

STIPULATION OF  
SETTLEMENT

12/22/78

PREAMBLE

The following factual background is agreed to by the parties and is incorporated as preamble to the stipulation of settlement.

In February, 1975, the Court of Common Pleas of Philadelphia appointed a new Board of Managers to the Youth Study Center. Thereafter, in September of 1975, Malcolm Amos was appointed by the Board of Managers as Executive Director and he has occupied that position to the present day.

A reorganization of the Youth Study Center commenced in 1975 and various educational, recreational and other programs were introduced. Shortly thereafter, through the joint efforts of the Family Court and the Youth Study Center, the Detention Alternative Program came into being. This Program releases to other facilities status offenders and first offenders not involved in violent crime. Social workers were engaged (subject to budget limitations) and requests were made of city authorities for capital funds with which the Center could improve the building and the conditions under which the residents lived.

Certain changes in personnel were made, subject to Civil Service Commission restrictions as to improper dismissal.

Center programs planned and implemented since 1975 have bettered conditions for residents, and have covered the items now contained in the present stipulation. In most instances the programs and operations of the Youth Study Center set forth in this stipulation reflect current practice and in all instances are intended to be maintained in the future.

Although the parties intend that this stipulation be enforceable in this court, the parties agree it gives rise



to enforceable rights only in the event of a material breach in its observance. Upon execution of the stipulation, the original complaint will be withdrawn and its allegations will not be the subject of future proceedings, legal or equitable.

I Alternative Detention Placement: The parties recognize that one of the primary goals of juvenile detention is "to provide custody which minimizes the damaging effects of confinement, and physical care which fosters growth." Regulation 6403, C & Y Manual, The Office of Family Services, Pennsylvania Department of Public Welfare, October, 1968. Because at present the Youth Study Center (hereinafter "YSC") provides only the most severe form of custody, secure custody, the YSC shall continue to implement the plan for less restrictive detention placements. (The YSC has already taken steps to increase beds in off-site locations by obtaining a LEAA grant of \$212,195 to expand community placements from 40 to 52.) This Plan shall consider models similar in kind to those utilized in the Detention Alternative Program (hereinafter "DAP"), including but not limited to, small community-based group homes, foster placements, and mentor homes. Intake at the YSC shall be in conformity with the standards set forth in Paragraph XXI, infra.

II Discipline of Children at the YSC:

A. Corporal Punishment:

(1) Subsequent to any use of physical force by a staff member, a "Use of Force" report (86-141) shall be filed immediately by the staff member with his supervisor, describing specifically the reason for the use of force, the amount and type of force used, the resident involved, and the names of all resident and staff witnesses. The supervisor shall investigate the incident and report his findings to the Executive Director of the YSC within 24 hours of the incident. In all cases where there is evidence uncovered that force was used or a "Use of Force" report was filed, the Executive Director shall interview the staff member, resident involved, and any witnesses, a) to determine whether or not force was necessary, b) to counsel all parties about the confrontation and c) to decide if further

action should be taken, including, where appropriate, suspension and/or dismissal of staff in violation of this policy.

(2) Whenever a "Use of Force" report is filed, the Executive Director or his deputy (the Program Coordinator or Administrator-on-Duty) shall also notify the resident's parent or guardian by letter, documenting the incident and the results of the investigation. A copy of this letter shall also be sent by the resident's social worker to the resident's attorney of record, and another copy shall be included in the resident's Family Court juvenile file.

(3) Whenever any YSC resident believes that he has been the victim of unwarranted use of force by a staff member, the resident may, if desired, file a report with his social worker setting out the allegations. The YSC shall provide forms for this purpose. This report shall be forwarded immediately to the Executive Director or his deputy and investigated and processed in the manner provided for "Use of Force" reports, including notification of parent, attorney of record, and Family Court, as outlined above.

B. Crisis Intervention/Disciplinary Isolation Procedures: \*

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

(2) Isolation may only be used in the following situations:

(a) When a resident is so out of control that

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The following procedures are subject to modification in order to conform with DPW regulations on the subject of isolation.

his behavior presents immediate danger of physical harm to himself or to those around him. ("Crisis Intervention")

(b) To discipline a resident for the following wilful infractions of the facility rules:

(i) Use of controlled substances within the facility;

(ii) Repeated harassment or threats to other residents after other disciplinary measures have failed to control the behavior;

(iii) Causing major damage to facility property;

(iv) Escaping from the facility;

(v) Inflicting physical harm upon another resident or staff;

(vi) Taking money or possessions of other residents;

(vii) Repeated refusal to adhere to Center regulations, where this results in substantial interference with discipline on the unit;

(c) Court-ordered isolation.

