

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**INMATES OF THE BOYS' TRAINING SCHOOL, et al.
v.
JOHN J. AFFLECK, et al. C.A. No. 4529**

**FEDERAL COURT ORDER CONCERNING
TERMS AND CONDITIONS OF CONFINEMENT
FOR THE INMATES OF THE
RHODE ISLAND TRAINING SCHOOL FOR YOUTH**

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Inmates of the Boys' Training School v. Lindgren



Jl-RI-001-001

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

INMATES OF THE BOYS' TRAINING SCHOOL, et al.

v.

C. A. No. 4529

JOHN J. AFFLECK, et al.

ORDER

WHEREAS, this Court entered orders with the consent of the parties on April 19, 1973 and June 19, 1973, which orders set forth defendants' obligations to the plaintiffs' class regarding the conditions of their confinement at the Training School for Youth, and

WHEREAS, plaintiffs, through their attorneys, moved this Court for further relief in the nature of injunctions to enforce said orders on July 20, 1976; and,

WHEREAS, after hearing thereon the Court granted plaintiffs' Motion and by its Opinion dated August 9, 1977 and Order entered on September 13, 1977 ordered the defendants to be in compliance with the consent decrees by February 9, 1978; and

WHEREAS, the defendants advised the plaintiffs of their intention to seek modification of the April 19, 1973 and June 19, 1973 Orders based on alleged changes of circumstances and the resulting alleged impossibility of compliance; and

WHEREAS, the plaintiffs and defendants through their counsel have engaged in negotiations with the assistance of the office of the Special Master appointed by this Court, to resolve the modifications sought by defendants and the questions of defendants' compliance with the Orders, and

WHEREAS, said negotiations regarding modification have been concluded to the satisfaction of the parties; and

WHEREAS, notice and opportunity to comment having been given to members of plaintiffs' class.

NOW THEREFORE, it having been stipulated and agreed by the parties that the Orders entered on April 19, 1973 and July 19, 1973 shall be modified as contained herein and that the resulting Order shall supercede all previous Orders and constitute the full and complete Order governing the above-entitled action it is hereby:

ORDERED, ADJUDGED, AND DECREED:

1. That defendants, their successors in office, agents, and employees are permanently enjoined from confining any resident of the Rhode Island Training School for Youth or Youth Correctional Center in ANNEX B of the women's reformatory.
2. That defendants, their successors in office, agents and employees are permanently enjoined from executing, implementing, or honoring any non-judicial order which will result in the confinement of any resident of the Rhode Island Training School for Youth or Youth Correctional Center in the Adult Correctional Institution.
3. That defendants, their successors in office, agents and employees are permanently enjoined from in any way opening, inspecting, or interfering with mail transmitted to or from any resident of the Rhode Island Training School for Youth or Youth Correctional Center except under the following conditions:
 - (a) All outgoing mail shall be transmitted without delay, unopened, uncensored and uninspected;
 - (b) All incoming mail may be opened and inspected for contraband only in the presence of the resident, but letters may not be read or delayed;
 - (c) There shall be no limitations placed on a resident's mail by the defendants except that the Superintendent may prohibit mail between a resident and someone other than an attorney, a member of the press, or public official if good cause is shown that said prohibition is necessary

for the rehabilitation and treatment of said resident and provided that whenever mail is prohibited, the resident shall be given an opportunity to object, personally or in writing, and he/she shall receive a final written decision with reasons from the Superintendent.

4. That defendants, their successors office, agents and employees are permanently enjoined from confining any resident of the Rhode Island Training School for Youth or Youth Correctional Center in any facility without providing the following, absent willful destruction by the resident:

- (a) A room equipped with lighting sufficient for a resident to read by until time designated for "lights out" within the training school;
- (b) Sufficient clothing to meet seasonal needs;
- (c) Bedding, including blankets, sheets, pillows, pillow cases and mattresses; bedding linen must be changed once each week;
- (d) Personal hygiene supplies, including soap, toothpaste, towels, toilet paper, and a toothbrush;
- (e) A change of undergarments and socks daily;
- (f) Minimum writing materials, pen, pencil, paper and envelopes;
- (g) Prescription eyeglasses, if needed;
- (h) Equal access to all books, periodicals and other reading materials located at the training school, and daily access in their rooms to their own books, periodicals and other reading materials. For so long as the State Library Services Bookmobile makes biweekly visits to the Youth Correctional Center and a State Library Services Librarian makes visits on the alternate weeks it will be deemed that residents at the Youth Correctional Center have access to library facilities which are equivalent to those available at the Training School.
- (i) Daily showers;

(j) General correspondence privileges;

(k) Three meals a day, the last occurring at or after 5:00 o'clock p.m. daily, regular access to canteen services on at least two occasions each week, and daily access in their rooms to food brought in by parents and friends. Food brought by parents and friends will be bagged and tagged for residents in D and E Cottages, and put in the cafeteria refrigerator. For residents in the Youth Correctional Center, the Detention Center, and F Cottage, food will be bagged and tagged and stored in the refrigerator in their facility. Food will not be stored in an individual's room.

5. Defendants, their successors in office, agents and employees shall be enjoined from not making available to all residents religious services and clergymen in accordance with their preference, but attendance and participation on the part of the residents shall be voluntary.

6. That defendants, their successors in office, agents and employees are permanently enjoined from transferring residents of the Rhode Island Training School for Youth to the Youth Correctional Center unless transfers are conducted pursuant to procedures adopted by the Family Court to authorize such transfers. (Current procedures of the Family Court provide that, in case of an emergency, the Family Court shall be notified immediately and a written order from the Family Court shall be obtained within 36 hours of the transfer, weekends, and holidays excluded). Said transfers may be accomplished only through the use of the disciplinary procedures set forth in Appendix A attached hereto.

7. That defendants, their successors in office, agents and employees are ordered to publish a residents' guide within six months of this order and incorporate therein all programs, standards, rules or regulations which are mandated by this action or promulgated pursuant thereto.

8. Defendants, their successors in office, agents, and employees are

enjoined from failing to comply in all respects with the Discipline Procedures set forth in Appendix A of this Order, the provisions of which are expressly incorporated in and made a part of this Order.

9. Defendants, their successors in office, agents, and employees are enjoined from failing to comply in all respects with the Classification and Treatment Plan set forth in Appendix B of this Order, the provisions of which are expressly incorporated in and made a part of this Order.

10. Defendants, their successors in office, agents, and employees are enjoined from failing to comply in all respects with the Academic and Vocational Plan set forth in Appendix C of this Order, the provisions of which are expressly incorporated in and made a part of this Order.

11. Defendants, their successors in office, agents, and employees are enjoined from failing to comply in all respects with the Physical Education and Daily Exercise Plan set forth in Appendix D of this Order, the provisions of which are expressly incorporated in and made a part of this Order.

12. Finally, because of the long history and complexity of this case, filed originally in 1977, as well as the special vulnerability of the plaintiff class, it is ordered that J. Michael Keating, Jr. be and hereby is appointed as a Special Master empowered to monitor compliance with and implementation of this Order. The appointment does not reflect distrust of defendants' willingness to execute the Order in good faith but rather concern over the lapse of five years between issuance of the original consent decree in this case and this final clarification of that decree prior to its full introduction. The appointment is intended to be of short duration and to cost defendants no additional funds, since the Special Master will assume the duties assigned in this decree in addition to his tasks under Palmigiano v. Garrahy. During his tenure, the Special Master will work with the parties to ensure compliance with all of the provisions of this Order. In

addition, the Special Master will help the parties develop an administrative grievance procedure that, subject to the approval of the Court, will constitute an enduring non judicial means of handling residents' complaints.

(a) In order to carry out his duties, the Master shall have access to any facilities, buildings or premises under the defendants' control or any records, files or papers maintained by the defendants. Access shall be granted at any time and no advance notice shall be necessary.

