

THE DYS SAFETY TASK FORCE REPORT



**The Massachusetts
Department of Youth
Services**

**Recommendations for Promoting Youth and Staff
Safety in DYS Residential Programs**

Department of Youth Services
600 Washington St, Boston, MA
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DYS SAFETY TASK FORCE REPORT & RECOMMENDATIONS

Executive Summary

Safety is a top priority for the Department of Youth Services (“DYS” or “the Department”). Youth and staff safety across the DHS continuum of youth programs is the first of the five DHS strategic priorities. The DHS continuum includes 19 state operated hardware secure residential programs for young people up to the age of 21. The programs are 24/7 operations. Each program is staffed with 21 to 24 Full Time Equivalent Positions (FTEs) and can serve 12 to 15 youth.

AFSCME Council 93, Local 1368 represents more than 430 group youth workers employed by DHS to work directly with youth in the state operated programs. The group youth workers comprise 85% of the staffing in a secure program. Two major responsibilities of group youth workers are to maintain positive relationships with youth and to provide safe and secure environments for youth and staff. In the course of performing their duties, group youth workers may be assaulted and injured by youth and may also get hurt when intervening in a youth assault of a peer. AFSCME has expressed concerns about assaults resulting in group worker injuries and has been advocating for measures to reduce assaults and injuries resulting from assaults. In 2015, AFSCME had a bill filed in the Legislature that would have created a special commission to address its concerns. The bill was referred for study.

In the fall of 2016, the Department, with the support of AFSCME Local 1368, established the DHS Safety Task Force. Under its Charter, the Safety Task Force is charged with “making recommendations for reducing injury to youth in the care and custody of DHS and reducing injury to DHS staff sustained as a result of incidents involving youth on staff assaults and the need by staff to intervene during client on client assaults.” With representation from the Legislature, AFSCME, and leadership from child serving and oversight agencies including DHS, the Safety Task Force undertook a comprehensive review of relevant policies, practices, data, outcomes, and active plans within the agency and concluded its work with the recommendations set forth in this report for improving safety in the DHS secure programs.

Common Themes

The Safety Task Force has affirmed the Department of Youth Services’ strength based approach to working with youth, grounded in a youth development approach, including DHS’ clinical platform using Dialectical Behavior Therapy as an anchor, and its educational approach, and acknowledged the outcomes of this approach as it relates to a range of program plans and activities presented over the course of the last year. The Task Force also heard about the Department’s challenges, particularly in the critical area of staff safety and the efforts it has undertaken to improve outcomes for staff and youth.

This report offers the Safety Task Force’s recommendations to the Secretary of Health and Human Services. These recommendations are intended to make DHS programs safer for youth and staff without compromising the positive youth development and rehabilitation of the youth served in those settings. The recommendations summarized below will require substantive

action by the Department of Youth Services. They do not represent all potential actions but rather sound, practical next steps for increasing safety in the secure residential programs.

DYS SAFETY TASK FORCE RECOMMENDATIONS

Staffing:

- Develop and implement more strategies for retaining group workers including offering a more realistic preview at time of hire; efforts to improve work/life balance; attention to the adequacy of staffing when unplanned events occur; and a plan for investment in the direct care workforce including more opportunities for career development and promotion.
- Provide more on the job training, coaching, and mentoring with a focus on developing and enhancing situational awareness, defensive disengagement, de-escalation and mediation skills.
- Provide more formal supervisory training for newly hired group worker supervisors, group worker administrators, assistant program directors and program directors.

Expectations and Consistent Messaging:

- Improve communications with residential staff to ensure practices in the programs are aligned with DYS policies and expectations as articulated by agency leadership, particularly the DYS Policy #0303.01(a), Involuntary Room Confinement.

Residential Programming and Youth Engagement:

- Develop and implement more strategies to enhance programming and youth engagement, particularly during second shift (between 5 pm and 9 pm) when there are typically more incidents of assaults in the residential programs.
- Strengthen and enhance behavior management and supports used in the residential programs.

Incident Responses and Outcomes:

- Establish standards and guidelines for incidents requiring investigations by the DYS Investigations Unit.
- Educate staff on the requirements of and differences between Department of Children and Families (“DCF”) 51A investigations, Department of Early Education and Care (“DEEC”) investigations, DYS internal reviews, and DYS investigations.
- Educate staff on the policies and procedures for reporting, investigating and filing criminal reports when staff are assaulted on the job and the employee support services available to them.

INTRODUCTION

This is the report of the Department of Youth Services Safety Task Force. The Safety Task Force was established in the fall of 2016. Under its Charter, the Safety Task Force is charged with making “recommendations for reducing injury to youth in the care and custody of DYS and reducing injury to DYS staff sustained as a result of incidents involving youth on staff assaults and the need by staff to intervene during client on client assaults.” Pursuant to its Charter, the Safety Task Force’s findings and recommendations are to be submitted to the Secretary of the Executive Office of Health and Human Services

The Charter directs the Safety Task Force to review existing practices used during incidents of assaults; to review and evaluate policies applicable to responses to assaults; assess the current system of training new and tenured department staff; report on the impact that DCF c. 119, § 51A reports and § 51B investigations have on safety in DYS programs; and, review the Department’s processes for documenting incidents of assault.

The DYS Safety Task Force consists of the following members:

- State Representative Kay Khan, Co-Chair of the Joint Committee on Children, Families and Persons with Disabilities and Ernestina Mendes, Research Director
- State Senator Jennifer Flanagan, Co-Chair of the Joint Committee on Children, Families and Persons with Disabilities and Shannon Moore, Legislative and Budget Director
- State Representative James O’Day and Cinda Danh, Legislative Aide
- State Senator Bruce Tarr and Harak Shah, Legislative Counsel
- Maria Mossaides, Child Advocate. Office of the Child Advocate
- Patricia Mackin, Undersecretary, Executive Office of Health and Human Services representing Secretary Mary Lou Sudders
- Gretchen Carleton, Assistant Director of Program Operations, Department of Children and Families representing Commissioner Linda Spears
- Carmel Sullivan, Deputy Commissioner, Field Operations, Department of Early Education and Care representing Commissioner Tom Weber
- Dan Morse, President, AFSCME Council 93, Local 1368
- Paul Faria, Staff Representative, AFSCME Council 93
- James Durkin, Legislative Director, AFSCME Council 93
- Richard Harrigan, Steward, AFSCME Council 93, Local 1368
- Peter J. Forbes, Commissioner, Department of Youth Services
- Ruth Rovezzi, Deputy Commissioner, Operations, Department of Youth Services
- Margaret Chow-Menzer, Deputy Commissioner, Administration and Finance, Department of Youth Services.

