

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

TO THE HONORABLE COURT:

Today, the Monitor submits the Monitor's Third Quarterly Report for 2009. The report covers the months of July, August and September 2009. This report consists of an introductory statement by the Monitor, along with the compliance ratings tables and related reports by the Monitor and 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 16th day of November, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will simultaneously serve notice of such filing to counsel of record to their registered electronic mail addresses.

Respectfully Submitted,

*s/ F. Warren Benton*

F. Warren Benton

Monitor

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

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## Monitor's Quarterly Report Third Quarter, 2009

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

The following is the Monitor's Third Quarterly Report for 2009. 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 describes recent events and accomplishments, reviews the results of some of the on-site monitoring tours, examines particular compliance problems, and discusses pending issues.

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Document Attachment A:	Benton Letter Update on YSO Positions Needed
Document Attachment B:	Dugan Report on Staffing Compliance
Document Attachment C:	Report on Incidents and Understaffing
Document Attachment D:	Abuse Referrals Tracking Report
Document Attachment E:	Abuse Referral Case Assessment Report
Document Attachment F:	Chronology of Site Visits

Separate Attachment One: Table of Compliance Ratings

### A. Overview of Compliance

The following table summarizes the ratings in the compliance ratings table in the Appendix of this report.

<i>Settlement Category</i>	<i>Number of Provisions</i>	<i>Compliant Provisions</i>	<i>Procedure Problem</i>	<i>Staffing Problem</i>	<i>Resource Problem</i>
Facilities	10	0	3	1	7
Policies and procedures	1	0	1	0	0
Staffing	1	0	1	1	1
Training	2	1	0	1	1
Classification	1	0	1	0	0
Mental Health	13	2	7	10	5
Discipline	4	0	1	0	0
Abuse Management	9	0	3	5	3
Protection and Isolation	2	0	#	#	#
Education	11	3	0	7	7

The table suggests that, in the opinion of the Monitor's consultants, key problems in making progress toward compliance involve procedures, staffing and resources. Of the 54 provisions and provision components rated in the compliance rating table associated with this narrative, 25 are deficient, in part, because staffing is insufficient in the opinion of the Monitor's consultant. In many other provisions, the

determination of the sufficiency of staffing awaits the completion of a policy and/or procedure which would be the basis for an assessment of whether staffing is sufficient to achieve compliance.

## B. Motion for Contempt

The Monitor updates the findings related to the Motion for Contempt which were presented in previous quarterly report.

### Hiring and Training of Staff

- No hiring of YSOs has taken place.<sup>1</sup>
- No training of newly hired YSOs has taken place.
- Federal funds have been approved for the hiring of an additional 100 YSOs as temporary staff. The selection of candidates is underway and training is expected to take place in December..

On October 2, 2009, the Monitor responded to a letter from counsel for the Commonwealth asking whether the closing of CTS Salinas and CTS Ponce Boys, combined with other closings, consolidations and transfers would result in “full compliance” with Paragraph 48. (See Appendix A for the letter.) The Monitor responded as follows:

I believe that the combined effect of the actions taken and the two additional actions identified in the letter would result in the capacity to comply with paragraph 48.<sup>2</sup> This would be an important and positive change, since my view at the time of the August 2009 report was that the Commonwealth lacked the capacity – because of the shortage of youth service officer positions - to achieve compliance with paragraph 48.

However, the achievement of full compliance would have to be reflected in the actual deployment of youth services officers in the appropriate posts, as reflected in the compliance monitoring and roster management documents completed at the facilities and reviewed by my consultant Robert Dugan.

Achieving compliance would also depend on some related implementation factors: a) the physical readiness of the Bayamon facilities to accept youth, b) roster management that actually deploys YSOs to the required posts, c) accurate, timely and complete reporting of staff deployment, d) timely replacement of YSOs who resign so that existing YSO positions remain filled at a constant level; e) feasibility of the non-housing posts that AIJ reports to be necessary so that YSOs are not pulled from housing posts to cover non-housing functions, f) population

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<sup>1</sup> The Commonwealth reports in a letter dated July 15, 2009 that there are 88 “transitory custodial officers” who used to work in privately-contracted youth corrections facilities where the contracts have been terminated by the Commonwealth. AIJ has authorization from the Commonwealth Office of Management and Budget for the continued employment of these officers.

<sup>2</sup> While there would remain a shortfall of 28-43 positions, but the methods that I use are not so exact that I would state with confidence that the 28-43 position shortfall would be an absolute impediment to compliance. For example, it may be more efficient to fill the remaining posts using overtime than by hiring new full-time personnel. The estimate is based on leave statistics that can vary and that can be influenced by the approach and quality of personnel management.

management measures to manage potential growth in the count which would necessitate the reopening of facilities; and g) feasibility of the remaining facilities to manage the program categories and custody classifications of youth to be housed.

### Supervision of Youth and Protection from Harm

The Monitor makes the following findings with respect to the obligation to “ensure the reasonable safety of youth by providing adequate supervision of youth in all facilities operated by, or on behalf of, the Defendants.”

- For the period of July through September 2009, the Monitor’s consultant Robert Dugan reports the following levels of compliance at the AIJ facilities with the requirements of paragraph 48: (See Appendix B)

	CD Bayamón	CD Salinas	CTS Bayamón-PUERTAS	CTS Bayamón - Nivel IV	CTS Guayama	CTS Humacao	CTS Villalba	Guaili
■ Percentage of Time Met Staff Youth Ratio 10:00- 6:00	99%	65%	100%	96%	83%	100%	100%	100%
■ Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	29%	30%	77%	17%	83%	6%	6%	100%
■ Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	32%	30%	66%	16%	83%	12%	6%	100%
■ Percentage of AIJ Agency Population	13%	15%	4%	11%	18%	17%	21%	1%

- Since early January there has been no system in place for review of reports of suicide or self-mutilation gestures or attempts. The Commonwealth is in the process of selecting a new lead psychologist, but during the interim the case reviews have not been taking place.
- In Appendix D, the assessment of one-on-one supervision compliance – in cases where youth need continuous supervision for mental health and other reasons – there were 703 events where youth who were supposed to be provided with such supervision did not receive it.

### C. Retrenchments of AIJ Personnel

The Commonwealth Office of Management and Budget has initiated a plan reduce public expenditures to align levels of expenditures with available revenues. Approximately 20,000 positions were initially identified for possible retrenchment. The initial list included more than 500 positions within AIJ, and Deputy Secretary and Secretary advocated to the Office of Management and Budget to avoid retrenchments of positions necessary for the provision of essential services. The following is a copy of the most recent version of the list of positions actually slated for retrenchment.

	Nombre del Empleado	Seguros Social	Clasificación	Ubicación
1			ABOGADO I	NIVEL CENTRAL
2			ABOGADO II	NIVEL CENTRAL
3			ABOGADO III	NIVEL CENTRAL
4			ADMINISTRADOR SISTEMAS OFICINA II	NIVEL CENTRAL
5			ADMINISTRADOR SISTEMAS OFICINA II	NIVEL CENTRAL
6			ADMINISTRADORA SISTEMAS OFICINA I	NIVEL CENTRAL
7			COORD SERVICIOS DE CAPELLANÍA	NIVEL CENTRAL
8			COORD. RELACIONES LABORALES	NIVEL CENTRAL
9			COORD. SERVICIOS SEGURIDAD	NIVEL CENTRAL
10			ESPECIALISTA EN COMPRAS	NIVEL CENTRAL
11			GERENTE TRANSPORTACION	NIVEL CENTRAL
12			JEFE INSTITUCIONES JUVENILES	CTS GUAYAMA
13			JEFE INSTITUCIONES JUVENILES	CTS NIÑAS PONCE
14			OFICIAL EJECUTIVO	NIVEL CENTRAL
15			OFICIAL EJECUTIVO I	CTS GUAYAMA
16			OFICIAL EJECUTIVO I	CD SALINAS
17			OFICIAL EJECUTIVO I	CTS NIÑAS PONCE
18			OFICIAL EJECUTIVO I	NIVEL CENTRAL
19			OFICIAL EJECUTIVO II	CD BAYAMÓN
20			TECNICO ASESORAMIENTO JURIDICO	NIVEL CENTRAL

The current list of retrenchments is down to 20, including 12 central office positions and 8 positions at facilities.

## D. Other Compliance Issues

### Disciplinary Provisions, paragraphs 74, 75, 76, 77, and 80

The Monitor's operations consultant David Bogard prepared a report, which was included in the Second Quarterly Report for 2009, providing AIJ with a snapshot relative to the status of compliance with five of the disciplinary provisions (74, 75, 76, 77, and 80). That report suggested that substantial movement toward termination could be achieved by AIJ in the very near future with a concerted effort made by the agency to address the relatively few concerns/issues raised herein.

Monitor's consultants performed site visits during this quarter to monitor the status of issues raised in the past Quarterly Report and met with AIJ representatives on September 10 to discuss status. The following was discussed at that time:

There has been some limited progress in certain areas, including:

- Central office is attempting to take measures to improve the quality of use of force reports being produced at the institutions (although the Monitor's Consultant maintains that training may be required in addition to disciplinary actions).
- Salinas staff are no longer carrying OC and the practice of routinely using of restraints for youth moving within the facility has been discontinued.
- Grievance appeals are now being advanced to central office (and responded to appropriately) after the decision of the facility director, consistent with the revised policy 14.7.
- The number of use of force incidents has diminished significantly at Salinas.
- AIJ reports that the category of "security measures" is no longer approved for youth who are difficult to manage or who request voluntary room restriction (but do not meet criteria for protective custody).

Conversely, there has been no apparent progress made on the majority of issues and suggestions identified in the previous report. In fact, there has been some backsliding in certain areas, including:

- Special Operations staff are still routinely carrying OC at Villalba and Humacao.
- The limited dayroom access (LDA) sanction is being applying to groups of youths without individualized due process as required by AIJ's juvenile discipline policies. In addition, several facilities are beginning the limitations earlier than allowed by policy.
- Several concerns were identified about the use of the *Cernimiento De Incidente De Alegado Maltrato Institucional* screening form, which is now being used to screen staff use of force, youth-on-youth fights, and self harm incidents for possible mistreatment allegations. Concerns include: the fact that the form was not intended to be used for multiple functions when proposed by the Monitor's Consultant; the forms may not include appropriate criteria for each of the three current uses; facility directors are not signing off on forms as required; supervisors who were directly involved in incidents are also serving as reviewers; and, screening frequently does not occur when Special Operations staff are employing force.
- There has been some movement relative to modifying the language of Paragraph 77, which defines the criteria and circumstances by which staff may use force. The parties are discussion language of a possible joint modification proposal to the Court.
- Education is still not being routinely provided to youth in protective custody status.

Monitor's operations consultant recommends that AIJ meet to review all findings and recommendations as set forth in the Second Quarter Report for 2009 and prepare an action plan for resolution of these issues.

### **Training Provision, Paragraph 50**

System-wide compliance with annual in-service training requirements is at 35%. Compliance at Ponce Boys was at 67% soon after closing because the officers were required to attend training before being transferred to other facilities. CTS Humacao is at 6% compliance and CD Salinas is at 11% compliance.

Respectfully Submitted,



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F. Warren Benton, Ph.D.  
Monitor



## Document Attachment A: Benton Letter on YSO Positions Needed

John Jay College of Criminal Justice  
The City University of New York  
445 West 59th  
New York, NY 10019  
(212) 237-8089

### **The Department of Public Management**

Via Electronic Mail only

October 2, 2009

Damaris Delgado Vega  
Counsel for the Commonwealth  
Aldarondo and Lopez Bras, P.S.C.  
ALB Plaza  
#16 Ave. Las Cumbres, Suite 400  
Guaynabo, Puerto Rico 00969

Re: United States v. Commonwealth of Puerto Rico,  
USDC-PR # 94-2080 (CCC)

Dear Damaris:

I write in reply to your letter of September 30<sup>th</sup> concerning compliance with staffing requirements pursuant to Paragraph #48 of the Settlement Agreement, and with compliance of with the Court Order of January 8, 2009.

