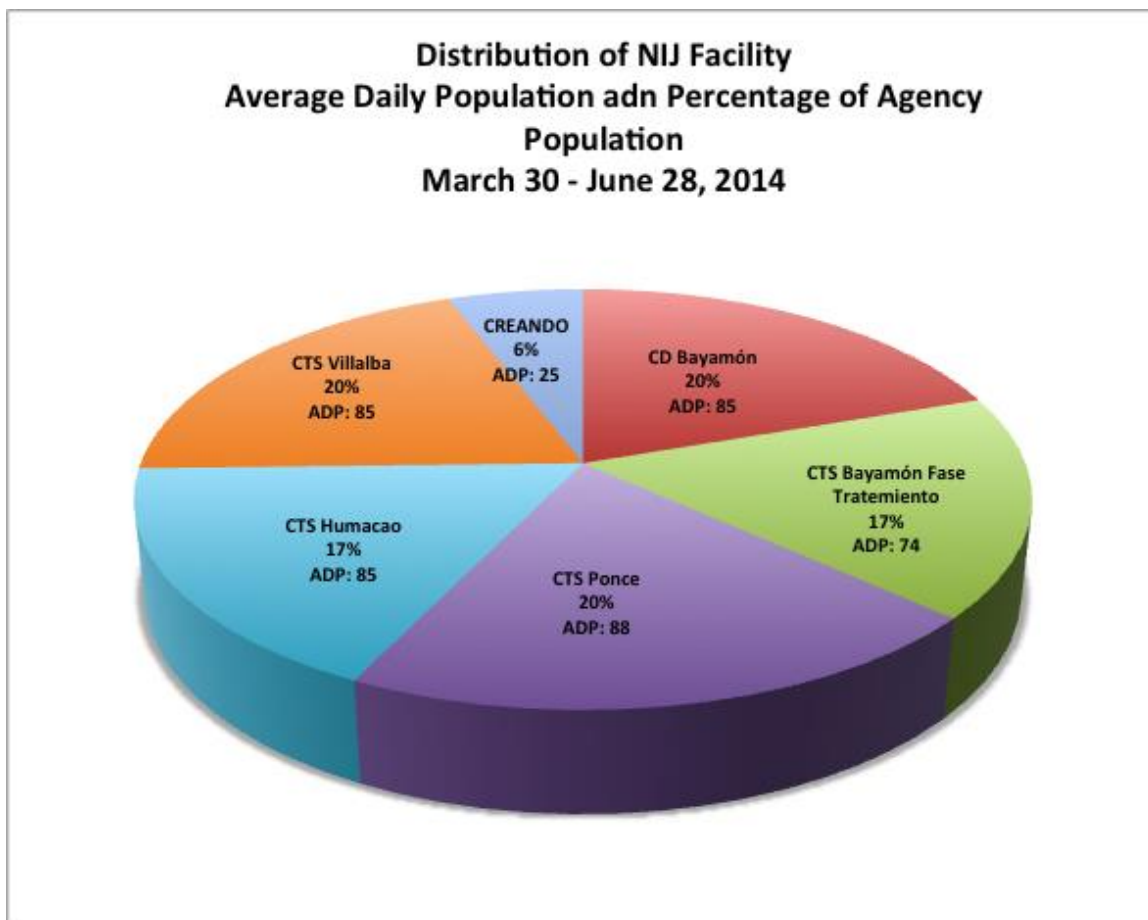
- 3171 events 1<sup>st</sup> Quarter 2010
  - 2577 events 2nd Quarter 2010
  - 1662 events 3<sup>rd</sup> Quarter 2010
  - 1719 events 4<sup>th</sup> Quarter 2010
  - 444 events 1st Quarter 2011
  - 510 events 2nd Quarter 2011
  - 240 events 3rd Quarter 2011
  - 331 events 4<sup>th</sup> Quarter 2011
  - 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
  - 232 events 3rd Quarter 2013
  - 105 events 4<sup>th</sup> Quarter 2013
  - 217 events 1<sup>st</sup> Quarter 2014
  - 192 events 2nd Quarter 2014
- 583 events 1<sup>st</sup> Quarter 2010
  - 288 events 2nd Quarter 2010
  - 26 events 3<sup>rd</sup> Quarter 2010
  - 22 events 4<sup>th</sup> Quarter 2010
  - 15 events 1st Quarter 2011
  - 32 events 2nd Quarter 2011
  - 11 events 3rd Quarter 2011
  - 17 events 4<sup>th</sup> Quarter 2011
  - 6 events 1st Quarter 2012
  - 0 events 2nd Quarter 2012
  - 17 events 3<sup>rd</sup> Quarter 2012
  - 7 events 4th Quarter 2012
  - 1 events 1st Quarter 2013
  - 15 events 2nd Quarter 2013
  - 3 events 3rd Quarter 2013
  - 5 events 4<sup>th</sup> Quarter 2013
  - 1 events 1<sup>st</sup> Quarter 2014
  - 0 events 2<sup>nd</sup> Quarter 2014



**NIJ 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 period (March 30 through June 28, 2014) as well as the proportionate facility youth population that each facility contributes to the agency average daily population.



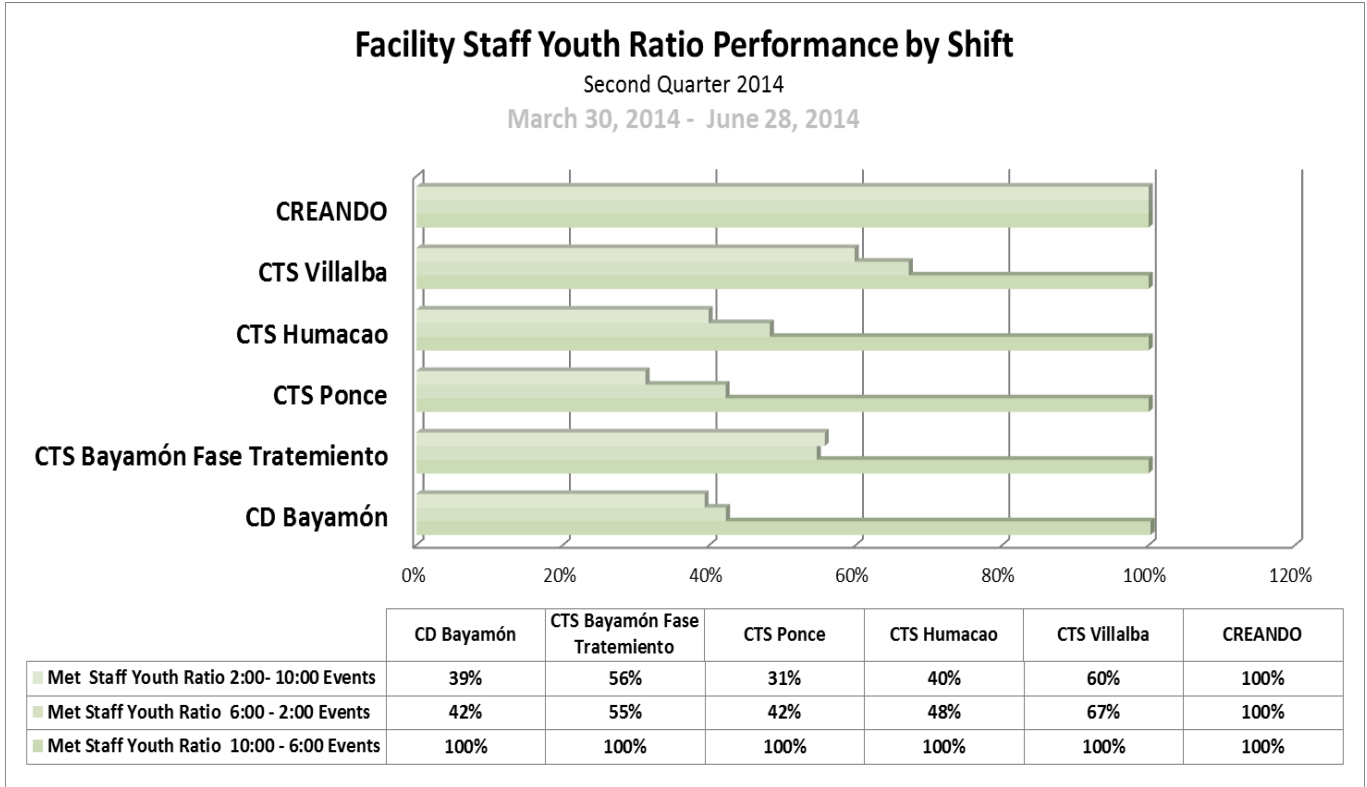
The table of average daily populations can be found on page 14 of this report.



**Facility Staff Youth Ratio Performance by Shift:**

The staff youth ratio performance by shift chart and table analysis below represents the staffing information received for the period of March 30 through June 28, 2014; (13 weeks).

During the Second Quarter reporting period CD Bayamón, CTS Ponce, and CTS Villalba had the fewest volume of events meeting the staff youth ratio requirements. These three facilities represent 62% of the NIJ youth population.