The composition of the DYS Safety Task Force brought together individuals with relevant perspective, experience, and subject matter expertise who can contribute to the goal of improving safety in the DYS secure residential programs. The DYS Commissioner served as Chair of the Safety Task Force.

BACKGROUND

DYS worked closely with the Safety Task Force members to undertake a comprehensive review of relevant policies, practices, data, outcomes and active plans within the agency. Over the course of twelve months, the Safety Task Force met nine times. Six of the sessions focused on DYS policies, procedures, and practices to help the members gain a better understanding of DYS operations and to give them a context for evaluating their relevance and impact on safety in secure programs. The last three sessions were dedicated to discussions and deliberations on the findings and recommendations that the Safety Task Force would put forward to the Secretary of Health and Human Services. Listed below are the topics covered at each session and the subject matter experts who presented on the specific topics.

1. October 26, 2016 Meeting

- DYS Structure and Service Continuum – Peter Forbes, DYS Commissioner
- Positive Youth Development – Ruth Rovezzi, DYS Deputy Commissioner, Operations
- DYS Residential Services – Nancy Carter, DYS Director of Residential Operations
- Dialectic Behavior Therapy – Dr. Yvonne Sparling, DYS Director of Clinical Services
- Educational, Vocational & Employment Services – Christine Kenney, DYS Director of Educational Services

2. December 14, 2016 Meeting

- Raise the Age of Juvenile Court Jurisdiction to 18 – Ruth Rovezzi, DYS Deputy Commissioner, Operations
- DYS Youth Demographics – Ruth Rovezzi, DYS Deputy Commissioner, Operations
- DYS Staff Demographics – Margaret Chow-Menzer, DYS Deputy Commissioner, Administration and Finance
- Data on Assaults, Restraints, Involuntary Room Confinements and Suicidal Behaviors (January 2014 to December 2016) – David Chandler, DYS Director of Research

3. January 25, 2017 Meeting

- DYS Policy on Involuntary Room Confinement – Cecely Reardon, DYS General Counsel
- Involuntary Room Confinement Metrics – Margaret Chow-Menzer, DYS Deputy Commissioner, Administration and Finance
- Solitary Confinement – National Perspective - Mark Soler, Executive Director Center for Children's Law and Policy

4. March 15, 2017 Meeting

- Serious Incidents and DYS Investigations – Claudia McKelway, DYS Director of Investigations
- Chapter 119 Sections 51A & 51B Complaints and Investigations – Andrew Rome, DCF General Counsel and Cecely Reardon, DYS General Counsel
- Prison Rape and Elimination Act (PREA) – DYS Policy and Practices – Monica King, DYS Director of PREA

5. April 26, 2017 Meeting

- Performance based Standards (PbS) and Program Monitoring – Nancy Carter, DYS Director of Residential Operations
- AFSCME Perspective: Safety and Assaults – Testimony by 2 DYS Group Youth Workers
- Assault Injury Statistics – Margaret Chow-Menzer, DYS Deputy Commissioner, Administration and Finance
- DYS Employee Support Services – Marie-Elena Edwards, DYS Director of Victim Services and Employee Support Services

6. June 28, 2017 Meeting

- DYS Policies on Safety – Lisa Belmarsh, DYS Director of Policy and Training
- DYS Training – Erin O’Hearn, DYS Director of Training Academy
- Evidence Based Practices – Robert Turillo, DYS Assistant Commissioner, Programs and Yvonne Sparling, DYS Director of Clinical Services

7. July 19, 2017 and August 23, 2017 Meetings

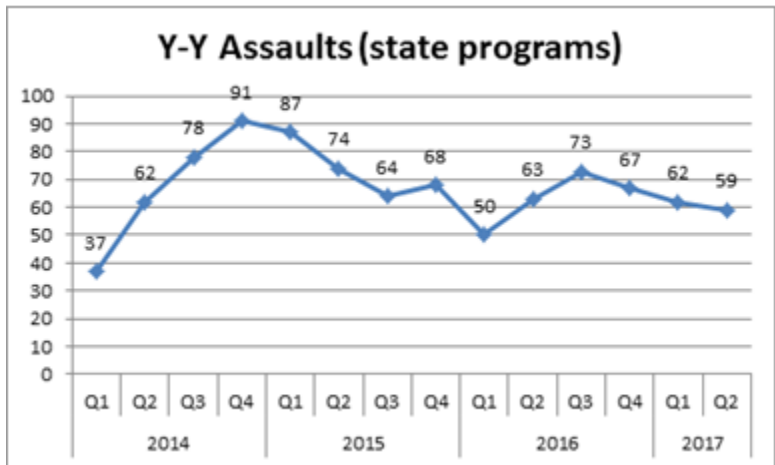
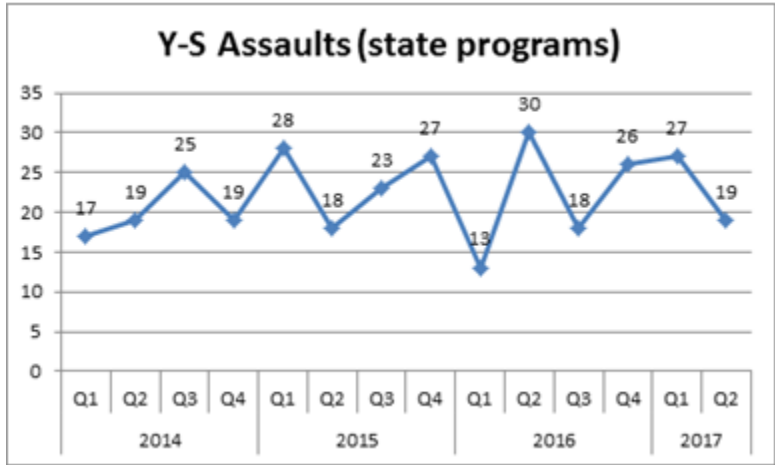
- Role and Work of the DYS Safety Committee
- Discussion and deliberation on materials covered in previous sessions facilitated by Dr. Valerie Oresto Whiting, DDS Director of Training

