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John J. Connelly Youth Center (hereinafter "Roslindale" or the "facility") awaiting juvenile court hearings. These juveniles are hereinafter referred to as "detainees".

2. Roslindale shall be licensed or approved by the Office for Children (hereinafter "OFC"). DYS shall secure a permanent license or approval in accordance with state law and OFC Regulations.

3. Juveniles held by DYS under the CHINS Statute (Mass. Gen. Laws, Ch. 119, §§39E et seq.) shall not be held at Roslindale.

4. Within six (6) months of entry of the Decree DYS shall cease commingling detainees with committed juveniles awaiting placement. Until such time, committed juveniles awaiting placement shall have the same rights and obligations under this Decree as detainees,

5. DYS may transfer any juvenile from Roslindale to an OFC licensed foster home if DYS provides the detainee with health care in accordance with the other provisions of this Decree. If a detainee is in a foster home for a period exceeding seven (7) days, education shall be provided in accordance with state law.

6. Notwithstanding any other provision of this Decree, DYS may transfer a detainee to any OFC licensed or approved facility which has a program for committed

juveniles, if the detainee consents to such transfer in writing following consultation with his attorney.

7. The Commissioner of DYS shall promulgate and enforce Policy A ("Admissions") which is appended to and incorporated in this Decree.

8. When a detainee arrives at the facility, the intake person designated by the Superintendent of Roslindale shall immediately inform the parents or guardian by telephone that the boy is at the facility and the reason for his admission. In addition, the parent or guardian shall be informed of the facility's rules concerning mail, visits, and phone calls. In the case of detainees held in lieu of bail, the parents of the detainee shall also be advised at this time of the amount of bail, procedures for posting bail, and the name and telephone number of the detainee's attorney, if known. DYS shall provide other means of prompt notification in cases where the parent or guardian has no phone.

9. As soon as possible after admission, the identity, address, and phone number of the attorney or agency representing the detainee shall be ascertained and incorporated in the detainee's record.

10. When bail is set by the District Court, the counselor must inform each detainee of his rights to appeal the bail to the Superior Court. This information shall be given at the detainee's intake interview which

occurs within twenty-four (24) hours of admission. The counselor shall provide any detainee who wishes to prosecute a bail appeal with bail petition forms. The counselor may assist the detainee in filling out the forms. In any case where the counselor elects not to render such assistance, the Superintendent shall be informed in writing of the reasons for such election. A copy of the reasons shall be included in the detainee's file. When a detainee chooses to exercise his right of appeal, his attorney or the agency representing him shall immediately be informed.

11. DYS may not transfer a detainee in Roslindale to a more restrictive placement nor may DYS transfer a detainee at a less restrictive placement to Roslindale unless the conduct of the detainee justifies such an action; or subsequent court action or written information received from a court shows that more security may be necessary to insure the detainee's appearance. Rules and regulations, including provision for a written record of reasons for transfer and for an administrative appeal procedure, necessary to effect this section shall be submitted to the Court, the plaintiffs and the Monitoring Board within four (4) months of entry of this Decree.

12. If a detainee is transferred to another detention placement from Roslindale, the counselor shall notify his parents or guardian and his attorney of the

transfer and the reasons for it. Whenever possible, said notice shall be given at least eight (8) hours in advance of the scheduled transfer, but in all cases as soon as possible following the transfer decision. Parents or guardians shall be permitted to visit with the detainee at any time between receipt of notice and the scheduled transfer. In all cases, the detainee shall have the opportunity to phone his parents or guardian and his attorney prior to his transfer, or immediately upon arrival at the new facility.

13. On any occasion when a detainee escapes from Roslindale, including instances of escape while outside the building but in DYS custody, his parents or guardian and attorney shall be promptly notified by DYS. His parents or guardian and attorney shall also be promptly notified when the detainee is returned to custody.

14. Detainees may send mail ("mail" is defined as both letters and packages) to and receive it from any person. ~~Letters~~ ^{Packages} received from a detainee will be mailed on the day of receipt at the detainee's expense, or, if the detainee does not wish to incur the expense, the facility shall either mail the package at its own expense or contact the parents immediately and

inform them that the package may be picked up at the facility. Incoming mail shall be delivered on the day of receipt and may be opened only in the addressee's presence and only to inspect for "contraband". The addressee shall be promptly informed of any items which have been confiscated or withheld. "Contraband" shall be defined in the inmate handbook and be limited to objects the possession of which constitutes a violation of the Massachusetts Criminal Statutes, or which pose a clear danger to other detainees or staff. No letter or other written material may be read, censored, or withheld.