(3) Isolation is not mandatory in any situation, and other measures should be used wherever possible.

Staff and counselors shall bear in mind constantly that any of the behavior for which isolation can be imposed may be caused by severe psychological conditions requiring psychiatric counseling. Be alert for this and seek such counseling whenever it seems advisable, especially where a resident is unfamiliar to the staff.

As an added precaution the resident's social worker shall speak to each resident within an hour of the commencement of isolation and evaluate his condition. (If the social worker is not on duty, then another social worker or the Social Work Supervisor should see the resident. At night, and on weekends, the Program Coordinator shall fulfill this function.) The social worker or Counselor Supervisor may advise that the resident be seen immediately by a psychiatrist, or that the child be released as soon as he has calmed down, and not be subject to any disciplinary isolation, if that initially had

been imposed. The counselor or supervisor shall request that the social worker re-evaluate the situation whenever necessary. At the end of the isolation period, the social worker shall prepare a report and submit it to the Executive Director.

(4) Whenever a child is isolated because of uncontrollable behavior requiring crisis intervention pursuant to B(2)(a) above, the child must be released as soon as he calms down, unless a psychiatrist advises otherwise. This should be explained to the child at the time of isolation.

(5) Whenever a child is isolated for discipline pursuant to B(2)(b) above, the maximum time for which a resident can be isolated is 24 hours, unless the procedures in (10) below are followed.

It is stressed that this is a maximum period. A 24 hour period of isolation should rarely be necessary.

When a child is isolated for disciplinary reasons, the maximum period should only be imposed in an extreme case. Normally a far lesser period shall suffice as a disciplinary measure. The counselor shall explain to the child that he will be released as soon as he calms down and/or his attitude improves significantly. The counselor, social worker or Counselor Supervisor shall recommend to the Program Coordinator that a child be released as soon as his attitude has shown significant improvement. The Program Coordinator or Executive Director shall make the decision to release.

(6) In all cases where a resident may be isolated, the matter must be discussed with the resident by the unit counselor and the Counselor Supervisor. The Counselor Supervisor shall consult with the Program Coordinator, who, after ascertaining all the facts, shall make the decision as to whether isolation is necessary or not. If the decision is made to isolate, the resident shall be told the reason for the decision. The social worker shall be notified immed-

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Upon release, a resident shall be returned to the Youth Study Center School if classes are still in session.

ately, and the procedure outlined in (3) above shall be followed.

At the end of the isolation period, the Program Coordinator shall prepare a report and submit it to the Executive Director.

If a resident believes that the period of isolation was imposed unjustly, he may present his grievance to the Citizens' Advisory Committee, and the matter shall be thoroughly re-investigated by the Executive Director.

(7) Checks During Isolation: The unit counselor shall check on an isolated resident every 15 minutes, determine whether he is ready to be released, and record his checks in the unit log. The Counselor Supervisor shall check the isolated resident at least once every 2 hours and he shall report to the Program Coordinator as to the resident's condition. The Supervisor shall record his checks in the log.

(8) Record Requirements: On any occasion when isolation is used, a complete report must be made in the log of:

- (a) Name of resident;
- (b) Date and time placed in isolation room;
- (c) Reason;
- (d) Counselor's 15 minute-interval checks;
- (e) Times of Counselor Supervisor's checks;
- (f) Times of social worker's checks;
- (g) Times of checks by any other staff, including psychiatrist;
- (h) Time, duration and content of conversations between counselors, social workers or other staff and the resident;
- (i) Date and time released for physical exercise, if any;
- (j) Date and time released, and reason.

A complete incident report must be made by the counselor and submitted to the Executive Director or Program Coordinator by the end of the counselor's shift.

(9) Isolation Room: Before isolating a resident, thoroughly inspect the isolation room and the resident's person to make certain they do not contain contraband of any type. Check the screen, window,

and the locks.

The resident shall remain fully clothed, except that his belt and shoes may be removed.