8. September 13, 2017 Meeting

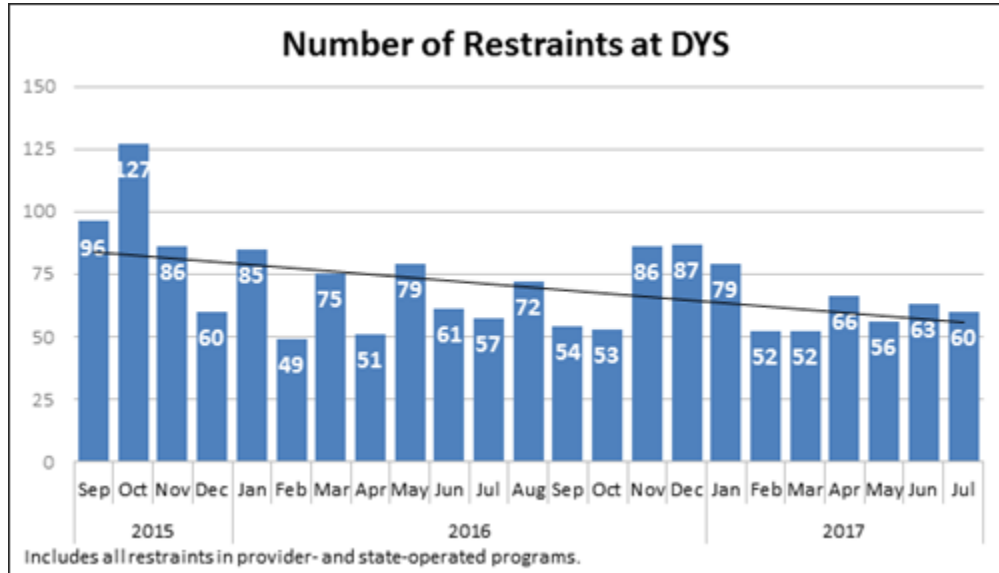
- Development of Safety Task Force recommendations for submission to the Secretary of Health and Human Services.

At the sessions, safety related information presented to the Safety Task Force included data on the risk indicators (assaults, use of restraints, use of involuntary room confinement, suicidal behaviors and staff injuries resulting from being assaulted or engaging in the use of restraints). The data presented goes back to CY 2014 when DYS rolled-out of its current management information system known as the Juvenile Justice Enterprise Management System or JJEMS. Below are safety related data points that were shared with the Safety Task Force.

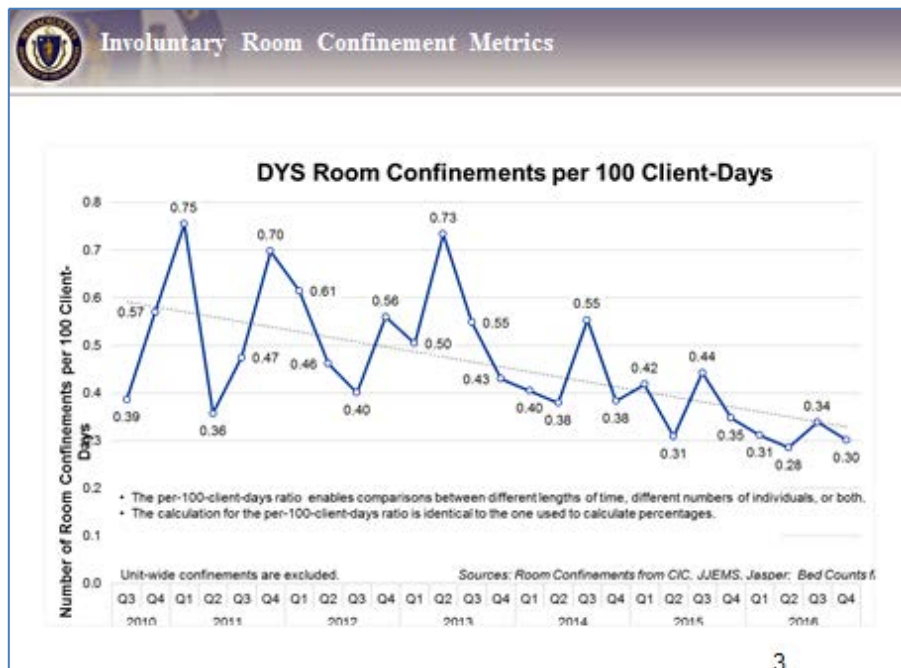
Assault Data Presented at August 23, 2017 Meeting – Youth on Staff Assaults(Y-S) and Youth on Youth Assaults (Y-Y) continue to generally trend downward from CY 2014 through Q2 of CY 2017.



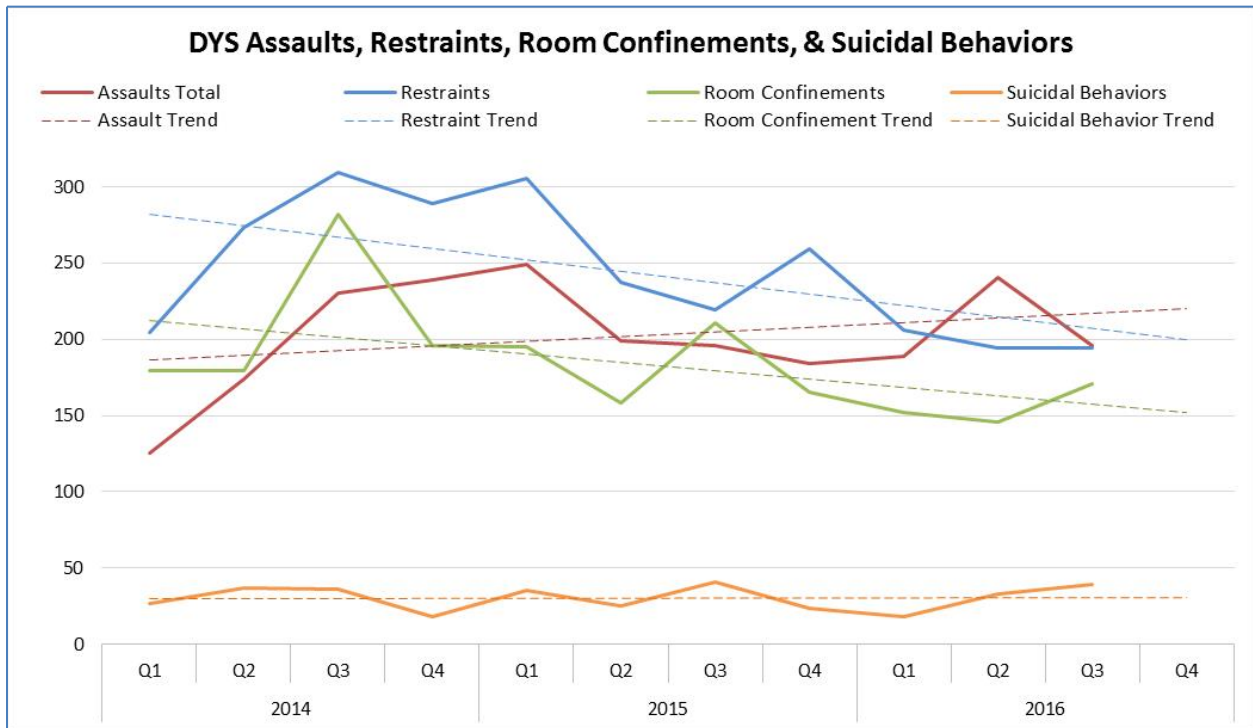
Restraint Data Presented at August 23, 2017 Meeting –Restraint of youth has been declining as shown in the chart below which tracks the number of times youth are restrained in a month for the period between September 2015 and July 2017.