15. The facility shall make available upon request free writing materials, envelopes, stationery, and postage for seven first class letters per week.

16. The facility shall establish and promulgate visitation policies which allow visits to all detainees on the following basis:

(a) There shall be a two-hour visiting period two nights per week for parents and guardians.

(b) There shall be two-hour visits available at any time from 9:00 a.m. to 3:00 p.m. each day upon one hour's prior notice to the facility. The director of the

facility shall approve such visitation unless it would create a security risk. In the event visitation cannot be approved, the Superintendent shall arrange a visitation convenient to the visitor at the soonest possible time and in no case later than twenty-four (24) hours after the denial, unless further delay is agreed to by the visitor.

(c) Notwithstanding subsections (a) and (b) of this paragraph, attorneys and clergy may visit clients at any time between the hours of 9:00 a.m. and 7:00 p.m., seven days a week.

17.. No restriction shall be placed upon the number of visits by parents, guardians, attorneys and their agents, adult relatives or clergy to any detainee nor the duration of visits within the allotted visiting periods. Persons not described in the group above may visit the detainee if accompanied by a parent or guardian of the detainee, or with prior permission of the Superintendent on advice of the counselor.

18, During allotted visiting periods, detainees may have unmonitored conversations. For security reasons, however, a supervisor may remain in visual contact

with the detainee and the visitor.

19. The facility may restrict or deny visits by persons who have given the detainee contraband or who created a disturbance during a visit. However, visits by a parent or guardian shall not be denied without the written consent of the detainee. Any restriction or denial of visits to any person, and the reason for it, must be made in writing by the person making the decision, reviewed by the counseling supervisor and placed in the detainee's record.

20. The facility shall establish and promulgate the following policies regarding the use of telephones:

- (a) Each detainee shall be allowed to make phone calls of five (5) minutes duration on each of six (6) days per week. Local calls and calls to parents, guardians and attorneys shall be at DYS expense. All other calls shall be at the detainee's expense or collect.
- (b) No limitation may be placed on the identity of the person called or on the privacy of the call, except that a staff person may ascertain the identity of the person being called and enter this information in a log, and that calls to committed juveniles may be monitored, if this fact is logged.

(c) A detainee shall be able to place calls at any time reasonably calculated to ensure that he will be able to reach the person called.

(d) DYS may require the parties to renegotiate this policy within six (6) months of entry if significant security problems are encountered in complying with its provisions. Problems which cannot be resolved by negotiation may be brought to the attention of the Court for resolution.

21. Current employees and persons henceforth offered employment at Roslindale shall undergo screening to determine their emotional fitness to work with children in a custodial setting. The defendants shall develop a plan for screening within four (4) months of entry of this Decree and shall submit it to the Court, the plaintiffs, and the Monitoring Board.

Screening of all current employees shall be completed and the report on each employee submitted to the Assistant Commissioner of DYS for Clinical Services, the Court, and the Monitoring Board within six (6) months of the entry of this Decree. No person who fails the screening shall be employed at Roslindale.

The Monitoring Board shall have access to all screening reports during the monitoring period. However, specific reports shall not become public information without the written consent of the individual tested.

22. During the monitoring period the facility shall maintain a personnel file at Roslindale for each employee. Said file shall contain the employee's job application, reports of all incidents or investigations involving the employee, notations of all disciplinary actions and the reasons for them, and the reason for employment termination.

23. Within twenty-four (24) hours of admission each detainee shall be assigned a specific employee of the facility to act as a counselor, and the detainee's parents or guardian and attorney shall be notified of the counselor's identity within twenty-four (24) hours of the assignment. It shall be the responsibility of the counselor to assist the detainee in solving problems arising from detention and incarceration, to assist him in maintaining contact with family, legal counsel, and the court, to provide counseling on a short-term basis as needed, to coordinate the activities of other persons in the facility and of outside persons and agencies in order to meet the detainee's needs, and to insure his

well-being during the period of detention.