### CD Bayamón Staff Youth Ratio Analysis:

March 30 through June 28, 2014

**Level 5 Facility:** NIJ has CD Bayamón 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:** 1314
- **Volume of Staffing Events with Staff Working a Double Shift:** 244 (19%)

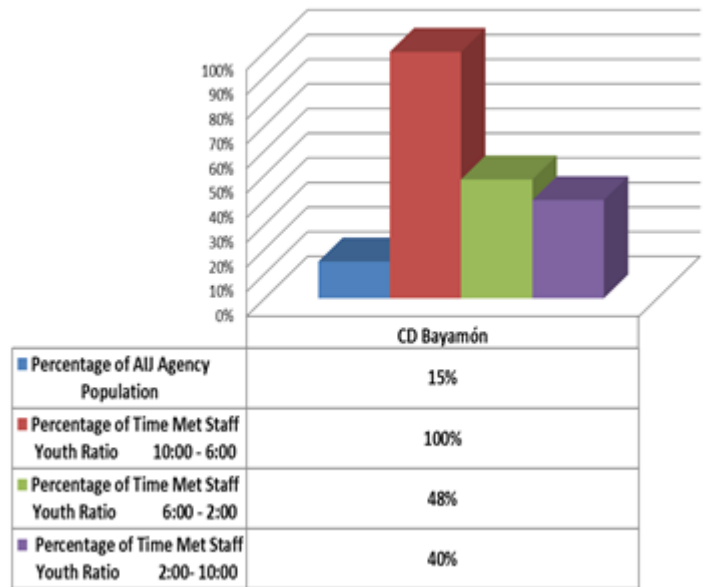
The Second Quarter of 2014 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm - 6:00am: 100% required staff youth ratio, maintained
- 6:00 am – 2:00 pm: 42%, a 6% decrease since 2014 First Quarter reporting
- 2:00 pm – 10:00 pm: 39%, a 1% decrease since 2014 First Quarter reporting
- CD Bayamón represents 15% of the NIJ institutional population.

**Volume of Weeks Analyzed:** 13

**Volume of Days Analyzed:** 91

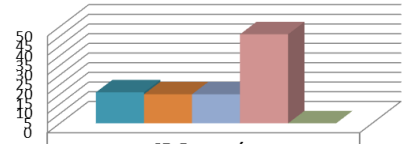
**Percent of Unit Events Meeting Staff Youth Ratio**



**46 youth supervision 1:1 events for the Second Quarter of 2014**

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

**1:1 Supervision Events**



CD Bayamón	
Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	16
Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	15
Youth Assigned 1:1 Staff Youth Supervision 2:00- 10:00	15
Total Youth Assigned 1:1 Staff Youth Supervision Events: Second Quarter 2014	46
Volume of Events without 1:1 Supervision	0

**CTS Bayamón Fase Tratamiento Staff Youth Ratio Analysis:**

March 30 through June 28, 2014

**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: 2080
- Volume of Staffing Events with Staff Working a Double Shift: 241 (12%)

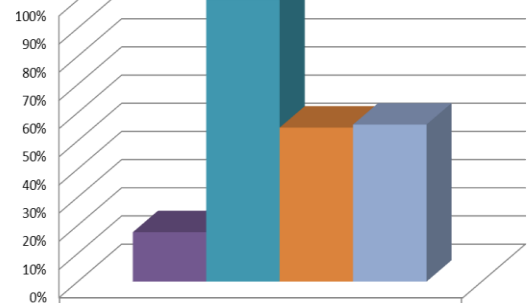
The Second Quarter of 2014 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: maintained 100% required staff youth ratio
- 6:00 am – 2:00 pm: 55%, a 7% decrease in meeting staff youth ratio requirements since 2014 First Quarter reporting
- 2:00 pm – 10:00 pm: 56%, a 8% increase in meeting staff youth ratio requirements since

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 91

**Percent of Unit Events Meeting Staff Youth Ratio**



CTS Bayamón Fase Tratamiento	
Percentage of All Agency Population	18%
Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	100%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	55%
Percentage of Time Met Staff Youth Ratio 2:00- 10:00	56%

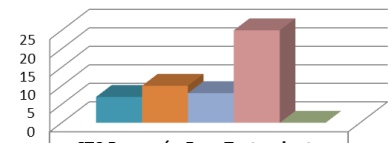
**2014 First Quarter reporting**

- CTS Bayamón represents 18% of the NIJ institutional population.

**25 youth 1:1 supervision events for the Second Quarter of 2014**

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

**1:1 Supervision Events**



CTS Bayamón Fase Tratamiento	
■ Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	7
■ Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	10
■ Youth Assigned 1:1 Staff Youth Supervision 2:00-10:00	8
■ Total Youth Assigned 1:1 Staff Youth Supervision Events: Second Quarter 2014	25
■ Volume of Events without 1:1 Supervision	0

### CTS Ponce Staff Youth Ratio Analysis:

March 30 through June 28, 2014

**Both a Level 2 and 3 Facility:**  
 CTS Ponce 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: 1857
- Volume of Staffing Events with Staff Working a Double Shift: 202 (11%)

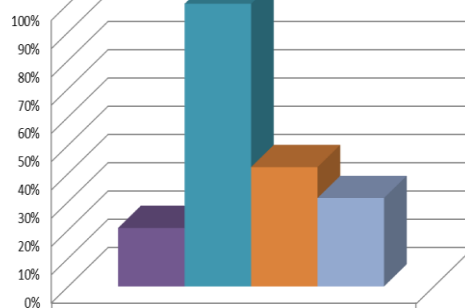
The Second Quarter of 2014 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: 100%, a 31% increase since 2014 First Quarter reporting
- 6:00 am – 2:00 pm: 42%, an 4% increase since 2014 First Quarter reporting
- 2:00 pm – 10:00 pm: 31%, an 16% increase since 2014 First Quarter reporting
- CTS Ponce represents 21% of the NIJ institutional population.

**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**

**Percent of Unit Events Meeting Staff Youth Ratio**

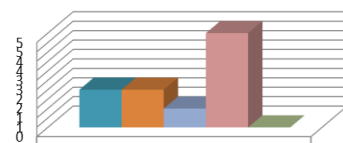


CTS Ponce	
Percentage of All Agency Population	21%
Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	100%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	42%
Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	31%

**5 youth 1:1 supervision events for the Second Quarter of 2014**

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

**1:1 Supervision Events**



CTS Ponce	
Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	2
Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	2
Youth Assigned 1:1 Staff Youth Supervision 2:00 - 10:00	1
Total Youth Assigned 1:1 Staff Youth Supervision Events: Second Quarter 2014	5
Volume of Events without 1:1 Supervision	0

### CTS Humacao Staff Youth Ratio Analysis:

March 30 through June 28, 2014

**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: 1857
- Volume of Staffing Events with Staff Working a Double Shift: 768 (36%)

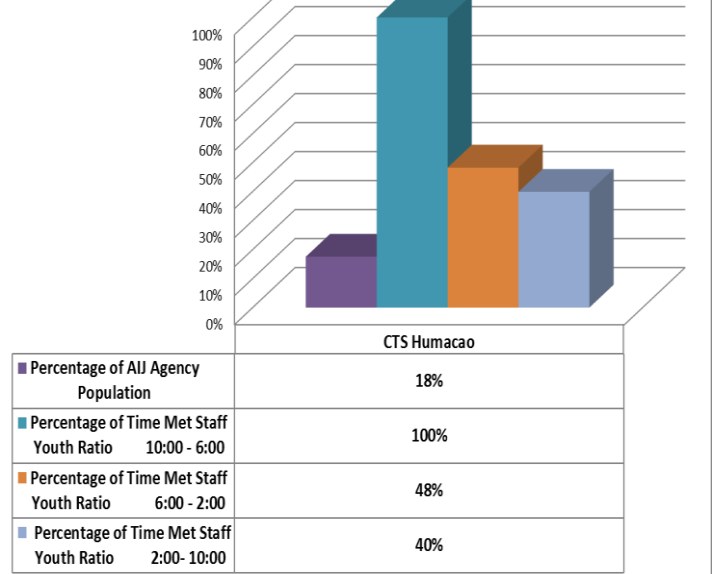
The Second Quarter of 2014 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: maintained at 100%
- 6:00 am – 2:00 pm: 48%, a 5% decrease since 2014 First Quarter reporting
- 2:00 pm – 10:00 pm: 40%, 3% decrease since 2014 First Quarter reporting
- CTS Humacao represents 18% of the NIJ institutional population.

**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**

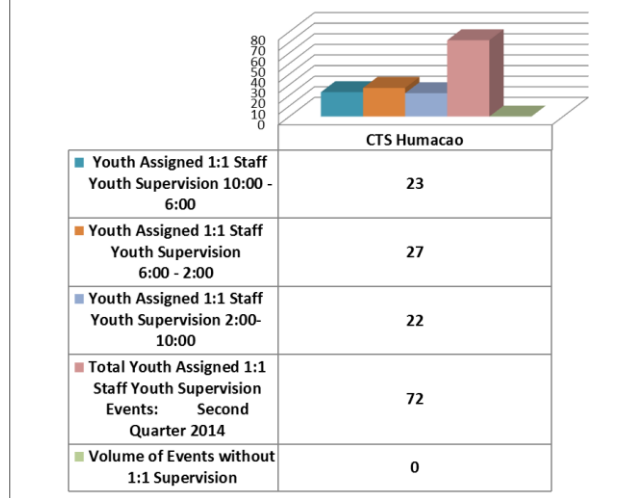
**Percent of Unit Events Meeting Staff Youth Ratio**



72 youth supervision events for the Second Quarter of 2014

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

**1:1 Supervision Events**



### CTS Villalba Staff Youth Ratio Analysis:

March 30 through June 28, 2014

**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: 2329
- Volume of Staffing Events with Staff Working a Double Shift: 213 (9%)

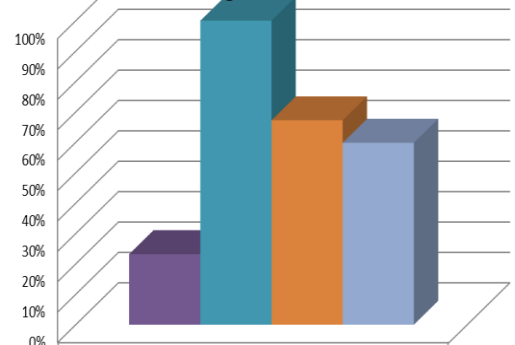
The Second Quarter of 2014 Staff Youth Ratio requirements display the following characteristics:

- 10:00pm- 6:00am: maintained at 100%
- 6:00 am – 2:00 pm: 67%, a 27% increase since 2014 First Quarter reporting
- 2:00 pm – 10:00 pm: 60%, a 34% increase since 2014 First Quarter reporting
- CTS Villalba represents 23% of the NIJ institutional population.