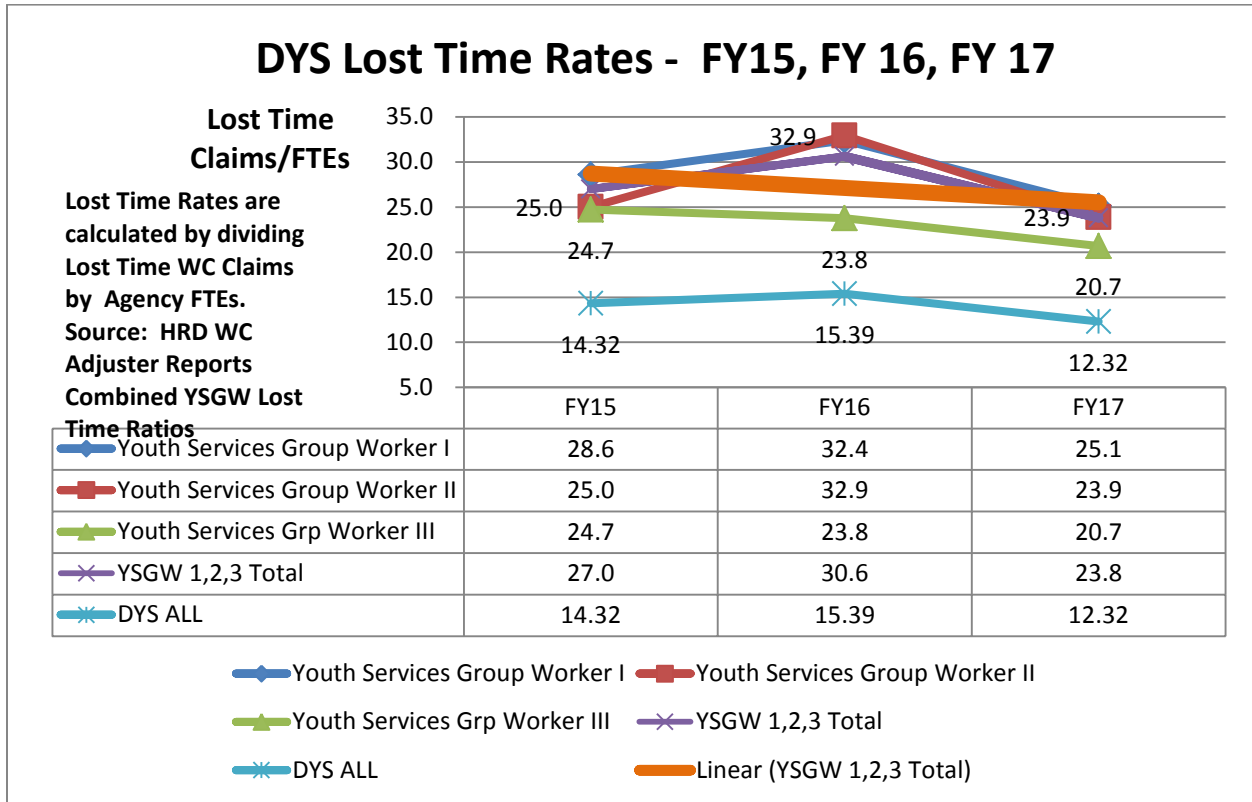
Involuntary Room Confinement Data presented at the January 25, 2017 Meeting – Rate of Involuntary Room Confinement continues to trend downward from September 2010 through December 2016.



Data on Suicidal Behaviors presented at the December 14, 2016 meeting. Suicidal behaviors include suicidal ideation, gestures and attempts. The information in the graph below covers both state operated and provider operated programs and shows the trend to be relatively flat over the 3 year period from CY 2014 to CY 2016.



Data Presented on Staff Out on Industrial Accidents with Injury Sustained as a Result of an Assault or in the Course of a Restraint presented at April 26, 2017 meeting. Between FY 2015 and FY 2017, the lost time rate of DYS group youth workers who were out on industrial accident due to injury sustained as a result of an assault or restraint dropped 12% from 27.0 to 23.8.



Significant DYS Initiatives to Address Safety in Residential Programs (2015 to Present)

The Department of Youth Services has declared staff and youth safety as the first of the five priorities in its [2017-2018 Strategic Plan](#). The Department is committed to addressing safety in its residential programs. Since 2015, the Department has implemented or is in the process of implementing strategies, program changes, practice changes, as well as policy changes, towards increasing safety across the service continuum. Amongst the several significant initiatives and activities endorsed, supported, and funded by the Department are:

1. The DYS Safety Committee which is a standing agency committee that meets every 8 weeks. Serving on the Safety Committee are frontline and management employees from the DYS Regional and Central Offices, and Human Resources, and the Labor Relations and Workers Compensation staff from the Executive Office of Health and Human Services, as well as representatives from AFSCME, NAGE, and SEIU, the collective bargaining units representing the DYS employees working in the secure programs. The Safety Committee meetings are data informed meetings with standing

agenda items that include review and analysis of assaults, restraints, room confinements, and workers compensation data with a focus on violence pay claims.¹ The data is analyzed for trends and factors that might contribute to incidents of youth assaults on staff and other youth. The Department is committed to reviewing and responding to Safety Committee requests and recommendations in a timely fashion. Some of the Committee's recommendations implemented by the Department to date include upgrading two-way radios for staff, equipping all staff with safety belts, revising policy and procedures on managing group disturbances, developing a standard form for DYS to report to the juvenile court regarding a youth's conduct while in DYS detention, establishing communications protocols for sharing information about gang involved youth across the service continuum, and revising the "Notification of Rights and Protections of Youth in DYS Custody" form to inform youth at intake that DYS has zero tolerance for violence, sexual abuse and sexual harassment in its programs and that the Department will support staff who wish to file criminal charges against a youth following an assault.

