October 14, 2014

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: JUS/013/2014)

On August 14, 2014, the Department of Justice received your request for access to the following records/information:

"All policies, procedures, and other documents that were created or in use in 2013 related to the "segregation unit" (or other isolation units, whatever they are named) at the Newfoundland and Labrador Youth Centre, St. John's Youth Detention Centre, and any other Newfoundland facility in which youth were detained in 2013."

I am pleased to inform you that your request for access to these records has been granted. In accordance with your request, the appropriate copies have been enclosed.

Please be advised that this response will be published following a 72 hour period after the response is sent electronically to you or five days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any questions, please contact the ATIPP Coordinator, Neil Croke, at 709-729-7906, or ncroke@gov.nl.ca.

Sincerely,

Heather Jacobs
Assistant Deputy Minister

4th Floor, East Block, Confederation Building, P.O. Box 8700, St. John's, NL, Canada A1B 4J6
b) In all cases, when a resident is placed in time-out, the following standards are to apply.

   i) The security and safety of the resident (both during the transfer to the unit and in his/her subsequent holding) is to be given paramount importance.

   ii) At least two (2) staff must escort the resident to the discipline unit and absolutely no more force than is necessary is to be used by staff in transporting the resident to the unit. Handcuffs are to be applied according to the policy on Mechanical Restraints.

   iii) Upon admission to the discipline unit, the resident must be frisk searched prior to being placed in a room. If a staff suspects the resident to be in possession of contraband that could potentially cause harm to the resident or others, then the MOSO must be notified and a strip search may be authorized. If the resident refuses to be searched, staff must remain in the resident's presence, until he/she complies with the request.

   iv) While on the discipline unit, supervision and observation must be constant. Under no circumstances should the unit be left unsupervised by staff when a resident is in time-out in that unit. Deister room checks must occur a minimum of every twenty (20) minutes while a resident is in time-out; such checks must occur more often when it is felt that the resident might be at any risk of injuring him/herself; this decision will be made by the youth care counsellor in conjunction with the Manager, Services and Operations.

       Where it is deemed necessary for the safety of the resident, staff are to restrain or sit with the resident in the room itself.

   c) In the course of making any decision with respect to the use of time-out, consideration must be given to the resident's individual case plan.

2. Residents who are placed on the discipline unit for time-out will return to their unit after the time-out is completed, unless otherwise recommended by the Case Team and approved by the Manager of Services and Operations.

3. Once the resident is calm, the supervising Youth Care Counsellor is to offer him/her the opportunity to complete a Thinking Report Form. The completion of this form is not required but staff should encourage the resident to complete it.
MANAGING AGGRESSIVE BEHAVIOUR

POLICY:

Resident Confinement:

When a resident's behaviour warrants consequences beyond the Behaviour Evaluation System, the use of **Time-out** may be necessary.

"**Time-out**" refers to the restriction of a resident by placing the resident into a room (e.g. bedroom) on the living unit or transfer to the discipline unit. During the time-out period, residents will be given the opportunity to complete a Thinking Report. The process of the Thinking Report is to allow residents an opportunity to reflect on behaviour that has led them to time out discipline. These reports can then be reviewed by the youth over time with a goal of self-identifying triggers and formulating strategies to manage their thoughts and feelings.

Directive:

1. **Time-out:**
   
   The Manager of Services and Operations will determine when/where the resident is confined. The Manager of Services and Operations can approve up to twenty-four (24) hours time-out; youth care counsellors can approve up to three (3) hours time-out; all periods of time-out of more than twenty-four (24) hours has to be approved by the Administrator or designate. All time-outs of twelve (12) hours or less must be served during non-bedtime hours. All time-outs between quiet time and bedtime will begin at 8:00 a.m. Quiet hour is included in time-out.

   a) Once the approval is obtained to transfer the resident to the discipline unit, staff must inform the resident that he/she is being placed in time-out and the reasons for the decision. Unit 2 shall be notified of the pending transfer.

   When a resident is placed in time-out and where the discipline unit is not already adequately staffed, staff must be called in as soon as possible to ensure proper supervision within the facility.
BEHAVIOUR EVALUATION SYSTEM:

POLICY:

The Behaviour Evaluation System (BES) is a tool which helps to establish a common understanding among staff and residents of what constitutes appropriate behaviour. Staff will apply the BES by using principles consistent with the Progressive Discipline Model when intervening with a resident.

DIRECTIVE(S):

The Behaviour Evaluation System (BES), as it applies to the resident is used to:

1) Increase positive social behaviour, and promote social development.

2) Manage, limit, and eliminate inappropriate, aggressive acting-out behaviour.