**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**

**Percent of Unit Events Meeting Staff Youth Ratio**

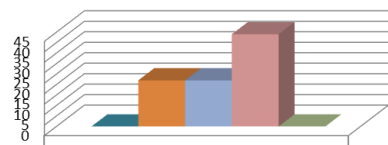


CTS Villalba	
Percentage of All Agency Population	23%
Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	100%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	67%
Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	60%

**44 youth 1:1 supervision events for the Second Quarter of 2014**

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

**1:1 Supervision Events**



CTS Villalba	
Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	0
Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	22
Youth Assigned 1:1 Staff Youth Supervision 2:00-10:00	22
Total Youth Assigned 1:1 Staff Youth Supervision Events: Second Quarter 2014	44
Volume of Events without 1:1 Supervision	0

### CREANDO Staff Youth Ratio Analysis:

March 30 through June 28, 2014

**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:** 108
- **Volume of Staffing Events with Staff Working a Double Shift:** 0 (0%)

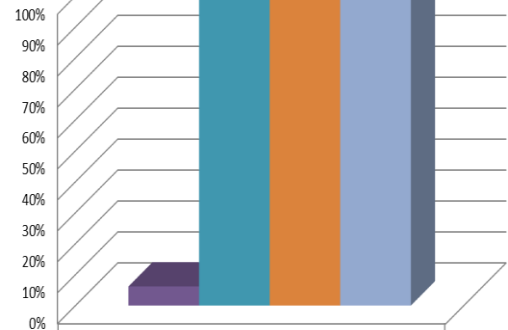
**CREANDO was in operation all of the Second Quarter reporting period.**

- **CREANDO represents 6 % of the DCR institutional population.**

**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**

**Percent of Unit Events Meeting Staff Youth Ratio**



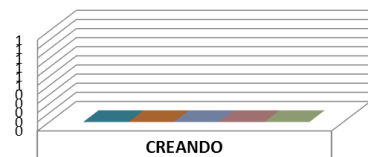
	CREANDO
Percentage of All Agency Population	6%
Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	100%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	100%
Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	100%

**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**

**1:1 Supervision Events**



	CREANDO
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: Second Quarter 2014	0
Volume of Events without 1:1 Supervision	0



**Facility Table of Shift Compliance with Staff Youth Ratio:**

<b>Second Quarter 2014 Staff Youth Ratio Performance by Shift:</b>	<b>Volume of Staff Youth Ratio Forms Received</b>	<b>Percent of Staff Youth Ratio Forms Received</b>	<b>Percentage of Time Met Staff Youth Ratio 10:00 - 6:00</b>	<b>Percentage of Time Met Staff Youth Ratio 6:00 - 2:00</b>	<b>Percentage of Time Met Staff Youth Ratio 2:00- 10:00</b>
CD Bayamón	13	100%	100%	42%	39%
CTS Bayamón Fase Tratamiento	13	100%	100%	55%	56%
CTS Ponce	13	100%	100%	42%	31%
CTS Humacao	13	100%	100%	48%	40%
CTS Villalba	13	100%	100%	67%	60%
CREANDO	13	100%	100%	100%	100%

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

<b>Second Quarter 2014 Youth Assigned 1:1 Supervision</b>	<b>Volume of Staff Youth Ratio Forms Received</b>	<b>Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00</b>	<b>Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00</b>	<b>Youth Assigned 1:1 Staff Youth Supervision 2:00- 10:00</b>	<b>Total Youth Assigned 1:1 Staff Youth Supervision Events: Second Quarter 2014</b>	<b>Volume of Events without 1:1 Supervision</b>	<b>Volume of Days Analyzed</b>
CD Bayamón	13	16	15	15	46	0	91
CTS Bayamón Fase Tratamiento	13	7	10	8	25	0	91
CTS Ponce	13	2	2	1	5	0	91
CTS Humacao	13	23	27	22	72	0	91
CTS Villalba	13	0	22	22	44	0	91
CREANDO	6	0	0	0	0	0	91

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

Date	CD Bayamon	CTS Bayamón	CTS Ponce	CTS Humacao	CTS Villalba	Program CREANDO
		Fase Tratamiento				
March 30 - April 5, 2014	4/10/2014	4/10/2014	5/5/2014	4/10/2014	5/16/2014	5/16/2014
April 6 - 12, 2014	4/23/2014	4/23/2014	5/5/2014	4/23/2014	5/5/2014	5/5/2014
April 13 - 19, 2014	5/6/2014	5/6/2014	5/5/2014	4/23/2014	5/5/2014	5/5/2014
April 20 - April 26, 2014	5/16/2014	5/6/2014	5/5/2014	5/5/2014	5/5/2014	5/5/2014
April 27 - May 3, 2014	5/22/2014	6/9/2014	5/6/2014	5/22/2014	5/16/2014	5/27/2014
May 4 - May 10, 2014	5/22/2014	6/3/2014	6/3/2014	5/22/2014	5/22/2014	5/27/2014
May 11 -May 17, 2014	6/9/2014	6/3/2014	5/22/2014	5/22/2014	5/22/2014	5/27/2014
May 18 -May 24, 2014	6/3/2014	6/9/2014	6/9/2014	6/3/2014	6/3/2014	6/3/2014
May 25 -May 31, 2014	6/9/2014	6/9/2014	6/17/2014	6/9/2014	6/9/2014	6/9/2014
June 1 -June 7, 2014	6/16/2014	6/17/2014	6/16/2014	6/16/2014	6/16/2014	6/16/2014
June 8 -June 14, 2014	6/25/2014	6/17/2014	6/25/2014	6/25/2014	6/25/2014	6/25/2014
June 15 -June 21, 2014	7/8/2014	6/25/2014	6/25/2014	7/8/2014	6/25/2014	6/25/2014
June 22 -June 28, 2014	7/8/2014	7/8/2014	7/8/2014	7/8/2014	7/8/2014	7/8/2014
	13	13	13	13	13	13
<b>Volume of Forms Submitted</b>	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	CD	CTS Bayamón	CTS	CTS	CTS	Program	Totals
	Bayamon	Fase Tratamiento	Ponce	Humacao	Villalba	CREANDO	
March 30 - April 5, 2014	90	73	84	82	92	27	448
April 6 - 12, 2014	84	75	85	82	93	26	445
April 13 - 19, 2014	78	82	85	78	87	26	436
April 20 - April 26, 2014	92	73	84	78	88	26	441
April 27 - May 3, 2014	98	73	86	75	88	26	446
May 4 - May 10, 2014	96	73	87	72	85	24	341
May 11 -May 17, 2014	81	78	86	73	85	24	427
May 18 -May 24, 2014	85	74	92	74	85	24	434
May 25 -May 31, 2014	80	79	91	74	84	24	432
June 1 -June 7, 2014	76	75	89	74	81	24	419
June 8 -June 14, 2014	84	72	92	70	83	24	425
June 15 -June 21, 2014	82	69	94	70	77	24	416
June 22 -June 28, 2014	80	61	94	76	75	24	410
Totals							5520
Percentage of AIJ Agency Population	0%	0%	0%	0%	0%	0%	100%
	85	74	88	75	85	25	425

## Document Attachment B: Consultant Robert Dugan Report on Detention Classification

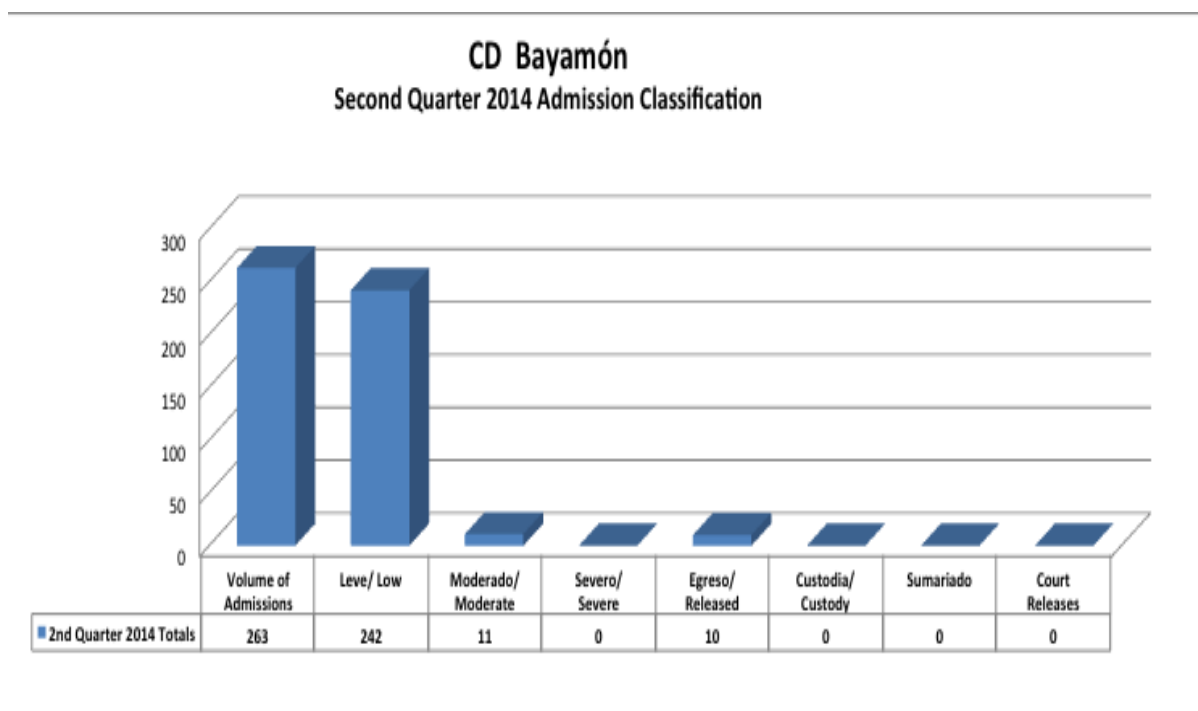
### NIJ Classification Quarterly Report: April 1 – June 30, 2014

Prepared by Bob Dugan: Office of the Monitor: July 2014

**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.

### Second Quarter April 1, 2014 – June 30, 2014 CD Bayamón Admission Classification:

The Second Quarter of 2014 is the eighth time that NIJ has produced CD Bayamón Admission Classification data to be included in the Quarterly Report.



