



Jl-PA-005-006

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANTIAGO, et al.,	:	CIVIL ACTION
Plaintiffs	:	
v.	:	
CITY OF PHILADELPHIA, et al.,	:	NO. 74-2589
Defendants	:	
	:	

AMENDED STIPULATION IN PARTIAL
SETTLEMENT OF THIS ACTION

Upon the agreement of all counsel to the parties in this action, and pursuant to Section XXIII, entitled "Modification" of the Stipulation in Partial Settlement of This Action, entered with this Court on December 22, 1978, the Stipulation is hereby amended as follows:

II. B. Crisis Intervention/Disciplinary Isolation Procedures

Sections (1)-(10) are hereby amended so as to be consistent and comply with Section 28, "Detention Center Service," of Chapter 11 of the Pennsylvania Department of Public Welfare Social Services Manual, as revised September 1, 1979. These sections are specifically amended as follows:

(1) "Isolation" is the placement of a resident in a

locked room to control behavior. The resident's request to spend time in a private, unlocked room or room which unlocks from the inside is not to be considered isolation and should be granted if feasible. Quarantine or other preventive health measures are not considered isolation but can only be ordered by a licensed physician. Locking residents in rooms during a normal eight-hour sleeping period is not considered isolation if the rationale and procedures are documented in the current program description. (Section 2-28-12, DPW Social Services Manual, hereinafter referred to by Section only.)

(2) Use of Isolation

(a) The Department recognized the potential for aggressive, disruptive or threatening behavior on the part of the residents of a detention facility. Children in detention are often in a tense or unsettled emotional state which may lead to displays of anger, tension, loss of self-control, frustration, or violence, directed toward staff or other residents. Staff shall attempt to prevent such behavior by recognizing indications of impending behavior and intervening in a positive, constructive manner to neutralize

or prevent such action out or assaultiveness. Isolation or handcuffs shall be used only to control behavior which is a clear and present danger to the resident, to other residents, or to staff. (2-28-154)

b) Residents requiring isolation or handcuffs shall not be denied food, or subjected to corporal punishment, or abusive or degrading treatment. (2-28-155)

c) Isolation and handcuffs shall not be used as punishment, for the convenience of staff, or as a substitute for program. They shall not be used unless all other available techniques or resources have failed. (2-28-156)

d) When isolation or handcuffs are used, an incident report including the following shall be entered in the residents' record: the method used, the conduct necessitating the isolation or handcuffs, alternative methods which were unsuccessful in controlling the behavior, the period of time the resident spent isolated or handcuffed, the monitoring report, and the physical and emotional condition of the resident during and after release from isolation or handcuffs. (2-28-157)

e) A log recording all incidents where isolation and

handcuffs were used shall be established. For each incident the name of the resident, whether isolated or handcuffed, the date and time period over which the isolation or handcuffs were used, the staff who used it and the staff who authorized its use shall be noted. This log shall be submitted quarterly to the Department, the President Judge, and the County Executive Officers. (2-28-158)

f) The administrator is responsible for insuring that staff know specific procedures, methods and steps relating to the use of handcuffs and isolation and that the staff is familiar with these regulations and the criteria for their application. (2-28-159)

g) Authority for isolation rests with the administrator, or in the administrator's absence the staff person designated by the administrator. The administrator shall see the resident, assess the resident's needs, and seek professional consultation if indicated. Normally, written authorization with date and time shall precede the placement of a resident in isolation. In emergencies, telephone authorization may be accepted, to be followed promptly by a written authorization, dated and signed by the administrator or his/her

designee not later than four hours after the telephone authorization. (2-28-160)

h) Authorization for isolation is good for only four hours. For every four hour period the procedure in paragraph 2-28-153 shall be followed. The time the authorization is received will be recorded. Isolation shall not exceed 16 hours in any 48 hour period without a written court order. When requesting a court order for continuing isolation beyond 16 hours in a 48 hour period, the facility shall give prior notice to the child, and the child's attorney of record or the County Public Defender's Office. Court authorization and any other documentation shall be included in the child's record. (2-28-161)

i) In the absence of a written or telephone authorization, a resident may be placed in isolation as a protective measure for no more than one hour when such action is immediately necessary. At such times, the administrator or designee shall be notified immediately and approve such act. If, after visiting the resident, the administrator or designee deems isolation necessary, they shall document their observations fully on the incident report. (2-28-162)

(3) The following procedure shall be followed when a resident is in isolation:

-- potentially dangerous articles shall be removed from the resident. This includes articles of clothing, such as belts, if there are reasonable grounds to believe such clothing constitutes a substantial threat to the health or safety of the resident. In no case shall all clothing be removed.

-- a staff person shall be assigned to sit in the room with the resident or immediately outside the room. The staff member shall have no other duties or responsibilities other than supervision of the resident. At all times the staff and resident shall have visual and audio contact, and not rely on intercoms, closed circuit television or other such devices.

