



POLICY TITLE: OBSERVATION STATUS		PAGE <u>1</u> OF <u>6</u>
POLICY NUMBER: 10.1 (JF)		
CHAPTER 10: RISK BEHAVIOR MODIFICATION		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: December 3, 2003	LATEST REVISION: May 13, 2025	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403 and in conformity with Section [3809](#).

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

An appropriate and critical component of risk behavior modification is placement on observation status. Placement on observation status is not to be used as punishment.

IV. DEFINITIONS

1. Security staff - for purposes of this policy, Juvenile Program Worker, Juvenile Program Specialist, Juvenile Facility Operations Supervisor, or correctional investigative officer (detective) or other facility law enforcement officer.

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Attachment A:	Observation Status Placement form (paper/online)
Attachment B:	Observation Report (paper/online)
Attachment C:	Continuation on Observation Status form (paper/online)

VII. PROCEDURES

Procedure A: Observation Status Placement, Continuation, and Removal

1. Placement of a resident on observation status may occur if and only if one or more of the following criteria is met:
 - a. the resident's behavior presents a high likelihood of imminent harm to self, as shown by a stated intention, recent conduct, or other factors; **4-JCF-3C-01**
 - b. the resident's behavior presents a high likelihood of imminent harm to others, as shown by a stated intention, recent conduct, or other factors;
 - c. the resident's behavior presents a substantial and imminent threat of destruction of property, as shown by a stated intention, recent conduct, or other factors; or **4-JCF-3C-01**
 - d. the resident's behavior demonstrates a risk of escape, as shown by a stated intention to escape or by a recent attempted or actual escape from any juvenile facility. **4-JCF-3C-01**
2. Placement on observation status may only be used if there is the likelihood that the behavior will continue if the resident is on general population status and placement on intensive behavior management status pursuant to Department Policy (JF) 10.3, Intensive Behavior Management Status has not been or would not be sufficient.
3. Placement on observation status may be used only if another reasonable less restrictive alternative would not be effective to control the resident's behavior. **4-JCF-3C-01**
4. A resident may be placed on observation status only with the approval of the Superintendent, or designee.
5. A request to the Superintendent for approval to place a resident on observation status may be made only by a Juvenile Program Manager (JPM), Juvenile Facility Operations Supervisor (JFOS), or higher supervisory staff.
6. In cases where the JPM, JFOS, or higher supervisory staff is not immediately available, security staff shall take immediate action to control the resident's behavior, which may include, but is not limited to, the use of a time out in accordance with Department Policy (JF) 15.5, Time Out for Behavior Control or placement on a watch in accordance with Department Policy (JF) 10.2, Suicide and Self-Injury and Prevention Procedures, and then notify the JPM, JFOS, or higher supervisory staff as soon as practicable.
7. The JPM, JFOS, or higher supervisory staff requesting placement of the resident on observation status shall ensure immediate completion of an Observation Status Placement form (Attachment A) and shall contact the Superintendent, or designee, for a decision. **4-JCF-3C-01**
8. If the placement is approved, a resident on observation status shall be housed in a designated special management housing area or other appropriate setting.
9. An Observation Report (Attachment B) shall be initiated and maintained by security staff throughout the resident's placement on observation status.

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10. The Superintendent, or designee, shall ask the Commissioner, or designee, to review proposed continued placement of a resident on observation status beyond seventy-two (72) hours and shall review proposed continued placement every seventy-two (72) hours thereafter. Approval for continued placement for every review must be in writing and state the reasons for the approval on the Continuation on Observation Status Form (Attachment C). **4-JCF-3C-01**
11. If, upon advice of the facility physician, psychiatrist, or psychologist, the Superintendent, or designee, determines that continuation on observation status is harmful to a resident's mental or physical health, the resident shall be removed from observation status, unless the resident presents a high likelihood of harm to self or others and another reasonable less restrictive alternative would not be effective to control the resident's behavior.
12. Residents on observation status shall be continually assessed by security staff to determine the need for continuation of observation status and staff shall notify the Superintendent, or designee, when removal from observation status is recommended.
13. A resident shall be removed from observation status when the behavior that resulted in placement is no longer occurring and the threat of reoccurrence of any behavior justifying observation status has been alleviated or when a reasonable less restrictive alternative would be effective to control the resident's behavior as determined by the Superintendent, or designee.
14. The Superintendent, or designee, shall determine whether the resident is to be placed on intensive behavior management status as set out in Department Policy (JF) 10.3, Intensive Behavior Management Status or on general population status, with a behavior stabilization plan if deemed appropriate.