For the second quarter, there were 263 admissions of which 92% (242) were classified as low; 4.2% (11) were classified as moderate; and 0% classified as severe. Four percent (10) of the population was released prior to classification.

NIJ is has solicited for a classification validation study conducted on committed and detention youth and is proceeding with a classification validation process.

Document Attachment C:  
 Report on Incidents and Understaffing  
 April-June 2014

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.

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.

<b>Date</b>	<b>Facility</b>	<b>Case Number</b>	<b>Shift</b>	<b>Summary</b>	<b>Ratio</b>
Apr. 7	CD Bayamón	14-086	Morning	Allegedly, a juvenile was hold by his face and pushed against a wall by a youth officer. The incident occurred in the module.	1 officer, 11 juveniles
Apr. 9	CD Bayamón Boys	14-090	Afternoon	Allegedly, two juveniles were hit in their backs and ribs by other juveniles before been moved to other module.	1 officer, 14 juveniles
Apr. 12	CTS Humacao	14-092	Morning	Allegedly, two juveniles were fighting in their module. A youth officer sprayed chemical agent "pepper spray" to control the situation but kicked and hit one of the juveniles. Infirmary notes confirmed hematomas.	1 officer, 12 juveniles
Apr.30	CTS Bayamón	14-097	Unknown	Allegedly, a juvenile a juvenile was hit in different parts of his body by other juveniles. The incident occurred in Living Unit Orange. Aggression was confirmed by infirmary notes.	1 officer, 13 juveniles
May 17	CTS Humacao	14-104	Afternoon	A juvenile on transitional measure cuthimself with a plastic spoon.	1 officer, 12 juveniles
May 17	CD Bayamón Boys	14-106	Afternoon	Allegedly, a juvenile was hit by a youth officer in his head. The incident occurred in the juvenile's room in Charlie II by the officer assigned to work that day in module Charlie I.	1 officer, 15 juveniles (officer working double shift)

				This officer got there to support Charlie II officer.	
May (Day Unknown)	CTS Humacao	14-100	Unknown	According to a facility social worker the juvenile IG was forced to have oral sex with other juveniles. The youth officer assigned to the module was there but not pending.	(Unknown)
May 21	CTS Villalba	14-107	Afternoon	Allegedly, a juvenile was sodomized by a group of 4 youths from the same module. The incident occurred in Living Unit D, Module I. The juvenile was taken to an emergency room.	1 officer, 8 juveniles
May 27	CD Bayamón	14-115	Morning	Allegedly, a juvenile was hit in different parts of his body. Injuries were confirmed by CTS Bayamón infirmary area. The juvenile was moved from CD to CTS Bayamón	1 officer, 14 juvenile
May 30	CD Bayamón Girls	14-114	Afternoon	Allegedly, a youth officer “offered” to have sex to a group of girls. In addition, during the incident he used words with a high sexual content. The incident occurred in the module.	4 officers, 5 juveniles
June 2	CTS Humacao	14-116	Afternoon	Allegedly, a juvenile was hit in his back and face by a youth officer, in addition was sprayed with chemical agent “pepper spray”. The incident occurred in Living Unit 3, Module A.	1 officer, 8 juveniles
June 8	CTS Bayamón	14-117	Afternoon	A juvenile hit two youths with a broom stick, one in his head and the other in his arm. The incident occurred in Living Unit Orange, Module II. The victims were taken to an emergency room.	1 officer, 13 juveniles (two on transitional measures)
June 12	CTS Villalba	14-119	Afternoon	Allegedly, a juvenile was punched in his face and ribs by other youths in different dates. The incidents have occurred in the module but in different	1 officer, 9 juveniles

				rooms. Infirmary notes confirmed injuries as hematomas and contusions.	
June 15	CTS Humacao	14-126	Afternoon	Allegedly, a juvenile was punched in both arms and threatened by other youths. In addition, the victim also alleged that some juveniles used to spit his food.	1 officer, 9 juveniles
June 16	CTS Humacao	14-121	Afternoon	Allegedly, a juvenile hit another youth in his face. Right after the aggression two additional juveniles cut the first perpetrator in his arm with a piece of a razor blade. These two incidents occurred in the living unit hall. The victims were taken to an emergency room.	1 officer, 8 juveniles
June 16	CTS Humacao	14-120	Afternoon	Allegedly, a juvenile was hit in his head by other juvenile. The incident occurred in Living Unit I, Module B. Contusions were confirmed by infirmary notes.	1 officer, 15 juveniles
June 21	CTS Humacao	14-124	Afternoon	Allegedly, a juvenile was hit by a group of three youths from his own module. During the incident the youth officer used chemical agent to control the situation. All juveniles were taken to infirmary.	1 officer, 12 juveniles
June 27	CTS Humacao	14-132	Morning	Allegedly, a juvenile was hit in his back and head by other youths. The incident occurred in Living Unit I, Module B. The victim was taken to infirmary.	1 officer, 14 juveniles
June 29	CTS Humacao	14-134	Morning	A juvenile on transitional measure cuthimself while the youth officer assigned to him was in the bathroom.	1 officer, 14 juveniles (two supervisions, one transitional measure)

June 30	CTS Humacao	14-135	Afternoon	Allegedly, a juvenile was punched in his mouth by other youth causing an open wound in his upper lip.	2 officers, 14 juveniles (one on transitional measure, officer working double shift)
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## Document Attachment D: Abuse Referrals Tracking Report

The following tables summarize statistics about case management for the last three quarters of 2013 and the first quarter of 2014. The underlying source of the information is the case tracking records maintained by NIJ along with other records.

This table has been revised to along the measures that are presented with the updated procedures for the management of these cases. There are empty cells for earlier quarters that are to be updated by NIJ. The table is subject to further revision for the upcoming quarter based on the experience of the parties and the Monitor's Office.

The first table summarizes general information about incidents events. An incident event may generate many incident reports, but this table counts a multiple-report incident as a single event.

<b>General Measures</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
Average Monday 1st Shift count of youth				
Number of incident events	202	153	173	114
Number of youth-to-youth incident events			51	66
Incident events involving use of force by staff			67	45
Incident events with suicide act, ideation, or gesture	0	25	25	11
Incident events w/ self-mutilation act, ideation, or gesture	18	23	23	14

The next table summarizes suicide and self-mutilation incidents known to mental health staff. Many of these do not warrant abuse allegations.

<b>Mental Health Record Information</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
Suicidal incidents, ideation or gestures	10	21	25	11
Number of individual youth referenced	10	21	25	11
Cases involving ideation only	5	13	15	9
Cases involving suicide gesture			8	2
Cases involving suicide intention	5	8	2	0
Cases w/ ambulatory treatment	1	2	18	11
Cases with hospitalization	1	0	1	0
Cases leading to death	0	0	0	0
Suicide Cases with 284 report filed	1	2	1	0
Self-mutilations incidents, ideation or gestures	18	20	23	14
Number of individual youth referenced	18	20	23	14
Cases requiring sutures	1	0	1	0
Cases requiring hospitalization	0	0	0	0
Cases leading to death	0	0	0	0
Self-Mutilation Cases with a 284 report filed	5	12	12	6

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 114 incident events in most recent quarter, 25 involved suicide and self-mutilation incidents, and 6 resulted in a Paragraph 78a abuse referral. The remaining cases were to be referred to the mental health process.

The next table summarizes abuse referrals and the initial responses to such referrals.

<b>284 Incidents</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
284 Incident Events	83	76	85	51
Level One Incident Events	18	27	24	23
Level Two Incident Events	65	49	61	28
Referrals to OISC	65	49	61	28
Youth-to-Youth Incidents	43	48	34	28
Youth-to-Youth Injuries	21	13	26	16
Youth-to-Youth with External Care	8	13	12	3
Youth-to-Youth Sexual	5	5	1	3
Youth-to-Youth Sexual w/ Injury	0	0	0	0
Staff-to-Youth Incidents	40	28	51	23
Staff-to-Youth Injuries	7	9	25	13
Staff-to-Youth with External Care	2	1	3	0
Staff-to-Youth Sexual	2	1	2	1
Staff-to-Youth Sexual with Injury	0	0	0	0
284 Incident Events with administrative actions	73	74	84	51
284 Incident Events with report by end of shift	69	71	82	47
Level 1 Investigations complete within 20 days	18	26	24	22
SOU (Special Operations) interventions	2	3	5	2
SOU events with 284 reports	3	0	4	0
284 with Item 5 completed	79	67	64	58
284 with Staffing Compliance	38	42	49	36
Percent 284 cases with staffing compliance	46%	55%	55%	55%

Of the 51 events, 55% took place when there was compliance with staffing provisions.

<b>Initial Case Management Measures</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
284 percent with admin actions	88%	97%	99%	100%
284 per cent completed by end of shift	83%	93%	96%	92%
284 Level 1 Investigation Completed Within 20 days	22%	96%	100%	96%

In 96% of the cases, the Level One investigation was completed within 20 days as required by paragraph 78e.