A resident is given an opportunity to correct his or her behaviour by being informed of the full extent of possible consequences.

FEATURES OF SYSTEM:

1. Consistent emphasis on the proactive approach rather than the reactive approach.

2. Maximized for effective pro-social growth; motivate positive behavior and address individual needs of our residents.

3. A more clear, concise and user friendly document.

4. Increased emphasis on resident access to in-house activities which will enhance security and address the changing needs of our residents.

5. Define the Progressive Discipline Model (PDM) which subsequently outlines a process for staff to follow.

6. The system should be sufficiently flexible to accommodate individual differences in residents and the context of resident behaviour.
The following is a list that encompasses the principles and assumptions adhered to in the Behavior Evaluation System (BES):

1. Implementation of the BES is based on dynamic interchange between staff and residents and is used as a behavior change tool to teach social and personal skills as well as limit inappropriate behavior (sometimes as it is occurring).

2. Behavior change is more likely to occur when there is an emphasis on using positive consequences for desirable behavior versus an emphasis on using punishing consequences for undesirable behavior.

3. Behavior change is facilitated by clear expectations about desirable outcomes.

4. Residents need and should be given opportunities to learn self-control and self-correction.

5. Positive changes are more likely to occur when staff initiates respectful interactions with residents.

6. It is necessary to impose limits and controls on resident behavior when it poses risks for the resident and others.

7. Individual staff members have the responsibility to ensure that the needs of residents are balanced with safety and security needs of all individuals within the facility.

8. The focus on all programs is to enhance personal growth and positive social behaviour.

9. The Behaviour Evaluation System will commence when a resident is placed on a living unit. A resident who is on Unit 2 for time out will have the BES suspended until he/she returns to their unit.

For example: If a resident does time out on Unit 2, their points for that day will be calculated with their unit. If the time out is extended while on Unit 2, then the BES will not apply again until they return to their unit.

(The days on Unit 2 will not be included in the unit's points total on Tuesday night.)
APPLICATION OF THE BES

If a resident engages in inappropriate behavior, as defined by the BES, he/she will be advised of the potential consequences and a warning may be given that points will not be earned if the resident fails to engage in a more appropriate behavior.

Each resident begins the day with zero (0) points. Behavior will be evaluated daily in seven (7) categories and points (0, 1, 2, 3) will be earned in each area depending on the resident's behavior. The resident can earn a maximum of twenty-one (21) points per day for acceptable behavior in all areas. The points scored, along with comments entered in the resident's file, are used to help determine the privileges the resident will receive.

The following is a brief description of the seven (7) categories:

1. Relationship with Adults

   This category evaluates how well the resident interacts with all adults at the Centre. If the resident interacts with adults in a respectful, mature manner, accepts criticism and corrections well, the resident will earn three (3) points for positive behavior. However, if the resident interacts in a disrespectful, hostile, immature manner, the resident will earn zero (0) points. If the behavior falls between these extremes, then the resident will earn one (1) or two (2) points.

2. Relationship with Peers

   This category evaluates how well a resident interacts with his/her peers. If the resident is respectful, able to accept criticism from and be concerned and helpful with his/her peers, the resident will earn three (3) points. If the resident insults, belittles, intimidates, fights, argues, frequently carries rumors, then the resident will earn (0) zero points. If the behavior falls between these extremes, the resident will earn one (1) or two (2) points.

3. Daily Living Routine

   In this category, residents are evaluated on the basis of their personal hygiene (i.e., showering, self-maintenance, completing assigned chores, keeping his/her room neat and tidy). If a resident completes the daily living routine appropriately, he/she will earn three (3) points. If a resident refuses to complete assigned chores or does not meet acceptable standards, he/she will earn zero (0) points. If the resident's behavior falls between these extremes, he/she will be scored one (1) or two (2) points.
4. Program Participation

In this category, if a resident gets actively involved in assigned programming (i.e., school, social development, work placements, and related unit programming) the resident will earn three (3) points. If a resident refuses to participate or is disruptive to others or does not put forward a good effort, he/she will earn zero (0) points. If the behavior falls between these extremes, he/she will earn one (1) or two (2) points.

5. Maturity and Responsibility

In this category, a resident’s ability to act in a mature and responsible manner is evaluated. If the resident promotes him/herself as a positive role model, one who accepts responsibility for his/her actions, and generally deals with difficult situations in a mature and appropriate manner, the resident will earn three (3) points. If a resident intimidates others, manipulates or lies, the resident will earn zero (0) points. Any behavior between these extremes, the resident will earn one (1) or two (2) points.