(b) The Master is authorized to conduct interviews at any time with any staff member or employee of the defendants or any resident. The Master may attend institutional meetings or proceeding.

(c) The Master may require written reports from any staff members or employees of the defendants with respect to compliance with and implementation of this Court's orders. Copies of all reports provided to and developed by the Master will be distributed to all parties for comment.

(d) The Special Master shall file with the Court a comprehensive report on implementation of the consent decree and a permanent administrative grievance procedure at the expiration of six months, together with a recommendation to the Court as to the need for the future services of a master and any and all other recommendations he feels may be beneficial to the Court and the parties to this action.

By Order,

Kathleen M. Lynch
Deputy Clerk

Enter:

Raymond J. Pettine
Chief Judge
January 13, 1979

APPENDIX A
DISCIPLINE PROCEDURE
RHODE ISLAND TRAINING SCHOOL FOR YOUTH

I. POLICY STATEMENT

To ensure uniform, fair and just treatment of residents who violate institutional rules and regulations, and to comply with paragraph 3 of the November 23, 1983 Consent Order in Inmates of the Rhode Island Training School for Youth v. Collins, C.A. 4529-P, the following disciplinary procedure has been developed and agreed to by the parties. This procedure takes the place of and supercedes Appendix A of the 1979 Order entered in Inmates of the Rhode Island Training School for Youth, supra, and is incorporated by reference into the 1979 Order as Appendix A.

The procedures used for the disposition of disciplinary infractions by residents at the Rhode Island Training School for Youth are the Daily Life Incident Procedure and the Discipline Board Procedure. The Daily Life Incident Procedures is used where the offense is of a minor nature. The Discipline Board Procedure is used for infractions of a more serious nature which cannot be disposed of by the Daily Life Incident Procedure. It is the primary responsibility of the Superintendent or the Administrator on call to decide whether the Discipline Board process will be utilized.

The practice of progressive discipline shall be utilized in the disposition of all disciplinary actions. With respect to consequences for the violations of rules, these consequences shall be progressive in that consideration will be given to both the nature of the infraction and recent and relevant prior disciplinary action taken against the youth. Action taken by a Discipline Board shall not include the most severe consequences possible unless less severe means have been previously tried and failed.

There has existed in the juvenile justice system for many years a need for a structured facility for adjudicated juvenile male offenders which differs both structurally

and programmatically from the Youth Correctional Center (the "Y.C.C."). Too often youths who have experienced behavioral or adjustment problems in D and E Units have ultimately been transferred to the Y.C.C. when a less extreme measure would have been more appropriate. The Medium Security Unit should help address this concern. A typical Medium Security resident would be one who has run away from the Training School, perhaps on several occasions and may have picked up additional charges, but is not necessarily a violent offender. His crimes would be more in the category of crimes against property and his age would be generally younger than those detained at the Y.C.C.

While a resident may be transferred from the Y.C.C. to Medium Security and vice versa, Medium Security will be more than a facility whereby residents just pass through on their way to and from the Y.C.C. It will be a program unto itself.

The Medium Security program will have less of a reliance on custody and control and more on behavioral intervention strategies. It will be staffed with Juvenile Counselors instead of Youth Correctional Officers. The population will be smaller than the Y.C.C. Also, residents will attend school at the Youth Career Educational Center.

As for the transfer criteria, it will be the same as the Y.C.C.

With respect to other Y.C.C. transfer procedures, all will apply to Medium Security including Family Court notification and weekly reviews. Residents ordered detained at the Training School will not be initially placed in Medium Security unless the Family Court specifically orders such detention.

II. PROCEDURE

A. The following conduct may be subject to disciplinary action:

1. Bullying or extortion;
2. Refusing work assignments without good cause;
3. Physical assaults on resident or staff;

4. Elopement;
5. Failure to return from an authorized home visit;
6. Destruction of state and/or other property;
7. Theft;
8. Possession, use or selling of drugs and/or contraband (which is anything illegal or which could be used as a weapon or means of escape);
9. Failure to obey any reasonable and lawful command of staff, except refusal to continue participation in any counseling, treatment, rehabilitation, or training program, with the exception of school or class attendance mandated by the compulsory school attendance law;
10. Threatening words or gestures intended to provoke residents or staff;
11. Any act in violation of the criminal laws of the State of Rhode Island.

B. DISCIPLINE PROCESS REPORT

1. Any staff member directly involved in an incident or observing conduct subject to disciplinary action, shall complete Section I of the "Discipline Process Report" (Form No. Y51 077A).
 - a. He/she shall describe in detail the nature and extent of the resident's conduct.
 - b. He/she shall submit this information to the Unit Manager or Assistant Unit Manager or Senior Supervisor for further action. The highest ranking of such employees present for the tour of duty shall receive this information.
2. The Unit Manager shall consider whether to treat the incident as a "Daily Life Incident Report" or as a possible "Discipline Board Report". In making such determination, the Unit Manager shall consider the nature

of the alleged violation. Less serious disciplinary infractions should be disposed of through the Daily Life Incident Procedure. Violations of a more serious nature should be dealt with through the Disciplinary Board procedure.

3. If the Unit Manager determines that the nature of the violation alleged warrants a Daily Life Incident disposition, he/she shall follow the procedure described in II, C.

4. If the Unit manager determines that the incident may be serious enough to warrant a Discipline Board procedure, he/she shall immediately contact the Superintendent or the Administrator-on-Call.

5. The Superintendent or the Administrator-on-Call shall decide the appropriate disciplinary procedure, after considering the seriousness of the violation alleged.

6. The staff person in contact with the Superintendent or Administrator-on-Call shall record the decision in the Unit Log Book and reference the call to the Superintendent or the Administrator-on-Call on the Discipline Process Report (Form No. YSI 077A).

C. UTILIZATION OF THE DAILY LIFE INCIDENT PROCEDURE

1. If the Superintendent or the Administrator-on-Call, or the Unit Manager has determined that the Daily Life Incident Report procedure shall be used, the Unit Manager shall:

- a. discuss the incident with the resident and the staff member reporting the incident.
- b. afford the resident an opportunity to be heard by the Unit Manager and to present evidence on his or her behalf.

2. If after the above discussions and the explanation of the incident

by the resident and staff member, the Unit Manager decides a sanction is necessary, he/she, may impose one of the following sanctions.

- a. Loss of a resident's motivation pay up to five dollars (\$5.00) a week for a maximum of one (1) week;
- b. Loss of the following Unit/Facility privileges for up to a maximum of five (5) days: ongrounds movies, television, pool, radio;
- c. Loss of the following off-grounds privileges for up to a maximum of five (5) days: restaurant privileges, movies, sporting events;
- d. Extra chores for up to a maximum of five (5) days including, but not limited to: cleaning the cottage, gym, cafeteria, offices, etc.;
- e. Restitution not exceeding the value of the damaged property or \$25.00 whichever is less (Refer to Policy 11011);
- f. Placing a resident in his/her room for a maximum of (1) hour;
- g. Sending a resident to his/her room before "lights-out" but not earlier than 7:00 pm, limited to one night for each incident;
- h. Loss of the second scheduled weekly visit for one week;
- i. Limiting extra access to the kitchen and canteen except during mealtime and snacks, for one (1) day;
- j. Warning and/or discussion of the incident with the resident.

3. In deciding which sanction is to be imposed, the Unit Manager shall consider which of the sanctions, is most likely to effect a change in the resident's behavior and prevent a recurrence of the sanctioned

behavior.

4. Supervisory staff shall monitor a resident's room: every fifteen (15) minutes and complete the appropriate report (Form No. 044, A.B.C.) in cases of imposition of penalties f and g above. (See Policy #719-2).
5. The Unit Manager shall complete the "Discipline Report" and record the disposition of the form indicating that the incident was disposed of on a Daily Life Incident report, and shall forward the report to the Superintendent's office for review.
6. The Unit manager, or his/her designee shall file the completed report with disposition in a designated area in the Unit, and shall record the penalties or sanctions imposed in the Unit Log. If staff involvement is necessary to implement the sanction (sanctions b,c,d,f,g,h and i), the sanction shall be entered in the Unit Log.
7. Staff shall check these reports and the Unit Log at the beginning of their shift to ensure penalties or sanctions are followed.
8. The Superintendent shall review all Daily Life Incident dispositions in a timely manner and shall have veto power over any such disposition. He/she may decrease but not increase any sanction imposed.
9. After review, the Superintendent shall forward the report for filing in the resident's record.