In Attachment A to the Monitor's Quarterly Report filed on August 3, 2009, I calculated the number of youth services officers that the Commonwealth would need to employ to be capable of compliance with Paragraph 48. The following was the summary of my findings:

*The report estimates the number of YSO need to operate the following facilities in compliance with paragraph 48: CD Bayamon and Salinas, and CTS Bayamon, Guayama, Villalba and Humacao.*

*The Commonwealth would need to employ 1,031 YSOs, and of these, 910 would need to be on active status, meaning that they are being regularly scheduled for work and are regularly showing up for the scheduled assignments.*

*As of April 2009, the Commonwealth employed 713 YSOs at all facilities other than Ponce Girls, but only 620 of them were actively reporting for scheduled work.*

*Therefore, the Commonwealth needs to hire an additional 318 YSOs, and budget for 290 of them.*



*Had the Commonwealth started to hire 50 YSOs each month starting in February 2009, as required in the January 2009 Stipulation, as of the end of June 250 additional YSOs would have been hired and the Commonwealth would be approaching the number of YSOs needed to achieve compliance.*

*The estimated number of YSOs needed would be affected by decision to maintain the operation of additional facilities – such as by deferring the closing of Ponce Boys – because additional YSOs would then be needed. Similarly, if the total population of male youth were to decline so as to permit the closing of an additional facility, the total numbers of YSOs needed would be less than this analysis estimates.*

*The monitor can provide alternate analyses if the Commonwealth determines that the configurations of facilities to be operated will be different than the assumed configuration in this report.*

Your letter essentially requests an “alternate analysis” assuming two changes: the closure of CD Salinas and the employment of 100 additional youth service officers.

If 100 additional youth service officers were to be employed, the total number of active youth service officer positions would rise from 713 to 813. If CD Salinas were to be closed, leaving CD and CTS Bayamon, CTS Humacao, CTS Guayama and CTS Humacao as the remaining operational AIJ facilities, the system-wide number of youth service officer positions necessary would be reduced by the 176 positions that I calculated to be necessary for CD Salinas – from 1,031 positions to 855 positions. As a result, rather than needing to hire 318 YSOs, the Commonwealth would still need to hire 43. (The 318 positions is reduced by the 100 new positions and by 175 positions worth of closed posts.)

I also calculated the number of positions necessary to be funded, since AIJ carries a significant number of authorized positions which are filled by people on various forms of unpaid leave. If the 100 additional positions are filled (and the new employees are not on unpaid leave) the 290 positions estimated in August reduces to 28. (The 290 funded positions is reduced by the 100 new positions and by 162 funded positions worth of closed posts.)

Sincerely,



F. Warren Benton, Ph.D.  
Monitor

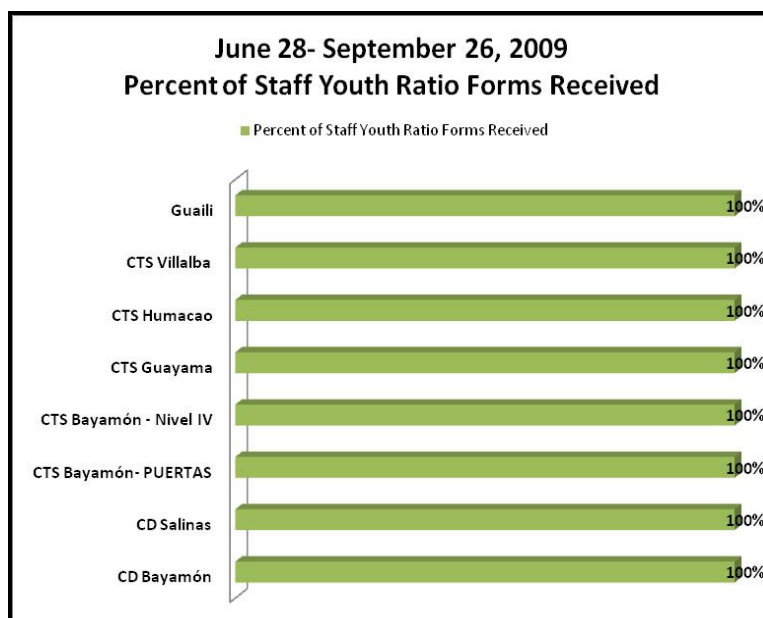
cc: Counsel for both parties and the Deputy Monitor

## Document Attachment B: Dugan Report on Staffing Compliance

The following report constructed on October 19, 2009 provides information on Staff Youth Ratio forms that were provided to the consultant for the period of June 28, 2009 thru September 26, 2009. During this period there has been significant movement of AIJ youth reflecting the closure of Ponce Boys on September 17, 2009, renovation of CD Bayamon units and AIJ management of H1N1.

As of the Sunday, October 18, 2009, the following forms have been submitted.

Facilities	Volume of Weeks of Staff Youth Ratio Forms Requested	Volume of Staff Youth Ratio Forms Received
CD Bayamón	13	13
CD Salinas	13	13
CTS Bayamón-PUERTAS	13	13
CTS Bayamón - Nivel IV	13	13
CTS Guayama	13	13
CTS Humacao	13	13
CTS Villalba	13	13
Guaili	13	13
<b>Totals</b>	<b>104</b>	<b>104</b>

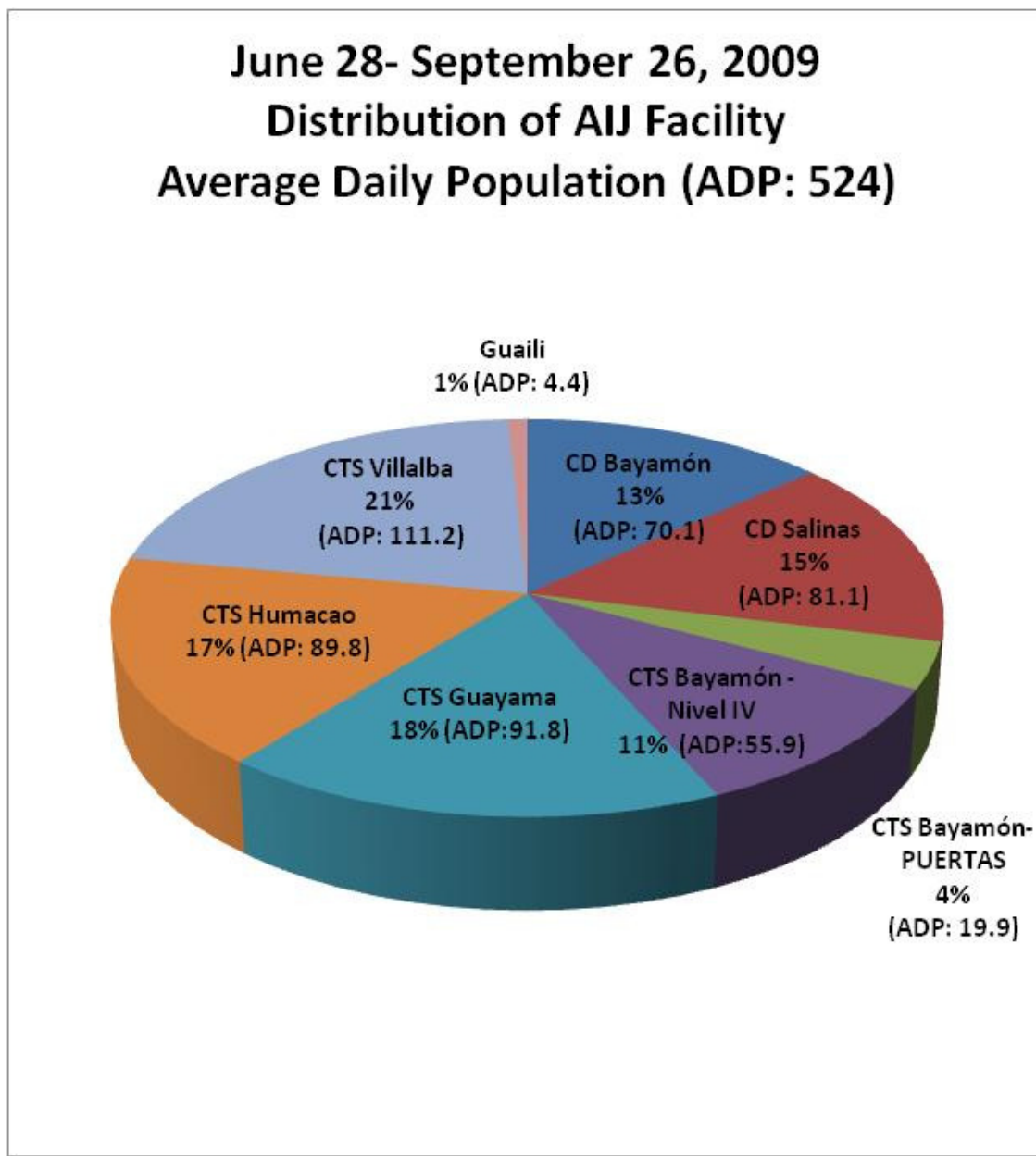


AIJ submitted a total of 104 facility staff youth ratio forms. This level of documentation performance is the first time of any of the quarterly reporting periods 100% of the staff youth ratio forms were available for analysis. The table displaying the date that Staff Youth Ratio forms were received is on page 13 of this report.

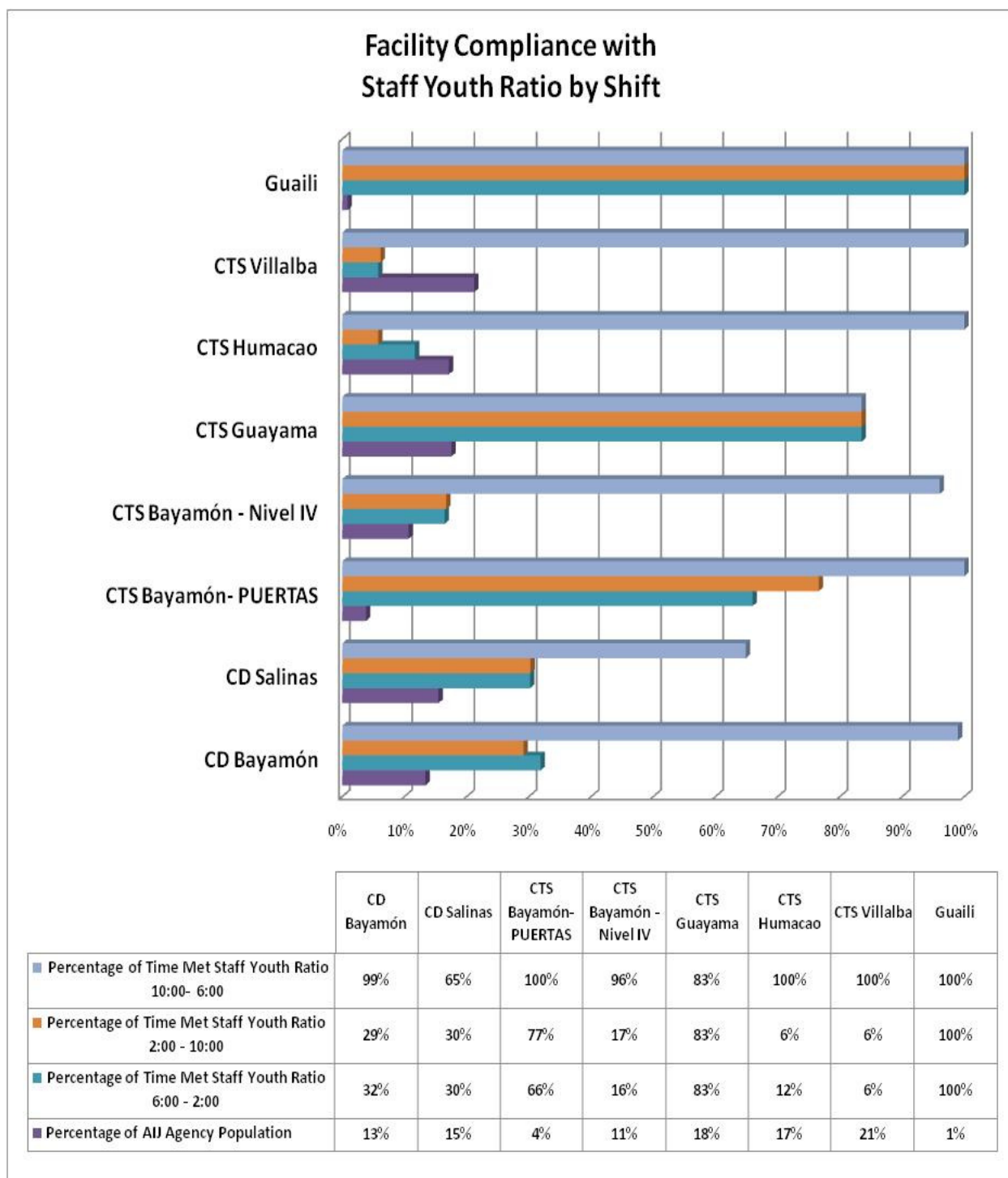
This represents the most comprehensive reporting of staff youth ratio documentation ever provided by AIJ.