6. Self Control/Facility Rules

In this category, a resident’s ability to show self-control and deal effectively with frustration will be evaluated. If a resident is able to deal with frustration without acting out, and is patient and able to wait for rewards and privileges and follows facility rules, then the resident will earn three (3) points. If the resident acts out when things do not go his/her way, if he / she does not wait for rewards and privileges, if he / she does not deal with frustration effectively, and continues to break facility rules, the resident will earn zero (0) points. Residents who exhibit behaviour between these extremes will earn one (1) or two (2) points.

7. Language Control

In this category, a resident’s ability to speak in an appropriate and respectful manner to staff and residents is evaluated. If a resident speaks in an appropriate and respectful manner to staff and fellow residents, even when faced with a difficult or stressful situation, he/she will earn three (3) points. If the resident uses vulgar, foul or in appropriate language and / or makes inappropriate sexual or racial comments, he/she will earn zero (0) points. Residents who exhibit behaviour between these extremes will earn one (1) or two (2) points.
RESPONSIBILITY LEVELS:

In order to progress from one responsibility level to another, a specific standard of behavior must be maintained. The standard required for each level is outlined below in terms of total weekly behavior points:

- Level I - 100 Points - 3 Weeks
- Level II - 115 Points - 3 Weeks
- Level III - 130 Points - 3 Weeks
- Level IV - 140 Points - 3 Weeks

A minimum of three (3) consecutive weeks of acceptable behavior must be maintained on each Level before moving to the next.

At the end of the week (Tuesday night), if the resident does not earn enough points to maintain the level, the resident will lose three (3) weeks on the BES.

For example, on Level 4, Week 3 the resident must earn 140 points, but if they earn 139 points or less, the resident will lose three (3) weeks and return to Level 3, Week 3 and continue to progress as normal the following week.

Recognition of continued positive behavior is built into the system. If a resident reaches Level 4, Week 3, a ceiling is in place whereby a resident cannot advance past this point; however, the continued weeks of positive behavior will be noted. Level 4, Week 3 (x), with (x) representing the number of weeks the resident has been on this level.

PROGRESSIVE DISCIPLINE MODEL (PDM):

This model is a step-by-step approach moving from the least restrictive means of discipline to the most restrictive. Depending on the severity of the incident, the model may begin at any step. The impact of the PDM will be greatest if the staff focuses on intervention and creates opportunities for increasing positive behavior, and delivers consequences for inappropriate behavior. This model will incorporate a coaching / counseling component which will underlie each step of the process. The counseling session which occurs after an incident must be documented in the resident’s file; to be reviewed by the MOSO.
Steps:

1) Verbal warnings. If the resident accepts responsibility, no further action is required.

2) Points not earned and/or cool down period to a maximum of one (1) hour. No incident report is required but staff must document it in the resident's file, and shift report book, and notify the Manager of Services and Operations.

3) Less than three (3) hours time out - appropriate points as per Behavior Evaluation System. There will be no loss of level; an incident report is required.

4) Three hours or greater, time out will result in the loss of three (3) weeks on the Behavior Evaluation System. This loss will occur immediately. An incident report is required and the Manager of Services and Operations will be notified.

TIME OUT CONSEQUENCES RELATED TO BES:

- Time out dispositions are not cumulative.

- Any resident who, due to points not earned or a time out disposition, drops to Level 1, Week 1 will have a 9:30 pm bedtime until he / she advances to Level 1, Week 2 on the Behaviour Evaluation System.

- If, on Tuesday night the resident does not have enough points for his/her present level, then the resident will drop three (3) weeks. This will be the case even if he/she dropped a level due to a time out disposition earlier in the week.

- Time out served after school due to school time missed will not count as number of hours of time out.

- Residents given a time out period of three (3) hours or greater will drop back three (3) weeks on the BES. If the time out is for 24 hours or greater, the resident is demoted to Level 1, Week 1.
LEVEL 1

1) A resident is permitted five (5) phone calls per week. See Section 4.4.

2) A resident is permitted unlimited number of letters “in” and “out” per week. Residents can have a maximum of three (3) letters in his/her bedroom. The Case Team will make final decisions in relation to whom the letters can be sent.

3) A resident is permitted regular unit recreation and leisure activities with other residents inside the secure area. Movement may be limited based on the resident’s classification.

4) A resident is permitted suitable books and / or magazines up to two (2) items in his/her room. This will be in addition to school or special program material, e.g., Bible Studies.

5) Visits may be permitted from significant others who are on their approved visitor list. Visits will normally occur during regular visiting hours but may be accommodated at other times with prior approval. No more than two (2) visitors at a time are allowed.

6) A resident is permitted to wear ponytail bands as approved by the youth care counsellor.

7) Residents are permitted to display appropriate family pictures (no frames), school schedule, calendar, and certificates.
LEVEL 2

1) A resident on level 2 is permitted all level 1 privileges.