D. UTILIZATION OF THE DISCIPLINE BOARD PROCEDURE

1. Infractions that cannot be disposed of by the Daily Life Incident Procedure because they are of a more serious nature shall be brought to the Discipline Board.
2. Notice to Residents

a. Immediately following II, B. 4 the accused resident shall be verbally informed by the Unit staff that his/her infraction is being considered by the Superintendent or Administrator-on-Call for possible Discipline Board action.

b. If the Superintendent or Administrator-on-Call determines that the Discipline Board procedure is appropriate, the Unit manager shall immediately arrange for timely written notice to the resident of the violation of which he is in charge, the conduct giving rise to the violation, including the date, time and place of the alleged conduct and reason for the proposed disciplinary procedure which may result in a transfer or suspension of privileges. This notice will be given as soon as possible after a decision is made to pursue the Discipline Board procedure and in all cases before the Discipline Board meets to consider the alleged conduct.

1) This procedure is accomplished by giving the resident a copy of the "Disciplinary Process Report" (Part I) (White) entitled "Residents Copy (Time of Incident)"

2) The Unit Manager shall forward the remaining copies of the Discipline Board Report to the Chairperson of the Discipline Board.

c. The Unit Manager or his/her designee shall also give the resident notice of the time and place of the hearing on the alleged conduct and of his/her right to be represented by a counselor, social worker, or another resident of the resident's choosing. The resident also will be informed at that time that he/she may retain a lawyer to represent him/her before the Board.

3. Time of Hearing

In all cases, the Unit Manager shall use his/her best efforts to hold the Discipline Board during the tour of duty in which the incident occurred. In all cases, the Board shall be held no later than twenty-four (24) hours following the incident except where a delay is specifically requested by the resident for purposes of preparing for the hearing.

4. Emergency Lockup Prior To Discipline Board Hearing

a. If the Superintendent or Administrator-on-Call determines (in accordance with II, B, 5) that utilization of the Disciplinary Board procedure is necessary, he/she may, upon the request of the Unit Manager, remand the resident to lock-up status pending the commencement of the Discipline Board only when the physical safety and/or security of the resident, other resident(s) or staff is jeopardized. A lock-up instituted pursuant to this paragraph shall not exceed twenty-four hours in duration.

b. A resident in emergency lock-up status shall be entitled to all of the rights and services specified in the 1979 Order, except as provided in paragraphs (c)-(f) which follow. Said rights and services include but are not limited to: medical, educational, counseling, psychological and psychiatric services, recreational services, family visits, showers, a daily change of undergarments and socks and personal hygiene supplies. A resident who is on emergency lock-up status shall be allowed to leave the unit for meals, gym, showers, family visits, school and medical appointments, pending the commencement of Discipline Board procedure. Transportation of the resident to and from such activities shall be in handcuffs if so directed by the Superintendent

or Administrator-on-Call (see Policy (704-1-1). Residents placed on lock-up status shall be checked every 15 minutes and seen by his/her counselor or other clinical staff as soon as possible.

c. If a resident so remanded to lock-up status is an active participant in a program other than school or a program related to essential medical treatment, the Unit Manager shall so inform the Superintendent or Administrator-on-Call. The Unit Manager shall further inform the Superintendent or Administrator-on-Call as to the resident's degree of progress in the program.

d. Upon receipt of the above information the Superintendent or Administrator-on-Call shall decide whether the resident's participation in the program shall be temporarily suspended pending the commencement of the Disciplinary Board proceedings.

e. Should the resident's participation in the program be suspended, the Unit Manager shall note the suspension and the reason or reasons why the resident's suspension from the program is warranted on the Disciplinary form and in the Unit Log.

f. A resident of an open unit shall not be transferred to the YCC or Medium Security prior to a hearing before the Discipline Board.

5. The Discipline Board Hearing

a. Composition of the Discipline Board

1) The Discipline Board shall consist of three (3) voting members: a chairperson appointed by the Superintendent, a member of the treatment or educational

staff other than the supervisory staff and a resident from one of the facilities or units. The resident shall be appointed by the Superintendent after consultation with the Unit Manager. If a resident appointee is unable or unwilling to serve on the Board, or if the resident accused elects not to have a resident member on the Board, his/her place will be taken by a member of the treatment or educational staff. All of these individuals shall be voting members of the Board.

2) Under no circumstances shall anyone sit on the Board who has observed or witnessed the incident or who was involved in the charge and/or reason for the hearing.

b. Conduct of the Hearing

1) The Chairperson shall introduce all voting members of the Board;

2) The Chairperson shall read and fully explain to Board members and the resident the circumstances of the charge and/or reason for hearing;

3) The resident shall be advised of his/her right to be represented by a counselor, social worker, or another resident of the resident's choosing. The resident shall also be informed that he/she may retain a lawyer to represent him/her at his/her own expense before the Board;

4) The resident shall admit, deny or remain silent as to the stated charge(s);

5) The resident has the right to the disclosure of the evidence against him/her at the hearing and an opportunity

to be heard in person and to present witnesses and documentary evidence on his/her behalf. All interrogation will take place in the presence of the resident unless the Board specifically finds that confrontation will jeopardize the physical safety of the confronting witness when the witness is a resident. In such cases, the Board shall make a determination in the record and indicate the nature of the informant's testimony. If the determination to exclude the accused resident is made by the Board, in accordance with the above, the advocate for the accused resident may continue representation in his/her absence;

6) The resident and his/her advocate shall be informed of his/her right to cross-examine any adverse witness and shall be allowed an opportunity to do so;

7) The Board shall have the right to exclude evidence which is cumulative or is presented solely to harass or delay the proceedings;

8) The resident shall be advised that he/she may testify, but that he/she is not required to do so. In all cases, the resident shall be advised that if he/she wishes to testify, anything he/she says may be considered by the Board in determining his/her guilt or innocence and in its disposition of the case, as well as in future court proceedings. A resident's refusal to testify shall not be considered by the Board an admission of guilt or wrongdoing;

9) The resident shall be informed that in the event

he/she is found guilty of the alleged violation, his/her discipline record may be used in deciding what sanction will be imposed for the violation. In such instances, the resident's past discipline record shall only be considered after the resident has been found guilty and the resident's record shall be discussed in his/her presence.

10) The resident shall be informed that if he/she is dissatisfied with the findings of the Board, he/she has the right to appeal the Board's decision to the Superintendent.

11) Upon completion of the hearing, the Board shall take the matter under advisement and make a finding as to the guilt or innocence of the accused. For a resident to be found guilty, the Board shall apply the clear and convincing proof standard. The Board shall promptly reduce its decision to writing on the "Discipline Process Report".

12) The Board's written decision shall include a summary of the evidence presented at the hearing, the evidence which supports its finding(s), and the reasons for its decision and disposition. The Chairperson shall ensure that the following information shall also be included in the Discipline Process Report: an indication that the accused resident's disciplinary record has been reviewed, and that such review was made in considering the appropriate sanction for the violation, and a summary of the impact or lack thereof that such review had on the choice of the sanction imposed. The Chairperson of the

Board shall also certify on the report that the Board considered the resident's past discipline record only after it found the resident guilty as charged.

13) The Chairperson shall deliver a copy of the Board's decision to the resident as soon as it is written. He/she shall at the same time remind the resident that he/she has the right to appeal the Board's decision to the Superintendent, and shall inform the resident how to file his/her appeal.