**AIJ Average Daily Population:**

Analysis of Staff Youth Ratio forms has been expanded to provide some perspective to not only the number of shifts that are in compliance with expected staff youth ratios, but to display 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 facilities average daily population for the reporting cycle(June 28-September 26, 2009) as well as the proportionate facility youth population that each facility contributes to the agency average daily population.



The staff youth ratio analysis below represents the staffing information received for the period from June 28 thru September 26, 2009 (13 weeks). The purple bar for each facility represents the proportionate average daily population that facility contributes to the AIJ average daily population. The table of average daily population can be found on page 14 of this report.



During this reporting period CTS Bayamon- Nivel IV, CTS Humacao and CTS Villalba have the greatest staffing deficiencies, representing 49% of the AIJ youth population.

**CD Bayamon Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

**Level 5 Facility:** AIJ has not identified CD Bayamon units that will have youth classified as low risk.

AIJ has not designated CD Bayamon high risk units or low risk units, consequently the analysis was done with the ratios of 1:8 during the 6:00 AM-2:00 PM and 2:00 PM -10:00 PM shifts.

- High Risk CD Units: Staff Youth Ratio 1:8 during 6:00-2:00 and 2:00-10:00
- Low Risk CD Units: Staff Youth Ratio 1:16 during 6:00-2:00 and 2:00-10:00
- All Units Staff Youth Ratio 1:16 during 10:00-6:00

\* It should be noted that during this quarter three unit of youth have been transferred and housed at CTS Bayamon. The Staff Youth Ratios for these three units are reported within the CD Bayamon data.

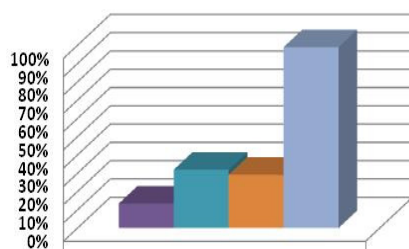
**Percent of Forms Available:** 100%

**Volume of Weeks Analyzed:** 13 of 13 requested

**Volume of Weeks Analyzed:** 13

**Volume of Days Analyzed:** 91

**CD Bayamon**  
**Percent of Units that Met**  
**Staff Youth Ratio**



CD Bayamón	
■ Percentage of All Agency Population	13%
■ Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	32%
■ Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	29%
■ Percentage of Time Met Staff Youth Ratio 10:00 - 6:00	99%

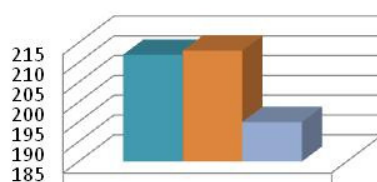
Average volume of youth assigned 1:1 staff youth supervision per reported day: **2.3**

Volume of 1:1 Events Without Required staffing during reporting period: **66**

*N.B. CD Bayamón - Viv. Amarilla Módulo IV: July 22-25; July 27, 28 and 29, on the 10-6 shift youth was in an unstaffed unit/room each night.*

**CD Bayamon**

June 28- September 26, 2009



CD Bayamón	
■ Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	212
■ Youth Assigned 1:1 Staff Youth Supervision 2:00 - 10:00	213
■ Youth Assigned 1:1 Staff Youth Supervision 10:00 - 6:00	195

**CD Salinas Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

**Level 5 Facility:**

On May 15, 2009, AIJ identified CD Salinas units that will have youth classified as low risk. At this time the following classification of units has been presented:

Housing Unit A - Detention Moderate Risk.

Housing Unit B. - Detention Custody.

Housing Unit C - Detention Low Risk.

Housing Unit D - Residential Evaluation Unit (MER - Formerly known as CER.)

Housing Unit E - Detention Low Risk.

Until the Salinas risk classification plan can be analyzed Staff Youth ratio will be analyzed for 1:8 during the 6:00 AM-2:00 PM and 2:00 PM -10:00 PM shifts.

- AIJ has started a process to review and update the Salinas classification policy, procedure, training and documentation.

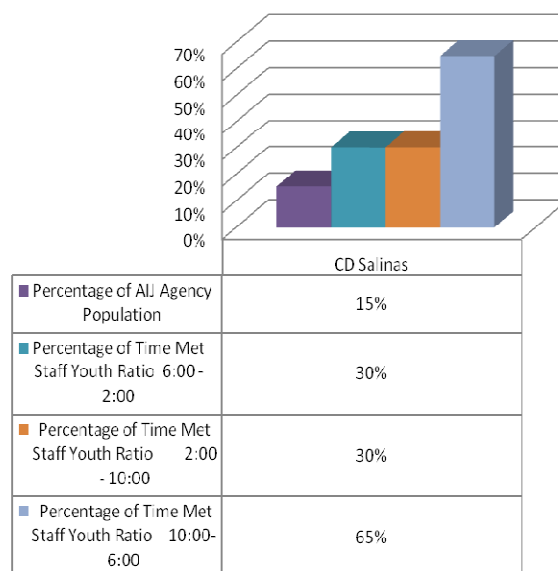
**Percent of Forms Available:** 100%

**Volume of Weeks Analyzed:** 13 of 13 requested

**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**

**CD Salinas  
Percent of Units that Met  
Staff Youth Ratio**

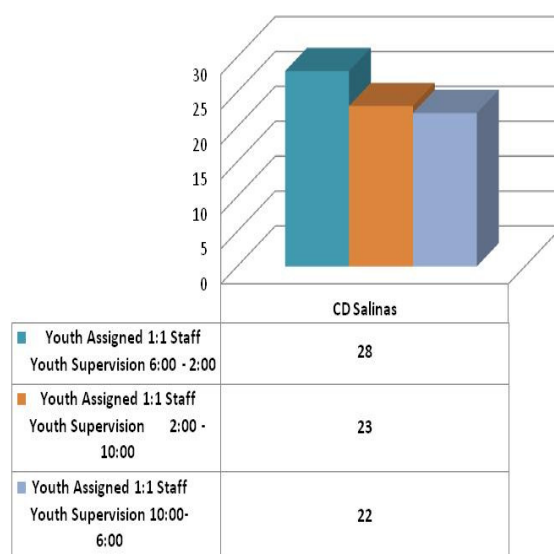


Average volume of youth assigned 1:1 staff youth supervision per reported day: **0.3**

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

**CD Salinas**

June 28-September 26, 2009



**CTS Bayamon PUERTAS Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

**Level 4 and 5 Facility:**

The youth placed in the PUERTAS, specialized mental health residential program, were moved to the CTS Bayamon Blue building, which was designed to house this population with mental health specialized needs on March 27, 2009.

The staffing was adjusted to 1-8 and 1-16, with the appropriate living conditions.

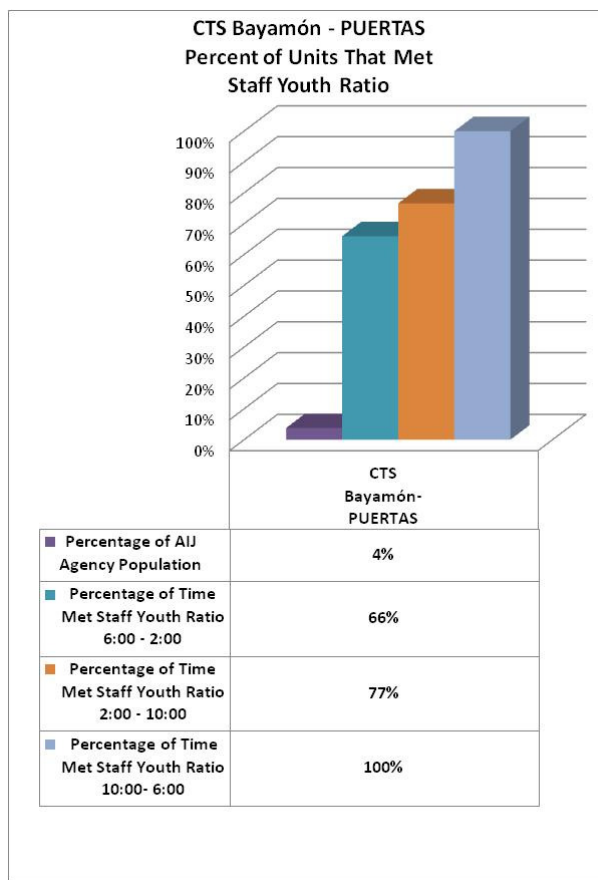
- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM-6:00 AM

**Percent of Forms Available:** 100%

**Volume of Weeks Analyzed:** 13 of 13 requested

**Volume of Weeks Analyzed: 13**

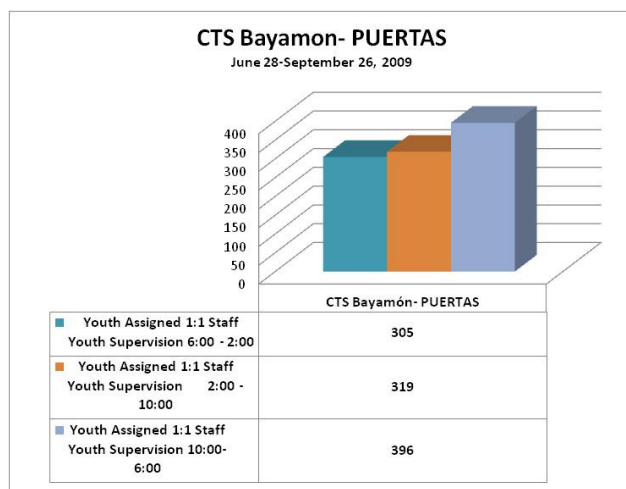
**Volume of Days Analyzed: 91**



Average volume of youth assigned 1:1 staff youth supervision per reported day: **3.7**

Volume of 1:1 Events Without Required staffing during reporting period: **347**

*N.B. It should be noted that there appeared to be a high volume of youth requiring 1:1 supervision that were not being supervised consistent to this ratio.*





**CTS Guayama Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

**Level 3 Facility:**

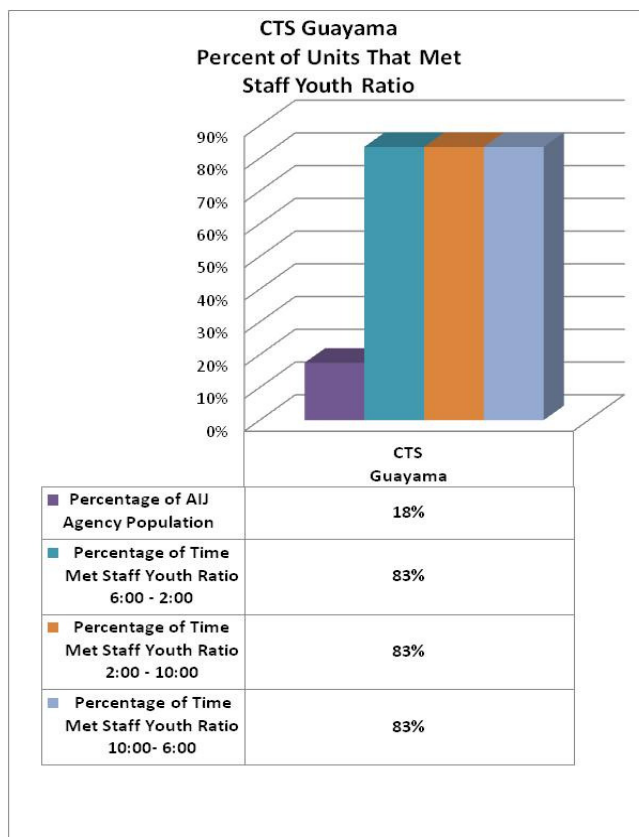
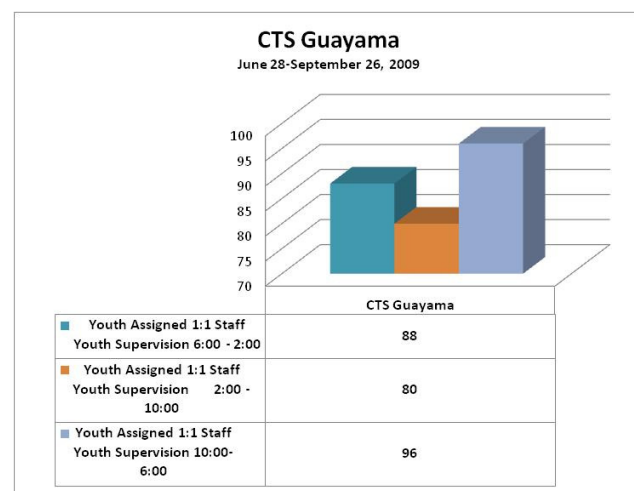
- A Staff Youth Ratio of 1:16 during 6:00 AM -2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