The following must be provided for a resident in isolation:

- (a) A room equipped with light adequate to read between the hours of 9:00 A.M. and 9:00 P.M.
- (b) Sufficient clothing to meet seasonal needs.
- (c) Bedding including sheets, blankets, pillows and mattress. Such bedding must be changed frequently.
- (d) Personal hygiene supplies including soap, toothpaste, toothbrush, comb, towels, sanitary napkins and toilet paper.
- (e) A change of pajamas and socks every day.
- (f) Minimum writing materials: pen, pencils, paper and envelopes.
- (g) Prescription eyeglasses, if needed (unless in the opinion of the Executive Director a dangerous situation is likely if permitted).
- (h) Access to books, periodicals, and other reading materials located at the YSC.
- (i) Daily showers and adequate toilet facilities.
- (j) Daily access to medical facilities, including the availability of 24 hour nursing services.
- (k) Correspondence privileges generally applicable to juveniles in the institution.
- (l) The same meals as provided for the rest of the residents. (All meals to be eaten in the room.)
- (m) Access to social workers upon request.

If the resident is aggressive and there is a fear of the resident harming himself or others by breaking furniture and damaging property, the counselor and supervisor may remove such furniture and bedding from the room as is necessary. These articles will be returned as soon as it is believed that the resident's aggressiveness has subsided.

The supervisor may also decide that possession by a resident in isolation of any of the items described above might be dangerous to

the youngster, and may remove them. A report of that decision must be made in writing and placed in the log.

A resident must have adequate exercise, if isolated for longer than an 8 hour period.

(10) Isolation for Periods Longer than 24 Hours: When justified by aggravated circumstances or continual violations, the maximum period of disciplinary isolation may be extended to a maximum period of 2 days. \* Within 24 hours of making such a decision, the Executive Director of the YSC shall forward a written report to the Regional Youth Services Director of DPW, setting out the reasons which, in his opinion, justify the extension. All reports connected with the particular resident's isolation, as well as his YSC and Family Court files, shall be made available to the DPW Director. H/she shall receive a copy of that report within 24 hours of its being made, and shall be given the opportunity to communicate with the Director of Regional Youth Services, by phone or otherwise. The Director of Regional Youth Services shall review and investigate cases of isolation beyond 24 hours where he deems appropriate or where there is any appearance of abuse in such isolation.

Any extension must be imposed prior to the termination of the initial period of isolation.

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Unless there is a court-ordered extension.

III.A. Handbook for Residents:

(1) Each new resident of the YSC shall receive a handbook which, in clear and simple language, shall describe the services and facilities provided at the Center, explain the rules regarding discipline and outline the procedures of the Family Court. Incorporated by reference herein, and attached hereto as Exhibit A, is the handbook presently provided residents of the YSC, which fulfils the above functions, and a set of "Guidelines for Residents", to be included as a slip-note in the present handbook until republication , and then to be incorporated therein.

(2) Within 24 hours of admission, each new resident's social worker shall go over the handbook with him to be sure that he understands it fully. Copies of the handbook in Spanish shall be available for those who speak that language.

III.B. Grievance Procedure:

(1) The Citizens' Advisory Committee, composed of representatives of community organizations, shall hear complaints from residents relating to matters covered in this stipulation or to events or conditions at the YSC.

(2) The Committee shall meet at least once every two weeks at the YSC, and its members shall have access to all residents, including residents in isolation, in order to discuss any grievances they might have.

(3) The Committee shall prepare a summary of grievances presented to it and submit this to the Executive Director within one week of the date of its meeting. The Executive Director or his deputy shall investigate thoroughly and resolve each complaint, and submit a written response to the Committee by the date of its next meeting.

(4) Both of the aforementioned documents shall be forwarded once a month to the Director of Regional Youth Services, DPW.

(5) The Committee shall meet at least once a month with the Executive Director. Every six months a summary of complaints

received will be prepared by the Committee and submitted to the Board of Managers and the Director of Regional Youth Services, DPW.

IV. General Institutional Conditions:\*

A. Room Furnishings:

(1) Each room shall have a bed, mattress, desk, chair, and a locker in which to keep personal belongings, provided that one or more of those furnishings may be removed where a resident exhibits assaultive behavior and may use furniture to hurt himself or others. These furnishings shall be provided within 120 days of the signing of this stipulation.

(2) The individual rooms and sleeping areas shall be painted at least once every two years, and residents shall be allowed to decorate their area so long as walls are not marred or defaced. All beds shall be kept in good repair, and mattresses shall be aired out and/or cleaned when necessary.