14) A copy of the Discipline Process Report (Yellow) entitled "Superintendent/Resident's File" which includes the infraction, summary of the discussion and the reasons for the decision and disposition, as well as any other pertinent information shall be forwarded to the Superintendent for review (and initial) and then placed in the resident's record.

15) A copy of the Discipline Process Report (YSI 077) entitled "Discipline File" shall be maintained in a looseleaf binder (Discipline File Book). This binder shall have copies of all the discipline reports on a particular resident. The Chairperson shall refer to the binder in considering the appropriate sanction to be imposed upon a finding of guilt.

6. Action Which May Be Taken By The Discipline Board

The actions which may be taken by the Discipline Board are:

- a. Dismissal of the charges
- b. Reprimand

c. Sanctions set forth in the Daily Life Incident Procedure:
(Refer above to Daily Life Incident Procedure: paragraph II, C.2).

d. Loss of privileges

1) The Board shall not suspend a resident's participation in off-grounds educational or vocational programs without considering the resident's over-all progress in his/her off-grounds program.

2) Any suspension of participation in off-grounds educational or vocational programs shall be reviewed by the Board at least every ten (10) days.

3) The 1979 Order of which this Disciplinary Procedure is a part, created certain basic rights of residents. (See also the discussion at D.4.b.) The Discipline Board has no authority to suspend, terminate, revoke or abridge those residents' rights in imposing sanctions for disciplinary infractions. Further, those rights are not to be considered privileges which may be terminated, suspended, revoked or abridged under this section by the Discipline Board.

e. Transfer

1) Transfer to the Y.C.C. with prior approval of the Superintendent and a Family Court judge.

(a) No resident shall be transferred to the Y.C.C. unless he/she has been found guilty of an institutional infraction involving contraband, assaultive behavior unauthorized absence from the Training School. For other serious infractions

such as destruction of property or larceny, other discipline procedures must have been tried and failed prior to transfer to the Y.C.C.

(b) A resident shall not be transferred to the Y.C.C. without a prior written order from the Family Court authorizing the transfer, except in the case of an emergency, in which case the Family Court shall be notified immediately and a written order from the Family Court shall be obtained within thirty-six (36) hours of the transfer, weekends and holidays excluded.

2) Transfer to the Medium Security Unit with prior approval of the Superintendent and a Family Court judge.

(a) No resident shall be transferred to the Medium Security unless he/she has been found guilty of an institutional infraction involving contraband, assaultive behavior or unauthorized absence from the Training School. For other serious infractions such as destruction of property or larceny, other discipline procedures must have been tried and failed prior to transfer to the Medium Security.

b) A resident shall not be transferred to the Medium Security without a prior written order from the Family Court authorizing the transfer, except in the case of an emergency, in which case the Family Court shall be notified immediately and

a written order from the Family Court shall be obtained within thirty-six (36) hours of the transfer, weekends and holidays excluded.

c) In determining whether a resident should be transferred to the Y.C.C or to Medium, the Discipline Board should consider the policy statement at paragraph 1 of this Discipline Procedure.

(d) A resident may also be placed in the Medium Security Unit pursuant to a specific Family Court order at the time of the resident's initial commitment or as the result of reclassification of a Y.C.C. resident to a lower security status.

3) Review during confinement in the Y.C.C. or Medium Security.

a) The confinement of a resident in the Y.C.C. or Medium Security Unit shall be reviewed at least weekly by a team composed of the Superintendent or his/her designee, the Unit Manager, the resident's counselor and other appropriate personnel. The team will review the resident's progress during confinement and specifically consider whether continued confinement of the resident is necessary.

(b) The team shall make a written summary of its weekly review. If it decides that continued

confinement is necessary, it shall clearly state the rationale for its decision in its written report. The written report shall be placed in the resident's permanent file. A copy of the report shall be forwarded to the Superintendent's office for his/her immediate review.

(c) If the team determines that continued confinement at the Y.C.C. or Medium is no longer necessary, the resident shall be released from the respective unit.

(d) If a resident's confinement at the Y.C.C. or Medium Security Unit exceeds seven (7) days, a reclassification review of the resident shall be promptly commenced.

4. Nothing herein shall be construed to limit the authority of the Family Court pursuant to R.I.G.L. 8-10-18.

f. Lock up of resident not to exceed the penalty listed in the categories specified below. No lock-up in accordance with this procedure is to exceed five days. No resident shall be remanded to lock-up status except in accordance with the Discipline Board procedure set out herein.

A resident in lock-up status shall be afforded all of those basic rights recognized by the 1979 Order. Those rights include, but are not limited to, gym and daily exercise, family visits, three hot meals a day, incoming and outgoing mail, daily showers, sufficient clothing, personal hygiene supplies, clean and sufficient

bedding, writing materials, telephone calls to attorney and family and educational, medical, counseling, psychiatric and psychological services. A resident in lock-up status may, however, temporarily lose his/her right to participate in off-grounds educational or vocational programs providing the seriousness of the infraction would support the action and the Board follows the consideration and review process set out in paragraphs II, D, 6, d(1) and 2).

- 1) Physical Assault on Staff, up to five days
- 2) Physical Assault on another resident, up to five days
- 3) Sexual Assault on another resident, up to five days
- 4) Use of threats, words or gestures intended to provoke residents or staff, up to two (2) days
- 5) Bullying (second offense) and/or extortion by resident perpetrated by another resident, up to four (4) days
- 6) A.W.O.L., up to three (3) days
- 7) A.W.O.L. from closed unit, up to five (5) days
- 8) A.W.O.L. with resulting new charges, up to five days
- 9) Continued disobedience to lawful and reasonable commands of cottage staff, up to three (3) days
- 10) Violation of trial home visits with resulting

new charges, up to five (5) days

11) Willful destruction of property, up to four (4) days

12) Theft or stealing from staff or residents, up to five (5) days

13) Possession and use of marijuana and alcohol, up to four (4) days

14) Possession and use of hard drugs, up to five (5) days

15) Violent assault by Y.C.C. resident on another resident and/or staff member resulting in serious injury to said other resident or staff member.

g. In the case of a resident of Rossi House (Honor Cottage) the Discipline Board is not empowered to impose as a sanction lock-up time or room confinement. In the event of a serious infraction by an honors cottage resident such as an assault on another resident or staff member, elopement or possession of contraband, a transfer from Rossi House may be imposed. However, such disposition may only be made by the Discipline Board with the authorization of the Superintendent or Administrator-on-Call.

E. ADMINISTRATIVE RECLASSIFICATION OF A RESIDENT

Upon a written finding of the Discipline Board by clear and convincing proof that:

I. A resident of the Y.C.C. has repeatedly eloped from the Y.C.C. or made repeated attempts to elope from the Y. C.C., or

2. A resident of the Y.C.C. Center has established a pattern of serious disciplinary infractions that result in a clear and present threat to the safety and security of staff and/or other residents, the Discipline Board may order a reclassification of said resident and remand said resident to lock-up status without privileges for a period of up to five (5) days, only if the resident has previously been found guilty of an infraction and served a lock-up of five (5) days with privileges. Thereafter, for subsequent similar infractions the Board may impose a lock-up of up to a maximum of fourteen (14) days with or without privileges.

All residents remanded to lock-up status without privileges shall have access to educational, psychological, psychiatric, counseling and medical services, daily exercise for at least one (1) hour, hot meals, daily showers, general correspondence privileges, including writing materials, and access to books, periodicals and other reading materials. In addition, residents may have access to visits by family and additional privileges if so determined by the Superintendent. When a lock-up without privileges exceeding five (5) days is ordered by the Discipline Board, the Chairman of the Discipline Board shall prepare and forward a written report to the Superintendent. The Superintendent shall review the report as soon as it is submitted. Said written report shall include the following:

1. Reasons for the imposition of the lock-up.
2. Expected duration of the lock-up.
3. Previous progressive disciplinary or corrective action taken against resident.

The above-referred report shall be placed in the resident's file and shall become permanent part thereof.