-- the physical needs of the resident shall be given prompt response. (2-28-163)

(4) The following shall be available for child in isolation, unless staff determine that possession presents an immediate danger to the child or others:

- a clean dry room of moderate temperature, equipped with light sufficient for reading between the hours of 7 a.m. to 10 p.m.;
 - sufficient clothing to meet seasonal needs;
 - a bed, including blankets, sheets, pillow and pillow cases, and mattress;
 - personal hygiene supplies including soap, toothpaste, toothbrush, hairbrush, comb, towels and toilet paper;
 - minimum writing materials including pen, pencils, paper and envelopes;
 - prescription eyeglasses, if needed;
 - access to books, periodicals and other reading materials;
 - adequate toilet facilities and bathing facilities;
 - correspondence privileges applicable to all juveniles in the facility; and
 - access to medical care. (2-28-164)
- (5) If any of the above are denied to, or removed from the child, the reasons shall be documented in the incident report. (2-28-165)

- (6) A monitoring report with observations entered at no less than 15 minute intervals shall be maintained as part of the incident report described in paragraph (2) (d). (2-28-166)

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
	Friday:	

The remainder of this section is deleted and re-written to conform to the Detention Center Service regulations. This section is amended as follows:

- (2-28-109.) Parents, families and significant others important to the child shall have visiting rights.
- (2-28-110.) The administrator, with documentation in the child's permanent record that visiting rights will have unquestionable and overwhelmingly damaging effects on the child, can restrict visiting rights. The child may appeal the restriction through the grievance procedure outlined in the YSC's handbook. If parental rights are involved, the parents shall have prior notice and the opportunity to challenge the YSC's decision to restrict visiting. If a challenge is received from

the parents, the YSC shall immediately petition the court to adjudicate the matter.

(2-28-111.) The YSC administrator shall develop special guidelines concerning visiting, including visiting by minors, that are appropriate to the individual needs of the children in care. Insofar as possible, visiting shall occur in an atmosphere which is relaxed and which provides for some privacy.

(2-28-113.) Visiting hours shall be arranged in order to meet the needs of the child in placement, and to consider the convenience of families and significant others. The visiting policies and hours shall be explained to the child, the parent(s) and significant others. The period for visiting, though subject to reasonable scheduling by facility staff, shall cover at least one hour every day of the week.

VIII. Mail:

1) This Section is rewritten and amended as follows:

(2-28-115.) Children shall be able to correspond with others through normal use of the Postal Service. If the child is without financial resources the facility shall provide postage.

(2-28-116.) Outgoing mail shall not be opened by staff.

(2-28-117.) Incoming mail from elected or appointed Federal, State, or county officials shall not be opened by staff.

(2-28-118.) If it is necessary to search other incoming mail for contraband, the mail shall be opened by the resident in the presence of staff, and any contraband confiscated. No incoming mail shall be read.

- 2) The 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.

X. Recreation:

(1) This section is rewritten and amended as follows:

(2-28-100.) YSC shall have a recreational program. Recreational activities shall be selected, designed and implemented to meet the needs of residents appropriately. YSC shall have, as part of the annual program description a recreational plan which clearly illustrates the manner in which the program meets the individual needs of the

children from the geographic area being served. A member of the staff shall have supervisory responsibility for the recreational program.

(2-28-101.) YSC shall employ a recreational specialist as required in paragraph 2-28-186.

(2-28-102.) The daily program of the YSC shall afford opportunity for planned free time in order to permit each child to pursue his/her own personal interests.

(2-28-103.) A choice of appropriate games and other leisure time activities, both indoors and outdoors, shall be provided with diversification according to age. This shall include the opportunity for a minimum of two hours of strenuous physical exercise daily.

(-28-104) Various creative activities shall be provided.

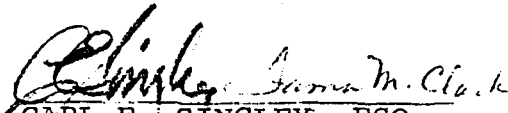
(2) A wide selection of reading and writing materials, art supplies, and games shall be available and regularly maintained. Regular opportunities for co-educational activities shall be provided, not solely as a reward for good behavior.

(3) Every recreational worker employed at 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.

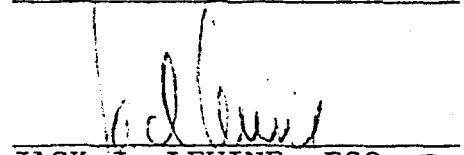
COUNSEL FOR DEFENDANTS:

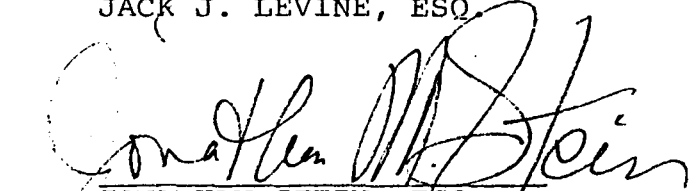

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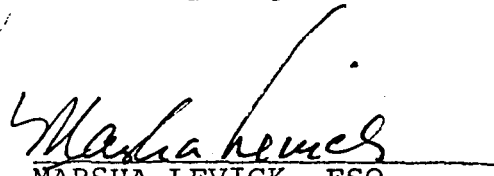

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Dated: 7/15/80

APPROVED BY THE COURT:

LORD C.J.

Dated: _____