2) A resident is permitted to wear a watch with an appropriate wrist band. This item can be purchased through the canteen while the resident is on level 2. This item may not exceed a $20.00 (twenty) dollar limit.

3) A resident is able to obtain an iPod Shuffle from the Admissions Officer. This may be used in the resident's room, on the unit, or in the courtyard. When used on the unit or in the courtyard, the resident must use only one ear bud so they can hear staff. A resident may also be permitted to use their iPod while on summer programs approved for the use of the iPod. Staff will ensure that there are no known risks present at the time of approval and continue to monitor the use of the iPod during the approved period. A resident who lends or trades his/her iPod will lose it for (2) weeks. All iPod must be returned to the Admissions Officer upon release.

4) A resident can access canteen once per week with a maximum amount of (5) five dollars. The canteen request must be submitted to the youth care counsellor on Tuesday night. This request will be audited by the youth care counselor to ensure the form is completed properly. Canteen will then be picked up by the resident on Friday.
LEVEL 3

1) A resident on level 3 is permitted all level 2 privileges.

2) A resident on minimum classification may be considered for outside perimeter programming.

3) A resident is allowed one extra book and one extra magazine in his/her bedroom for a total of four (4).

4) A resident can access the canteen once per week, with a maximum amount of $9.00. The canteen request must be submitted to the youth care counsellor on Tuesday night. This request will be audited by the youth care counsellor to ensure the form is completed properly. Canteen will then be picked up by the resident on Friday.

5) A resident is permitted to stay up to 11:00 p.m. on both Friday and Saturday night, with the permission of the youth care staff.

6) A resident may be permitted one (1) fifteen minute walk in the courtyard per week; this request must be submitted by the staff on Tuesday night and recorded on the walk schedule by the Manager of Services and Operations. Residents on minimum or medium classification may access this privilege subject to Case Team recommendation and Manager of Services and Operations approval.

   Maximum Classification – Courtyard Walks

   a) Residents who are maximum classification due to escapes or who pose a risk to themselves when left without direct supervision will NOT be permitted courtyard walks.

   b) Residents who are maximum classification due to other related criteria will be permitted walks subject to Case Team recommendation and Manager of Services and Operations approval.

7) A resident may be permitted leisure time in his/her room at the discretion of staff; this time may be used to read, complete homework assignments, et cetera. Checks will be recorded in accordance with facility policy.

8) Residents are permitted one additional call out per week to a total of six (6).
LEVEL 4

1) A resident is permitted all level 3 privileges.

2) A resident may be permitted visits from his/her boyfriend/girlfriend as approved by the case team. If the resident is under the age of sixteen (16), parents/guardians must approve of the visit.

3) A resident may stay up to 11:00 p.m. on Friday nights and 11:30 p.m. on Saturday nights, with the permission of the youth care counsellor.

4) A resident may stay up to 11:00 p.m. on nights when they are sleeping in the next morning, i.e., May 24 weekend; this will not be followed during a long break, i.e., Christmas or Easter.

5) A resident may participate in day trips beyond the Whitbourne / Markland boundary.

6) A resident is eligible for overnight off-site recreational outings and/or field trip.

7) A resident may request money from their personal account to buy lunch while they are on appointments outside the Whitbourne / Markland boundary.

8) A resident may have access to the canteen twice per week. They may spend a maximum of twelve dollars, and have to submit their canteen request form(s) on Tuesday night. Canteen will be available on Friday and the following Tuesday. The total amount of money will not include the purchase of special items.

9) A resident may be considered for a supervised day pass to attend a movie, go shopping, or other special events. This has to be in accordance with the case plan.

10) A resident may be permitted an additional fifteen (15) minute walk in the courtyard per week, for a total of two (2).
11) A resident is allowed to watch special events on television (e.g., hockey games, music specials, et cetera) to a maximum of midnight during the week and 12:30 a.m. on the weekends; this must be approved by the youth care counsellor in consultation with the Manager of Services and Operations.

12) Residents may have access to appropriate game boys and hand-held computer games; they must be used only on the living unit; borrowing or trading these items will result in the resident losing the items for a period of two (2) weeks.

UNIT PRIVILEGES

For units of residents that are behaving in a responsible and trustworthy manner, special unit privileges may be provided by the staff:

1) All residents may be able to stay up to view a special event on television. Approval of the youth care counsellor in consultation with the Manager of Services and Operations is needed.

2) Residents may be permitted special on-site recreation games and activities, e.g., basketball tournaments, and crib tournaments, etc.

3) Staff may submit a request for a unit cook up. This must be submitted in advance to the Manager of Services and Operations.