2. A Pilot Work Schedule at a program in the DYS Dorchester facility where staff work 4 consecutive ten hour days and is off for 3 consecutive days instead of the usual 5 consecutive days on and 2 consecutive days off. This schedule allows for assigning more staff, without adding more FTEs, to work during the critical times when a program experiences more assaults: after school ends and before bedtime. This schedule is also expected to yield the additional benefits of reducing stress on staff by giving them an extra day off and by reducing the likelihood that a staff person will face 8 hours of forced overtime after having worked an eight hour shift. More staff on the floor during the critical times, more rested staff with more time off, and less forced overtime are expected to result in a safer residential program for youth and staff.
3. Added recreational coordinator positions to increase the structure and focus of recreation and leisure time in the secure programs. Keeping youth busy and engaged in interesting activities and programming will help reduce the incidents of assaults. Having staff that is dedicated to planning and arranging the leisure and recreational activities will result in more varied and diverse programming of interest for youth and will give program staff more time to pay closer attention to other duties and responsibilities that can enhance safety in the secure setting.
4. Facilitated gym and out- door recreational access for the secure programs on the Taunton Campus, enabling youth to be engaged in sports and other physical activities outside the confines of the secure programs. Reducing idle time by engaging in physically demanding activities in a gym and outdoor recreational space promotes safety and security in the facility.
5. Increased direct care FTEs across the secure programs will help ensure that there is a strong baseline of staff available to the programs to meet emergent staffing needs.

¹ Violence pay is a supplemental amount of pay in addition to Workers' Compensation that is paid to employees who are injured by a patient or prisoner in their care or custody. DYS pays this supplement to employees injured as a result of an assault by a youth or when the injury is sustained in the course of restraining a youth.

6. Reframed the in-service training process for new hires that facilitates getting direct care staff into the programs quicker. In 2017, the Basic Training format was changed. Previously, a new employee had to complete 3 consecutive weeks at the Training Academy before starting work in a residential program. The new format allows the new employee to start working in the program after completing the first week of Basic Training and requires the staff to return to complete the second and third week of Basic within 90 days from the date of hire. This new format allows for the new hires to gain a very important experiential context to receive and process the information taught during the second and third weeks at the Training Academy better equipping them to use and apply this information when working with youth in the programs.
7. The Post Assault Survey Study is a formal and structured after action review of incidents involving youth assaults of staff which utilizes a methodology that captures more granular information about the assaults. The methodology involves gleaning three points of view (clinician, program manager and youth) about each incident within 48 to 72 hours after an assault occurs at a program. Data is collected and evaluated regarding the program environment before and at the time of the incident, in order to identify the apparent triggers and motivations for the youth's behavior, as well as other variables may inform the prevention of assaults.
8. DYS Workplace Violence Prevention and Crisis Response Plan issued in 2015 is a plan that requires all DHS employees to complete specific human service worker safety training bi-annually. It also informs victim of workplace violence that they can seek information and/or support from DHS Regional Senior Management or DHS Employee Support Services about filing a criminal complaint if they are victims of workplace violence. The Plan is the companion to the Information for State Employees, Interns, and Volunteers on the DHS Response to Traumatic Workplace Incidents which spells out the responsibility of the Regional Incident Response Team for reviewing incidents of youth assaults of staff, addressing the incidents with the youth, imposing sanctions where appropriate, and providing the opportunity for involved staff to voice the effect the assault has had on them and to offer recommendations regarding outcomes.
9. AFSCME and DHS Memorandum of Understanding that established specific protocols to be followed if an employee wished to pursue criminal charges against a youth for incidents involving allegations of sexual assault, physical assault resulting in injury, or assault with bodily fluid(s). In 2016, DHS issued a protocol to provide guidance for implementing MOU by detailing the internal communications, notifications and actions to be taken should an employee decide to file criminal charges for an assault by a youth.
10. Residential Safety Summit convened in May 2016 brought together frontline and management staff from state and provider operated secure programs to look at factors impacting safety in the programs and to brainstorm on strategies for improving safety. Each program had an assignment to implement one of three strategies: (1) managing rival gangs, (2) using community meetings to facilitate dialogue between staff and youth, and (3) recreation and other structured programming in their program, and to

report back on any change in negative behaviors and reduction in assaults since implementation of the selected strategy.

RECOMMENDATIONS OF THE DYS SAFETY TASK FORCE

At the several Safety Task Force sessions, DYS presented a lot of information and materials for the members to process and digest. At the conclusion of the presentations, each Safety Task Force member was asked to identify specific areas of DYS policies, practices, and operations that impressed them, and those areas that were of concern. Their responses set the stage for the robust discussions that followed about the recommendations to be issued. The Safety Task Force's recommendations, as highlighted below, constitute actions that DYS can implement to supplement and enhance the efforts currently undertaken by the Department to increase safety. In developing the recommendations, the DYS Safety Task Force organized its findings and recommendations into three categories: (1) Staffing; (2) Expectations; Programming and Consistent Messaging; and (3) Incident Responses and Outcomes.

STAFFING

The Department of Youth Services employs more than 430 group youth workers who represent 52% of the Department's workforce. These state employees work in the 19 state operated hardware secure residential programs located throughout the Commonwealth. The secure programs serve young people up to the age of 21 and have the capacity to serve between 12 and 15 youth per program. Two of the programs serve girls while the remainder serves boys. The programs are 24/7 operations each of which are staffed with 21 to 24 FTEs (Full Time Equivalent Positions). The Safety Task Force's concerns about staffing centered on the residential staffing model, retention, supervision, coaching and training.

Staff Retention

A stable workforce contributes to safety in a program. In the previous three calendar years, the Department experienced a high turnover of staff in the entry level position of group youth workers. The turnover rate for these employees leaving within a year of hire was 31.8% in CY 2014, 42.5% in CY 2015 and 39.5% in CY2016. Churning of staff can compromise staff's ability to work as an effective team and to run high quality programs. Staff turnover can (1) make involuntary overtime necessary; (2) add stress to the personal and professional lives of staff; (3) challenge staff's ability to serve as positive role models; and (4) hamper staff's ability to build trusting relationships with the young people in the program. There are also the ancillary costs that a high turnover rate has on the agency's finite resources, in terms of additional time and money required to hire, screen, on-board and train new employees.

In the past two years, the Department has initiated strategies to improve retention of group youth workers. They include (1) engaging Right Management, a global human resources company to evaluate and make recommendations for improving efficiency and effectiveness in the

recruitment, hiring and retention of qualified candidates to work as group workers in residential programs;² (2) increasing the number of FTEs per residential program to ensure that there is a strong baseline of staff available to run the program; (3) revamping recruitment to include better branding of the Department, a better job description and a more realistic preview of the group worker job; (4) engaging Harvard Kennedy School of Government (“HKS”) graduate students to study the impact of required and routine activities and tasks on group youth workers’ ability to establish the meaningful and caring relationships with youth in secure detention units that promote and maintain program safety;³ (4) more targeted recruitment through a pilot community college pipeline that draws from criminal justice and human services majors and specific outreach to veteran groups;⁴ (5) piloting a work schedule that consists of four consecutive 10 hour days on the job and 3 consecutive days off instead of the five consecutive 8 hour work days and 2 consecutive days off; (6) conducting exit and stay surveys of newly hired group youth workers to identify the reasons why new hires stay or leave; (7) initiating annual Years of Service and Commissioner’s Awards ceremonies where the Department can formally and publicly recognize and thank staff for their dedication and commitment to the mission and work of the agency. In 2017, the agency modified the Years of Service ceremonies to include the acknowledgement of new staff celebrating their first work anniversary with the Department of Youth Services. With these several initiatives in play, the Department is seeing a dramatic reduction in the turnover rate. These efforts appear to have helped stem the tide of new hires leaving before their first anniversary. In CY 2017 (January through the first week in December), the turnover rate for group youth worker I’s was down to 14.5%.