Volume of Weeks Analyzed: 13

Volume of Days Analyzed: 91

Average volume of youth assigned 1:1 staff youth supervision per reported day: **1.0**Volume of 1:1 Events Without Required staffing during reporting period: **0****CTS Humacao Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

Volume of Weeks Analyzed: 13

**Level 4 Facility:**

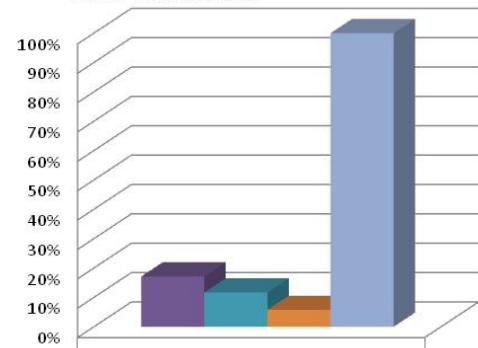
- A Staff Youth Ratio of 1:8 during 6:00 AM-2:00 PM and 2:00 PM -10:00 PM and
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

**Percent of Forms Available:** 100%

**Volume of Weeks Analyzed:** 13 of 13 requested

**Volume of Days Analyzed: 91**

**CTS Humacao**  
Percent of Units That Met Staff Youth Ratio



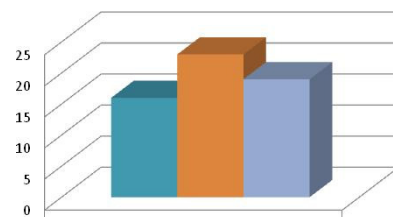
CTS Humacao	
Percentage of All Agency Population	17%
Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	12%
Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	6%
Percentage of Time Met Staff Youth Ratio 10:00- 6:00	100%

Average volume of youth assigned 1:1 staff youth supervision per reported day: **0.2**

Volume of 1:1 Events Without Required staffing during reporting period: **278**

**CTS Humacao**

June 28-September 26, 2009



CTS Humacao	
Youth Assigned 1:1 Staff Youth Supervision 6:00 - 2:00	16
Youth Assigned 1:1 Staff Youth Supervision 2:00 - 10:00	23
Youth Assigned 1:1 Staff Youth Supervision 10:00- 6:00	19

**CTS Ponce /CTS Bayamón - Nivel IV Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

All Youths Transferred as of Thursday, September 17, 2009

**Level 4 Facility:**

Moved Ponce youth to CTS Bayamon on September 17, and started reporting as CTS Bayamón - Nivel IV

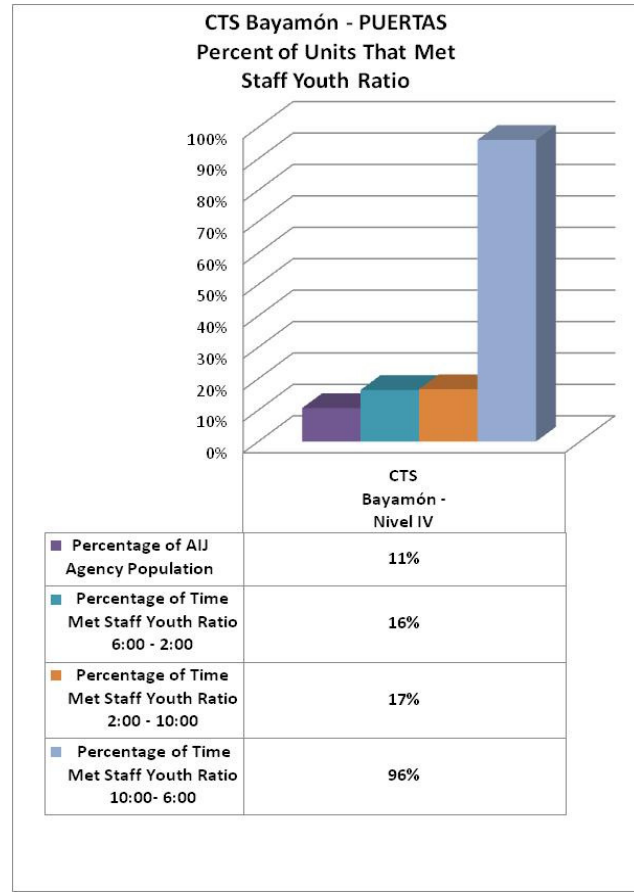
- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

Percent of Forms Available: 100%

Volume of Weeks Analyzed: 13 of 13 requested

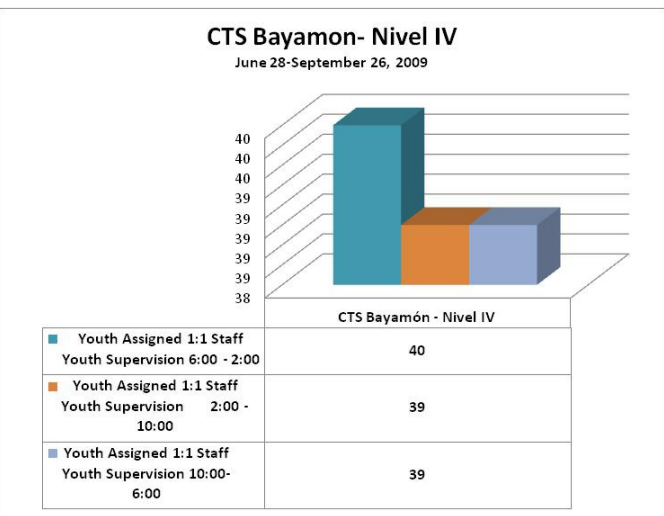
**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**



Average volume of youth assigned 1:1 staff youth supervision per reported day: **0.4**

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



**CTS Villalba Staff Youth Ratio Analysis:**

June 28, 2009 September 26, 2009

**Level 5 Facility:**

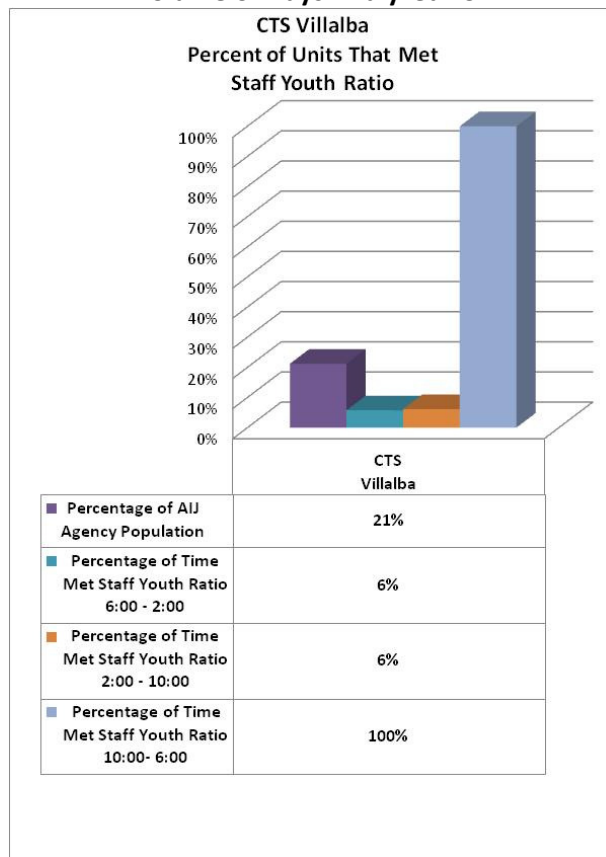
- A Staff Youth Ratio of 1:8 during 6:00 AM - 2:00 PM and 2:00 PM -10:00 PM
- A Staff Youth Ratio of 1:16 during 10:00 PM -6:00 AM

**Percent of Forms Available: 100%**

**Volume of Weeks Analyzed: 13 of 13 requested**

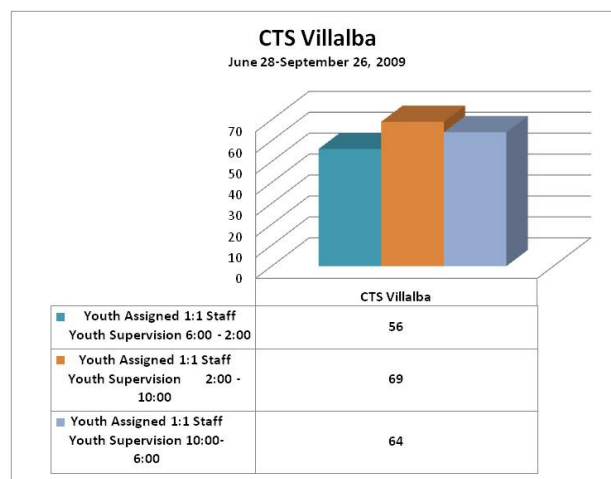
**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**



Average volume of youth assigned 1:1 staff youth supervision per reported day: **0.7**

Volume of 1:1 Events Without Required staffing during reporting period: **12**



**Guaili Staff Youth Ratio Analysis:**

**June 28, 2009 September 26, 2009**

**Level 2 Facility:**

- A Staff Youth Ratio of 1:16 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

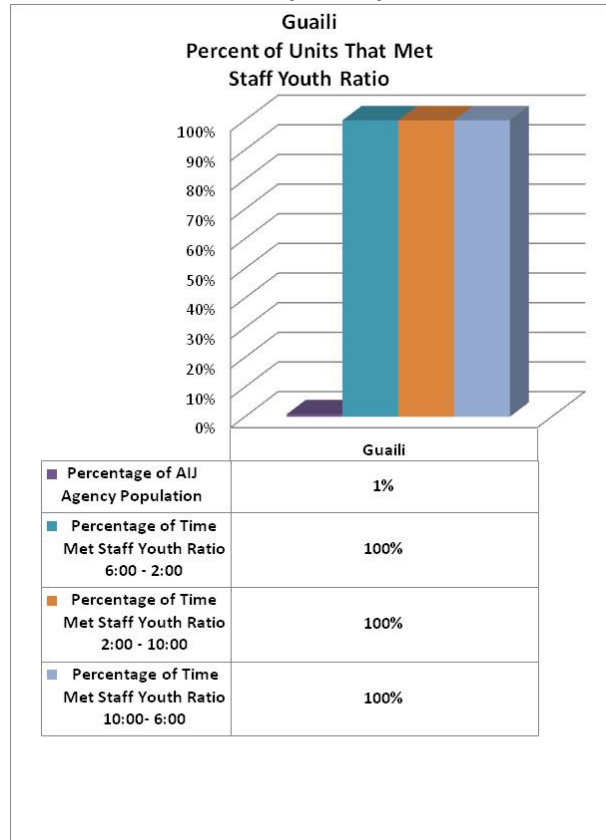
**Percent of Forms Available:** 100%

**Volume of Weeks Analyzed:** 13 of 13 requested

The Guaili youth were moved to Living Unit #2 at the Ponce Girls facility on April 27, 2009.