B. Physical Plant: The YSC shall make all repairs and renovations provided for in the Architects' Plans prepared for the City of Philadelphia and incorporated by reference herein. Utmost priority shall be given to the completion of the following:

(1) Installation of a fully operable heating system, regulated to avoid overheating and discomfort.

(2) Installation of a fully operable air conditioning system, which shall ventilate all areas of the institution where the residents move about, including sleeping quarters.

(3) Installation of sufficient windows in appropriate places to provide adequate ventilation.

Regular extermination services shall be secured to remedy any rodent and insect problems.

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\* Expenditures necessary for purchase of room furnishings and physical plant repairs will be provided by Defendant City.

V. Freedom of Movement: Defendants shall make every effort to provide adequate supervision so that doors between the front sections of the units and sleeping areas will be open as often as possible, allowing residents to have access to either. Free access to bathrooms shall be assured at all hours.

On a broader level, residents shall be allowed as much freedom of movement as is possible without increasing the risks of absconding by residents.

VI. Privacy: Renovation plans for the YSC shall include provisions for quiet rooms, reading rooms, and observation rooms which afford privacy under supervision.

VII. Visitation: The visiting policy shall be as follows:

<u>Visiting Hours</u> :	Tuesday and Thursday:	2:30-3:45
	Saturday and Sunday:	2:30-3:45
	Monday Evening:	6:30-8:00
	Wednesday Evening:	6:30-8:00

Visiting shall be encouraged on the following "family" holidays: New Year's Day, Thanksgiving, Easter Sunday, and Christmas (2:30-3:45).

Parents, legal guardians, and grandparents, are permitted to visit on any of the scheduled days. Adult aunts and uncles, brothers and sisters, may receive permission to visit if accompanied by one of the parents or legal guardians.

Ministers of the faith and social service personnel are permitted to visit with permission of Administrative staff. Proper identification is required.

The number of visitors is limited to two persons per visit, but there is no limit to the number of visits per week. All residents, boys and girls, are permitted visits regardless of their length of stay. Those boys and girls who have been placed in isolation can receive visits on the approval of the administrative staff.

Special visiting privileges may be arranged by the

Administrative or Social Service staff, for reasons of special interest to the resident or parent.

Any restriction or denial of visits to a person, and the reason for it, must be made in writing by the person making the decision, reviewed by the resident's social worker and the Executive Director or his deputy and placed in the resident's file. The resident shall be informed of the reasons for such a restriction, and shall have access to an appeal through the grievance procedure (as established in section III.B of this Stipulation), if so desired.

A special visiting area shall be developed which provides for quiet and privacy. Conversations shall be unmonitored, but a supervisor may remain in visual contact for security reasons.

VIII. Mail:

(1) Incoming and outgoing mail shall be unopened and uncensored. All mail, both outgoing and incoming, shall be the responsibility of each resident's social worker, who shall deliver mail on the day that it arrives. If there are reasonable grounds to suspect contraband, the social worker may open the particular item of mail, but this procedure can only be followed in the presence of the resident concerned, and only after the social worker has explained to the resident the reason for his suspicion. A record is to be made of the incident.

(2) Social workers shall pick up outgoing mail at the same time as they deliver incoming mail, and shall deposit it that day with the U.S. Postal Service.

(3) The YSC shall make available free writing materials, envelopes, stationery and postage stamps, which shall be supplied by the resident's social worker, upon request.

IX. Telephones: Outgoing calls to parents, relatives and attorneys shall be made available on request. Other calls shall be arranged by each resident's social worker in a reasonable

manner, not to exceed one call per day. An up-to-date log shall be kept of calls made by or on behalf of each resident. Privacy shall be afforded within the space limitations provided, and subject to the need for adequate supervision.

X. Recreation:

(1) The YSC shall provide a minimum of one hour's indoor physical recreation per day and a minimum of three hours' outdoor physical recreation per week, weather permitting. Suitable clothing shall be provided for cold weather. The gym shall be furnished with sufficient recreational equipment to provide each resident the opportunity to participate in large muscle activity each day. Such equipment shall be maintained regularly.

(2) A wide selection of reading and writing materials, art supplies and games shall be available and regularly maintained. Regular opportunities for coeducational activities shall be provided, not solely as a reward for good behavior.