In the area of staff retention, the Safety Task Force recommends that the Department continue to explore and implement strategies for reducing the turnover rate. There was general consensus amongst the members that while better salaries would be helpful, it was more important for the Department’s leadership and senior management to demonstrate to staff that they are valued employees. This can be accomplished through more public recognition, such as additional formal staff engagement events and agency publications that acknowledge important milestones and contributions, and through more spontaneous compliments and words of appreciation given to staff while at work. Greater investment in their professional development, such as, educating new staff on what it takes to move up the career ladder, offering training and promotional opportunities, and discussing realistic timeframes for their advancement up the organization should also help demonstrate DYS’ commitment to and belief in our workforce. The Safety Task Force further suggests that the Department improve screening of job applicants to better identify candidates who are interested in a career in juvenile justice because they believe in the agency’s mission and want to work with adolescents. Additionally, the Task Force suggests that

² In October 2015, DYS engaged Right Management to help improve its efforts of hiring qualified individuals for the group youth workers as they are mission critical for the Department to achieve its strategic goal of improving safety for youth and staff throughout the DYS service continuum

³ One strategy that emerged from the Right Management consult was the importance of re-branding DYS to help the public and job applicants understand how different the programs and services provided by DYS as the MA juvenile justice agency are from a correctional agency or a child welfare agency.

⁴ In late September 2016, DYS, in collaboration with the Human Resources Department at the Executive Office of Health and Human Services and the Human Resources Department, implemented a college pipeline pilot with North Shore Community College and Bristol County Community College and their criminal justice programs to create a pipeline of candidates for the entry level role of group youth worker.

the Department build and reinforce a work culture and environment that is seen as fair to and supportive of staff.

Staffing Model

Having the right staffing model can make a difference in managing safety and security in a secure residential program. The staff to youth ratio in the DYS programs is 1:5 for the 1st shift; 1:4 for the second shift; and 1:7 with a minimum of 3 staff on duty for the 3rd shift. While the staffing ratio established for the DYS programs is the model aspired to by other juvenile justice jurisdictions, the Safety Task Force recommends that the Department re-examine the model as the reality presented by required responses to operational needs, such as constant motion by staff when youth are in room confinement; 1:1 staffing for youth on suicide watch; or staff attending to unplanned task or event such as taking a youth to the hospital, which may in fact reduce the number of floor staff available to maintain safety and security program. Retention can be improved when staff feel safe in a program.

Supervision, Coaching and Training

The quality of supervision, coaching and training employees receive is critical to staff retention.

All new staff are required to attend 3 weeks of Basic Training at the DYS Training Academy in Grafton. Topics covered in Basic Training include: Adolescent Development; Trauma Informed Care; Positive Youth Development, Boundaries, Red Flags & PREA; Suicide Awareness & Prevention; Safety, Security & Searches; De-escalation and Dialectic Behavioral Therapy; Mechanical Restraints & Use of Force Policy; Practical Application of Physical Restraints and Defensive Disengagement Techniques; Drug & Alcohol Awareness; Victim Impact Awareness; Prevention of Domestic Violence, Sexual Assault & Stalking; Discrimination & Harassment Prevention; Educational Services; Working with Girls; and Gang Awareness 101 & Working with Gang Involved Youth.

There is a great deal expected of group youth workers in their first year of employment. They have to learn to interact with a diverse variety of individuals, and many skills, knowledge areas, and challenges to master. The Department has relied on supervision and on the job coaching as the primary means for supporting new staff and promoting their success. The Safety Task Force notes that given the competing demands on program management and supervisory staff which require them to attend to a wide range of programmatic and administrative responsibilities, the Department should look to improve people practices that can drive up retention and staff engagement.

The Department shared with the Safety Task Force a number of actions it has taken to improve people practices. One pilot underway is the introduction of a more formal and structured on the job coaching and supervision by program management and supervisory staff of newly hired group youth workers. DYS also has recently successfully negotiated with the Center for Staff Development to offer more supervisory training and development classes. These classes will support and complement the DYS pilot and will include a curriculum developed by the DYS

Training Academy that is tailored to provide the knowledge and skill sets specific to working in a DYS secure program.

The Department is also working on reframing Basic Training, with a focus toward helping get group youth workers into the programs more quickly. Prior to this change, new employees had to satisfactorily complete three consecutive weeks of training before they were allowed to work on the floor. Under the new format, new employees can begin working on the floor after satisfactorily completing the courses required in the first week of Basic Training, and have up to 90 days from the date of hire to complete the courses required in the second and third weeks of Basic Training. By allowing new employees to start working on the floor after completing the first week of training, they will have a contextual framework to better understand and apply on the job the information taught at Basic Training.

The Safety Task Force recommends that the Department consider formal mentoring and peer to peer models as additional approaches for providing supervision, coaching and training. Under such a model, the mentor or peer would be charged with checking in on a new employee at least once a month, hear their concerns, answer their questions, and provide advice, guidance and support about their job and career development. The Task Force notes that reducing the high turnover rate of group youth workers will also allow supervisors to reallocate the time spent in coaching and mentoring the revolving door of new staff, and instead focus on the new hires who are interested in staying. There is also a recommendation for the Department to host brown bag lunch sessions where information such as safety tips, lessons learned, and best practices can be discussed and shared.

EXPECTATIONS, PROGRAMMING and CONSISTENT MESSAGING

DYS Policies

DYS residential programs and the staff working in the programs are governed by DYS Policies and Procedures. The Department defines “policy,” as “a definite course of action, direction or principle adopted or pursued by the agency that guides and determines present and future decisions, actions and activities toward the attainment of stated objective. A policy leads to compliance with standards and the overall goals of the Agency.” Two of the DYS policies: Policy # 03.02.08(e), Restraints and Use of Force, and Policy #03.03.01(a), Involuntary Room Confinement, were the focus of review and discussion by the Safety Task Force. AFSCME shared its concern that these policies were hampering their members’ ability to manage safety and security in program.