Procedure B: Treatment of Residents on Observation Status

1. Staff shall provide a resident on observation status access to all programs and services the resident would otherwise be eligible for, by bringing them to the resident, except to the extent restrictions are necessary to maintain the safety of the resident or others or the security or orderly management of the facility, as determined by the Juvenile Facility Operations Supervisor (JFOS) or Juvenile Program Manager (JPM). Programs and services may be either inside the room or elsewhere in the housing unit. The resident is not permitted to participate in programs and services with general population residents.
2. If the resident's behavior at the time a program or service is to be provided is such that there is a high likelihood of imminent harm to self or others, unless the restriction is imposed immediately and the JFOS or JPM is not immediately available, lower level security staff may impose it, subject to review by the JFOS or JPM as soon as practicable. The JFOS or JPM shall immediately notify the Superintendent, or designee of any restriction imposed and follow up with a written report describing the restriction and the reasons for the restriction. The restriction shall last only as long as necessary, as determined by the JFOS or JPM.
3. Staff shall ensure that a resident on observation status is provided with all of the following on the same basis as other residents, except to the extent restrictions are necessary to maintain the safety of the resident or others or the security or orderly

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management of the facility, as determined by the JFOS or JPM. If the resident's behavior at the time one of the following is to be provided is such that there is a high likelihood of imminent harm to self or others unless the restriction is imposed immediately and the JFOS or JPM is not immediately available, lower level security staff may impose it, subject to review by the JFOS or JPM as soon as practicable. The JFOS or JPM shall immediately notify the Superintendent, or designee, of any restriction imposed and follow up with a written report describing the restriction and the reasons for the restriction. The restriction shall last only as long as necessary, as determined by the JFOS or JPM.

- a. out-of-room exercise for at least one (1) hour per day, seven (7) days per week, outdoors (weather permitting). If weather does not permit exercise outdoors, out-of-room exercise shall be offered indoors;
 - b. beside time out-of-room for exercise, additional time out-of-room, whether for programs or services, phone calls, or recreational or other activities, shall be offered for at least one (1) hour per day, seven (7) days per week;
 - c. the opportunity to maintain the same level of personal hygiene as other residents;
 - d. the ability to receive and send mail as frequently as other residents;
 - e. visits with family in accordance with the visitation schedule. Visits with professionals on the same basis as other residents. Any visit may be required to take place in a non-contact visit room;
 - f. the same meals as those provided to other residents of the facility, provided that when a resident is not allowed the same meal to stop the resident from misusing food, dishes, or utensils, the JFOS or JPM must ensure that nutritionally adequate alternative meals are provided; and
 - g. access to the courts, attorneys, and legal advocacy organizations.
4. A facility medical staff member shall visit the resident at least once per shift. The Superintendent, or designee, shall consider any recommendation of the medical staff member concerning the resident's health while on observation status. If a recommendation is not carried out, the Superintendent, or designee, shall send a written justification to the Commissioner or the Associate Commissioner for Juvenile Services for review and final decision.
 5. At least once each day, a member of the facility administrative, clinical, social services, or religious staff shall visit the resident. **4-JCF-3C-03**
 6. If a resident's continuation on observation status exceeds twenty-four (24) hours, the Superintendent, or designee, and the resident's Unit Treatment Team shall develop a written plan for the further care of the resident while on observation status and for the resident's removal from observation status. The plan shall be revised as necessary.