F. APPEAL/REVIEW OF DISCIPLINARY PROCESS FORM

1. Appeals

- a. Any resident has the right to appeal to the Superintendent the findings made, the procedures used, or the sanctions imposed by a Disciplinary Board. If the resident desires to file an appeal and would like help in that regard, the Chairperson of the Board shall assist him/her.
- b. The Superintendent shall review the findings, procedures and sanctions of the Discipline Board within twenty-four (24) hours of the Discipline Board's decision.
- c. The Superintendent shall notify the resident within twenty-four (24) hours after the Board hearing of his/her decision concerning the resident's appeal.

2. Veto Power of Superintendent

- a. The Superintendent has a right of veto over all decisions and sanctions imposed pursuant to the Daily Life Incident Procedure.
- b. The Superintendent has a right of veto over all decisions and sanctions imposed pursuant to the Discipline Board Procedure.
- c. In either instance the Superintendent may decrease but may not increase any sanction imposed.
- d. The Superintendent may exercise his/her veto power whether or not the resident has chosen to appeal from the finding and sanction of the Discipline Board.
- e. The Superintendent may exercise his/her veto power at any time during the Discipline Process.

f. If the Superintendent exercises the veto power provided herein, he/she shall state the reasons for same on the Discipline process forms and shall provide for the proper distribution of said forms.

3. The Superintendent shall review daily all residents confined to lock-up status.

4. Whether or not a resident takes an appeal from a Discipline Board decision, the Superintendent shall review the Board disposition within 72 hours and shall exert a reasonable effort to conduct said review within twenty-four (24) hours of the decision.

G. NOTICE TO STAFF

1. Implementation of Sanction

a. Supervisory staff shall check the log book and Discipline File Book at the beginning of each shift to ensure adherence to and consistency with Discipline Board action.

1) Staff shall be notified of the Discipline Board decision by the Discipline Board Chairperson who shall forward a copy of the Discipline Process Report (Goldenrod) to the Unit upon completion of the hearing.

2) A copy of the Discipline Process Report (Goldenrod) shall be filed in a folder entitled "The Discipline File Book" and shall be kept in a location designated by the Unit Manager.

3) The supervisory staff member who received a copy of the Discipline Process Report shall record in the Unit Log Book all restrictions and lock-up.

2. Discipline Board Report

a. The Chairperson of the Discipline Board has the responsibility to ensure that each corresponding copy of the Discipline Process Report has been properly distributed and/or filed in the appropriate area.

b. The copies shall be distributed as follows

- 1) (a) Resident's Copy (time of incident)-white
- (b) Superintendent/Resident's File-canary
- (c) Discipline File Book-pink
- (d) Cottage Restriction Book (Unit)-goldenrod
- 2) (a) Resident's Copy (following hearing)-white
- (b) Superintendent/Resident's File-canary
- (c) Discipline File Book-pink
- (d) Cottage Restriction Book (Unit)-goldenrod

H. DISCIPLINARY PROCEDURE - FURNISHED TO ALL STAFF AND RESIDENTS

A copy of the Disciplinary Procedure shall be provided to all staff and to every resident of the Rhode Island Training School for Youth upon admission.

I. COLLECTION OF DATA CONCERNING IMPLEMENTATION OF THE DISCIPLINARY PROCEDURE

In order to ensure that this Disciplinary Procedure is being consistently and fairly applied and that the Daily Life Incident and Discipline Board mechanisms are being appropriately utilized, the Assistant Director for Juvenile Correctional Services or the Superintendent shall collect and chart the following data each month: the nature of the violation(s) alleged, the name of the resident(s) and staff, if any, involved in the incident(s) and reporting the incident(s).

whether the incident(s) was/were handled through the Daily Life Incident or Discipline Board mechanism(s) and the sanction(s) imposed. The Assistant Director or Superintendent shall chart the data collected and note any conclusions reached after analyzing the data; for example, whether the Daily Life Incident mechanism is not resorted to where appropriate, whether there are patterns of certain staff alleging incidents that do not occur as frequently where other staff provide resident supervision, whether sanctions are being consistently and fairly applied, and other information indicating whether the Disciplinary Procedure is being implemented as provided herein. Where the data reveals that the Disciplinary Procedures are not being accurately or fairly applied, corrective action shall be immediately taken and a written record of same shall be made by the Assistant Director or the Superintendent. The corrective action reports shall be kept with the charting of monthly data.

APPENDIX B

CLASSIFICATION AND TREATMENT PLAN

I. GOALS AND OBJECTIVES:

This plan outlines methods and procedures for providing comprehensive treatment services for residents of the Training School, in accordance with Chapter 42-56 of the Rhode Island General Laws of 1956 as amended. Juveniles detained at the correctional facilities to await trial or probable cause hearings, those held on court-approved overnight status, and those detained for placement at the McCabe Juvenile Diagnostic Center are specifically excluded from those provisions of this plan pertaining to the creation of an individualized Treatment Plan and periodic reviews, and ongoing medical, dental and psychiatric treatment. These temporary residents shall, however, have a preliminary medical screening as set forth in II.A. *infra.* and access to all medical, dental, or psychiatric services as needed. Those juveniles whose anticipated pre-trial stay will extend beyond thirty (30) days will participate in appropriate phases of the classification and treatment plan.

It should be understood that implementation of the individual plans involving community based resources shall be accomplished pursuant to Family Court approval where required.

Medical, psychiatric, psychological, social work and counselling services shall be provided in accordance with the following goals and objectives:

- 1) To prepare a physical, psychological, social and psychiatric profile for each resident;
- 2) To administer a comprehensive physical examination for all residents, including a neurological examination if determined necessary by a physician, and psychological examinations where necessary in accordance with the requirements of this plan;
- 3) To provide programs for routine and emergency physical and mental

health care for all residents;

- 4) To identify and treat health problems, which if left untreated would hinder rehabilitation;
- 5) To rehabilitate the total person by addressing his physical, psychological, social, educational and vocational needs;
- 6) To deliver coordinated health and rehabilitative services and to present recommendations to the Family Court for after-care programs for sentenced youths and for other treatment programs for youths in other legal statuses.

These goals and objectives shall be set through the formulation of individualized treatment plans for sentenced residents and for those in special circumstances, cited above. Whenever appropriate, counselling and medical staff working with a resident shall make every possible effort to include his family or parent substitutes. Each resident not placed in a community program while at the Training School shall be offered a full day of programs and activities to prepare him/her for release to off-grounds programs and ultimate release to the community. Individualized treatment planning is governed by a set of policies and procedures enunciated below.

DIAGNOSTIC EVALUATIONS/INDIVIDUAL TREATMENT PLAN AND PERIODIC REVIEW

Each resident shall be interviewed by a counselor and/or Cottage Manager initially upon admission. Any resident whose offense, behavior subsequent to admission, or whose records indicate potential or previous psychiatric problems, shall be seen by a psychiatrist within forty-eight (48) hours of admission.

The determination of whether or not a psychiatrist is needed shall be so noted on the intake form by the individual counselor or Cottage Manager. If there is a need for psychiatric interview, the counselor or Cottage Manager shall make the referral immediately to the Coordinator of Clinical Services. A complete written report will be made by the psychiatrist within two (2) weeks of the psychiatric interview. Weekend

admissions and those after 11:00 pm shall be seen on the following working day.

The initial intake process occurs during a seven (7) to ten (10) day period. During this period, information is gathered by the Cottage Manager and counselor to formulate a preliminary profile of the resident. All relevant contacts are established, and information dealing with the resident's social history, family background, education/academic achievement, behavioral observations, medical history, agency interaction and other pertinent data shall be gathered. Clinical staff consisting of psychologists, a psychiatrist and other resource staff are to be contacted to begin preliminary diagnostic, evaluative and therapeutic assessments.

During the initial intake process, the resident is tentatively placed in an academic/vocational program, participates in gym and recreation programs and is integrated into daily cottage life. Orientation programs and counseling sessions are carried on intensively during this period.