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.”

<b>OISC</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
Cases Referred from this quarter	65	49	61	28
Received by OISC Within 24 hours	49	47	56	23
Completed by OISC Within 30 workdays	7	13	33	12
Completed during the next quarter, but within 30 days	32	21	12	6
Cases Not Completed by OISC Within 30 days.	36	21	11	16
Percent of OISC cases completed within 30 days	60%	69%	74%	64%
Completed Cases Returned for Further investigation	2	2	0	2
Percent of cases returned for further investigation	5%	6%	0%	11%
Further Investigation Completed	1	1	0	1
Cases this quarter incomplete, including further investigation	22	11	11	17
Percent of cases from this quarter not yet completed	34%	22%	18%	61%

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. This requirement was met in 23 of the 28 cases.

Paragraph 78.e requires that OISC complete investigations within 30 days. For the most recent quarter, there were 28 cases referred to OISC, and 16 cases were not completed within the 30-day limit specified in Paragraph 78.e.

Two (2) of the 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.

<b>Administrative Determinations for 284 Cases</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
Cases with youth discipline referrals	61	59	34	34
Cases with youth discipline actions	59	32	21	16
Cases with youth no discipline actions	17	21	13	18
Cases Staff/youth with determinations	51	40	31	5
Cases recommending personnel actions	9	3	2	1

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.

<b>Prosecutorial Determinations for 284 Cases</b>	<b>13-3rd</b>	<b>13-4th</b>	<b>14-1st</b>	<b>14-2nd</b>
Cases received by PRDOJ		10	2	1
Cases with decision not to prosecute	2	10	2	0
Cases with referral for prosecution	0	0	0	0
Cases pending determinations	0	0	0	1

## Document Attachment E: Case Assessment Table

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 contents of the table were updated based on discussions following the May 2014 Monitor's Conference. The table is subject to further revision based on the experience of the parties and the Monitor's Office. It may also be adapted based on development of the road map for the Paragraph 78 provisions.

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.

<b>Case Assessment Instrument – Section A – Initial Reporting</b>		
<b>Assessment Criterion</b>	<b>Status Y/N/NA</b>	<b>Comment</b>
A.1 Was the incident reported to the appropriate supervisor or designated person by the end of the shift during which the reporter became aware of the incident?	Y-32, N-4	The percentage for this report is 89%. The percentage in the last report was 94%. However in 35 of 36 cases a written incident report was completed before the end of the shift.
A.2 Were appropriate administrative actions taken to protect the victim(s)?	Y-34, N-1, N/A-1	The percentage for this report is 97%. The percentage in the last report was 94%.
A.3 If injury was suspected, was the victim promptly evaluated for injury by health care personnel?	Y-36	The percentage for this report is 100%. The percentage in the last report was 100%.
A.4 If there was physical evidence, was the evidence documented and preserved?	Y-4, N-2, N/A-30	The percentage for this report is 67%. The percentage in the last report was 86%. In this reporting period 26 Level II cases were received. <b>Reduced Compliance</b>
A.5: Was the incident correctly classified?	Y-34, N-2	The percentage for this report is 94%. The percentage in the last report was 94%.
A.6 Was the 284 report forwarded to the Police Department, the Department of Family Services, and the Department of Corrections Administration within 24 hours?	Y-35, N-1	The percentage for this report is 97%. The percentage in the last report was 94%.
A.7 If it was classified as a level 2 incident, was OISC notified within 24 hours?	Y-26, N/A-10	The percentage for this report is 100%. The percentage in the last report was 94%.
A.8 Were youths suspected as perpetrators separated from the victim(s)?	Y-9, N/A-27	The percentage for this report is 100%. The percentage in the last report was 92%. In this reporting period in only 9 cases were necessary to separate perpetrators from victims.
A.9 Did the 284 accurately list all youth and staff witnesses?	Y-28, N-2, N/A-6	The percentage for this report is 93%. The percentage in the last report was 83%.
A.10 Did all staff witnesses complete an incident report before the end of shift?	Y-35, N-1	The percentage for this report is 97%. The percentage in the last report was 94%.
A.11 If there was timeliness non-compliance, was related to shortage of investigative or supervisory staffing?	N-1, N/A-35	The percentage for this report is 97%. In this reporting period the 35 cases classified as N/A should be classified as Y. Only 1 case was found in non compliance.
A.12 At the location of the incident at the time of the incident, was staffing compliant with Settlement Agreement requirements?	Y-26, N-6, N/A-3, Blank-1	The percentage in this report is 81%. The percentage in the last report was 67%.

Case Assessment Instrument – Section B – Police and Prosecutorial Investigation		
Assessment Criterion	Status Y/N/NA	Comment
B.1 Was the 284 report received by the PRDP within 24 hours of the time recorded as the point of knowledge of the incident?	Y-30, N-1, N/A-1, Blank-1	The percentage for this report is 91%. The percentage in the last report was 100%. In this reporting period information related to 33 cases was sent however the PRDOJ only evaluated 26 Level II cases.
B.2 Did PRPD investigators determine that physical evidence, if any was appropriately preserved?	Y-10, N-10, N/A-12, Blank-1	The percentage for this report is 50%. The percentage in the last report was 100%. NIJ facilities' staff is trained to preserve evidence if necessary but not all cases require preserve evidence. <b>Reduced Compliance</b>
B.3 If prosecutors communicated an intent to proceed criminally, and if NIJ was informed to delay any compelled interview of the subject until the criminal investigation was completed, did NIJ comply with the instruction?	N/A-26	No cases were found in this reporting period. Only 26 Level II cases were evaluated.
B.4 Were PRPD expectations met for timeliness in completing the investigation?	Y-28, N-3, N/A-1, Blank-1	The percentage for this report is 87%. The percentage in the last report was 100%.
B.5 Was completion of the PRPD investigation documented?	Y-31, N/A-1, Blank-1	The percentage for this report is 94%. The percentage in the last report was 100%.



<b>Case Assessment Instrument – Section C – Facility Level I Investigation</b>		
<b>Assessment Criterion</b>	<b>Status Y/N/NA</b>	<b>Comment</b>
C.1 If there were potential injuries, did the investigation include photographs of visible injuries?	Y-10	The percentage for this report is 100%. The percentage in the last report was 100%.
C.2 Was there a personal interview of the victim(s) with a record of the questions and answers?	Y-10	The percentage for this report is 100%. The percentage in the last report was 100%.
C.3 Was there a personal interview of the alleged perpetrator(s) with a record of the questions and answers?	Y-8, N/A-2	The percentage for this report is 100%. The percentage in the last report was 100%.
C.4 Was physical evidence, if any, preserved and documented?	N-1, N/A-9	The percentage for this is 90%. The percentage in the last report was 66%. <b>Improved Compliance</b>
C.5. If the incident was classified as Level I, was the investigation completed within 20 calendar days?	Y-9, N-1	The percentage for this report is 90%. The percentage in the last report was 100%.
C.6 Was the completion of the investigation documented in the tracking database?	Y-10	The percentage for this report is 100%. The percentage in the last report was 100%. During this Quarterly Report NIJ developed an electronic data base.
C.7 If there was timeliness non-compliance, was related to shortage of staffing?	N-1, N/A-9	The percentage for this report is 90%. The percentage in the last report was 100%.

<b>Case Assessment Instrument – Section D – OISC Investigation</b>		
<b>NOTE: Completed only for Level II cases.</b>		
<b>Assessment Criterion</b>	<b>Status Y/N/NA</b>	<b>Comment</b>
D.1 If the case was a Level II case, was the referral received by OISC within 24 hours?	Y-25, N-1	The percentage for this report is 96%. The percentage in the last report was 88%.
D.2 Did OISC complete (and transmit to AIJ and the PRDOJ) an investigation within 30 calendar days of the receipt of the initial referral by OISC?	Y-20, N-6	The percentage for this report is 77%. The percentage in the last report was 52%. <b>Improved Compliance</b>
D.3 Did the investigation meet OISC's standards for investigation quality?	Y-26	The percentage for this report is 100%. The percentage in the last report was 100%.
D.4 Did the investigation provide a description of the alleged incident, including all involved persons and witnesses and their role?	Y-26	The percentage for this report is 100%. The percentage in the last report was 100%.
D.5 Did the investigation provide a description and assessment of all relevant evidence?	Y-26	The percentage for this report is 100%. The percentage in the last report was 100%.
D.6 Did the investigation provide proposed findings of fact?	Y-26	The percentage for this report is 100%. The percentage in the last report was 100%.
D.7 If there was timeliness non-compliance, was it related to shortage of OISC staffing?	Y-6, N/A-20	The percentage for this report is 77%. The percentage in the last report was 92%. <b>Reduced Compliance</b>
D.8 Did OISC completed the investigation within 30 days of receipt of the referral?	Y-20, N-6	The percentage for this report is 77%. The percentage in the last report was 52%. <b>Improved Compliance</b>

<b>Case Assessment Instrument – Section E – Case Tracking and Outcomes</b>		
<b>Note:</b> This section is to be completed by the official responsible for the Tracking Records required by Paragraph 78.h. The underlying facts may come from other offices and agencies, and the questions concern what is known and documented in the tracking records.		
<b>Assessment Criterion</b>	<b>Status Y/N/NA</b>	<b>Comment</b>
E.1 At the time of the assessment of this case with this instrument, was the tracking database complete for this case?	Y-36	The percentage for this report is 100%. The percentage in the last report was 100%. During this Quarterly Report NIJ developed an electronic data base.
E.2 Was the initial investigation (284) received at NIJ within 24 hours?	Y-35, N-1	The percentage for this report is 97%. The percentage in the last report was 94%.
E.3 Was the Level 1 facility investigation completed within 20 days?	Y-10, N/A-26	The percentage for this report is 100%. The percentage in the last report was 100%. Only 10 cases evaluated were classified as Level I.
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) do the tracking records document that OISC was notified and the case referred within 24 hours?	Y-25, N-1, N/A-10	The percentage for this report is 97%. The percentage in the last report was 52%. Only 10 cases evaluated were classified as Level I. <b>Improved Compliance</b>
E.5 If applicable, do the tracking records document that the OISC investigation was completed and transmitted to PRDOJ within 30 days of receipt by OISC?	Y-20, N-6, N/A-10	The percentage for this report is 77%. The percentage in the last report was 52%. Only 10 cases evaluated were classified as Level I. <b>Improved Compliance</b>
E.6 Did NIJ reached an administrative determination concerning the case which is documented in the tracking records?	Y-36	The percentage for this report is 100%. The percentage in the last report was 97%.
E.7 If the case was a Level 2 case, do the tracking records document review by PRDOJ prosecutors leading to a prosecutorial determination as to whether to prosecute or not?	N-26, N/A-10	Prosecutors use to base their determination on the investigations conducted by the PRPD however DCR investigations are always available and in some cases also considered by the prosecutors.
E.8 If there was timeliness non-compliance, was it related to shortage of staffing?	N-36	The percentage for this report is 100%. The percentage in the last report was 94%.