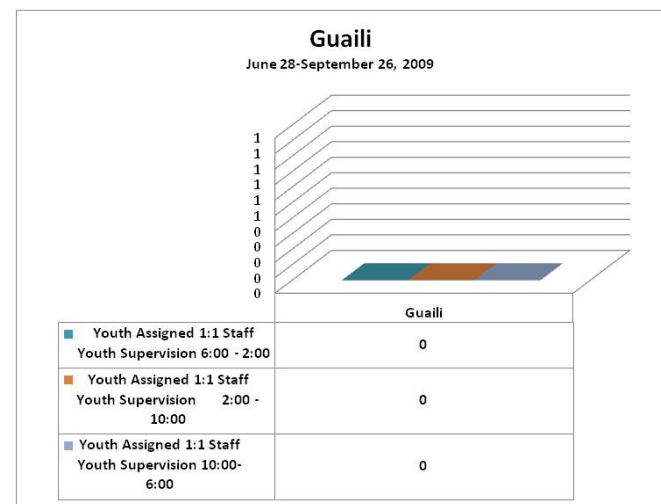
**Volume of Weeks Analyzed: 13**

**Volume of Days Analyzed: 91**



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**



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

	Percent of Staff Youth Ratio Forms Received	Percentage of AIJ Agency Population	Percentage of Time Met Staff Youth Ratio 6:00 - 2:00	Percentage of Time Met Staff Youth Ratio 2:00 - 10:00	Percentage of Time Met Staff Youth Ratio 10:00- 6:00
CD Bayamón	<b>100%</b>	<b>13%</b>	32%	29%	99%
CD Salinas	<b>100%</b>	<b>15%</b>	<b>30%</b>	<b>30%</b>	<b>65%</b>
CTS Bayamón- PUERTAS	<b>100%</b>	<b>4%</b>	<b>66%</b>	<b>77%</b>	<b>100%</b>
CTS Bayamón - Nivel IV	<b>100%</b>	<b>11%</b>	<b>16%</b>	<b>17%</b>	<b>96%</b>
CTS Guayama	<b>100%</b>	<b>18%</b>	<b>83%</b>	<b>83%</b>	<b>83%</b>
CTS Humacao	<b>100%</b>	<b>17%</b>	<b>12%</b>	<b>6%</b>	<b>100%</b>
CTS Villalba	<b>100%</b>	<b>21%</b>	<b>6%</b>	<b>6%</b>	<b>100%</b>
Guaili	<b>100%</b>	<b>1%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

Facilities	Average Volume of Youth Assigned Mental Health per Reported Day	Volume of 1:1 Events Without Required Supervision	Volume of Days Analyzed
CD Bayamón	<b>2.3</b>	<b>66</b>	<b>91</b>
CD Salinas	<b>0.3</b>	<b>0.0</b>	<b>91</b>
CTS Bayamón- PUERTAS	<b>3.7</b>	<b>347</b>	<b>91</b>
CTS Bayamón - Nivel IV	<b>0.4</b>	<b>0</b>	<b>91</b>
CTS Guayama	<b>1.0</b>	<b>0</b>	<b>91</b>
CTS Humacao	<b>0.2</b>	<b>278</b>	<b>91</b>
CTS Villalba	<b>0.7</b>	<b>12</b>	<b>91</b>
Guaili	<b>0.0</b>	<b>0</b>	<b>91</b>
Total Average Volume Per Facility	<b>1.1</b>	<b>703</b>	<b>91.0</b>

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

Date	CD Bayamo	CD Salina	CTS Bayamon- PUERTA	CTS Guayam	CTS Humaca	Ponce /CTS Bayamón - Nivel IV	CTS Villall	Guaili
June 28 -July 4, 2009	9/3/09	9/8/09	9/14/09	9/11/09	8/12/09	9/9/09	8/27/09	10/6/09
July 5 -July 11, 2009	9/3/09	9/8/09	9/14/09	8/12/09	8/12/09	9/9/09	8/27/09	10/6/09
July 12 -July 18, 2009	9/11/09	9/8/09	9/14/09	8/12/09	8/12/09	9/9/09	8/27/09	10/6/09
July 19 -July 25, 2009	9/11/09	9/8/09	9/14/09	8/12/09	9/25/09	9/9/09	8/27/09	10/6/09
July 26 -August 1, 2009	9/11/09	9/8/09	9/14/09	8/12/09	9/25/09	9/9/09	8/27/09	10/6/09
August 2 -August 8, 2009	9/14/09	9/8/09	9/14/09	9/3/09	9/25/09	9/9/09	8/27/09	10/6/09
August 9 -August 15, 2009	9/14/09	9/8/09	9/14/09	9/3/09	10/2/09	9/9/09	8/27/09	10/6/09
August 16 -August 22, 2009	9/14/09	9/8/09	9/14/09	9/3/09	10/2/09	9/9/09	10/2/09	10/6/09
August 23 -August 29, 2009	9/14/09	9/8/09	9/14/09	9/3/09	10/2/09	9/9/09	9/29/09	10/6/09
August 30- September 5, 2009	9/25/09	9/29/09	9/25/09	9/29/09	10/2/09	9/29/09	9/29/09	10/6/09
September 6- September 12, 2009	10/1/09	9/25/09	10/1/09	10/1/09	10/2/09	10/2/09	9/29/09	10/6/09
September 13- September 19, 2009	10/1/09	9/25/09	10/1/09	10/1/09	10/2/09	10/2/09	9/29/09	10/6/09
September 20- September 26, 2009	10/2/09	9/29/09	10/2/09	10/14/09	10/2/09	10/2/09	10/2/09	10/6/09



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

	<b>CD Bayamon</b>	<b>CD Salinas</b>	<b>CTS Bayamon</b>	<b>CTS Guayama</b>	<b>CTS Humacao</b>	<b>CTS Bayamón - Nivel IV2</b>	<b>CTS Villalba</b>	<b>Guaili</b>
June 28 -July 4, 2009	65.0	75.0	21.0	81.0	84.0	65.0	111.0	4.0
July 5 -July 11, 2009	72.0	72.0	22.0	99.0	92.0	64.0	111.0	4.0
July 12 -July 18, 2009	73.0	83.0	22.0	84.0	94.0	65.0	111.0	4.0
July 19 -July 25, 2009	69.0	81.0	22.0	88.0	97.0	62.0	110.0	6.0
July 26 -August 1, 2009	72.0	74.0	22.0	98.0	95.0	60.0	111.0	6.0
August 2 -August 8, 2009	74.0	76.0	21.0	90.0	98.0	60.0	113.0	4.0
August 9 -August 15, 2009	59.0	83.0	20.0	95.0	90.0	57.0	114.0	4.0
August 16 -August 22, 2009	59.0	98.0	19.0	94.0	90.0	55.0	115.0	6.0
August 23 -August 29, 2009	68.0	84.0	20.0	94.0	87.0	54.0	115.0	4.0
August 30- September 5, 2009	68.0	86.0	19.0	91.0	83.0	51.0	114.0	3.0
September 6- September 12, 2009	80.0	84.0	17.0	85.0	88.0	48.0	110.0	4.0
September 13- September 19, 2009	82.0	71.0	17.0	85.0	82.0	46.0	109.0	3.0
September 20- September 26, 2009	70.0	87.0	17.0	110.0	87.0	40.0	101.0	5.0
Average Daily Population	70.1	81.1	19.9	91.8	89.8	55.9	111.2	4.4
<b>Percentage of AIJ Agency Population</b>	13%	15%	4%	18%	17%	11%	21%	1%

Document Attachment C:  
Report on Incidents and Understaffing, April-June 2009

Date	Facility	Case	Shift	Incident Summary	Compliance Assessment
<b>April 4</b>	CTS Guayama	09-128	Afternoon	A juvenile was hit by other juveniles in the living unit.	1 officer, 23 juveniles
<b>April 5</b>	CTS Guayama	09-129	Afternoon	A juvenile was hit in his back by other juveniles. The incident occurred in his room.	1 officer, 23 juveniles
<b>April 5</b>	CD Bayamón	09-131	Afternoon	A juvenile was lacerated in his penis area by other juvenile.	1 officer, 13 juveniles (allegedly the officer was out of the living unit)
<b>April 7</b>	CTS Humacao	09-130	Morning	A juvenile was hit in his face by a group of juveniles. The incident occurred in the living unit's bathroom.	1 officer, 12 juveniles
<b>April 16</b>	CTS Villalba	09-141	Morning	A juvenile cut himself in the intake area.	1 officer, 2 juveniles (one in constant watch)
<b>April 19</b>	CTS Ponce Girls	09-142	Morning	Allegedly, a juvenile was sexually molested by other juvenile in the living unit.	1 officer, 15 juveniles
<b>April 25</b>	CTS Ponce Girls	09-151	Morning	Voluntary sexual conduct between two juveniles in the living unit. Allegedly, a juvenile was brushing the custody officer hair.	1 officer, 11 juveniles
<b>April 28</b>	CTS Villalba	09-150	Afternoon	A juvenile cut himself in left arm in the intake area.	1 officer, 2 juveniles ( one in constant watch)
<b>April 28</b>	CTS Bayamón Puertas	09-149	Afternoon	A juvenile scratched himself in his neck while he was in constant watch.	2 officers, 12 juveniles (one in constant watch)

<b>May 2</b>	CTS Villalba	09-194	Afternoon	A juvenile was hit in his head by other juvenile. The incident occurred in juvenile's room.	1 officer, 15 juveniles
<b>May 4</b>	CTS Guayama	09-128	Afternoon	A juvenile allegedly was hit by other juveniles in the living unit.	1 officer, 23 juveniles
<b>May 6</b>	CTS Guayama	09-155	Morning	A juvenile had oral sex with other juvenile in the living unit's laundry area.	1 officer, 23 juveniles
<b>May 6</b>	CTS Humacao	09-158	Afternoon	A juvenile was assaulted by a group of juveniles in the module.	1 officer, 14 juveniles
<b>May 13</b>	CTS Ponce Boys	09-168	Afternoon	A juvenile was hit by a group of juveniles in the living's unit entrance area.	1 officer, 9 juveniles
<b>May 15</b>	CD Bayamón	09-170	Afternoon	A juvenile was hit in his head by other juvenile. The incident occurred in the living's unit common area.	1 officer, 13 juveniles
<b>May 18</b>	CD Bayamón	09-173	Afternoon	A juvenile was attacked by two juveniles with a "shank". The incident occurred in the living unit.	1 officer, 15 juveniles
<b>May 22</b>	CTS Humacao	09-186	Night	A juvenile under constant watch scratched himself in a previous wound. According to the documentation reviewed no officer was assigned to him.	1 officer, 11 juveniles
<b>May 22</b>	CTS Ponce Boys	09-193	CTS Ponce Boys	A juvenile was sodomized by other juvenile in the living unit.	0 officers, 10 juveniles (allegedly the officer was out of the living unit)
<b>May 24</b>	CTS Humacao	09-185	Afternoon	A juvenile cut himself in his left leg with a piece of a disposable razor blade. The incident occurred in the living unit.	1 officer, 15 juveniles
<b>May 27</b>	CTS Huamacao	09-195	Afternoon	A juvenile was hit in his back by a group of juveniles when they were in the living unit.	1 officer, 14 juveniles

				The juvenile inform the incident to a Bayamón Minor's Court official.	
<b>May 28</b>	CTS Humacao	09-208	Afternoon	A juvenile was hit in his head by other juvenile in the bathroom area.	1 officer, 14 juveniles
<b>May 28</b>	CTS Ponce Boys	09-202	Night	A juvenile was hit in different parts of his body by a group of three juveniles. The incident occurred in the living unit's bathroom.	1 officer, 10 juveniles (one in therapeutic supervision)
<b>May 30</b>	CTS Bayamón	09-201	Morning	A juvenile was hit in different areas of his body by a group of juveniles from his module. The incident occurred behind the unit's stairs.	1 officer, 13 juveniles
<b>May 30</b>	CTS Ponce Boys	09-271	Morning	A juvenile was hit in different parts of his body by a group of 3 juveniles while he was watching TV. The incident occurred in the living unit.	1 officer, 10 juveniles
<b>June 1</b>	CTS Humacao	09-211	Afternoon	A juvenile cut himself with a piece of tile in the bathroom area.	1 officer, 12 juveniles (the officer was out of the module)
<b>June 1</b>	CD Salinas	09-214	Afternoon	A group of juveniles hit another juvenile in the living unit.	1 officer, 17 juveniles
<b>June 3</b>	CTS Ponce Boys	09-242	Afternoon	A juvenile was force to masturbate two other juveniles. The incident occurred in the living unit's laundry area.	0 officers, 8 juveniles
<b>June 4</b>	CTS Ponce Boys	09-222	Afternoon	A juvenile was hit in different parts of his body by a group of juveniles in living unit C. The incident occurred while the juvenile was sleeping. The information was provided by the victim's father.	1 officer, 10 juveniles
<b>June 5</b>	CTS Humacao	09-221	Afternoon	A juvenile under constant watch scratched himself a previous wound. According to the documents reviewed	1 officer, 15 juveniles

				no custody officer was assigned to watch the minor.	
<b>June 5</b>	CTS Bayamón	09-156	Morning	A juvenile was attacked by a group of juveniles, including one with a “two way” radio.	1 officer, 12 juveniles (one in constant watch)
<b>June 8</b>	CTS Guayama	09-219	Morning	A juvenile allegedly was hit by other juvenile in his room.	1 officer, 14 juveniles
<b>June 9</b>	CD Salinas	09-224	Morning	A juvenile was hit in his head and back by two juveniles in Living Unit E.	1 officer, 20 juveniles (four in therapeutic supervisions)
<b>June 12</b>	CTS Villalba	09-228	Morning	A juvenile was hit by other juvenile in the living unit.	1 officer, 12 juveniles
<b>June 16</b>	CTS Humacao	09-231	Morning	A juvenile cut himself in his leg. The incident occurred in the juvenile’s room.	1 officer, 10 juveniles (the juvenile was under protective custody)
<b>June 19</b>	CTS Ponce Boys	09-239	Afternoon	A juvenile was hit in his head by other juveniles. The incident occurred in the bathroom area.	1 officer, 10 juveniles
<b>June 26</b>	CTS Villalba	09-247	Morning	A juvenile was hit by other juveniles using a sock with soap bars inside.	0 officers, 15 juveniles (allegedly the officer was out of the living unit)

## Document Attachment D: Abuse Referrals Tracking Report

The following tables summarize statistics about case management for the last quarter of 2008 and the first three quarters of 2009. The underlying source of the information is the tracking database maintained by AIJ along with other records.