The DYS Policy on Involuntary Room Confinement provides that “during non-sleep hours, youth may be kept involuntarily in a room for the following reasons: to calm a youth who is exhibiting seriously disruptive or dangerous behavior; for population management; for the safety and security of a youth; and for investigation of an incident. A youth may not be confined in a room for the following purposes: as a consequence for non-compliance; punishment; harassment;

or in retaliation for any youth conduct.” The concerns raised by AFSCME about this policy centered on the application of the policy as interpreted by program staff and the opinion voiced by some AFSCME members that removing the use of room confinement for disciplinary purposes and the establishment of specific rules around authorization, timeframes, constant motion, staff engagement and release procedures made room confinement an ineffective tool for managing safety in the programs. Shortcomings of the policy according to AFSCME include (1) the “cookie cutter” approach which they ascribe to the room confinement policy does not work with the older and tougher youth; (2) youth awareness of time limits and their use to undermine staff’s ability to assess if the youth has regained control and is ready to be released from room confinement; and (3) programs are reticent to use room confinement because of the level of questioning and scrutiny by senior management.

At the January 25, 2017 meeting, Mark Soler presented the national perspective on solitary confinement (aka involuntary room confinement) to the Safety Task Force. Mr. Soler is the Executive Director of the Center for Children’s Law and Policy which spearheads the national campaign “*Stop Solitary for Kids.*” He spoke about the dangers to youth in confinement – depression, anxiety, lack of impulse control, trauma and self-harm.⁵ He shared research that found one half of youth suicides occurred during awake, program hours and talked about an experiment involving judges, court officers and direct care staff who were placed in a small, emptied, locked bathroom and how many were unable to stay in the confined space for more than a few minutes. Mr. Soler emphasized that “good policy” and “good training” on the use of involuntary room confinement will translate into fewer injuries and increase in safety. He shared with the Task Force that the most effective practices nationally rely on strong leadership, positive institutional culture, staff trainings, and improving staff morale, attendance and crisis management. His recommendations to the group were to increase training that promotes staff confidence in de-escalation skills and how to deal with conflict. He cautioned against teaching youth that force wins arguments; but instead that staff should use opportunities to talk to youth and de-escalate crises.

The discussion on the Policy on Restraints and Use of Force focused on the practical challenges created by DYS’ authorization of only one technique to be used in a restraint and AFCME’s belief that staff is being unfairly disciplined for failing to use defensive disengagement before resorting to restraints. The Department noted that defensive disengagement is a discretionary tool for staff to use, and acknowledged that staff is required under the restraint policy to exhaust de-escalation methods before resorting to restraint. The Department further noted that using restraint in the first instance is permissible when a youth is assaulting another person suddenly and without warning, or when a youth presents an imminent danger to himself/herself or others. AFSCME has suggested for the Department to expand defensive disengagement to include tactics that would allow turning defensive moves into take downs and to increase the number of authorized restraint techniques, as the one authorized technique may not be appropriate for use in all situations.

With some staff believing that they are not being supported by Department leadership when they use room confinement and restraints, the Safety Task Force recommends that the Department

⁵ The Department noted that suicides in DYS facilities in 2003 and 2004 led to the development of the DYS policy and procedures governing the use of involuntary room confinement.

review the two policies and address any ambiguities regarding their purpose and application. The Safety Task Force further recommends that the Department leadership meet with program staff to convey to them directly its expectations regarding the use of room confinement and restraints and to stay vigilant in ensuring that it regularly delivers clear and consistent messages to the field.

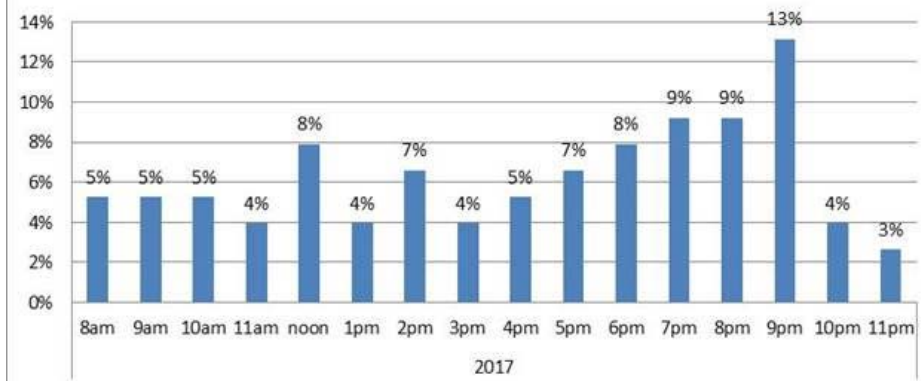
DYS has worked closely with AFSCME to amend the Involuntary Room Confinement Policy. The amended language provides greater clarity regarding the role supervisors (the Shift Supervisors and Shift Administrators) play in the room confinement process and the timeframes and approvals required in the existing policy. There is also a change that now allows a staff who put a youth in room confinement to participate in the youth's release from room confinement. The Department has also agreed to review the implementation of the restraint policy and restraint technique, as they have not been subjected to a formal assessment since their recent roll out, to ensure that the agency is achieving the results that were expected from this practice shift. The DYS Deputy Commissioner for Operations is leading a team that will review DYS policies and practices involving de-escalation, defensive disengagement and restraint. AFSCME has been invited to join in that review. Lastly, the Department has agreed to review the communication structure to ensure that practice expectations articulated at the DYS executive level are understood and embraced throughout agency operations. A meeting with the secure residential program directors took place on December 13, 2017 to review this process and specifically to clarify the intent and expectations of the involuntary room confinement and restraint policies. AFSCME Council 93, Local 1368 leadership attended and participated in the session. The December 13th session is the first of several that will be scheduled for DYS leadership to meet face to face with residential program directors throughout the year.

Programming and Behavioral Management

Structured programming that interests and engages youth is essential to promoting safety in the programs. All youth in residential programs engage in academic/vocational programming. They spend 5.5 hours a day, 5 days a week in classes. They are taught by licensed teachers who provide instruction in 5-6 subjects – Math, English Language Arts, Science, Social Studies, Reading and Empower Your Future. They also receive instruction and tutoring for the MCAS tests and towards attaining their GEDs or Hi-Sets. Youth are also supported in taking on-line college courses. Since 2009, all DYS programs use Dialectical Behavior Therapy (“DBT”) to teach youth self-regulation skills, mindfulness, distress tolerance, emotional regulation and interpersonal skills. Group and individual clinical sessions are usually held in the afternoon after the school day is over. Internal DYS studies and evaluations have found that youth who receive DBT groups have benefited on behavioral measures (less restraints, greater compliance, and increased self-esteem).

