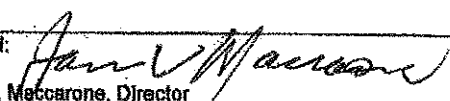


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES  
JUVENILE INSTITUTIONS**

<b>Subject:</b> <b>Observation Pod</b>	<b>Policy Number:</b> <b>XIII.22</b>
<b>Number of Pages:</b> <b>4</b>	<b>Section:</b> <b>13</b>
<b>Attachments:</b> <b>A. Performance Improvement Plan</b> <b>B. P. I. P. Acknowledgement Form</b> <b>C. Special Placement Form</b> <b>D. Form VII.9 Due Process Form</b> <b>E. Observation Monitoring Sheet</b> <b>(Form: VII.10.C)</b>	<b>Related Standards and Procedures:</b> <b>ACS 3-JTS-3E-01    ACA 3-JTS-3E-02</b> <b>ACA 3-JTS-3E-03    ACA 3-JTS-3E-04</b> <b>ACA 3-JTS-3E-05</b> <b>USA v. Mississippi 3:03-cv-1354WSu</b> <b>Memorandum of Agreement</b>
<b>Effective Date:</b> <b>October 30, 2016</b>	<b>Approved:</b>  James V. Meccarone, Director

**I. POLICY**

It is the policy of Mississippi Department of Human Services, Division of Youth Services, that those youth who need to be placed in a separate housing unit due to special circumstances that threaten the security and orderly management of the facility will be placed in an observation pod until the need for special housing is resolved.

**II. DEFINITIONS**

As used in this policy, the following definitions apply:

- A. **Observation Pod:** A housing unit with special rules and procedures established to manage youth that threaten the secure and orderly management of the facility.
- B. **Room Confinement:** Placing a youth in a room during the hours of non-sleep and closing and locking the door.
- C. **Due Process Isolation:** Any instance when a youth is confined alone in a room as a result of a due process hearing.
- D. **Room Check:** The JCW shall visually observe the youth at least six (6) times an hour and no more than ten (10) minutes apart at staggered intervals. These observations shall be recorded on the Observation Monitoring Sheet, Form VII.10.C, which shall be posted at the door. Only one (1) youth will be placed in a particular room at a time.
- E. **Unit Treatment Team:** The multi-disciplinary team of staff (including the counselor, QMHP, direct care staff, education, and recreation staff).
- F. **Pre-Hearing Confinement:** When youth have been placed in Due Process Isolation prior to the conducting of a hearing due to violent behavior. The Due Process Hearing Officer may release a youth based on time served or add additional time in isolation to the time already served up to seventy-two (72) hours. Documentation of such should be made in the Due Process Hearing Report.
- G. **Performance Improvement Plan (PIP):** A written action plan developed for the individual youth to foster growth in decision making and behavior.

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### III. PROCEDURE

A. A youth may be placed in the Observation Pod when circumstances warrant removing the youth from the general population. The placement should last only until the youth can be safely returned to the general population or arrangements are made for housing in another facility or placement. Reasons for placement in the Observation Pod include the following:

1. Assault – Youth that have been involved in a fight or in some way assault another person or staff (profanity directed at other youth, staff, or visitors is excluded).
2. Escape Attempt - An attempt to escape, or information that a youth was planning to escape.
3. Property Damage – A youth who causes major property damage (over \$100.00) and there is information to suggest additional damage may occur if the youth is placed in a regular housing or a special management unit.
4. Due Process Isolation – A youth may be placed in the Observation Pod and in room confinement as part of the disposition of a disciplinary hearing.
5. Other – A youth may be placed in the Observation Pod if they engage in other seriously disruptive behavior that lead staff to conclude the youth cannot be managed in the regular housing or special management units and/or if the youth is placed on administrative segregation.

B. **Preventive Actions** – Every effort will be made to avoid placement in the Observation Pod. These actions may include:

1. Intervention – If the situation involves a confrontational situation (for example, a youth refusing to follow directives from a staff member) the youth should be then aside and counseled by a noninvolved staff member.
2. Counseling – A direct care staff person, counselor, QMHP, administrator, or other staff member(s) may spend time talking to the youth attempting to resolve the conflict, negotiating a return to regular program activities, and/or deescalating the situation.
3. Alternative Activity Program – Placement in an alternative activity or program may be made as alternative to placement in the Observation Pod.
4. Alternative Placement – Placement in a different setting (another pod for example) may be made as an alternative to placement in the Observation Pod.