(3) Every recreational worker employed at the YSC shall have undergone training in physical education and shall possess such demonstrated aptitude and work experience as shall qualify him or her to supervise the recreation of children who have behavioral problems or are emotionally disturbed. To this end, every recreational worker shall participate in mandatory in-service training.

XI. Library: The YSC shall supplement the services of the YSC School by providing library services on each unit for use after school hours, on weekends, and during school vacations.

XII. Medical Services:

(1) Within 120 days of the signing of this stipulation, the medical and dental procedures, equipment, staffing and services provided by and through the Center, shall be studied by a university hospital based team, composed of medical doctors and dentists, approved by both parties. Every effort shall

be made to implement any recommendations made by such a team.

(2) There shall be no involuntary vaginal examinations for girls upon admission to the Youth Study Center.

(3) No thorazine or other tranquillizing drugs shall be administered at the YSC unless specifically prescribed, in writing, by a physician. In such instances, the physician shall examine the youth to review such use every 24 hours and keep full documentation for the resident's file.

(4) Each resident shall be afforded reasonable access to a psychiatrist and/or a psychologist in accordance with his/her wishes, including consultation and crisis intervention. As noted in the Pennsylvania DPW Annual Review of 1976, both a psychiatrist and a psychologist shall be available at the YSC in order to provide ongoing treatment services where needed.

#### XIII. Hygiene:

(1) Adequate soap, toothpaste, toothbrushes, and deodorant of a commercially acceptable brand shall be available to all youths. Residents shall be allowed to shower daily.

(2) Bed linen shall be changed weekly, and blankets washed on a regular basis. Towels shall be changed twice a week.

(3) Clothing provided by the Center shall be similar to what is worn in the community. Clean underwear shall be furnished daily for girls, and at least twice a week for boys. Clean clothing shall be issued at least every 3 days.

(4) Custodial services shall be provided daily, with special emphasis on bathrooms. Showers and toilets shall be disinfected daily, and the cafeteria, kitchen and eating areas shall be kept in a clean state.

#### XIV. Food Services:

(1) Within 120 days of the signing of this stipulation, the Youth Study Center shall obtain a certification from

City, State and Federal authorities that the YSC is in compliance with all codes and regulations applicable to the kitchen and dining areas. Such areas shall be maintained so that compliance with such codes is continued.

(2) Staff "sufficient to prepare and serve the meals that meet the nutritional needs of the children" (DPW Annual Review of 1975) shall be provided. A fully qualified dietician shall approve all menus on a regular basis.

(3) Within 120 days of the signing of this stipulation, a nutritional consultant, acceptable to all parties, shall evaluate the quality, quantity and preparation of food at the YSC, and make recommendations. Evaluation by a City Food Services Consultant shall then continue on a monthly basis, to ensure continued compliance with such recommendations.

XV. Custodial Services:

(1) Residents shall be required to clean their own sleeping rooms and living areas, and adequate cleaning supplies must be provided for this purpose. All other custodial services, including cleaning of the bathrooms, shall be provided by YSC employees.

(2) Nothing in this section shall prohibit a resident of the YSC from participating in a work/study or vocational education program organized and supervised by the YSC School.

XVI. Fights Among Residents:

Staff members shall not allow residents to fight with one another. When a fight occurs, counselors shall make every effort to break it up immediately.

XVII. Sexual Incidents:

Homosexuals shall be protected from harassment, and shall not be stigmatized by putting them in isolation, segregating them by unit, or otherwise discriminating against them. Counselors, however, shall be aware of the possibility of homosexual rape, and provide protection for potential or actual

rape victims. Only the initiator of such an assault may be punished.

XVIII. Conversion of Personal Property:

A system to reduce the incidence of missing property shall be maintained, and modified when necessary. Records of items "checked in" by residents shall be kept, and legible receipts given to residents. Lockers shall be provided in individual sleeping rooms \* so that residents can keep personal possessions and the aforementioned receipts in safe-keeping, if so desired. In addition, a system for reporting missing items shall be maintained.

XIX. Social Services:

(1) The Social Work Supervisor shall have an M.S.W. Each social worker employed by the YSC shall have a B.S.W.

(2) Within 24 hours of admission, each resident shall be assigned a specific social worker, and the resident's parents or guardian and attorney shall be notified of the social worker's identity within 24 hours of the assignment.