4-JCF-3C-01

Procedure C: Property Items for Residents on Observation Status

1. Staff shall ensure that a resident on observation status is provided with all of the following on the same basis as other residents, except to the extent restrictions are necessary to maintain the safety of the resident or others or the security or orderly management of the facility, as determined by the Juvenile Facility Operations

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Supervisor (JFOS) or Juvenile Program Manager (JPM). If the resident's behavior at the time one of the following is to be provided is such that there is a high likelihood of imminent harm to self or others unless the restriction is imposed immediately and the JFOS or JPM is not immediately available, lower level security staff may impose it, subject to review by the JFOS or JPM as soon as practicable. The JFOS or JPM shall immediately notify the Superintendent, or designee, of any restriction imposed and follow up with a written report describing the restriction and the reasons for the restriction. The restriction shall last only as long as necessary, as determined by the JFOS or JPM.

- a. prescribed medical devices, e.g., eyeglasses, dentures, etc.;
 - b. incoming and outgoing mail;
 - c. legal materials (soft cover only);
 - d. religious materials (soft cover only);
 - e. reading materials (soft cover only) and only three (3) books maximum at a time);
and
 - f. paper and safety pencil, if requested.
2. A resident on observation status shall be searched and re-issued appropriate clothing as necessary to eliminate contraband, provide for the safety of the resident and others, protect the security of the facility, and prevent property damage.
 3. A resident on observation status shall be provided regular bedding and clothing, except that when an item is removed to stop the resident from damaging their bedding or clothing, the JFOS or JPM must approve the removal of the regular item and ensure that a damage proof alternative is provided. In addition to the other reasons for removal, bedding may be removed during normal waking hours and returned during normal sleeping hours when necessary to establish or maintain a normal sleeping routine.

Procedure D: Supervision of Residents on Observation Status

4-JCF-3C-03

1. Designated security staff shall directly observe each resident on observation status a minimum of every fifteen (15) minutes on an irregular basis.
2. Designated security staff shall directly observe a resident on observation status on a constant basis if necessary to prevent imminent harm to self or if the resident is placed in restraints. Department Policy (JF) 9.15, Use of Mechanical Restraints, shall also govern if a resident is placed in restraints. Department Policy (JF) 10.2, Suicide and Self-Injury and Prevention Procedures shall also govern if a resident is placed on a constant watch to prevent imminent harm to self.

Procedure E: Documentation

4-JCF-3C-03

1. Observations of, and visits to, residents on observation status shall be recorded by security staff in the appropriate logbook and on Attachment B. The logbook shall also include:

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- a. any restrictions on programs, services, and other matters and the date, time, reason and name of the staff authorizing imposition or removal of any restrictions under Procedure B;
- b. any restrictions on property items and the date, time, reason and name of the staff authorizing imposition or removal of any restrictions under Procedure C;
- c. any information about any plan under Procedure B that is needed by staff designated to observe the resident; and
- d. any unusual incidents.

Procedure F: Debriefing

1. A Juvenile Facility Operations Supervisor (JFOS) shall conduct a debriefing of every incident that results in a resident being placed on observation status. The debriefing shall occur as soon as possible but no later than the end of the work shift and shall include as many staff involved in the incident as possible. The JFOS shall submit a report of the debriefing to the Superintendent, or designee.

VIII. PROFESSIONAL STANDARDS

ACA

- 4-JCF-3C-01 An individual program plan will be developed by the treatment team for juveniles with serious behavior problems. The facility administrator or shift supervisor can order immediate placement in a special unit when it is necessary to protect the juvenile from himself/herself or others. This action is reviewed within 72 hours by the treatment team.
- 4-JCF-3C-03 The following procedure is followed for any juvenile placed in room confinement:
 1. Checked visually by staff at least every 15 minutes
 2. Visited at least once each day by personnel from administrative, clinical, social work, religious, and/or medical units. Actual entry into the room of confinement with the juvenile or removal of the juvenile from the room for the purpose of discussion or counseling constitutes a visit.
 3. A log is kept recording:
 - a. The name and title of the individual who authorized the confinement
 - b. Name and title of persons visiting the juvenile
 - c. Record of time checks
 - d. The person authorizing release from confinement
 - e. The time of release
 4. Suicidal juveniles are under continuous one-to-one observations until evaluated by a mental health professional.

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