

109 CMR: DEPARTMENT OF YOUTH SERVICES

109 CMR 5.00: INVOLUNTARY ROOM CONFINEMENT OF YOUTH DETAINED BY OR COMMITTED TO THE DEPARTMENT OF YOUTH SERVICES

Section

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5.01: Purpose and Scope

109 CMR 5.00 establishes the rules and procedures for involuntary room confinement of youth detained by or committed to the Department of Youth Services, while placed at hardware secure programs.

- (1) Youth may be kept involuntarily in a room during non-sleep hours for the following reasons:
 - (a) to calm a youth who is exhibiting seriously disruptive or dangerous behavior;
 - (b) for population management;
 - (c) for the safety and security of a youth; and
 - (d) for the investigation of an incident.
- (2) Involuntary room confinement to calm a youth who is exhibiting seriously disruptive or dangerous behavior or for the safety and security of a youth may only be used when less restrictive interventions have failed and for the least amount of time required for the youth to regain self-control.
- (3) Involuntary room confinement shall never be used as a sanction for non-compliance or punishment.
- (4) Involuntary room confinement for population management or for the investigation of an incident may only be used when less restrictive alternatives are not available and only for the amount of time reasonably necessary to resolve the population issue or investigation.
- (5) Involuntary room confinement shall not be used with any youth who is on any suicide watch status.
- (6) DYS shall have a policy detailing the use of involuntary room confinement. This policy shall be approved by the Commissioner and shall be reviewed by the Department annually in light of best practices.

5.02: Applicability

109 CMR 5.00 is applicable to all Department or Provider operated hardware secure programs housing youth committed to or detained by the Department of Youth Services .

5.03: Authorization, Documentation and Reporting of Involuntary Room Confinement

Each use of involuntary room confinement shall be authorized, documented and reported in accordance with the policy referenced in 109 CMR 5.01(6).

- (1) The Program Director, Assistant Program Director, Clinical Director and Shift Administrator or their equivalents shall review each use of involuntary room confinement and complete a program level Room Confinement Report.
- (2) Any failure to comply with 109 CMR 5.00 or the Department of Youth Services' policy regarding involuntary room confinement shall be reported using the applicable reporting policy for serious incidents.
- (3) Failure to comply with 109 CMR 5.00 or the Department's policy regarding involuntary room confinement may result in disciplinary or corrective action.

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5.03: continued

(4) Data regarding involuntary room confinement shall be collected and reviewed by the Department on an annual basis.

5.04: Visual Observation

Staff shall monitor all youth who are involuntarily confined at regular intervals in accordance with policy. Such policy shall set the time frames within which youth must be viewed, provided that such time frames shall be set at a minimum frequency of 15 minute increments.

REGULATORY AUTHORITY

109 CMR 5.00: M.G.L. c. 120, §§ 4, 6A and 10.