Within twelve (12) days after admission, a formal intake review is held. This review is attended by the Treatment Team consisting of the Clinical Coordinator, Educational Personnel, the Cottage Manager, counselor for the resident and a psychiatrist if so determined appropriate. This initial review is chaired by the Superintendent or the Clinical Coordinator. At this intake meeting, the preliminary information gathered is presented to determine what further data is needed such as psychological testing, psychiatric examination, educational profiles, and neurological examination. Any additional workups and gathering of data is then designated and assigned to appropriate personnel by the Chairperson. The need for additional psychological evaluation shall be determined by the Clinical Coordinator. Dates for the provision of this additional information are also assigned and shall be made available within thirty (30) days of admission.

The type, nature and extent of psychological and psychiatric reports is determined by history of previous testing, behavioral observation and assessment. In

cases where there has been no psychological evaluations or psychiatric testing within the past eighteen (18) months prior to admission or where said previous evaluation and testing is unavailable for whatever reason, the resident shall have a psychological evaluation which will include appropriate testing and interview. The Superintendent or Clinical Coordinator, as chairperson, reserves the right to order psychological and psychiatric examination if he/she decides that such updating is a necessary tool to deal with and understand the dynamics of the case. In this case, the Chairperson overrides the opinion of any member of the Treatment Team. All of the material then is used in the formalizing of a diagnostic and evaluation report as well as the establishment of treatment goals both proximate and remote. This diagnostic evaluation takes place within a thirty (30) day period of admission. Resource staff, including medical staff, shall review the reports prepared in order to develop a coherent treatment plan.

Subsequent to the collection of this information, a Treatment Team meeting is scheduled to be held within thirty (3) days of admission.

A. INTEGRATION OF SERVICES AND INDIVIDUALIZED
TREATMENT PLAN

At this meeting, the Treatment Team examines all material so that treatment planning can commence. Chaired by the Superintendent or Clinical Coordinator, this meeting shall also be attended by the Cottage Manager and counselor, a member of the education/vocational staff, the Clinical Coordinator, and other resource personnel including, as appropriate, a psychiatrist, a psychologist, a physician, and other supervisory staff.

Prepared material presented at this meeting shall include a social history, family background, educational/vocational information, behavioral observations, medical history and, if applicable, psychological, psychiatric and neurological reports, and any other information determined necessary. Following the formal intake meeting, the need to perform a neurological examination is determined by medical staff and such testing is

administered as indicated.

The development of the plan shall include consultation with the resident and, where appropriate, with his/her family or substitute parents. The consultation with the resident shall include an explanation of the academic and/or vocational programs for which the resident is believed qualified and the criteria for admission to programs for which the resident is not yet qualified. In addition, the resident will be told the pattern of behavior required for participation in any off-grounds program. When deemed appropriate, the resident will attend the Treatment Team meetings so that he/she becomes an active participant in the design of the treatment plan.

B. INDIVIDUALIZED TREATMENT PLAN

A written, individualized treatment plan shall be developed at the Treatment Team meeting and maintained for each resident, outlining academic and/or vocational programs and various treatment services as planned. The Cottage Manager is responsible for overseeing the implementation of a resident's plan and for bringing it to the attention of appropriate staff. Each plan shall contain at least the following:

- 1) A general statement and clinical picture of the needs, problems and personality of the resident and his/her family or substitute family as they affect the resident, as well as any pertinent information on educational, vocational, medical, psychiatric, neurological, psychological or dental problems involved;
- 2) A statement of the rationale and intermediate and long-range goals of the treatment plan with a specific description of the method, programs, therapeutic services, staff involvement, staff responsibilities, and non-staff resources necessary and a timetable for attaining those goals;
- 3) Where applicable, a description of the involvement of the resident's family or substitute parents in the development of the plan and

a description of any proposed participation of said persons in the treatment program developed;

4) A description of a specific community program to which the resident will be assigned, subject to the approval of the Family Court, and an indication of the anticipated time of placement together with possible alternatives;

5) Where applicable, the reasons for ineligibility for community program placement and criteria for such placement;

6) The criteria necessary to gain placement in a less restrictive treatment setting and to qualify for release from the school;

7) For those residents determined initially not to be eligible for a community program due to deficiencies in basic academic skills, a timetable for the acquisition of the requisite skills, and where appropriate, a determination of when the deficiencies can best be remedied by special off-grounds programs;

8) As to residents who are neither attending an academic program on grounds nor attending an off-grounds program, a description of their daily program and activities (aside from recreation) which shall be designed to afford them skills necessary for and relevant to their community placement;

9) An indication of where the resident will live upon release from the Training School, if known, or a statement that residential placement will be required;

10) An indication of all community program alternatives that might be available for the resident, which alternatives have been investigated and why they are deemed suitable or unsuitable;

11) The date on which the Treatment Team will meet to review and

re-evaluate the resident's program:

12) Tentative plans to ensure the resident the supportive services necessary for his/her successful adjustment in the community upon his/her formal release from the Training School.

C. PERIODIC REVIEW AND RE-EVALUATION TREATMENT TEAM

Not less than once each month, the Treatment Team described above shall meet again to review and re-evaluate the treatment program for a particular resident. A written summary of findings and the basis thereof shall be maintained. Progress in locating community placements for the residents and in providing other services prescribed in the resident's initial treatment shall be recorded. At each review meeting, any change in plans with reasons shall be recorded. The question of whether a resident is ready to be released from the Training School shall be considered and specific grounds for any decision shall be recorded. Where that Treatment Team concludes that the resident is ready to be released or that further confinement at the Training School is inappropriate, they shall follow the procedure set forth below:

In accordance with its findings, the Treatment Team shall transmit a recommendation to the Superintendent along with a report including the post-release plan summarizing the resident's progress at the Training School, specifying any community placements that the resident is participating in or will be able to participate in upon release, noting where the resident will live upon release, and setting out the grounds for the recommendation. These monthly review meetings are also chaired by the Superintendent and/or the Clinical Coordinator. Based on these monthly and tri-monthly reviews, the Superintendent shall petition the Family Court to consider the release of the resident from the Training School and/or school release or work release. It also includes the placing of the child on Temporary Community Placement (TCP).

D. TRI-MONTHLY REVIEWS

Every three (3) months, a more complete review is held and also chaired by the

Superintendent and/or the Clinical Coordinator to evaluate the treatment goals established in the Individualized Treatment Plan as well as the progress, or lack of progress, of the resident in designated areas. At this review, treatment goals can be modified or altered and new ones developed if the situation requires.

E. YOUTH CORRECTIONAL CENTER

In addition to the ITP Meeting and monthly reviews that apply to those residents in general population, the following special procedures shall be instituted for those residents confined to the Youth Correctional Center:

- 1) At least once a week, the Cottage Manager and/or Counselor responsible for the Youth Correctional Center shall report to the Superintendent on the current status of the Youth Correctional Center population. The question of whether a particular resident's continued confinement in the Youth Correctional Center is necessary shall be specifically considered. The Superintendent shall review the case and may act upon the recommendations presented therein;
- 2) The Superintendent may petition the Family Court to permit release of the resident from the Youth Correctional Center as recommended;
- 3) The results of the review meeting shall be placed in each resident's file.

II. MEDICAL SERVICES

A. PHYSICAL CARE

A particular resident's need for medical care shall be determined by qualified medical personnel.

Each resident shall have access at all reasonable times to the services of a physician or psychiatrist of his choosing provided that the Training School shall not be responsible for reimbursing the private physician engaged by the resident, his/her

parents or guardians for any of the services provided.

All residents shall have access to medical staff on a daily basis. A registered nurse is available from 7:00 a.m. to 11:00 p.m., seven (7) days a week for routine medical care.

Medical staff shall maintain a daily log which details attendance at sick call, medications dispensed, treatment administered and referrals made. This information will be entered into a resident's medical file for evaluation by the resource team, as required.