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

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
Incidents		311	293	306	112
	Suicidal Incidents	44	31	38	36
	Self-Mutilation Incidents	110	113	117	76
Suicidal Incidents (From M/H Records)		44	31	38	36
	Youths Involved	42	30	35	35
	Cases involving ideation only	11	11	18	5
	Cases involving suicide intention	2	0	18	0
	Cases w/ ambulatory treatment	27	19	29	28
	Cases with hospitalization	11	0	2	0
	Cases leading to death	0	0	0	0
	Cases with 284a report filed	16	7	11	28
Self-Mutilations Incidents (MH records)		110	113	117	76
	Youths Involved	97	100	88	71
	Cases requiring sutures	0	10	61	1
	Cases requiring hospitalization	3	0	11	2
	Cases leading to death	0	0	0	0
	Cases with a 284a report filed	40	19	21	6

The second table concerns incidents that warranted abuse referrals.

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
284 A Incidents		110	124	128	105
Level Two Incidents		66	78	87	61
Referrals to SAISC		66	78	87	61
Suicide Ideation/Attempt		5	3	0	0
Self-Mutilation Idea/Attempt		9	15	26	17
Youth-to-Youth Incidents		61	63	63	57
Youth-to-Youth Injuries		84	51	30	35
Youth-to-Youth with External Care		14	9	14	11
Youth-to-Youth Sexual		3	6	8	6
Youth-to-Youth Sexual w/ Injury		0	0	1	0
Staff-to-Youth Incidents		35	43	39	31
Staff-to-Youth Injuries		37	24	18	16
Staff-to-Youth with External Care		3	1	0	4
Staff-to-Youth Sexual		0	2	1	2
Staff-to-Youth Sexual with Injury		0	0	0	0
SOU 284A Interventions		0	11	9	2
284A with Item 5 completed		90	106	113	84
284A with Staffing Compliance		57	79	73	43

The next table summarizes initial case management.

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
Initial Case Management					
284A percent with admin actions		93%	87%	91%	92%
284A Within 24 hours		91%	87%	80%	85%
284A Within 72 hours		97%	93%	97%	94%
284B or Local Report Within 5 days		N/A	N/A	N/A	N/A
284B or Local Report Within 15 days		N/A	N/A	N/A	N/A
284B or Local Report Within 20 days		82%	76%	78%	91%



The following table concerns referrals and investigations of cases to and by SAISC.

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
SAISC					
	Cases Referred from this quarter	66	78	87	61
	Referred Within 1 day	66	78	87	61
	Referred Within 3 days	0	0	0	0
	Referred Within 10 Days	0	0	0	0
	Referred Within 20 Days	0	0	0	0

Based on the new investigation procedure, cases are immediately provided to the SAISC investigator responsible for the facility involved.

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

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
SAISC Investigation Durations					
	Completed in less than 10 workdays	0	1	2	0
	Completed in 11-20 workdays	7	1	12	0
	Completed in 21-30 workdays	12	8	33	3
	Completed in 31-45 workdays	40	28	28	19
	Completed in more than 45 workdays	5	20	9	29
	Not completed yet.	2	20	2	10

Paragraph 78.e requires that SAISC complete investigations within 30 days. During the third quarter, all but 3 of the 61 SAISC investigations took longer than 30 days.

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

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
Administrative Determinations					
	Cases with youth discipline referrals	61	81	82	77
	Cases with youth discipline actions	45	56	53	67
	Cases with youth no discipline actions	16	25	29	10
	Cases staff/youth with determinations	33	2	2	2
	Cases recommending personnel actions	10	0	0	15

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

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

Statistics for 2008-2009		2008-4th	2009-1st	2009-2nd	2009-3rd
Prosecutorial Determinations		0	16	2	1
	Cases with no determinations	74	48	11	47
	Cases with decision not to prosecute	16	9	15	7
	Cases with referral for prosecution	0	17	0	0
	Total cases documented	90	90	28	55

## Document Attachment E: Abuse Referral Case Assessment Report

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

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

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

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

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

The first table relates to initial incident reporting.

Case Assessment Instrument – Section A – Initial Reporting		
Assessment Criterion	Status Y/N/NA	Comment
A.1 Was the incident promptly reported?	Y-32, N-1,	The percentage for this report is 97%. The percentage in the last Quarterly Report was 91%.
A.2 Were appropriate administrative actions taken to protect the victim(s)?	Y-33	The percentage for this report is 100%. The percentage in the last Quarterly Report was 97%.
A.3 If injury was suspected, was the victim promptly evaluated for injury by health care personnel?	Y-26, N/A-7	The percentage for this report is 79%. The percentage in the last Quarterly Report was 94%. <b>Reduced Compliance</b>
A.4 Was evidence preserved?	Y-3, N-3, N/A-27	The percentage for this report is 9%. The percentage in the last Quarterly Report was 15%.
A.5 Was investigation initiated promptly?	Y-25, N/A-8	The percentage for this report is 76%. The percentage in the last Quarterly Report was 76%.
A.6 Was the 284-A filed within 24 hours?	Y-32, N-1	The percentage for this report is 97%. The percentage in the last Quarterly Report was 91%.
A.7 Did the reporting official file an incident report before the end of shift?	Y-29, N/A-4	The percentage for this report is 88%. The percentage in the last Quarterly Report was 79%. <b>Improved Compliance</b>
A.8 If this was a serious incident, was SAISC notified within 24 hours?	Y-31, N-1, N/A-1	The percentage for this report is 94%. The percentage in the last Quarterly Report was 88%.
A.9 Was the AIJ preliminary investigation reported within 24 hours to the Police Department, the Department of Family Services, the Department of Corrections, and the AIJ Administration.	Y-33	The percentage for this report is 100%. The percentage in the last Quarterly Report was 91%. <b>Improved Compliance</b>
A.10 Were any youths suspected as perpetrators separated from the victim(s)?	Y-13, N-3, N/A-17	The percentage for this report is 39%. The percentage in the last Quarterly Report was 35%.
A.11 If the case was serious, were the police notified that the case was serious within 24 hours?	Y-31, N/A-2	The percentage for this report is 94%. The percentage in the last Quarterly Report was 91%.
A.12 Did the initial investigation accurately list all youth and staff witnesses?	Y-24, N/A-9	The percentage for this report is 73%. The percentage in the last Quarterly Report was 79%.
A.13 Did all staff witness's document what they knew or saw before the end of shift?	Y-27, N-3, N/A-3,	The percentage for this report is 82%. The percentage in the last Quarterly Report was 68%. <b>Improved Compliance</b>
A.14 If there was timeliness non-compliance, was related to shortage of staffing?	N-12, N/A-21	In this question at least, 36% of the evaluated cases admitted non compliance with the Settlement Agreement requirements. In the past report this percentage was 34%.
A.15 At the location of the incident at the time of the incident, was staffing compliant with Settlement Agreement requirements?	Y-15, N-12 N/A - 6	In this question at least, 45% of the evaluated cases admitted non compliance with the Settlement Agreement requirements. In the past report this percentage was 35%.

The second table relates to investigations by the police and the prosecutors. According to Commonwealth counsel, this information is sought from the Commonwealth Police, but the Agency does not cooperate in providing the information, returning information instead on the “status” of cases.

Case Assessment Instrument – Section B – Police and Prosecutorial Investigation		
Assessment Criterion	Status Y/N/NA	Comment
B.1 Was the incident report received from the facility within 24 hours of the time recorded as the point of knowledge of the incident?		For this reporting period the Court’s Monitor received from the PRDOJ a table with 30 of 36 cases requested however, the information was submitted in a different format.
B.2 If the case was considered serious by the facility where the incident took place, were the police contacted within 24 hours?		
B3. Were PRPD expectations met for promptly initiating an investigation?		
B.4 Did PRPD investigators determine that evidence was appropriately preserved?		
B.5 If prosecutors communicated an intent to proceed criminally, was AIJ informed to delay any compelled interview of the subject until the criminal investigation was completed?		
B.6 Were PRPD expectations met for timeliness in completing the investigation?		
B.7 Was completion of the investigation documented?		
B.8 If there was timeliness non-compliance, was is related to shortage of staffing?		

The next table concerns facility-level investigations.

<b>Case Assessment Instrument – Section C – Facility 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- 19, N-1, N/A – 13, Blank - 1	The percentage for this report is 56%. The percentage in the last Quarterly Report was 53%.
C.2 Was there a personal interview of the victim(s) with a record of the questions and answers?	Y-4, N-30,	The percentage for this report is 12%. The percentage in the last Quarterly Report was 12%.
C.3 Was there a personal interview of the alleged perpetrator(s) with a record of the questions and answers?	Y-3, N-31,	The percentage for this report is 1%. The percentage in the last Quarterly Report was 1%
C.4 Was physical evidence preserved and documented?	Y-2, N-6, N/A-25, Blank-1	The percentage for this report is 1%. The percentage in the last Quarterly Report was 0%.
C.5. If the incident was classified as Level I, was the investigation completed within 20 calendar days?	Y-8, N-2, N/A-23, Blank-1	The percentage for this report is 73%. In the sample only 11 cases were classified as Level I. The percentage in the last Quarterly Report was 97%. <b>Reduced Compliance</b>
C.6 Was the completion of the investigation documented in the tracking database?	Blank - 34	The percentage for this report is 0%; there were no answers in documentation received. The percentage in the last Quarterly Report was 82%. <b>Reduced Compliance</b>
C.7 If there was timeliness non-compliance, was related to shortage of staffing?	, N/A-12, Blank-22	The results suggest that the question was not understood by the facilities. Have been the same in the last Quarterly Reports.

The next table concerns investigations by SAISC.

Case Assessment Instrument – Section D – SAISC Investigation		
<b>NOTE: Completed only for Level II cases.</b>		
Assessment Criterion	Status Y/N/NA	Comment
D.1 If the case was a Level II case, was the referral received by SAISC within 24 hours?	Y- 11, N-10, Blank-1	The percentage for this report is 45%. In this sample 22 cases were classified as Level II. In the last Quarterly Report the percentage was 46%. In this question “No” answers are considered negative information.
D.2 Did SAISC complete (and transmit to AIJ and the PRDOJ) an investigation within 30 calendar days of the receipt of the initial referral by SAISC?	Y-7, N-14, Blank-1	The percentage for this report is 32%. In this question the “No” answers are considered negative information. In the last Quarterly Report the percentage was 37%.
D.3 Did the investigation meet SAISC's standards for investigation quality?	Y-7, N-14, Blank-1	The percentage for this report is 32%. The percentage in the last Quarterly Report was 42%. <b>Reduced Compliance</b>
D.4 Did the investigation provide a description of the alleged incident, including all involved persons and witnesses and their role?	Y-21, Blank-1	The percentage for this report is 95%. The percentage in the last Quarterly Report was 100%.
D.5 Did the investigation provide a description and assessment of all relevant evidence?	Y-21, Blank-1	The percentage for this report is 95%. The percentage in the last Quarterly Report was 100%.
D.6 Did the investigation provide proposed findings?	Blank-22	The percentage for this report is 0%. The percentage in the last Quarterly Report was 100%. <b>Reduced Compliance</b>
D.7 If there was timeliness non-compliance, was it related to shortage of staffing?	Y-7, N -14, Blank-1	The percentage for this report is 63%. In this case the “No” answers are positive information and substantial improvement. The percentage in the last Quarterly Report was 46%. <b>Improved Compliance</b>
D.8 Did SAISC completed the investigation within 30 days of receipt of the referral?	—	The information was not provided. The form used by SAISC did not include question D.8.



The next table concerns case tracking and outcomes. A basic problem here is that the computer-based tracking system has not been supported by AIJ's UEMNI unit for several quarters. Some case tracking statistics are gathered manually, but the computer-based system is not updated. Apparently there is a plan to update the software, but whether that is taking place is not clear.