<b>Case Assessment Instrument – Section F – Monitor's Office Assessment</b>		
<b>Assessment Criterion</b>	<b>Status Y/N/NA</b>	<b>Comment</b>
F.1 Does the Monitor's Office confirm the timeliness facts as asserted in Page A?	Y-35, N-1	The percentage in this report is 97%. The percentage in the last report was 100%. In this reporting period 36 cases in section A were evaluated.
F.2 Does the Monitor's Office confirm the timeliness facts as asserted in Page B?	Y-30, N-1	The percentage in this report is 97%. The percentage in the last report was 95%. In this reporting period 33 cases in section B were evaluated and from those only 26 were seen by the PRDOJ.
F.3 Does the Monitor's Office confirm the timeliness facts as asserted in Page C?	Y-9, N-1	The percentage in this report is 90%. The percentage in the last report was 90%. Every incident is investigated at facility level however for this part of the provision 10 Level I cases were evaluated.
F.4 Does the Monitor's Office confirm the timeliness facts as asserted in Page D?	Y-20, N-6	The percentage with timeless related to the 30 days required for this report is 77%. In this reporting period 26 Level II cases were evaluated.
F.5 Does the Monitor's Office confirm the timeliness facts as asserted in Page E?	Y-36	The percentage in this report is 100% and confirms timeless facts in section E. The percentage in the last report was 94%.
F.6 Does the Monitor's Office confirm the investigation quality as asserted in page B?	Y-33	The percentage in this report is 100%. The percentage in the last report was 100%.
F.7 Does the Monitor's Office confirm the investigation quality as asserted in page C?	Y-10	The percentage in this report is 100%. The percentage in the last report was 100%.
F.8 Does the Monitor's Office confirm the investigation quality as asserted in page D?	Y-26	The percentage for this report is 100%. The percentage in the last report was 100%.

## Document Attachment F: 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 continues 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.

Apr. 10, 2014:	Deputy Monitor Javier Burgos visited CTS Bayamón.
Apr. 15, 2014:	Deputy Monitor Javier Burgos visited CTS Humacao.
Apr. 24, 2014:	Deputy Monitor Javier Burgos visited CTS Humacao.
May 8, 2014:	Deputy Monitor Javier Burgos visited CD Bayamón and CTS Bayamón.
May 13, 2014:	Consultants Robert Dugan, David Bogard and Deputy Monitor Javier Burgos visited CTS Humacao.
May 14, 2014:	Consultants Robert Dugan, David Bogard and Deputy Monitor Javier Burgos visited CD Bayamón.
May 20, 2014:	Consultant Víctor Herbert visited CTS Ponce Boys and CTS Villalba.
May 21, 2014:	Consultant Víctor Herbert visited CD and CTS Bayamón.
May 28, 2014:	Deputy Monitor Javier Burgos visited CTS Bayamón.
May 29, 2014:	Deputy Monitor Javier Burgos visited CTS Villalba.
Jun. 5, 2014:	Deputy Monitor Javier Burgos visited CTS Ponce Boys.
Jun. 11, 2014:	Deputy Monitor Javier Burgos visited CTS Bayamón.
Jun. 12, 2014:	Deputy Monitor Javier Burgos visited CREANDO Program in Salinas.
Jun. 17, 2014:	Consultant Robert Dugan and Deputy Monitor Javier Burgos visited CTS Ponce Boys and CTS Villalba.
Jun. 18, 2014:	Consultant Robert Dugan and Deputy Monitor Javier Burgos visited CD and CTS Bayamón.
Jun. 18, 2014:	Consultant Curtiss Pulitzer and Deputy Monitor Javier Burgos visited CD Bayamón.

Jun. 19, 2014: Consultant Curtiss Pulitzer and Deputy Monitor Javier Burgos visited CTS Ponce Boys.

Jun. 27, 2014: Deputy Monitor Javier Burgos visited CTS Humacao.

**THE UNITED STATES OF AMERICA**

Plaintiff,

v.

CIVIL ACTION NO. 94-2080 CC

**COMMONWEALTH OF PUERTO RICO**

Defendants,

Monitor's Compliance Ratings  
Second Quarter 2014

Provision	P	S	R	T	D	G	Comment
<b>Compliance Category and Rating Definitions</b>							
<b>Compliance Category P</b>	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.						
<b>Compliance Category S</b>	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.						
<b>Compliance Category R</b>	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.						
<b>Compliance Category T</b>	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.						
<b>Compliance Category D</b>	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.						
<b>Compliance Category G</b>	This category concerns <u>General Compliance</u> - the overall achievement of compliance with the provision involved.						
<b>Compliance Rating Definitions</b>	"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
<b>Facility Provisions</b>							
<b>C.O. 41:</b> 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.	#	Y	Y	I	Y	N	A final approved Roadmap has been developed for this provision. Based on observations over the course of the past year, and recently received documentation from NIJ for 2013 and early 2014, substantial progress has been made in both documenting and addressing plumbing repairs in a timely manner. The monitor's office is in the process of reviewing the documentation provided by NIJ as well as waiting for additional new documentation.
<b>S.A. 29.</b> 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	#	I	#	N	A final approved Roadmap has been developed for this provision. NIJ should be close to compliance with this provision pending the receipt of appropriate documentation to prove full compliance with all three provision requirements in conformance with the Roadmap for this provision. The Monitor's office is waiting to receive all the pertinent final checklists and documentation to conduct its review.
<b>S.A.31.</b> 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	There are still life and fire safety violations that have not been remedied to date. NIJ has not allocated sufficient resources to date to allow compliance with this provision nor is there documentation at this juncture to support a pathway to compliance. The monitor's office and the functional team have, however, discussed a potential roadmap for compliance with this provision.

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 34.</b> 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.</p>	Y	#	#	#	#	N	<p>The NIJ Fire Safety Officer has developed policies and procedures for emergency key control which is still under review by the monitor's office. Providing sufficient staff to unlock exit doors is not in compliance at Humacao as the electrification of the cell doors has not happened as NIJ has proposed. In addition, NIJ needs to document that sufficient staff with proper communication capabilities are always working in the Mini Housing Control stations on all shifts to operate the control panels to remotely unlock all doors in Villalba, Ponce and CTS and CD Bayamon. Furthermore, sufficient staff must be documented to ensure swift evacuation from all occupied spaces within each facility.</p> <p>NIJ has commenced the process to properly color code and notch emergency keys and also to store them in accessible secure locations for staff access on all shifts. Monitor's consultants are prepared to work with parties to identify necessary compliance documentation expectations for a roadmap.</p>
<p><b>S.A. 35.</b> 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.</p>	Y	#	#	#	N	N	<p>NIJ has improved its ability to maintain operable exit doors from living units that can be readily unlocked in emergency situations. The Monitor's consultants are prepared to work with the parties to identify necessary compliance documentation expectations for a roadmap to support compliance that exit doors are operable and being maintained not just in living units but in all locations with designated exit doors.</p> <p>NIJ has stated its intent to rigorously document and monitor the inspections made by the fire safety officers at each facility documenting that all exit doors are maintained in operable condition and can be readily unlocked. The process for documentation has been agreed to with the Monitor and Functional team. The Monitor's office is waiting to see preliminary results for the new documentation process and the new training curriculum before proceeding with development of the Roadmap..</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 37.</b> 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.</p>	Y	Y	Y	#	#	N	<p>NIJ's Fire Safety Officer has verbally reported that he has been providing ongoing training in all emergency procedures to the fire safety coordinators. However, there is no documentation to substantiate this. NIJ has stated that they will be delivering the necessary documentation indicating that ongoing training for all staff will be occurring in 2014. NIJ has supplied documentation that emergency procedures are reviewed and updated annually. Documentation has also been provided showing that copies of the emergency plans are available to staff at all facilities.</p> <p>A Roadmap for this provision has been accepted by NIJ and DOJ. The Monitor's consultants have worked with the parties to assemble the necessary compliance documentation expectations for the roadmap.</p>

Provision	P	S	R	T	D	G	Comment
<b>Policies and Procedures</b>							
<p>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.</p>	Y	I	I	#	#	N	<p>The Monitor agrees that the agency maintains a policy and procedure manual as required by this provision, although whether it governs all aspects of running the facilities as required has not yet been confirmed. Moreover, in the rest of this table, policies and procedures are rated as a compliance problem for many of the provisions in this case. See the compliance rating in Column T which identifies when a training deficiency is a factor in compliance. While having developed and routinely updated a manual is a factor in compliance, the provision also clearly requires that the facilities are strictly operated within these policies and this implementation requirement's scope and accuracy have not yet been established.</p>