24. For each forty-five (45) detainees or portion thereof, these shall be at least one counseling supervisor employed full time at Roslindale who has a master's degree in psychology or a related behavioral discipline, or a B.A. or B.S. degree and training and experience in adolescent counseling. It shall be the responsibility of this person to supervise the counselors, and also to assist and advise both counselors and line staff on a regular basis with regard to particular residents who present behavioral problems.

25. There shall be at least one full-time counselor for every fifteen (15) detainees or portion thereof. No person shall be appointed to the position of counselor without having first obtained training in adolescent counseling.

26. Those individuals who have responsibility for the immediate supervision of detainees (shift administrators and floor supervisors) shall have a high school diploma or its equivalent. On each shift there shall be at least one such person for every seven (7) detainees.

27. Roslindale shall have, at a minimum, a half-time recreational worker who has undergone training in physical education, or who possesses demonstrated apti-

tude and work experience in supervising recreational activities for adolescents.

28. All doctors and nurses who provide health services to detainees shall be experienced in the care and treatment of adolescents.

29. All staff who have substantial contact with detainees shall receive pre-service and regular in-service training from qualified professionals in the areas of behavior management, short term and crisis counseling, fire safety and first aid, recognition of and procedures for dealing with severe psychological disturbance, drug overdose and medical emergencies, and the structure and function of the juvenile court system. Attendance at all training sessions shall be a condition of continued employment.

Within four (4) months after the entry of this Decree, the defendants shall submit to the plaintiffs, the Court, and the Monitoring Board a specific compensatory training program to be given to all current staff, a schedule for future pre-service and in-service training, and minimum departmental requirements for all pre-service and in-service training programs.

30. The defendants shall provide each detainee access to an adequate educational tutorial program while at Roslindale. Said program shall be designed around the individual needs and educational level of each

youth, and there shall be provision for education at a remedial level.

Classes shall be conducted year-round, excepting on weekends and regular school holidays. Teachers at Roslindale shall be certified by the Massachusetts Department of Education. Maximum class size shall be twelve (12) students.

Each detainee shall receive four (4) hours a day of educational programming, at least two (2) hours of which are in academic subjects. The educational level of any detainee incarcerated more than seven (7) days shall be assessed. Following such an assessment, the detainee shall receive educational programming specifically designed to meet his assessed needs.

31. Each detainee shall be examined by a registered nurse or doctor within twenty-four hours (24) of admission to Roslindale and at intervals of four (4) months or less thereafter. Said intake examination, at a minimum, shall include: the taking of a medical history, necessary immunizations, hearing and vision examinations, urinalysis, screening for drug use, tuberculosis, and venereal disease. Any detainee or employee who handles food shall have a complete physical examination prior to commencing his employment and thereafter in accordance with state law.

32. The defendants shall make provisions for twenty-four-hour-a-day emergency medical, psychiatric and dental treatment to be available to all detainees.

33. Sick call shall be held daily and be attended by a registered nurse or doctor. Each detainee has the right to be seen by a registered nurse or doctor at sick call or at the emergency room of the local hospital nearest to the facility.

34. Any detainee desiring psychiatric treatment shall promptly notify his counselor. If the counseling supervisor deems that the counselor does not have the professional capability to provide the help the detainee needs, the counselor shall immediately consult with a psychologist or psychiatrist and make the appropriate referral. The communications between the detainee and his therapist shall be privileged as to all persons.

35. No detainee shall be isolated from the general population at admission or thereafter for medical or psychiatric reasons without the written approval of a licensed medical doctor, nurse or psychiatrist who has personally examined the detainee.

36. A detainee's parents or guardian shall be promptly advised of any medical or psychiatric problem except that the detainee's written consent shall be required prior to notification in cases involving venereal

disease or homosexuality.

37. The facility shall have certificates of compliance with the State Sanitary Code as it applies to the living, kitchen and pool areas, and with the local fire safety code. Article II of the State Sanitary Code shall be the standard for living areas. Such certificates shall be updated by reinspections as required by statute, and the defendants shall maintain the facility in compliance with said standards at all times.

38. Each detainee shall be provided with a private room of at least seventy square feet or a semi-private room of at least one hundred and fifty (150) square feet, containing a bed with a mattress, drawers or shelving for possessions, a window, and electric lighting adequate for reading and operable by the detainee or at his request. In addition, each detainee shall be provided with a locker within or without his room, in which he may securely store personal belongings. There shall be a least one common room having adequate comfortable furniture for each twenty (20) detainees. Toilets in common lavatories shall have partitions.

