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 Sections 3809 and 4108.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

Observation is a temporary status to observe and control the behavior of a resident who presents a high likelihood of imminent harm to self or others, presents a substantial and imminent threat of destruction of property, or demonstrates a risk of escape. Such a status may be used only if another reasonable less restrictive alternative would not be effective to control the resident’s behavior. Placement on observation status is not to be used as punishment. While on observation status, the resident is confined to a room, except when permitted to leave the room for exercise, showers, visits, or services or programs. Exercise, showers, and visits are allowed and services and programs are brought to the resident unless a restriction is imposed due to a high likelihood of imminent harm to self or others or a high likelihood of risk to the security or orderly management of the facility. Services and programs may be either inside the room or elsewhere in the housing unit. The resident is not permitted to participate in services and programs with general population residents. During the resident’s confinement, the door is locked or other physical means are used to keep the resident in the room, as necessary.

IV. CONTENTS:

Procedure A: Observation Status Placement, Continuation, and Removal
Procedure B: Treatment of Residents on Observation Status
Procedure C: Property Items for Residents on Observation Status
Procedure D: Supervision of Residents on Observation Status

V. ATTACHMENTS:

Attachment A: Observation Report
Attachment B: Continuation on Observation Status form

VI. PROCEDURES:

Procedure A: Observation Status Placement, Continuation, and Removal

1. Placement of a resident on observation status shall be reserved for a resident whose behavior:

   a. Presents a high likelihood of imminent harm to self or others, as shown by a stated intention, recent conduct, or other factors;

   b. Presents a substantial and imminent threat of destruction of property, as shown by a stated intention, recent conduct, or other factors; or

   c. Demonstrates a risk of escape, as shown by a stated intention to escape or by a recent attempted or actual escape.

2. Such a status may be used only if another reasonable less restrictive alternative would not be effective to control the resident’s behavior.

3. A resident may be placed on observation status only with the approval of the Superintendent, or designee. At the time of placement, an Observation Report (See Attachment A) shall be started and maintained throughout the resident’s placement on observation status.

4. The Commissioner of Corrections or the Associate Commissioner for Juvenile Services shall 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 after the initial seventy-two (72) hours must be in writing and state the reasons for the approval (See Attachment B).

5. 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.
6. Residents on observation status shall be continually assessed to determine the need for continuation of observation status.

7. 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. The resident will be immediately returned to normal programming 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 services and programs 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. If the resident’s behavior at the time a service or program 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 Juvenile Facility Operations Supervisor is not immediately available, other staff may impose it, subject to review by the Juvenile Facility Operations Supervisor as soon as practicable. The Juvenile Facility Operations Supervisor 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.

2. 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 Supervisor. 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 Juvenile Facility Operations Supervisor is not immediately available, other staff may impose it, subject to review by the Juvenile Facility Operations Supervisor as soon as practicable. The Juvenile Facility Operations Supervisor 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.

a. At least one (1) hour of exercise on a daily basis. Weather permitting, exercise shall be permitted in a secure outdoor exercise area;

b. The opportunity to maintain the same level of personal hygiene as other residents;

c. The ability to receive and send mail as frequently as other residents;
d. Access to reading materials;

e. Regular bedding and clothing, provided that when an item is removed to stop the resident from damaging his/her bedding or clothing, the Juvenile Facility Operations Supervisor 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;

f. 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;

g. Access to religious materials;

h. The same meals as those provided 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 Juvenile Facility Operations Supervisor must ensure that nutritionally adequate alternative meals are provided; and

i. Access to the courts, attorneys, and legal advocacy organizations and legal materials.

3. 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 of Corrections or the Associate Commissioner for Juvenile Services for review and final decision.

4. At least once each day, a member of the facility administrative, clinical, social services, or religious staff shall visit the resident.

5. 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.

**Procedure C: Property Items for Residents on Observation Status**

1. A resident on observation status shall not be allowed any personal property items, except necessary medical devices, e.g., eyeglasses, dentures, etc., mail, legal materials and religious materials.

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 shall be issued other items issued to other residents (e.g., writing materials, personal hygiene items, reading materials, etc.) unless not allowing an item is necessary to maintain the safety of the resident or others or the security or orderly management of the facility.

Procedure D: Supervision of Residents on Observation Status

1. Designated staff shall directly observe each resident on observation status a minimum of every fifteen (15) minutes.

2. Designated 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 9.15, Use of Mechanical Restraints, shall also govern if a resident is placed in restraints.

Procedure E: Documentation

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

   a. the date, time, reason and name of the staff authorizing placement on, continuation of, or removal from observation status, as well as any other information relevant to the placement, continuation, or removal;

   b. the date, time, reason and name of the staff authorizing imposition or removal of any restrictions under Procedure B;

   c. the date, time, reason and name of the staff not allowing any property items under Procedure C.3;

   d. any information about any plan under Procedure B. 5 that is needed by staff designated to observe the resident; and

   e. any unusual incidents.

Procedure F: Debriefing

1. A Juvenile Facility Operations Supervisor 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 Juvenile Facility Operations Supervisor shall submit a report of the debriefing to the Superintendent, or designee.

VII. 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-02 Juveniles requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or as a result of a transfer. The juvenile’s treatment team develops a special management plan to assure safety and continuous services and programming. Continued confinement after 72 hours is approved by the facility administrator.

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.

4-JCF-3C-04 Confinement in a security room for any offense should not exceed five days, unless otherwise provided by law. Juveniles placed in confinement are afforded living conditions and privileges that may be earned approximating those available to the general population.