Staffing							
<p><b>S.A. 48.</b> 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.</p> <p><u>48.a Method one:</u> Defendants may provide documentation of consistent supervision by not less than one (1) direct care worker to eight (8) juveniles during day and evening shifts and not less than one (1) direct care worker to sixteen(16) juveniles during normal sleeping hours.</p> <p><u>48.b Method Two:</u> Defendants may develop, and submit to the court for approval, an alternate staffing roster for any facility in this case. The roster shall be based on a study that shall specify fixed posts and the assignment necessary to implement the terms of this agreement, taking into consideration the physical configuration and function of spaces, the classification and risk profiles of youths involved, the incident patterns in the settings involved, the routine availability in the settings of other categories of staff, and the overall number of direct care positions necessary to consistently achieve the coverage proposed. Once a plan is approved for a facility, defendants shall document the employment of the necessary overall numbers of direct care staff, and the ongoing deployment of such staff in accordance with the plan.”</p>	N	N	N	N	Y	N	<p>For the 2nd quarter of 2014, all of the facilities submitted the staffing youth ratio reports requested.</p> <p>Agency meeting staffing ratio requirements:  6:00 am- 2:00 pm shift: 53% of events, 3% increase since First Quarter reporting period  2:00 pm- 10:00 pm shift: 47% of events, 11% increase since First Quarter reporting period  10:00 pm- 2:00 am shift: 100% of events, 6% increase since First Quarter reporting period</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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p>
<p><b>January 2009 Stipulation Paragraph 1:</b> 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.</p>	Y	N	N	N	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p>

<p><b>January 2009 Stipulation Paragraph 2:</b> 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.</p>	N	N	N	N	N	N	<p>The requirement that 50 YSOs be hired each month was terminated by the Court on September 13, 2011 (Docket 991)</p> <p>No new YSOs were hired during the Second Quarter of 2014.</p>
<p><b>January 2009 Stipulation Paragraph 3:</b> 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, <del>pursuant to Paragraph 49 of the Consent Decree</del>. The same shall also receive annual training as direct care staff, pursuant to Paragraph 50 of the Consent Decree.</p>	#	#	#	#	#	#	<p>The Commonwealth has decided not to employ this provision to enhance coverage. However, the provision remains as a future option. Unless and until the Commonwealth determines that they want to apply this provision, the Monitor's Office will not Monitor the provision. The choice to not implement this provision is not non-compliance. The <del>struck</del> part of the provision references a provision that has been terminated.</p>
<p><b>January 2009 Stipulation Paragraph 4:</b> All persons hired to comply with Paragraph 48 shall be sufficiently trained, <del>pursuant to Paragraph 49 of the Consent Decree</del>, before being deployed. Defendants shall deploy all duly trained direct care staff, <del>pursuant to Paragraph 49</del>, to juvenile facilities in a timely manner.</p>	#	#	#	#	#	#	<p>This phrases in this provision that refer to Paragraph 49 are struck because that provision has been terminated.</p>
<p><b>January 2009 Stipulation Paragraph 5:</b> 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 <del>and have received pre-service training, pursuant to Paragraph 49</del>; and d. the juvenile facilities where the direct care staff who were hired in the previous quarter <del>and have received pre-service training, pursuant to Paragraph 49</del>, have been deployed or assigned.</p>	N	N	N	N	N	N	<p>The <del>struck</del> part of the provision references a provision that has been terminated.</p> <p>The report was not provided during the Fourth Quarter of 2013.</p>

Provision	P	S	R	T	D	G	Comment
<b>Training</b>							
<p><b>S.A. 50.</b> 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.</p>	Y	N	N	I	N	N	<p>Compliance tables documenting training within the agency as required in this stipulation have not been submitted to the Monitor since 2011. A summary narrative was provided in an e-mail attachment indicating a 50% rate of compliance for direct contact staff during 2012. The Monitor's Consultant was advised by NIJ recently that current compliance documentation would not be available until after July 2014. This is a potentially dangerous situation.</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 Sections 115.313, 115.364. While compliance with these regulations, also known as "PREA" is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p>
<b>Classification</b>							
<p><b>S.A. 52.</b> 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.</p>	N	#	#	#	Y	N	<p>NIJ has solicited for a validation study of committed and detention youth, made a selection of who will do the validation study and is in the process executing a contract for validation study of the classification instruments.</p> <p>Staff have been trained on the youth detention classification instrument. Documentation has been provided for the classification of youth for detention for the months of the 4th quarter.</p> <p>The first quarter CD Bayamón admission classification resulted in 242 admissions, of which 221 (85%) are classified as low; 15 (6%) are classified as moderate; 0 (0%) are classified as severe; and 6 (2%) were released prior to classification.</p> <p>While compliance with the terms of this provision is not likely for some time, Monitor's consultants are prepared to work with parties to identify necessary compliance documentation expectations for a roadmap.</p>

Provision	P	S	R	T	D	G	Comment
<b>Mental Health and Substance Abuse Treatment</b>							
<b>S.A. 59.</b> 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	All records reviewed had an individualized treatment plan "document." However, despite being labeled as such, the treatment plan is <u>not individualized</u> . All youth have the same recommendations in terms of frequency and treatment modality without taking into account the presence and severity of symptoms.
<b>C.O. 29:</b> 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	NIJ does not provide a <i>program</i> with the number of beds established in this stipulation. Other parts of this provision also need to be determined and evaluated, for example, what professional standards form the basis for the program, what the placement criteria are, what the removal or discharge criteria are, etc.
<b>C.O. 34.</b> 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.	Y	Y	Y	Y	#	#	Road Map for this provision is final. Compliance may be achieved once the curriculum is reviewed and approved by the monitor's consultant for mental health. Due to schedule issues, neither consultant has been able to review the training sessions during the quarter. A request fro the current schedule is pending an NIJ response.  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. While compliance with these regulations, also known as "PREA" is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.



Provision	P	S	R	T	D	G	Comment
<p><b>C.O. 36.</b> 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.</p>	N	N	#	N	N	N	<p>Psychiatrists are not clearly documenting in their notes, the clinical indication for the use of psychotropic medications. Notes were extremely difficult to find, as each psychiatrist documents in different sections.</p> <p>Based on what NIJ clinicians documented on the electronic records, youth that required residential treatment services were not receiving them.</p>
<p><b>S.A. 63.</b> 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.</p>	#	#	#	#	Y	N	<p>The youth is usually evaluated by the psychologist on-call. Psychologists are not consistent on where to document the 24-hour evaluation and subsequent follow-up notes. Also the initial 24-hour progress note usually lacks a description of the event that led to the youth being placed under clinical supervision. This impairs adequate follow-up, any clinician would have serious difficulty understanding the youth's progress in order to change the level of observation. I was told they communicate via telephone, but it should still be documented in the record.</p>
<p><b>S.A. 72.</b> 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.</p>	#	#	#	#	N	N	

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 73.</b> 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.</p>	#	#	#	#	N	N	<p>NIJ has developed a behavioral modification plan that is to be implemented in all the institutions. The level of implementation varies among institutions.</p>

Provision	P	S	R	T	D	G	Comment
<b>Discipline</b>							
<p><b>S.A. 74.</b> 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.</p>	Y	Y	I	Y	Y	Y	<p>The Roadmap process has resulted in clarification of documentation necessary to determine compliance in the training and General aspects and NIJ has provided the necessary evidence of compliance as set forth in the Roadmap. A memorandum of compliance was provided with the first quarter report. The parties have agreed to file a joint motion to terminate this provision.</p>
<p><b>S.A. 77.</b> 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.</p>	Y	N	I	N	N	N	<p>The percentage of use of force cases in which OC was used at Humacao this quarter has decreased from previous quarters, However, OC is still being used against youth in the vast majority of use of force incident at that facility, which is inconsistent with agency policy and does not comply with this provision's requirement that it be used only when less severe alternatives are insufficient.</p> <p>There continue to be a number of incidents involving multiple youths resulting in high levels of force used, e.g. 35 youth at Villalba in one incident on April 23, 2014 and 8 youth were involved in an incident in module 2 at CTS Ponce (boys) on June 20 (the only such incident at Ponce since boys were placed there).,The well-documented shortage of staff in the housing units contributes to the number of incidents occurring and incidences of OC use because officers are not available to intervene before force is used or before the incident escalates. No youths were reported to have been injured due to use of force this quarter, although 21 were injured by other youth, two of whom required hospital treatment due to the underlying incidents in which force was ultimately employed.</p> <p>Documentation of compliance in use of force incidents is inadequate due to inadequate report preparation (it has improved over time) and the lack of camera documentation (not specifically required by provision).</p> <p>NIJ has not provided the Monitor's Office with documentation concerning lesson plans and which staff have been trained in the recently approved language of this provision.</p>