39. The facility shall be kept clean and in good repair at all times by the staff. On at least a bi-monthly basis, all floors in the facility shall be

waxed. The bathroom shall be thoroughly scrubbed and disinfected daily. These duties shall be performed by staff, who may be assisted by detainees in accordance with Paragraph 40.

40. Upon admission, a detainee shall receive a clean room and shall not be expected to clean up after a previous occupant. While in the facility the detainee shall be responsible for keeping his own room clean, and, on a voluntary basis, may assist maintenance staff in keeping common areas clean.

41. Defendants shall obtain complete engineering and code-upgrading surveys of Roslindale, with proposals and cost analyses for recommended changes. The defendants shall seek capital outlay budgets for F.Y. '78 from the Legislature to effect the recommended changes. In seeking these funds, the defendants shall exercise every effort within their individual spheres of authority to insure that said funds are allocated.

Defendants shall submit monthly reports on steps being taken to obtain the surveys and the funding, and the surveys when completed, to the Court, the plaintiffs and the Monitoring Board.

42. Each detainee shall be liable for damage done to the facility. However, DYS shall provide the detainee the opportunity to repair whatever damage he has done

prior to seeking court action.

43. There shall be sufficient windows to provide adequate natural ventilation and light. Windows shall be kept clean and in good repair at all times.

44. The facility shall provide a minimum of two (2) hours outdoor recreation on school days and a minimum of four (4) hours on non-school days for each detainee who desires it, except where weather prevents such programming.

45. The facility shall provide a program of indoor recreation, of both the sedentary and active type. There shall be an area in the facility sufficiently spacious to permit large muscle exercise in those instances where a detainee either cannot go outside or chooses not to go outside for exercise. The facility shall have sufficient recreational equipment in good repair to provide each detainee the opportunity to participate in some large muscle activity during the recreational periods. The facility shall also provide a variety of sedentary games as well as books, periodicals, and reading materials appropriate to ages, heritages, and educational background of the detainees. Detainees shall have reasonable access to these materials.

46. Mandatory sleeping hours shall not exceed eight

(8) hours per night.

47. Upon admission, each detainee shall receive a clean mattress, clean blankets as required by the temperature, freshly laundered sheets, pillow case and towel, pillow, soap, tooth paste and tooth brush.

48. Sheets and pillow cases shall be changed weekly, and clean blankets provided monthly. Sheets shall be fitted or large enough to stay on the bed after allowing for shrinkage.

49. A detainee shall be provided with clothing purchased by the facility. As nearly as possible, this clothing shall be equivalent to that worn by most adolescents. The facility shall provide a daily clean change of undergarments and socks to each detainee, and shall provide warm outdoor clothing to the detainees in cold weather.

50. Institutional clothing shall be regularly changed and laundered by the facility. Personal clothing shall be marked and receipt given to the detainee to insure against loss or theft. A detainee's personal clothing shall be stored in such a manner as to insure that it will be as presentable as possible for court. The detainee's counselor shall inform the parents or guardian when clean personal clothing is required to make the detainee presentable for court.

51. Each detainee will be provided with an opportunity for a daily shower or bath. Towels shall be changed at least twice a week.

52. The facility shall be strictly liable for all property and valuables, including clothing received by it from a detainee for storage, and shall promptly replace or give value for any item lost. The facility shall provide the detainee with a receipt cataloging the items it has received for storage. A copy of the receipt shall also be placed in the detainee's file.

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53. Detainees shall be able to purchase personal articles not provided by the facility. The defendants will be deemed in compliance if said ^{items} ~~items~~ are purchased for detainees on at least a twice a week basis after payment in advance.

54. The same breakfast shall be provided at the facility for all detainees, including those who are transferred out of the facility in the morning.

55. If the facility serves the evening meal before 5:00 p.m., it shall provide a snack to all detainees during the evening. In addition, a light meal shall be available at all times between the evening meal and breakfast for newly admitted detainees who desire it.