C. **Room Confinement** – During the hours when youth are not asleep, a youth may not be locked in a room in the Observation Pod except under one of the three following conditions:

1. Initial Placement – A youth will initially be placed in confinement for a period of sixty minutes upon entering the unit or until he calms down before participating in school or other activities.
2. Out of Control Behavior – If the staff deems that it is necessary to protect staff, another youth or facility property.

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3. Due Process Isolation – A youth may be placed on room confinement after being given a formal sanction of disciplinary segregation in a disciplinary hearing. The youth may be restricted who is awaiting adjudication for a disciplinary infraction.

**D. Room Checks** –The JCW shall visually observe the youth at least six (6) times an hour and no more than ten (10) minutes apart at staggered intervals. These observations shall be recorded on the Observation Monitoring Sheet, Form V11.10.C, which shall be posted at the door. Only one (1) youth may be placed in a particular room at a time. When youth are being housed in the Observation Pod, sufficient staff are to be provided to provide a safe and orderly environment for youth and staff.

**E.** All youth shall be searched upon entering the Observation Pod.

**F. Clothing/Property** – Unless circumstances justify it, no clothing or property will be taken from a youth during the time they are in the Observation Pod.

1. A youth's clothing will never be taken unless the youth is attempting to destroy the clothing or use it for illegal purposes such as covering a window or plugging a drain, etc. The clothing will be returned as soon as the destructive behavior stops.

2. A youth will be allowed to use writing materials daily while on the day room floor. The materials (pens and pencils) will be taken away upon entering the youth's room for safety and security reasons.

3. During the time a youth is restricted to their rooms for Due Process Isolation, they will be given access to only personal hygiene items and health and comfort items (sheets, blankets, etc).

**G. Program/Services** - To the extent possible, services similar to those available to other youth will be provided in the Observation Pod.

1. Meals – Youth in discipline confinement will be given their meals in their rooms.

2. Grievances – A grievance box will be placed in the pod day room. A youth may file a grievance at any time they wish to do so. If the youth is confined to a room, a counselor or direct care staff will place the grievance in the grievance box while the youth watches through the room window.

3. Visiting – During the time the youth is in the Observation Pod, visits will take place in a special area away from the general population.

4. Education – During the time the youth is in the Observation Pod, a teacher will visit the pod on days when the general population students are in school, provide learning materials and tutoring, and document the grades in the youth's student file. The youth may be taken to the education area for classes.

5. Exercise – Youth will have a minimum of one hour of large muscle exercise per day.

6. Property – Youth will be allowed to keep reading and writing materials unless they abuse these materials. Pens and pencils will not be allowed in the rooms for safety and security purposes.

**H. Re-Classification** – During the time the youth is in the Observation Pod, special classification rules will apply.

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1. Initial placement in the Observation Pod must be authorized by the Facility Administer, Designee, or Weekend Duty Administrator.

2. During the period of time the youth is in the Observation Pod, the counselor, QMHP, and shift supervisors will visit the pod daily, talk with the youth, and document the need for continued placement in the Observation Pod. These visits will be logged in the Log Book.

3. Within twenty-four (24) hours of being placed in the Observation Pod, the counselor will meet with the youth to assess the youth's state of mind, determine the need for counseling and/or psychological services, and document these findings.

4. The Treatment team will assess the reason for placement within forty-eight (48) hours in the Observation Pod, work to resolve the reasons for placement, and return the youth to an alternative placement.

**I. Removal** – Youth will be removed from the Observation Pod as soon as warranted. Placement in the Observation Pod will end as soon as it is possible to place the youth back in the general population or alternative placement.

1. Continued placement in the Observation Pod for investigative purposes is not justified unless there is documented information placement in a pod cannot be done without placing youth, staff, or property at risk.

**J. Continued Placement** – If continued placement in the Observation Pod is required, the following will be documented in detail on the Special Placement Form:

1. Why the youth continues to be a threat to staff, other youth, self, or property.
2. What alternatives were considered and why no placement outside the Observation Pod is possible.