Provision	P	S	R	T	D	G	Comment
<b>Abuse and Maltreatment Investigation and Management</b>							
<p><b>S.A. 78.a</b> 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.</p>	Y	N	N	#	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as "PREA" is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA. Policies have been updated to comply with this provision.</p> <p>Evidence was preserved – in 67% of cases. Suspected youth were separated from their victim(s) in all of the cases assessed.</p>
<p><b>S.A. 78.b</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.</p>	Y	Y	Y	Y	Y	Y	<p>The Roadmap process has resulted in clarification of documentation necessary to determine compliance in all aspects and NIJ has provided the necessary evidence of compliance as set forth in the Roadmap. A memorandum of compliance was provided with the first quarter report. The parties have agreed to file a joint motion to terminate this provision.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 78.c</b> 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.</p>	Y	Y	Y	#	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as "PREA" is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>The timeliness of initial reporting to PRPD by AIJ, based on AIJ records, has been high.</p> <p>The Commonwealth Police do fully respond to the Monitor's information requests for case analysis information. There are reports provided for about half of the cases, and much information is missing.</p> <p>Cases were promptly referred to SAISC all (100%) of the time based on NIJ records and in 23 of 28 cases based on OISC records.</p> <p>A roadmap will be developed for this provision. There is insufficient documentation of compliance and the roadmap will address that.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A.78.d</b> 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.</p>	N	#	#	#	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>A roadmap will be developed for this provision. There is insufficient documentation of compliance and the roadmap will address that.</p>
<p><b>S.A. 78.e</b> 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.</p>	Y	#	#	#	N	N	<p>For the most recent quarter, 64% of OISC case investigations were completed within 30 days, and 96% of the Level One case investigations were completed within 20 days at the facilities.</p>
<p><b>S.A. 78.f</b> 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.</p>	N	N	Y	#	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>No process has been documented to the Monitor’s Office as to whether compliance is achieved with respect to investigation quality.</p> <p>No formally-adopted standards have been submitted to the Monitor’s Office.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 78.g</b> 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.</p>	N	N	Y	#	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>For the most recent quarter, 64% of OISC case investigations were completed within 30 days.</p> <p>No process is in place to assess whether compliance is achieved with respect to these aspects of investigation quality.</p>
<p><b>S.A. 78.h</b> 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.</p>	N	N	Y	#	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>A new tracking table has been designed and is included in this quarter’s QR</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 78.i</b> 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.</p>	Y	Y	Y	Y	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>NIJ policies comply with this provision.</p> <p>Policies and procedures require separation based on substantiated allegations, which is a higher standard of performance than required in this provision.</p> <p>Monitor’s consultants are prepared to work with parties to identify necessary compliance documentation expectations for a roadmap.</p>
<p><b>Separation Order, of December 4, 2006:</b> 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.</p>	N	Y	Y	N	N	N	<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 Sections 115.313, 115.364. While compliance with these regulations, also known as “PREA” is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p> <p>Monitor’s consultants are prepared to work with parties to identify necessary compliance documentation expectations for a roadmap.</p>



Provision	P	S	R	T	D	G	Comment
<b>Protection and Isolation</b>							
<p><b>S.A. 79.</b> 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) pending the development of a roadmap that operationalizes how compliance is to be documented and assessed.</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 Sections 115.313, 115.364. While compliance with these regulations, also known as "PREA" is not required by the Consent Order and Settlement Agreement, the status of compliance with the PREA regulations is relevant in assessing compliance with this provision. The fact that the provision remedies are similar to those required by federal regulations also supports a conclusion that the remedies are narrowly tailored as required by the PLRA.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 80.</b> 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	I	N	N	N	<p>The number of protective custody / transitional measures placements at Humacao continues to be substantial, with 34 such incidences this quarter. The volume of such placements, combined with the troublesome duration of many placements far in excess of a few days, compounds the difficulty associated with insuring the level of services and activity required by this provision.</p> <p>Education services provided to youth in this category are severely limited and are limited in relation to that afforded youth in the general population. The parties have not reached agreement as to how to measure relative limitations on education services to youth in this category.</p> <p>Current documentation and practices of conducting observations of youth in their rooms are inadequate and inconsistent, invoking the “safety” component of this provision. There have been documented cases of staff reporting observations that were not accurate. New methods of documenting compliance with safety observations as well as the services and activity components of this provision continue to be in the implementation phase and evaluation efforts will continue in the coming quarter. NIJ has not yet provided documentation of training relative to the new safety observations and services documentation procedures.</p> <p>Insufficient numbers of teachers is an impediment to meeting the education component of this provision.</p>

Provision	P	S	R	T	D	G	Comment
<b>Education and Vocational Services</b>							
<p><b>S.A. 81.</b> 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.</p>	N	N	N	I	N	N	<p>Staffing compliance continues to improve as it had in the prior school year. However staffing is still not sufficient to meet the terms of this provision.</p> <p>Adequate vocational materials are not provided at all facilities according to staff interviewed by the monitor's consultant.</p> <p>Not all youth receive education for "5 (five) days per week, 6 (six) hours per day, 10 (ten) months per year." This applies to TM and PC status youths as well as to those who have completed the fourth year of adult education.</p> <p>A proposal to provide direct one-on-one instruction those in PC or T did not prove effective due to inadequate staffing to accomplish the goal.</p> <p>Whether or not adult education is suitable for NIJ youth continues to be a concern of the monitor's consultant. However, whether or not it is suitable, the approach that NIJ is presently taking does not comply with the provisions of S.A. 81.</p>
<p><b>S.A. 86a.</b> 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 <i>et seq.</i> Defendants shall screen juveniles for physical and learning disabilities.</p>	Y	Y	Y	I	N	N	<p>The Commonwealth does not maintain a systematic audit of this provision. The Monitor's Office will review such documentation when it is provided. Compliance with 86a requires compliance with 86b.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 86b.</b> 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.</p>	Y	Y	Y	I	N	N	<p>The Monitor's assessment of special education and mental health services for the 2013 3<sup>rd</sup> quarter revealed that when a special education student drops out of the community public school before confinement in the agency institutions, he is not always re-evaluated for those services in the institution but is listed as "inactive."</p> <p>NIJ was unable to complete the special education/mental health assessment for the 4<sup>th</sup> quarter. Subsequently, the monitor agreed that a semester report was reasonable rather than a quarterly report. The next assessment will be due by December, 2014.</p> <p>Compliance with 86b requires compliance with 86a.</p>
<p><b>S.A. 87.</b> 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.</p>	Y	Y	Y	I	N	N	<p>Compliance with the first part of the stipulation is high in that the agency institutions request IEPs and special education files from the community public schools. The request is frequently ignored or results in late delivery preventing compliance with the second part requiring assessment of the documents' adequacy. This is particularly the case in the detention institutions. Nevertheless, NIJ staff should be commended for the development of provisional IEPs that result in the delivery of some of the mandated services. The need to re-certify students who dropped out in the community also applies here.</p> <p>Road map activity began in the prior quarter did not continue into this quarter in favor of a focus on SA 91 and CO 34. Upon compliance achievement for SA 91 and CO 34, the road map activity will continue for this stipulation.</p>
<p><b>S.A. 90.</b> 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.</p>	Y	Y	Y	I	Y	N	<p>Since all special education students are mainstreamed with those not certified, they receive the equivalent adult education as the others except for those in protective custody or in transition. See note to S.A. 81 as to the appropriateness of adult education. See note to S.A. 94 about protective custody and transitional compliance.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 91.</b> 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.</p>	Y	Y	Y	I	N	N	<p>Certified special education teachers, many of them new to the profession, provide education services to youth. All vocational education positions were filled during this reporting period.</p> <p>Special education students were enrolled in vocational courses consistent with IEP recommendations. In some cases, especially in the two detention institutions, parental responsibility (Paternidad) is offered as a vocational component.</p> <p>As demonstrated in the Monitor's 2013 3<sup>rd</sup> quarter assessment of special education and mental health services, there continues to be a system wide gap in communication between education and mental health staff. Prescriptions written into the IEP fall into a "one size fits all" admittedly written by educators with scant consultation with mental health staff. It should be noted that in the pilot assessment and that for the 3<sup>rd</sup> quarter, staff stated that consultation increased significantly.</p> <p>NIJ was unable to complete the 4<sup>th</sup> quarter special education/mental health assessment.</p> <p>Road map activity is now in the final stage and steps toward compliance have been achieved. The compliance review will continue into the next quarter.</p>
<p><b>S.A. 93.</b> 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.</p>	#	N	N	I	N	N	<p>Students eligible for special education services did not receive services from the end of May to the beginning of August. While the Commonwealth has not identified any students that need summer services, the Monitor's Office disagrees that there are no such students. Also, some students eligible for special education services based on their Individual Education Plans were not receiving all of the specified services.</p>
<p><b>S.A. 94.</b> 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.</p>	N	N	N	I	N	N	<p>A recent review of services provided for youth in transition or protective custody, showed that youth are not receiving services comparable to youth who are not in isolation. (See also comments for S.A. 90 and SA 80).</p> <p>Youth in Protective Custody and Transitional measures status receive some services, some days but often materials are delivered to the housing units with minimal instruction from teachers.</p>

Provision	P	S	R	T	D	G	Comment
<p><b>S.A. 95.</b> When an IEP is ineffective, Defendants shall timely modify the IEP.</p>	Y	Y	Y	I	N	N	<p>All special education positions are filled.</p> <p>Visits to Humacao and Bayamon CTS indicated that teachers were periodically reviewing students' IEP.</p> <p>A systematic assessment has not yet been completed by the Commonwealth and provided to the Monitor's Office for review.</p> <p>Monitor's consultants are prepared to work with parties to identify necessary compliance documentation expectations for a roadmap.</p>
<b>Funding and Implementation</b>							
<p><b>C.O. 43</b> Until this order is fully implemented, Defendants shall submit to the Legislature of the Commonwealth each fiscal year a report wherein the required sums of money will be established so as to implement this Consent order.</p>	Y	Y	N		N	N	<p>The Commonwealth legal position is that the required report is the agency budget request. The budget request is not routinely provided to the Monitor or the United States.</p> <p>It is also not established that the budget identifies the "required sums of money" to "implement the order."</p> <p>The budget has been, in fact, insufficient to implement the requirements of the decree. There are many provisions in non-compliance with category "R" specified as one of the factors. These are provisions where lack of resources is a factor in non-compliance.</p> <p>Monitor's consultants are prepared to work with parties to identify necessary compliance documentation expectations for a roadmap.</p>