56. Inmates shall not be deprived of meals.

57. Corporal punishment, whether inflicted by the staff or by a fellow detainee, is strictly forbidden.

58. On any occasion when a staff person or inmate uses physical force or restraint against a detainee, an

incident report shall be filed with the director of the facility within twenty-four hours. Said report shall be immediately forwarded to the Assistant Commissioner of DYS for Clinical Services for investigation and appropriate action.

59. The Commissioner of DYS shall promulgate and enforce Policy T ("Use of Isolation Room") and Policy W ("Grievance Procedure"), which are appended to and incorporated in this Decree.

Within six (6) months after the entry of this Decree, either party may require the other to renegotiate the terms of Policy T. Difficulties which cannot be resolved by negotiation may be brought to the attention of the Court for resolution.

60. Visits, packages, mail and phone calls may not be restricted in any way for disciplinary purposes unless the detainee has abused his right to a specific form of communication. Such restrictions may only be imposed by the Superintendent after a hearing. The detainee shall have at least three (3) hours prior notice of the hearing. The hearing shall be held on the same basis as hearings conducted under Policy T ("Use of Isolation Room"), appended hereto. If it becomes necessary for security reasons to impose a restriction between 5:00 p.m. and 8:00 a.m., a hearing shall be held as soon as possible the next morning.

If a restriction is imposed, the Superintendent, within twenty-four (24) hours of the hearing, shall notify the detainee of his adverse decision and of the detainee's right to avail himself of departmental and commissioner's hearings under Policy W ("Grievance Procedure"), appended hereto. The superintendent shall ensure that an aggrieved detainee receives whatever assistance he needs to perfect such an appeal.

61. Within thirty (30) days after the entry of this Decree, the defendants shall submit to the plaintiffs, the Court and the Monitoring Board a proposed handbook for inmates. The handbook shall be written in simple language and shall describe with specificity each detainee's rights and privileges while in the facility, what is acceptable behavior and what is proscribed. The handbook shall describe fully the facility's disciplinary procedures and the specific punishment which may be imposed for given infractions of the rules. The plaintiffs shall have ten days to object to the form or content of the handbook

62. Each detainee shall receive a copy of the inmate handbook as soon as he enters the facility. Within twenty-four (24) hours of admission his counselor shall go over the handbook with him to be sure that he understands it fully. Additional copies of the handbook

shall be available to detainees at all times and shall be kept in a prominent place in the facility. Copies of the handbook in Spanish shall be available to be distributed to detainees who speak that language.

63. A detainee may not be disciplined for acts or conduct which are not specifically proscribed by the facility handbook.

64. Following receipt of any set of rules and regulations, plan, handbook, or other written submission developed pursuant to this Decree, the plaintiffs and Monitoring Board shall have thirty (30) days in which to submit written objections and recommendations to the defendants, unless a shorter time is provided. The parties shall endeavor to resolve disputes by negotiation, but may move the Court to do so if such negotiations fail.

Following waiver or resolution of objections, or an approval by the Court, the set of rules and regulations, plan, handbook, or other written submission, shall be incorporated herein, shall replace the provision ordering its development and shall become binding upon the parties.

65. Eight months after entry of this Decree the defendants shall be in full compliance with all its provisions, with the possible exception of paragraph 2

Absent full compliance, the plaintiffs may move the Court to close Roslindale or for any other appropriate relief.

66. Any waiver by OFC of OFC Standards for Licensing or Approval shall not deprive the plaintiffs of the right to seek enforcement by the Court of any provisions of this Decree.

67. Following entry of this Decree, a Monitoring Board of five persons will be appointed to serve for a two (2) year period. Two monitors shall be nominated by the plaintiffs, two by the defendants; and one jointly by the plaintiffs and defendants. No person who has been employed by either party in the preparation or investigation of the present case shall be appointed a monitor. The monitoring scheme and the individuals who serve as monitors shall be subject to the approval of the Court.

68. The monitors shall evaluate the defendants' compliance with this Decree in whatever manner they deem suitable. They shall also provide technical assistance on an advisory basis to the Assistant Commissioner of DYS for Clinical Services, and shall inform the Court and the parties in writing of their findings and recommendations. Such findings and recommendations shall be made regularly, and at least bi-monthly, for a period of eight (8) months following entry of this

Decree, and quarterly thereafter for the duration of the monitoring period.

69. The Board, upon majority vote, may secure additional services from time to time, as needed. The Board shall endeavor to secure these services at no cost to the parties. However, if payment is necessary to secure said services, DYS shall provide the necessary funds, not to exceed two thousand dollars (\$2000) during the monitoring period.