(3) It shall be the responsibility of the social worker to assist the resident in solving problems arising from detention and incarceration, to assist him in maintaining contact with family, legal counsel, and the court, to provide counseling on a short-term basis, especially family counseling, as needed, to coordinate the activities of other persons in the facility and of outside persons and agencies in order to meet the resident's needs, and to insure his well-being during the resident's stay at the YSC.

(4) Social workers shall be provided in sufficient numbers to provide such individualized attention.

XX. Child-Care and Professional Staff at the YSC:

(1) The staff-child ratio mandated under the Title 6400 regulations shall be maintained.

\* See Par.IV.A, supra.

(2) Qualifications: Each counselor (except for CETA aides) shall have completed 2 years' college education and 2 years' experience in child care, or 4 years' college. All counselors, including CETA aides, shall possess a demonstrated aptitude which qualifies him or her to act as a child-care worker with children who have behavioral problems or who are emotionally disturbed. To this end, the Executive Director of the YSC shall interview all potential counselors, and shall monitor closely their performance during the probationary period.

(3) In-house training:

(a) Initial training at the YSC shall consist not only of orientation to the YSC, its facilities, procedures and policies, but also shall include training from qualified professionals in the areas of management and understanding of the behavior of disturbed juveniles, recognition of and procedures for dealing with severe psychological disturbances, drug overdose and medical emergencies, and the function of the juvenile court system.

(b) Ongoing training shall be provided on a regular, mandatory basis.

(i) The Consultation and Education Services of the Hahnemann Community Mental Health/Mental Retardation Center shall design and administer such training programs, taking into account the specific needs of the YSC, in a manner similar to the organization of the compensatory training program given current staff in 1977 by the same consultant. A summary of this program, attached as Exhibit B, is incorporated by reference.

(ii) Budget allocations for staff development shall be made on an annual basis to ensure compliance with Regulations 6423.2a and 6441.D of the C & Y Manual, DPW, and to ensure continuance of current training programs.

(iii) Defendants shall submit to plaintiffs' counsel a copy of the evaluation of the compensatory training

program given current staff in 1977, and a summary of the training programs to be undertaken in 1978-1979, as soon as they become available.

(iv) If at any stage the services of the aforementioned consultant are discontinued, DPW shall approve the new consultant.

(4) Regular communication between social workers, teachers, probation officers and child-care workers shall be maintained, and child-care workers shall review a child's file as part of their duties, in order to have as full a picture as possible of a child's background.

XXI. Intake Standards:

I. Standards for YSC Intake Personnel:

A. Mandatory Release: The intake official shall release the accused juvenile unless the juvenile:

1. is charged with an assaultive crime which in the case of an adult would be punishable as a felony (any degree) or misdemeanor of the first degree, and one or more of the following additional factors is present:

- (a) the juvenile is an escapee from an institution or other placement facility to which he/she was committed under a previous adjudication; or
- (b) the juvenile is alleged to be delinquent by reason of actions which resulted in serious bodily injury to the complainant; or
- (c) the juvenile has a demonstrable record during the last year of wilful failure to appear at juvenile proceedings resulting in the issuance of bench warrants to assure his/her presence in court.

2. has been verified to be a fugitive from another jurisdiction, an official of which has formally requested that the juvenile be placed in detention.

B. Mandatory Release Pending Dispositional Review:

The intake official shall release a juvenile who has been committed to an institution or other placement facility under a previous adjudication and who is returned to the YSC pending a review of commitment and new disposition unless the juvenile:

1. has been returned by the institution or placement facility by virtue of acts which caused serious bodily injury or damage to the property of the

placement facility; or

2. is an escapee from the institution or placement facility; or

3. has a demonstrable record during the last year of wilful failure to appear at juvenile proceedings resulting in the issuance of bench warrants to assure his/her presence in court; or

4. is considered by the institution or placement facility to be no longer amenable to that institution's treatment program, and is otherwise eligible for detention at the YSC according to the standards set forth in this document.

Any juvenile who is not released pursuant to this provision shall have a detention hearing before a judge within seventy-two hours to review the intake official's decision.

C. Mandatory Detention: A juvenile who is excluded from automatic mandatory release under subsections A. and B. need not necessarily be detained. No category of alleged conduct or background in and of itself shall justify a failure to exercise discretion to release.