The value of the computer-based tracking system is that the information can be used to assess and evaluate many other aspects of the abuse case management system, including the evaluation of patterns of abuse that might be addressed with preventive measures.

Case Assessment Instrument – Section E – Case Tracking and Outcomes		
Assessment Criterion	Status Y/N/NA	Comment
E.1 At the time of the assessment of this case with this instrument, was the tracking database complete for this case?	N	The tracking database was not updated for the reporting quarter. A manual version has been maintained that provides for very limited analysis. For this reporting period the Court's Monitor received from the PRDOJ a table with 30 of 36 cases requested however, the information was submitted in a different format. <b>Reduced Compliance</b>
E.2 Was the initial investigation (284-A) faxed within 24 hour?		
E.3 Was the facility investigation completed within 20 days?		
E.4 If the incident was serious (involving allegations of: abuse; neglect; excessive use of force; death; mistreatment; staff-on-juvenile assaults; injury requiring treatment by a licensed medical practitioner; sexual misconduct; exploitation of a juvenile's property; and commission of a felony by a staff person or juvenile) was SAISC notified and the case referred within 24 hours?		
E.5 If applicable, was a SAISC investigation completed and transmitted to PRDOJ within 30 days of receipt by SAISC?		
E.6 Did AIJ reach an administrative determination concerning the case which is documented in the tracking database?		
E.7 Is there a document demonstrating review, by PRDOJ prosecutors of the PRPD investigation, which documents a prosecutorial determination as to whether to prosecute or not?		
E.8 If there was timeliness non-compliance, was is related to shortage of staffing?		

The final table summarizes the Monitor's Office assessment of the findings.

<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-30, N-4, Not provided-1, Sent incorrectly-1	All the cases were reviewed and the Monitor's Office confirmed the information provided by the facilities 88% of the cases. In the last Quarterly Report the percentage was 94%.
F.2 Does the Monitor's Office confirm the timeliness facts as asserted in Page B?		For this reporting period the Court's Monitor received from the PRDOJ a table with 30 of 36 cases requested however, the information was submitted in a different format.
F.3 Does the Monitor's Office confirm the timeliness facts as asserted in Page C?	N/A – 32, N-2, Not provided-1, Sent incorrectly-1	The percentage for this report is 94%. The percentage in the last Quarterly Report was 100%. In the last Quarterly Report this percentage was 91%.
F.4 Does the Monitor's Office confirm the timeliness facts as asserted in Page D?	Y-11, N-13, N/A-10, Not provided-1, Sent incorrectly-1	The percentage for this report is 54%. This percentage means that the Monitor's Office confirms the information provided by OISC, former SAISC. In this question "No" answers are considered negative information. For the last reporting period the percentage was 100%. <b>Reduced Compliance</b>
F.5 Does the Monitor's Office confirm the timeliness facts as asserted in Page E?		For this reporting period the Court's Monitor received from the PRDOJ a table with 30 of 36 cases requested however, the information was submitted in a different format.
F.6 Does the Monitor's Office confirm the investigation quality as asserted in page B?		For this reporting period the Court's Monitor received from the PRDOJ a table with 30 of 36 cases requested however, the information was submitted in a different format.
F.7 Does the Monitor's Office confirm the investigation quality as asserted in page C?	Y-34, Not provided-1, Sent incorrectly-1	The percentage for this report is 100 %. This percentage only means that the Monitor's Office confirms the information provided by the facilities not a percentage of compliance.
F.8 Does the Monitor's Office confirmed the investigation quality as asserted in page D?	Y-11, N-13, N/A-10, Not provided-1, Sent incorrectly-1	The percentage for this report is 54%. This percentage means that the Monitor's Office confirms the information provided by OISC, former SAISC. In this question "No" answers are considered negative information. For the last reporting period the percentage was 100%. <b>Reduced Compliance</b>

## Document Attachment F: Chronology of Site Visits

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

July 16, 2009:	Consultant Curtiss Pulitzer site visit to CD Bayamon.
July 16, 2009:	Consultant Curtiss Pulitzer site visit to CTS Bayamon.
July 17, 2009:	Consultant Curtiss Pulitzer site visit to CTS Ponce Boys.
July 28, 2009:	Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Ponce Boys.
July 29, 2009:	Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Ponce Boys.
August 18, 2009:	Consultant Curtiss Pulitzer site visit to CD Bayamon.
August 18, 2009:	Consultant Curtiss Pulitzer site visit to CTS Bayamon.
August 19, 2009:	Consultant Curtiss Pulitzer site visit to CD Bayamon.
August 19, 2009:	Consultant Curtiss Pulitzer site visit to CTS Bayamon.
August 24, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CD Bayamon.
August 25, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Guayama.

August 25, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CD Salinas.
August 26, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CDT Ponce Girls.
August 26, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Ponce Boys.
August 26, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to Home Group "Guaili".
August 27, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Villalba.
August 28, 2009:	Consultant Michael Gatling, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Humacao.
September 9, 2009:	Consultant Bob Dugan, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CD Bayamon.
September 9, 2009:	Consultant Bob Dugan, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CTS Bayamon.
September 9, 2009:	Consultant Bob Dugan, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CD Salinas.
September 9, 2009:	Consultants Peter Leone and Victor Herbert site visit to CTS Ponce Boys.
September 9, 2009:	Consultants Peter Leone and Victor Herbert site visit to CDT Ponce Girls.
September 9, 2009:	Consultants Peter Leone and Victor Herbert site visit to CTS Guayama.
September 10, 2009:	Consultants Peter Leone and Victor Herbert site visit to CD Bayamon.
September 10, 2009:	Consultant Peter Leone and Victor Herbert site visit to CTS Bayamon.

September 24, 2009:	Federal Monitor Fred W. Benton, Deputy Monitor Javier Burgos and Associate Monitor Ricardo Blanco site visit to CD Bayamon.
September 24, 2009:	Federal Monitor Fred W. Benton, Deputy Monitor Javier Burgos and Ricardo Blanco site visit to CTS Bayamon.
September 28, 2009:	Consultant Victor Herbert site visit to CTS Bayamon.
September 29, 2009:	Consultant Victor Herbert site visit to CTS Guayama.

**THE UNITED STATES OF AMERICA**

Plaintiff,

v.

CIVIL ACTION NO. 94-2080 CC

**COMMONWEALTH OF PUERTO RICO**

Defendants,

Monitor's Compliance Ratings  
Third Quarter 2009

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.	N	N	N	#	#	N	
<b>C.O. 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	N	Y	N	#	A final determination awaits completion of the codes study assessments and completion of the corrective actions.
<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. Sleeping areas in which juveniles are confined shall conform to 35 square feet per one occupant. Toilets shall be provided at a minimum ratio of one for every 12 juveniles in male facilities and one for every eight juveniles in female facilities. Juveniles will have access to operable wash basins with running water, to operable showers, and to potable drinking water.	#	I	#	#	#	#	
<b>S.A. 32.</b> Defendants shall eliminate ventilation and acoustical echoing problems at Centro Juvenile Metropolitano in Bayamón.	N	I	N	#	N	N	
<b>S.A. 33.</b> Defendants will ensure that ventilation and acoustical systems provide healthful living and working conditions for juveniles and staff in all facilities.	N	I	N	#	N	N	
<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.	Y	#	#	#	N	#	



<b>Provision</b>	<b>P</b>	<b>S</b>	<b>R</b>	<b>T</b>	<b>D</b>	<b>G</b>	<b>Comment</b>
<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.	Y	#	N	#	Y	#	Non-compliance with the resource designation in this provision relates to the lack of staff and funds in regards to maintenance and repair of all exit doors. There are sufficient resources to conduct regular checks and monthly reports by each facility's fire safety coordinators and that is being performed and well documented.
<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.	Y	Y	Y	#	Y	#	Pedro Santiago has been providing regular training in all emergency procedures to the fire safety coordinators and appropriate AIJ staff. The monitor cannot yet confirm the adequacy of the training which will need to be coordinated with Victor Herbert.
<b>S.A. 38.</b> A person having knowledge of the NFPA Life Safety Code and of the requirements of the specific building and fire codes for Puerto Rico will be designated as the Fire and Safety Officer. This Fire Safety Officer will have the authority to conduct monthly inspections of each facility for compliance with safety and fire prevention requirements. The Fire and Safety Officer shall prepare a monthly report of his findings and submit the report to the Monitor. Defendants shall correct in a timely manner any fire safety deficiency noted in the reports of the Fire and Safety Officer. A staff member in each facility who has received training in and is familiar with weekly inspection procedures, including the use of checklists and methods of documentation, will be appointed to work with the Fire and Safety Officer.	Y	Y	N	Y	Y	#	There are numerous reports that are prepared weekly and monthly by the various institutional fire safety coordinators. These in turn are reviewed by the AIJ Fire Safety Officer, and then submitted to the monitor's office. The key obstacle to full compliance with this provision is "Defendants shall correct in a timely manner any fire safety deficiency noted in the reports of the Fire and Safety Officer." As resources to achieve this have not been allocated.
<b>S.A. 44.</b> Defendants agree to provide mattresses constructed of fire retardant materials.	Y	I	N	Y	#	N	The Monitor's consultant has been informed that funds have not yet been made available to purchase totally fire retardant mattresses, although all mattresses now have fire retardant coverings. Compliance with this provision has not yet been fully verified by the Monitor's office, but has been reported completed by the AIJ Fire Safety officer. However, the Monitor's consultant has urged AIJ to purchase new totally fire-retardant mattresses system wide versus just the current mattresses which have fire retardant covers.

Provision	P	S	R	T	D	G	Comment
<b>Policies and Procedures</b>							
<b>S.A. 45.</b> Within one year of the approval of this agreement by the Court, Defendants agree to provide an agency policy and procedure manual governing all operational aspects of the institutions. Within eighteen months of the approval of this agreement by the Court, Defendants shall further insure that the facilities are strictly operated within these policies and procedures and that all staff have been trained accordingly.	N					N	<ul style="list-style-type: none"> <li>In the rest of this table, policies and procedures are rated as a compliance problem for many of the provisions in this case.</li> </ul>
<b>Staffing</b>							
<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.	N	N	N	N	N	N	<ul style="list-style-type: none"> <li>Although staffing compliance forms exist, until the Third Quarter of 2009, AIJ had not consistently submitted staff youth ratio reports. See the QR narrative for more information about staffing compliance.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<b>Training</b>							
<b>S.A. 49.</b> Direct care staff shall have at least forty (40) hours of pre-service training before being given supervisory responsibility for juveniles.	Y	Y	Y	I	Y	Y	<ul style="list-style-type: none"> <li>The Monitor's consultant has found that AIJ has provided the pre-service training for all current employees are required under this provision. This was this recommendation in the PLRA Report. The consultant recognizes that this provision will need to be re-assessed if additional direct care staff are hired in the future.</li> </ul>
<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.	Y	N	N	I	Y	N	<ul style="list-style-type: none"> <li>System-wide compliance with annual in-service training requirements is at 35%. Compliance at Ponce Boys was at 67% soon after closing because the officers were required to attend training before being transferred to other facilities. CTS Humacao is at 6% compliance and CD Salinas is at 11% compliance.</li> </ul>
<b>Classification</b>							
<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.	N	#	#	#	#	N	<ul style="list-style-type: none"> <li>The detention classification system is not yet fully defined and implemented. A pilot program is being evaluated.</li> </ul>