70. Within thirty (30) days of entry of this Decree the parties and the Monitoring Board shall define the methods to be used by the Board within the facility.

71. The provisions of this Decree shall apply with full force and effect to any facility which commences operations after entry of the Decree and whose primary purpose is to act as a substitute facility for detention of all or part of the population presently incarcerated at Roslindale.

72. During the monitoring period, the Superintendent and his employees shall maintain central "monitoring files" at Roslindale, containing copies of all writings required or produced under Paragraphs 2, 6, 10, 11, 19, 21, 22, 35, 37, 58, 59, and 60 of this Decree. Said files shall be available to monitors and their agents at all times.

73. The overnight arrest program for boys operated by DYS at the Charlestown YMCA, located in Boston, shall only hold boys until the next available arraignment session or for no more than four (4) days, whichever is longer. In the event that boys are detained there for longer periods, all the provisions of this Decree shall apply with full force and effect to said program.

74. Four (4) copies of this Decree shall be permanently posted at Roslindale in locations readily accessible to the detainees.

75. This Court will retain jurisdiction over this case and enter such further orders as may be required.

W. Arthur Garrity Jr.
United States District Judge

Date: April 2, 1996

Consented to:

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ADMISSIONS

Admissions refers to the process whereby the youth is brought to and processed into a secure detention unit.

The following youth will be accepted in secure detention if the director of the unit or his designee determines that the youth has been properly referred by the regions:

1. Youth who have committed serious offenses against a person and who have been assigned a high bail.
2. Youth being held for Superior Court action.
3. Youth who are continual runners from other DYS facilities and private placements and who are in need of a more secure placement.

Each unit will have a maximum capacity which shall not be exceeded. Proper referral will constitute:

1. Availability of a slot for the particular region.
2. Call from the proper regional liaison confirming use of the slot.
3. Proper papers accompanying the youth; i.e.: mitt, medical release, appropriate behavior or medical need records or reports.

When a youth arrives at the unit, the following procedures are to be followed:

1. The youth will be greeted by a staff person assigned to take his personal history on the proper form. Rules of the unit will explained to the youth. An orientation handbook will be given to each new admission and read with him. When read, the youth will sign a sheet indicating that he has read and understands the handbook. The signed sheet will be

placed in the youth's folder. The youth will make a phone call home telling his parents or guardian where he is. The staff person will also talk with the parents explaining visitation, and operation of the program. (Refer to Parental Involvement Policy).

2. The youth will be given a shower and observed for any medical condition needing attention. The youth's personal clothing and possessions will be searched. Personal items will be properly stored in a secure locker and a receipt of these items given to the youth and a copy placed in the youth's file. The youth will be assigned clothing provided by the unit.
3. Sick call will be given by a licensed physician. Every new admission will be given a physical examination. (Refer to Medical Policy).
4. The youth will be introduced to other staff people, assigned a counselor and made a part of the program. The youth will be assigned a room with clean sheets, blankets, towels. He will be given necessary toilet articles.

Note: Youth who arrive at the unit shall not be admitted if:

1. They are obviously in need of medical attention;
2. They have no medical release;
3. They are obviously under the influence of drugs or alcohol..

Grievance Procedure

POLICY W.

Whenever a detainee believes that he has any grievance relating to matters in this Decree or to any event or condition at Roslindale, he may initiate a "GRIEVANCE" in the following three step procedure:

1. Informal Procedure within the Facility

The resident may request a meeting with the Director of the unit to outline the grievance. The Director of the unit shall adjust the grievance at once to the satisfaction of the aggrieved resident or shall notify the resident in writing of his adverse decision within 24 hours of the meeting.

In the event of an adverse decision, the Director shall also inform the resident in writing of the appeal procedures available to him, and shall ensure that the resident receives whatever assistance he needs in perfecting his appeal.

2. Departmental Formal Procedure

The resident may appeal in writing the adverse unit decision within 5 days of the receipt of the decision to the Assistant Commissioner of Clinical Services, DYS, or his designee who must

Grievance Procedure (Con't) POLICY W.

grant a hearing within 7 days of the receipt of the appeal. The resident may be represented by counsel or by a lay advocate of his choice at any Departmental formal hearing.