D. Discretionary Situations: In every situation in which release of an arrested juvenile is not mandatory, the intake official shall first consider and determine whether any form of control (such as intensive probation) short of detention is available to reasonably reduce the risk of flight or danger to others. If no such measure will suffice, the official shall state explicitly in writing the reasons for rejecting this alternative to detention. When an intake official determines that a form of detention is a permissible interim status under subsections A. or B. above, secure detention (i.e. YSC) may be selected only if it is likely

that release will result either in serious bodily injury to others or flight to avoid appearance in court. Absent such evidence, the accused shall be placed in nonsecure detention (i.e. DAP). The intake official shall give written reasons for his determination.

E. Protective Detention: Placement in a detention facility solely for the protection of an accused juvenile may be permitted only upon the voluntary written request of the juvenile or his/her attorney.

F. Protective Care: A juvenile shall not be detained at the YSC solely because he/she has no parent, relative or guardian who is willing and able to provide custody and care, provided that an alternative facility or interim placement is available, including the DAP.

II. Standards for Court Ordered Detention at Detention Hearings:

A. Mandatory Release: Release by the court is mandatory in any situation in which the arresting officer or intake official was required to release the juvenile, but failed to do so, or when the Commonwealth fails to establish probable cause to believe that the juvenile committed the offense charged.

B. Discretionary Situations: In all other cases, the court shall review de novo all factors that officials earlier in the process were required by these standards to have considered. The court shall review with particularity the adequacy of the reasons for detention recorded by the intake official.

C. Statement of Reasons: If, after reviewing de novo the intake official's detention decision, the court orders a juvenile detained in secure or non-secure custody, the judge shall set forth his reasons for declining release.

D. Release Alternatives: The court may release the juvenile on his or her own recognizance, on conditions, under supervision, including release on a temporary basis to the attorney if so requested for the purpose of preparing the case.

XXII Monitoring by Department of Public Welfare (hereinafter DPW):

(1) Within 90 days after the signing of this Stipulation, DPW shall designate a team which shall evaluate the YSC's compliance with this Stipulation and all applicable city, state and federal laws. This evaluation shall take place within 120 days after the signing of this Stipulation and a full report, detailing areas of compliance and noncompliance, shall be provided to each party within 10 days of the completion of the evaluation, and shall be filed of record with the Court.

(2) For a period of one year after the 120-day period set out in (1) above, DPW shall evaluate the YSC on a quarterly basis. Full reports of these evaluations, including areas of compliance and noncompliance, shall be provided to all parties within 10 days of the completion of these evaluations and shall be filed of record with the Court.

(3) During the second year after the 120-day period set out in (1) above, DPW shall evaluate the YSC on a six-monthly basis. Full reports of these evaluations, including areas of compliance and noncompliance, shall be provided to all parties within 10 days of the completion of these evaluations and shall be filed of record with the Court.

(4) After the afore-mentioned two-year period, DPW shall evaluate the YSC at least annually, to assure compliance with this Stipulation and all applicable city, state, and federal laws. Nothing in this Stipulation shall limit DPW from requiring the YSC to comply with any other requirements which DPW deems appropriate.

XXIII Modification

This Stipulation or any portion thereof may be changed, modified or amended upon agreement of all parties.

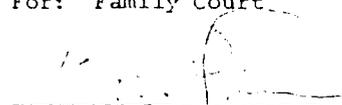
XXIV Jurisdiction

The parties intend that breach of this Stipulation will create enforceable rights. Any alleged violations are to be raised before the Court for the sole purpose of adjudicating issues related to compliance with this Stipulation and would not subject the named defendants or their successors in office to contempt penalties unless, subsequent to the Court's decision and Order, the determined violations continue.

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ALFRED MARROLETTI, ESQ.  
For: Family Court

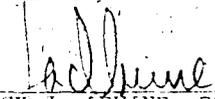
  
NATHAN POSNER, ESQ.  
For: Board of Managers

Dated: October 20, 1978

APPROVED BY THE COURT:

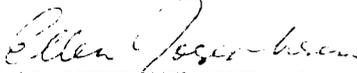
\_\_\_\_\_  
LORD C.J.

COUNSEL FOR PLAINTIFFS:

  
JACK J. LEVINE, ESQ.

  
JONATHAN STEIN, ESQ.  
Community Legal Services

  
ALEX PALAMARCHUK, ESQ.  
Juvenile Law Center

  
ELLEN JOSEPHSON, ESQ.  
Community Legal Services

DATED: \_\_\_\_\_