Each resident shall be given a preliminary medical screening by the registered nurse within twenty-four (24) hours of his/her admission or return from A.W.O.L. At this time, an initial medical history will be taken to alert the physician of any unusual medical problems. The physician shall determine the need for a new comprehensive medical examination for those residents returning from A.W.O.L. status.

Should a resident suffer from a mental or physical condition requiring services not normally available at the Training School, it shall be the responsibility of the Superintendent to provide for the appropriate service.

Excluding those admitted on weekends who will be seen on the following working day, each resident is given a comprehensive medical examination by a qualified physician within forty-eight (48) hours of his admission. Additionally, all residents whose stay extends beyond one (1) year shall be given a comprehensive medical examination annually. The elements of these examinations shall include:

- 1) Immunizations as recommended by the Rhode Island Medical Society Advisory Committee in accordance with accepted medical standards;
- 2) Examination of vision and hearing;
- 3) Medical history, both physical and mental;
- 4) Blood profile;
- 5) Urinalysis;

- 6) Screening for venereal disease, drug use;
- 7) Other tests or screenings, as indicated, including screening for sickle cell anemia and other genetic diseases;
- 8) Consideration shall be given as to the need to perform a neurological examination.
- 9) Gynecological services will be made available where appropriate in the judgment of an examining physician.

B. PRIMARY PHYSICIAN

A physician shall be on site at least two (2) hours a day, four (4) days a week. In addition, he/she will be on call twenty-four (24) hours a day, seven (7) days a week.

Residents who have not been under active care of a physician while at the Training School and those who have been residents for terms longer than six (6) months shall be given a physical examination at discharge. Additionally, those with diagnosed medical problems shall be examined by the physician at release to determine whether treatment plans as they pertain to health care have been completed.

C. DENTAL SERVICES

Within seven (7) days of admission, and approximately every six (6) months, each resident shall be given a prophylactic examination shall receive hygiene care. A qualified dentist shall be available to the residents as needed. Emergency dental care shall be provided to each resident as well as corrective, as opposed to cosmetic, work when immediate care is prescribed by the qualified dentist. Those residents who have been at the Training School at least six (6) months shall have discharge dental examination.

D. DIETARY SERVICES

Dietary services shall be directed by the Administrator and assisted by a consulting dietician, who will prepare the menus. It shall be their responsibility to meet the dietary needs of the general population and to provide special diets when medically

indicated.

E. LABORATORY

The services of a clinical laboratory that meets the hospital accreditation standards of the Joint Commission on Accreditation of Hospitals shall be available to the Training School.

F. MEDICATION

No prescribed medication shall be administered unless by written order of a qualified physician. Other medication may be administered upon the order of a qualified registered nurse who shall promptly thereafter notify the primary physician. The use of medication shall not exceed standards prescribed by federal and state law.

Notation of each resident's medication shall be kept in his/her medical record. The medication regimen of each resident shall be reviewed periodically by the primary and/or prescribing physicians. All medication shall be administered only by authorized personnel and under controls and guidelines established by the individual responsible for coordinating medical and mental health personnel in consultation with the staff physicians. No medication may be administered intramuscularly without attempting to utilize oral medication unless ordered otherwise by the physician or psychiatrist in each case.

III. STAFF

There shall be available sufficient appropriately qualified staff, including medical and mental health personnel, to furnish competent and individual attention to residents and when appropriate, to their families. All employees who provide treatment services to residents shall have had or shall be given specialized training in the care and treatment of children or adolescents.

A qualified psychiatrist, a full-time clinical psychologist with a Ph.D. (Coordinator of Clinical Services), and a full-time employee per cottage who has a Master's Degree in psychology, clinical social work, counseling or human services shall

be employed. Said degree in counseling or in human services shall have either a practicum or equivalent experience. These individuals shall work with all other staff at the Training School and appropriate community resources to assist the Treatment Team in developing an individualized treatment plan for each resident. This staff shall assist in providing staff training, diagnostic and referral services as well as direct services to individual residents and shall assist in the development of programs.

One individual, the Clinical Coordinator, shall coordinate the services of all the medical and mental health personnel relative to the individualized treatment plan. In addition, intake and aftercare counselors shall be assigned to each resident.

IV. RECORDS

There shall be a standardized record-keeping system utilized in all facilities and programs at the Training School to be developed by the Superintendent. With the exception of certain health records, which are housed in the medical unit, all records shall be located in the Administrative Building. Members of the resource team shall maintain these records and ensure that they are complete, accurate and up to date.

A. CONTENTS OF CENTRAL RECORDS

In addition to records maintained in individual departments, including the medical department which shall have a medical record for each resident readily accessible to medical personnel, there shall be a central record for each resident that shall contain the following information, as it becomes available:

- 1) Identification data, including the resident's family and legal guardians and the terms of the resident's commitment to the Training School.
- 2) Family history, including intrafamilial interactions and socio-economic factors, such as ethnic, environment and economic background;
- 3) Report of educational evaluation;

- 4) The results of special consultations, including medical, either signed or authenticated by the consultant;
- 5) A copy of the initial individualized treatment plan and any subsequent modifications thereto;
- 6) A copy of all formal Treatment Team reports concerning the resident, including the written record of the monthly and other periodic evaluations of the resident by the interdisciplinary team;
- 7) Name, address, and phone number of the attorney of record of the resident;
- 8) A residence report which details staff observations of the resident's behavior and activities. These are other than disciplinary reports and record staff/resident and resident/resident interaction, participation in work programs, recreation, and so on;
- 9) Disciplinary reports which contain information on the circumstances and the nature of the complaint, the disposition of the case and the restriction to be followed;
- 10) Release plans which include reports detailing treatment plans for juveniles upon release to the community;
- 11) Psychological/psychiatric reports which include results of projective, attitudinal, subjective, personality and other psychological tests and summary reports of psychiatric interviews. recommendations for extended clinical involvement and additional special testing will also be filed. For those residents involved in treatment with clinical staff, progress reports will be filed on a monthly basis.

V. STAFF TRAINING AND EVALUATION

An ongoing inservice staff training program shall be established and conducted for all staff which is designed to ensure the effectiveness of all personnel in complying

with their various responsibilities in order to provide maximum treatment opportunities for residents within the context of custody and security and to generate a personal involvement of the entire staff in the rehabilitative process. The mental health personnel described in Section III will assist in the development and implementation of staff training programs, and will also be responsible for developing a mechanism for evaluating the overall effectiveness of treatment programs.

VI. ADVISORY COMMITTEE

The Director of the Department of Corrections in conjunction with the Rhode Island Medical Society will establish a committee which shall include qualified physicians and psychiatrists or psychologists not employed by the Department who shall periodically review the medical and mental health programs of the Rhode Island Training School. This advisory committee will be appointed by the Director of Corrections and will report their findings to him/her and to the Superintendent. Among the committee's responsibilities shall be the development of an evaluation mechanism to ensure review of all treatment programs and personnel and any research projects, including goals and procedures.

VII. CRITERIA AND PROCEDURES FOR IMPLEMENTATION OF TREATMENT MODALITIES

All medical treatment programs shall be implemented only with the direct approval of and supervision by the individual responsible for coordinating medical and mental health personnel. (See Section III). Any experimental research or treatment involving a resident, which is not specifically for the diagnosis or treatment of that resident's disorder(s), shall not be performed.

No resident shall become a participant in any psychotherapy program unless that resident has been screened for participation in the program by a qualified psychologist or psychiatrist.

APPENDIX C

RHODE ISLAND TRAINING SCHOOL FOR YOUTH COMPREHENSIVE ACADEMIC AND VOCATIONAL PLAN

A. GOALS OF THE PROGRAM

It shall be the basic goal of the academic-vocational program to assist residents in achieving academic and vocational skills which will assist them in becoming useful and productive citizens.