At any hearing, the resident and his representative or advocate may participate. The common law rules of evidence shall not apply. Such hearing shall be conducted in any orderly manner before the proper authority.

The hearings officer shall adjust the grievance at once to the satisfaction of the aggrieved resident or shall notify the resident in writing of his adverse decision within 5 days of the hearing.

3. Commissioner's Hearing

The resident may in writing appeal the adverse decision of the hearings officer to the Commissioner of Youth Services. The Commissioner shall grant a hearing within 7 days of the receipt of the appeal. Such hearing shall be conducted by the Commissioner, and the resident or his legal representative or advocate may compel employees to testify at such hearing. The hearing shall be conducted in conformity with the Administrative Procedures Act and the decision of the Commissioner shall be final.

POLICY T

USE OF ISOLATION ROOM

"Isolation" is placing a resident in a room by himself for a period of time. The room may be the resident's own room or a room used specifically for isolation; it may be locked or unlocked. The use of isolation as a method of control is a constantly debated subject. Because it is controversial, proper safeguards must be implemented.

In the secure detention setting, isolation may be used for two purposes: (1) to quell out-of-control behavior which presents an immediate danger of physical harm to the resident, other residents or staff, and (2) to discipline a resident for serious infractions of the facility rules.

On any occasion when isolation is used, a complete report must be made in the log of:

1. name of resident
2. date and time placed in isolation room
3. reason
4. staff members checking the room at 15 minute intervals
5. time and duration of conversations between counselors or other staff and the resident
6. date and time released for physical exercise, if any
7. date and time released :

Each entry should be initialed by the staff member making it.

ISOLATION TO QUELL BEHAVIOR

When a resident is so out of control that his behavior presents immediate danger of physical harm to those around him, the staff may separate him from the other residents until he calms down. Upon separation, the staff should first try to calm him without the use of an isolation room. However, if all else fails, the resident may be placed in his own room. The person placing him in the room shall tell the resident that he will be released as soon as he calms down enough so that he will not resume the unacceptable behavior when let out. The staff person shall immediately notify the shift administrator and the resident's counselor, if on duty, and make the appropriate log entries. Prior to the end of the shift, this staff person shall also submit a detailed incident report to the shift administrator who shall promptly give it to the director.

Upon being told that a resident has been isolated, his counselor shall promptly go to the isolation room and speak with him. The counselor shall tell the resident why he was separated from the other residents and shall explain that as soon as he calms down he will be released.

While a resident is in isolation to quell behavior, he shall be checked every 15 minutes by a counselor or staff person assigned by the shift administrator. At these checks, the staff person shall question the resident to ascertain whether or not he has calmed down enough to be returned to the general population. Except between 10:00 p.m. and 2:00 a.m., while a resident is in isolation he

with him at least ten minutes out of each hour in an effort to get the youth back into the general population. (If the counselor is off duty, this should be done by another counselor or the shift administrator.) As soon as the counselor or shift administrator feels that the resident is sufficiently calmed down to be allowed back with the other residents, the resident shall be released.

Under no circumstances shall a resident who is isolated to quell behavior be kept in isolation more than 2 hours.

EXTENDED ISOLATION

Isolation may only be used on an extended basis for disciplinary purposes after the resident has received a fair hearing with the administrator "on call" acting as hearing officer.

When an infraction occurs or is reported, a staff member shall escort the resident involved to the shift administrator. If the boy is still acting out in a way which endangers the safety of others, he may instead be placed in his room in accordance with the previous section, and the shift administrator then immediately brought to the resident. The staff shall inform the administrator briefly of what occurred or was reported, and the administrator shall decide whether or not disciplinary isolation should be sought. The administrator may decide not to seek a hearing. (If the resident had been placed in his room, he should be released pending his hearing as soon as he appears calm enough to rejoin the rest of the

the act charged in the notice, he shall then consider informal that the staff or resident may wish to present on the question of sanction. He may then impose such sanction as he deems fit within the limits set forth below. Isolation is not mandatory in any situation, and other disciplinary measures should be used where possible.