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	Y	#	N	N	<ul style="list-style-type: none"> <li>See comments in the April 2007 PLRA Report. The Monitor's Consultant has not determined that compliance status has substantially changed.</li> </ul>
<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	N	#	N	N	<ul style="list-style-type: none"> <li>Psychologist hours had been cut from 35 to 30 hours and are insufficient.</li> <li>Currently there are no special residential placements for youth in detention. Detention youth released from suicide watch or returning from inpatient psychiatric hospitalization are placed back in general population as there is no specialized residential placement in detention.</li> <li>The mission of the PUERTAS program at CTS Bayamon (which has replaced an earlier program at Rio Grande) needs clarification as it relates to residential treatment for detained and adjudicated youth.</li> </ul>
<b>C.O. 30:</b> Defendants provide adequate qualified staff members for the residential treatment program, which include a child psychiatrist, psychologist, occupational therapist, social workers and nurses.		N					<ul style="list-style-type: none"> <li>Psychologist hours had been cut from 35 to 30 hours. While this is not per se a violation of the Consent Order, the Monitor's consultant believes that the number of hours is insufficient.</li> </ul>
<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.							<ul style="list-style-type: none"> <li>Not yet rated.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<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.	N	N	#	N	N	N	<ul style="list-style-type: none"> <li>Psychologist hours had been cut from 35 to 30 hours. Youth are not adequately assessed.</li> <li>Treatment plans are not individualized and treatment progress not assessed and documented.</li> <li>Policy is deficient in terms of the procedures for documenting progress. Given the deficient assessment practices policies will need to be developed that include enhanced assessment.</li> <li>Assessment is seriously deficient with many youth being diagnosed as free of mental health concerns. Recent study w/ MAYSI-2 revealed seriously deficiencies in evaluation, including failure to identify youth at risk of suicide.</li> <li>Because the evaluation of youth is so deficient, appropriate treatment services are not being provided.</li> </ul>
<b>S.A .62.</b> In addition to the mental health staff required by ¶ 36 of the Consent Order approved by the Court in this case in October 1994, Defendants shall provide ambulatory psychiatric services by a team. This team shall be composed of a child psychiatrist, a child psychologist and a social work counselor. All mental health care personnel shall have written job descriptions and meet applicable Commonwealth licensure and/or certification requirements. Defendants, specifically AIJ, will provide for residential treatment and, if needed, in-patient hospitalization for those cases where such service is needed.	N	N	#	#	N	N	<ul style="list-style-type: none"> <li>Currently there are no special residential placements for youth in detention. Detention youth released from suicide watch or returning from inpatient psychiatric hospitalization are placed back in general population as there is no specialized residential placement in detention and detention youth can not be transferred to Rio Grande.</li> <li>Although the services are provided by a team, the absence of a single master treatment plan demonstrates one aspect of the fragmentation of service delivery. The serious deficiencies in assessment of youth make the current provision of ambulatory mental health services inadequate. Many mental health difficulties of youth go undetected.</li> <li>Documentation does not reflect the efficacy of treatment or lack thereof so that adjustments can be made. Most youth referred for psychiatric hospitalization are not admitted either due to inappropriate referral, inappropriate admission standards or refusal by the hospital.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<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.	Y	#	N	N	N	N	<ul style="list-style-type: none"> <li>Because psychiatrists are not always available to assess suicidal youth, youth are referred to the emergency room for evaluation. Assessment of youth in general remains deficient. The absence of a behavior management system that serves as a prevention and intervention program impairs the management of suicidal and self-injurious youth.</li> </ul>
<b>S.A. 66.</b> An AIJ child and/or adolescent psychiatrist shall develop a protocol for the use of psychotropic medication by other physicians. A training program will complement this protocol. A child and/or adolescent psychiatrist will be available on an on-call basis at all times.	Y	N	Y	#	N	N	<ul style="list-style-type: none"> <li>The primary purpose of that paragraph was to deal with the problems associated with treatment by psychiatrists who are not specialists in child and adolescent psychiatry. The paragraph implied supervision by means of the protocol and the on-call consultation.</li> <li>The Monitor's consultant believes that there should be central oversight of psychiatric services by a psychiatrist.</li> </ul>
<b>S.A. 67.</b> Defendants shall obtain specific informed consent from a juvenile's parent or legal guardian or from the state court for the use of psychotropic medication for each juvenile on such medication. All psychotropic medications will be prescribed by a licensed psychiatrist and/or physician. All psychotropic medication will be reviewed and approved by an AIJ child psychiatrist. In all cases, the family of any juvenile taking psychotropic medication will be informed in writing by the family's case manager.	#	N	Y	#	#	N	<ul style="list-style-type: none"> <li>Efforts to obtain informed consent should be conducted by the treating psychiatrist so that the risks and benefits of treatment, the consequences of failure to treat with medications and the alternative treatments available are fully understood by the parent granting consent. A better system of monitoring the process of obtaining informed consent needs to be developed. Creating a Director of Psychiatry position whose responsibility would be to oversee the consent process and supervision of psychiatrists should be developed.</li> <li>The current process does not provide for "informed" consent as it is typically understood in clinical practice.</li> </ul>
<b>S.A. 70.</b> The AIMS instrument shall be completed at least once every six (6) months for each juvenile taking psychotropic medications.	Y	Y	Y	Y	Y	Y	<ul style="list-style-type: none"> <li>See comments in the April 2007 PLRA Report. The Monitor's Consultant has not determined that compliance status has substantially changed.</li> </ul>
<b>S.A. 71.</b> Stimulants, tranquilizers, and psychopharmacological drugs shall only be used as deemed medically necessary and shall not be administered for punishment.	#	N	Y	#	#	N	<ul style="list-style-type: none"> <li>The Monitor's consultant and Plaintiff's consultant identified during the PLRA tours patterns of instances where medication would appear to be unnecessary.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<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.	Y	Y	Y	Y	Y	Y	<ul style="list-style-type: none"> <li>See comments in the April 2007 PLRA Report. The Monitor's Consultant has not determined that compliance status has substantially changed.</li> </ul>
<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.	N	N	N	N	N	N	<ul style="list-style-type: none"> <li>AIJ has developed a comprehensive behavior management plan that includes contingent reinforcement as well as progression to levels of less security and greater privileges.</li> <li>Currently this plan is still evolving and needs to be fully and consistently implemented. However the results thus far have been promising.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<b>Discipline</b>							
<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.	Y	Y	I	#	N	N	<ul style="list-style-type: none"> <li>Inconsistent implementation of new policies regarding limited dayroom access.</li> </ul>
<b>S.A. 75.</b> The handbook described in ¶ 47 above shall include a description of the grievance process. Grievance decisions that are appealed by the juvenile beyond the facility shall be reviewed by Defendant Director of the AIJ or his or her designee.	Y	Y	Y	#	Y	#	<ul style="list-style-type: none"> <li>AIJ policy 14.7 has now been revised and practices instituted to allow appeals beyond the facility.</li> <li>Additional monitoring is required to determine whether full compliance has been achieved.</li> </ul>
<b>S.A. 76.</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 for disciplinary reasons.	Y	Y	I	#	#	#	<ul style="list-style-type: none"> <li>Additional monitoring is required to determine whether compliance has been achieved.</li> </ul>
<b>S.A. 77.</b> No corporal punishment shall be imposed on any juvenile. The use of physical force by staff shall be limited to instances of justifiable self-defense, protection of others, and prevention of escapes. Defendants agree that under no circumstances shall restraints be used as a form of punishment. In cases where restraints are necessary to prevent a juvenile from causing serious bodily harm to himself or to another, the facility director or his/her designee must approve the use of restraints before they are applied.	N	#	I	N	N	N	<ul style="list-style-type: none"> <li>AIJ policy and training does not currently comport with the language of this provision. The Monitor has urged the parties to resolve this issue for more than a year.</li> <li>Staffing shortages (P48) may be contributing to the number of use of force incidents that might otherwise have been averted.</li> <li>Documentation of use of force incidents is insufficient</li> </ul>



Provision	P	S	R	T	D	G	Comment
<b>Abuse and Maltreatment Investigation and Management</b>							
<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.	Y	N	N	#	N	N	<ul style="list-style-type: none"> <li>• Policies have been updated to comply with this provision.</li> <li>• Until the policies are implemented, it is premature to assess whether training has been sufficient.</li> <li>• Documentation is consistently incomplete.</li> </ul>
<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.	Y	Y	Y	#	N	N	<ul style="list-style-type: none"> <li>• The timeliness of initial reporting appears to have improved, but statistics are not yet available to assess whether compliance has been achieved. In the future, a compliance review will be necessary to determine whether they are completed with consistent timeliness and quality.</li> </ul>
<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.	Y	Y	Y	#	N	N	<ul style="list-style-type: none"> <li>• The timeliness of initial reporting appears to have improved, but statistics are not yet available to assess whether compliance has been achieved. In the future, a compliance review will be necessary to determine whether they are completed with consistent timeliness and quality.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<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.	Y	#	#	#	N	N	<ul style="list-style-type: none"> <li>Documentation is insufficient concerning the implementation of investigations by the Commonwealth Police.</li> </ul>
<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.	Y	#	#	#	N	N	<ul style="list-style-type: none"> <li>SAISC had been completing most investigations within 30 days but performance deteriorated in the third quarter of 2009</li> <li>Information about facility performance is not yet available.</li> </ul>
<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.	N	N	Y	#	N	N	<ul style="list-style-type: none"> <li>No process is in place to assess whether compliance is achieved with respect to investigation quality.</li> <li>No standards have been formally adopted.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<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.	N	N	Y	#	N	N	<ul style="list-style-type: none"> <li>No process is in place to assess whether compliance is achieved with respect to these aspects of investigation quality.</li> </ul>
<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.	N	N	Y	#	N	N	<ul style="list-style-type: none"> <li>Case tracking is inconsistent and incomplete.</li> <li>The case tracking information system has not been updated at all during 2008 or 2009.</li> <li>AIJ lacks staffing and resources to do meaningful analysis of cases</li> </ul>
<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.	Y	Y	Y	Y	N	N	<ul style="list-style-type: none"> <li>AIJ policies comply with this provision.</li> <li>Policies and procedures require separation based on substantiated allegations, which is a higher standard of performance than required in this provision.</li> </ul>

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>	Y	I	I	#	#	#	<ul style="list-style-type: none"> <li>This provision is related to both Discipline and Mental Health. The meaning and application of the provision is needs to be reconsidered by the parties before compliance can ultimately be determined.</li> <li>There is no evidence to suggest that isolation is being used for disciplinary purposes and AIJ policy prohibits this.</li> </ul>
<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>	Y	N	I	#	Y	N	<ul style="list-style-type: none"> <li>There is apparent compliance with all aspects of this provision except that related to education.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<b>Education and Vocational Services</b>							
<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.	Y	N	N	I	Y	N	
<b>S.A. 86.</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. The screening shall include questions about whether the juvenile has been previously identified by the public school system as having an educational disability, previous educational history, and a sufficient medical review to determine whether certain educational disabilities are present, such as hearing impairments, including deafness, speech or language impairments, visual impairments, including blindness, mental retardation, or serious emotional disturbances adversely affecting educational performance.	Y	N	Y	I	Y	N	
<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.	Y	Y	N	I	Y	N	

Provision	P	S	R	T	D	G	Comment
<b>S.A. 88.</b> If the juvenile has not been previously identified as having an educational disability, but indications of such a disability exist, an adequate evaluation must be performed within the time limits prescribed by federal law. The Commonwealth shall use only professionally accepted tests to complete the evaluation. The evaluation shall include a complete psychological battery and intellectual achievement tests. A copy of this educational evaluation shall be kept in the juvenile's record at the facility.	Y	Y	Y	I	Y	Y	<ul style="list-style-type: none"> <li>Review of IEPs during site visits indicate that timelines associated with initial assessments following initial referral are being met. Tests used to assess students are professionally accepted and appropriate. Files are kept in students' files in each facility.</li> </ul>
<b>S.A. 89.</b> If a juvenile referred for an evaluation pursuant to the above paragraph is discharged from the system before the evaluation is complete, Defendants shall forward all information regarding screenings and evaluations completed to date, noting what evaluations are yet to be performed, to the juvenile's receiving school district.	Y	Y	Y	I	Y	Y	<ul style="list-style-type: none"> <li>Review of correspondence in students' files and discussion with education directors during site visits revealed that information concerning screenings and evaluations are forwarded to receiving school districts.</li> </ul>
<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.	Y	N	N	I	Y	N	
<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.	Y	N	N	I	Y	N	
<b>S.A. 92.</b> All juveniles 18 years old or older shall be permitted to participate in the development of the IEP. Juveniles under age 18 have a right to have a parent present during the development of the IEP. If a parent is unwilling or unable to attend, Defendants shall appoint a surrogate parent trained in the relevant provisions of federal and state law to participate in the development of the IEP. Appointed surrogate parents may not be employees of any public agency involved in the education or care of the juvenile. All juveniles, parents, and surrogate parents shall be informed that they have the right to challenge the IEP.	Y	Y	Y	I	Y	Y	<ul style="list-style-type: none"> <li>Review of students' IEPs during site visits indicated that students regularly participate in their IEP meetings. Students under age 18 most often have parents or surrogates attending IEP meetings.</li> </ul>

Provision	P	S	R	T	D	G	Comment
<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.	#	N	N	I	#	#	<ul style="list-style-type: none"> <li>There are unresolved differences between plaintiffs and defendants about the meaning of year round services in the context of special education.</li> </ul>
<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.	Y	N	N	I	Y	N	
<b>S.A. 95.</b> When an IEP is ineffective, Defendants shall timely modify the IEP.	Y	N	N	I	Y	N	