Every effort will be made to provide academic and vocational training for residents within the community as close as possible, consistent with programming, to the home or proposed future home of each resident. Individuals, except those confined to the Youth Correctional Center and Detention Center by order of the Family Court, whom the Superintendent or the Clinical Services Coordinator determine are not a danger to themselves or to the safety of the community will be placed in such off-grounds academic and vocational programs, including jobs, when they have exhibited both the intellectual aptitude and behavioral patterns required for the programs.

B. INDIVIDUALIZED EDUCATIONAL VOCATIONAL PLAN

As soon as possible upon arrival at the Training School or Youth Correctional Center and in no event later than thirty (30) days after admission, each resident will be evaluated as to educational and vocational level and aptitude. The evaluation will also consider all relevant data from the individualized classification and treatment plan including education and psychiatric evaluations when appropriate. The purpose of the evaluation is to develop an academic and/or vocational program for each resident on an individual basis. All new residents who show sufficient aptitude and behavioral responsibility will be placed in an appropriate off-grounds education or vocational training program as soon as possible after completion of the evaluation. The target will be to make such placement within fifteen (15) days of completion of the evaluation. Those not then placed, but fully qualified, will be given priority for placement.

The plan developed shall offer the resident alternative programs. The development of the plan shall include consultation with the individual and, where appropriate, with his/her parents and Treatment Team members.

The consultation with the resident shall include an explanation of the program or programs for which the resident is believed qualified and the criteria for admission to academic and vocational programs for which the resident is not yet qualified.

The resident will be told the pattern of behavioral responsibility required for eligibility for participation in an off-grounds program. These patterns of behavioral responsibility are:

- 1) Observance of the rules of the Training School and the Unit to which the resident is assigned. It will be explained that an individual violation of the rules will not normally result in suspension of participation in off-grounds programs but that repeated violations could result in such suspension, as set forth in Appendix A, the Discipline Procedure.
- 2) Observance of the laws of the State of Rhode Island, both while on grounds and off grounds.

The written program in addition will include:

- 1) A description of the specific community educational program to which the resident is assigned together with possible alternatives;
- 2) An indication of the anticipated time of placement in a community program or job. Responsibility for furnishing this information shall be assigned to the educational administrator. There shall be included a preliminary timetable for acquiring of basic academic skills for those residents determined initially not to be eligible for an off-grounds program due to such skill deficiencies. In cases where it is determined that basic skill deficiencies can best be remedied by special off-grounds

programs, the timetable shall include the anticipated duration of such program;

3) Consideration will be given to where the resident will live, as it affects the educational and/or vocational planning for the resident.

C. ON-GROUNDS ACADEMIC AND VOCATIONAL PROGRAM

The on-grounds academic and vocational programs will have as their preliminary purpose the development of those basic academic and vocational skills needed to allow residents to be entered in appropriate off-grounds programs.

A substantial number of residents come to the institution with serious deficiencies in basic academic skills such as reading, writing, and arithmetic. Such deficiencies also complicate the learning process in vocational training.

It will, therefore, be the primary purpose of the on-grounds program to make sure that each resident is helped as much as possible to acquire necessary academic skills. All new residents will be tested to determine basic academic skill levels. At the same time, vocational testing, including mechanical aptitude testing will be conducted.

Those residents requiring instruction and special help in acquiring basic academic skills will receive such help. At the same time, they will be introduced to vocational programs, such as auto mechanics, woodworking, welding, carpentry, auto body, ceramics, and basic shop. Additionally, such courses as culinary programs, courses in secretarial skills, and photography courses shall be offered intermittently. As the individual shows sufficient progress in academic skills, more time will be spent on vocational training. When sufficient skills have been developed, qualified residents will be placed in off-grounds programs.

D. RESIDENTS IN YOUTH CORRECTIONAL CENTER OR OTHER CONFINED STATUS

Residents of the Youth Correctional Center or in other confined status pose a special problem. They will be in such confined status due to orders of the Family Court

or because of demonstrated behavioral problems while at the Training School.

Until such individuals exhibit sufficient behavioral progress to merit transfer from confined status (either by administrative determination or by action of the Family Court upon recommendation of the Superintendent of the Training School), they must receive all academic and vocational training within the confines of their assigned unit or adjacent facility. The majority of these programs include small engine repair, carpentry, welding, ceramics and basic shop.

Residents who have sufficient academic skills to perform normal class work will be afforded instruction in keeping with their academic level.

Special arrangements will be made for vocational instruction and actual experience in a special room adjacent to the Youth Correctional Center.

It is hoped that the intensified academic and vocational program will motivate residents to improve behavioral attitudes.

At a weekly conference, the behavioral and academic progress of each individual within a confined unit will be reviewed by the Superintendent or his/her designee with a view toward assuring that confined status is utilized only so long as necessary. The academic-vocational program for confined residents shall be on a full year basis.

E. PROGRAM RESPONSIBILITY AND STAFFING

The overall responsibility for the total program shall rest with the Superintendent. Other responsibilities shall be as follows:

(a) Academic Program

The on-grounds program shall be the responsibility of the Educational Administrator, who shall have overall responsibility for curriculum content and also for placement of residents in off-grounds schools in accordance with program goals. He/she shall be assisted by an educational/vocational specialist who shall survey community secondary school programs, private and experimental programs and when appropriate, higher educational programs and

determine qualifications for admission thereto. The Educational Administrator and the placement specialist will take all necessary steps to place all qualified residents in appropriate off-grounds programs.

A high school equivalency program will be maintained for all residents.

(b) Vocational Program

The vocational program shall be under the direction of the Educational Administrator, who shall, with the assistance of the educational/vocational specialist, have the responsibility of assessing and utilizing all federal, state, local and private resources to allow participation in the community trade training programs by qualified residents of the Training School. It will be the further responsibility of these designated staff members to seek the cooperation of organized labor in the development of apprentice training programs and, where appropriate to make residents eligible for entry to labor union membership. The Educational Administrator shall also, with the appropriate staff assistance and with full utilization of the services of the Department of Employment Security, coordinate the work release and job placement programs.

(c) Residence Placement Responsibility

It shall be the responsibility of the Assistant Director of the Department of Corrections to develop a program of residence placement for all Training School residents. He/she shall utilize the services of counselors of the Training School and Probation Counselors and Cottage Managers to make recommendations to the Family Court for appropriate placement of a resident upon release from the institution. A plan will be developed for each resident based upon evaluation of the family unit and the planned educational or vocational program of the individual.

(d) Utilization of Volunteers

A designated member of the staff will be given overall responsibility for

coordinating volunteer programs. The Assistant Director shall have ongoing responsibility to encourage individuals and organizations to assist in the development of volunteer services in such areas as recreation, special education, group counseling and the like. Volunteers can be utilized to assist in job placement, recreational placement and similar ongoing activities at the Training School. The entire volunteer program shall be the assigned responsibility of a designated coordinator.

APPENDIX D

PHYSICAL EDUCATION AND DAILY EXERCISE

The defendants shall provide to all residents the following minimal opportunities for daily exercise and physical recreation, health permitting:

a) For residents who are confined at the Youth Correctional Center, and all closed or locked cottages there shall be at least three hours of physical recreational activities and physical education instructions daily. Of those three hours, at least 1-1/2 hours shall consist of organized physical activity of a recreational nature. Of those three same hours, at least 1-1/2 hours shall be conducted outdoors, weather permitting, or at the training school gymnasium including an opportunity to swim.

The physical education instruction should include work with individual residents in areas of their interest. Within the cottages there shall be equipment for a variety of indoor sports including tumbling, wrestling, and boxing.

b) For residents attending school on the training school grounds there shall be at least two hours daily of organized physical education outdoors, weather permitting, or in the gymnasium of the training school;

c) for all other residents, including those attending any academic or vocational program off the grounds or working on or off the grounds, there shall be daily access to the training school gymnasium on school or work days, and at least two hours daily outdoor exercise, weather permitting, or in the gymnasium on non-school or non-work days.