The hearing officer shall write a detailed report stating the evidence relied on, the sanction imposed and the reasons for the sanction. The report shall be completed and copies delivered to the director of the unit and the resident within 24 hours after a sanction is imposed. If the hearing officer finds for the resident, he need only submit the report to the director. As soon as possible after receipt the director shall review the report and may at that time reduce the sanction if he deems it appropriate. The hearing officer may also reconsider his decision and impose a lesser sanction at any time. All reports shall be promptly forwarded to the Assistant Commissioner of DYS for Clinical Services.

Disciplinary isolation may only be used for the following infractions and with the following limitations:

1. Use of controlled substances within the facility
(maximum 1 day)
2. Repeated harrassment or threats to other residents after other disciplinary measures have failed to control the behavior (maximum 1 day)
3. Causing major damage to facility property
(maximum 1 day)

If the administrator decides that disciplinary isolation may be justified, he shall tell the resident that there will be a hearing. The shift administrator shall then notify the administrator "on call" and set a time for the hearing. He shall then write up a notice of the infraction, stating the details of the charge and the time of the hearing, and give it to the resident. He should also make a copy to be given to the hearing officer at the hearing. The hearing shall not be held sooner than 2 hours after the resident receives the notice, but in all cases within 24 hours.

If the administrator "on call" witnessed the incident or was otherwise involved, he shall appoint a counselor or other administrator who has not witnessed the incident or been otherwise involved to act as hearing officer.

The resident, if he wishes, should be allowed to have his counselor or other person of his choice assist him in preparing for the hearing and at the hearing. The resident should always be given adequate time to prepare his case.

At the hearing, the hearing officer shall inform the resident of what information he has already learned of the incident and of his rights to make a statement, to be present throughout the hearing, to call and question witnesses, to confront his accuser, and to know any other information that the hearing officer may learn through investigation. Then the hearing officer shall hear the evidence on both sides and shall do such other investigation as he deems appropriate.

If the hearing officer determines that the evidence leaves no reasonable doubt in his mind that the resident did

4. Escaping, without the use of physical force
(maximum 1 day)
5. Escaping or attempting to escape by means of physical force (first offense - maximum 1 day)
(subsequent offenses - maximum 2 days)
6. Inflicting physical harm upon another resident or staff (minor offenses and first serious offense - maximum 1 day) (subsequent serious offenses - maximum 2 days)
7. Taking money or possessions of other residents by force or threat of force (first offense - maximum 1 day) (subsequent offenses - maximum 2 days)

When justified by aggravated circumstances or continuing violations, however, the maximum period of isolation for any of the above offenses may be extended to a period of 3 days by the Assistant Commissioner for Clinical Services following a written recommendation by the hearing officer. The recommendation shall be included in the hearing officer's report and shall set out the reasons which, in the opinion of the hearing officer, justify the extension. The resident shall be told at the end of the hearing that a recommendation for extension will be made. Before any decision is made by the Assistant Commissioner, the resident shall receive a copy of the report and recommendation and any other material submitted to the Assistant Commissioner, and shall be given the opportunity to communicate with the Assistant Commissioner by

phone or otherwise. The Assistant Commissioner shall make his decision based upon the hearing report and recommendation, any other materials submitted, and any communication he has with the resident. If he approves an extension of isolation, he shall do so in writing, stating his reasons, and a copy shall be placed in the resident's file. He may also decline to extend the isolation or reduce the period imposed by the hearing officer. Any extension must be imposed prior to the termination of the initial period of isolation.

Disciplinary isolation shall occur in a normally furnished room, unless the resident himself necessitates removal of some furniture or other items. The resident shall remain fully clothed, except that his belt and shoes may be removed. If shoes are removed, substitute footwear shall be provided. He shall receive the same meals as other residents and shall be allowed out for physical exercise at least 2 hours a day, exclusive of bathroom calls. He shall also have access to counseling staff upon request and his counselor shall see him at least once a day. At all times there shall be a person with a key to the isolation room within calling distance of the resident, and each shift administrator shall insure that the resident is checked every 15 minutes and the check logged.

Staff and counselors should constantly bear in mind that any of the above behaviors which lead to isolation can be caused by conditions which require psychiatric counseling. Be alert for this and seek such counseling whenever it seems

advisable. It may be wise to seek a psychiatric evaluation in any situation where physical restraint may be used on a new resident with whom the staff is unfamiliar. Also, when a resident unfamiliar to the staff is isolated, special care should be taken by the staff until they have assured themselves that isolation will have no unexpected adverse effect upon that resident.