There is a general consensus amongst the Safety Task Force members that quality programming that keeps youth busy and engaged can lead to positive outcomes and fewer assaults in the residences. The chart below shows the times of the day when there is the higher percentage of youth on staff assaults. Those times are at lunch, during transitions, and the hours between dinner and bedtime when there is typically less structured programming.

Youth on Staff Assaults at DYS State Residential Programs by Time of Day that Occurred Between 1/1/17 to 10/31/17



The programming recommendations from Safety Task Force members for improving safety include expanding family engagement, which is essential to achieving positive outcomes for youth according to the experts in the juvenile justice field; keeping youth busy and engaged in more physical and challenging activities, rather than relying on sedentary activities such as video games and television; sharing across the service continuum the successful strategies and programming implemented by programs; training floor staff to be more vigilant about their day to day operational duties and responsibilities on the units and reinforcing their importance in maintaining safety and security in the programs; and developing more relevant programming for the older youth in the areas of higher education, vocation, and employment that can be tied to a more positive future.

In the past year, the Department has taken affirmative steps to improve residential programming. As discussed at the Safety Task Force’s first meeting, Positive Youth Development is the Department’s framework for programming and administration. Positive Youth Development is one of the Department’s five 2017-2018 strategic plan priorities. In the spring of 2017, the Department disseminated to staff the Positive Youth Development Guidebook and convened regional meetings with program administrative team members and direct care supervisors where participants explored the practical application of positive youth development principles (all youth possess strengths, discovering strengths requires cooperative exploration, discovering how youth managed to survive instead of judging or blaming, and learning that all environments, even the most bleak, contain resources). Towards that end, the Department has also created and filled two recreational coordinator positions to work with and to support the programming at 8 state run programs in the Central and Southeast regions. These positions are part of a pilot to provide a dedicated supplemental resource that would help plan engaging and interesting recreational, leisure and community activities for the program staff to implement. Having dedicated staff to plan and arrange the leisure and recreational activities will result in more varied and diverse programming of interest for the youth and provide relief to the program staff who can now pay closer attention to other duties and responsibilities that can enhance safety in the secure setting. The Department plans to add recreational coordinators to the workforce if this pilot is shown to

be successful in reducing assaults. And, with the recent gym and outdoor recreational access completed for the Taunton secure programs, youth in every state run residential program have access to an indoor gym and outdoor recreational space. In addition, the Department is in the process of conducting a Post Assault Survey Study which poses questions about assaults for staff and youth to answer. This study will provide timely and more granular qualitative information regarding the causes of assaults and possible strategies for addressing assaults in the programs. This study will also allow for a broader, system-wide look at various factors that may be contributing to assaults.

The Safety Task Force also heard from AFSCME that the behavior management systems used in the DYS programs were failing to hold youth accountable, particularly youth in the detention programs, where AFSCME asserts there are no sanctions or consequences that program staff can impose in response to misbehaviors, especially assaults. Two AFSCME members, who were assaulted and seriously injured while working as group youth workers in a secure program, spoke about their experience to the Safety Task Force at the April 26, 2017 meeting. They shared personal stories about assaults by youth, the injuries suffered, and the impact those events had on their lives. They want the Department to hold the youth accountable for their assaultive behaviors and to keep staff and youth safe in the secure programs. Both men noted that assaults should be looked at as to whether they were premeditated or an instantaneous reaction, and opined that residents are emboldened to assault staff when the decision to file criminal charges lies with staff. While the Department is affirmatively supporting staff who wish to file charges, most staff decline to do so.

AFSCME told the Safety Task Force that repairs (form of restorative justice) used in the secure programs need to be revamped. Under the current behavior management system, AFSCME contends that repairs required of youth are not commensurate with the severity of the infraction. They assert that assaultive youth are allowed to return to group programming too soon after the assault. Examples were offered of program management undermining staff by overruling and prematurely relieving youth from the specific sanction that staff had imposed. AFSCME also proposed keeping the assaultive youth separated from the staff that was assaulted by transferring them to another program.

The Safety Task Force recommends for the Department to evaluate the current behavior management systems and to research and identify additional behavior management tools for staff to use with youth.

The Department has established a work group to review and strengthen the behavior management and support approach with youth in secure programs. The Department recognizes that the implementation and integration of the “repair” system for youth is uneven and potentially incomplete in certain programs across the service continuum. The incentive based approach in working with youth requires a better balance with a more defined accountability and sanction process for youth behavior when it is unacceptable. The Department has invited AFSCME to join a work group headed by the DYS Director of Clinical Services to evaluate the efficacy of the DYS behavior management systems by examining the sanctions and incentives used in the 19 state operated secure programs.

INCIDENT RESPONSES AND OUTCOMES

Investigations versus Incident Reviews

The March 15, 2017 Safety Task Force session covered the topics of DYS investigations and chapter 119 §§ 51A and 51 B complaints and investigations of abuse and neglect by caretakers. The Department presented on the work of its Investigations Unit and the process the Unit follows in reviewing serious incidents and conducting investigations. Specifically, the DYS Investigations Unit is responsible for reviewing serious incidents that take place or involve youth or employees in DYS operated or funded programs and services, and to investigate those serious incidents that pose a risk to institutional safety and security. The investigation determines if there were any violation of DYS policies and makes recommendations on corrective action. AFSCME has shared with the Safety Task Force that it believes its members are not treated fairly by the Investigations Unit particularly when it reviews serious incidents that allege the improper use of restraints, the use of excessive force, and the failure of staff to de-escalate a volatile situation before restraining a youth. AFSCME was critical about the length of time for an investigation to be completed and the impact on the employees who are placed on paid administrative while awaiting the findings and a decision on possible discipline. AFSCME told the Safety Task Force that they believed the DYS investigators to be biased because they almost always side with the youth and appear pre-disposed to finding staff to blame.

AFSCME further questioned the need for an investigation by DYS when there is a filing of a c.119, §51A complaint of child abuse or neglect. Such a complaint triggers a DCF (“Department of Children and Families”) investigation unless the complaint is screened out. AFSCME further asserted that the Department is encouraging the over reporting and filing of c. 119, § 51A complaints and proposed that incidents should be subject to additional review before a complaint is filed with DCF. These comments followed the presentation by the DCF General Counsel on the M.G.L. c. 119, §§ 51A and 51B processes for screening, investigation, and determination of whether there was abuse or neglect. As part of that presentation, the DCF General Counsel noted that the law is clear that a mandated reporter must file with DCF if he/she has reasonable cause to believe that a child is suffering physical or emotional injury resulting from abuse. is shared the following statistics required by the Safety Task Force charter. For the time period from FY 2013 to FY 2016: (1) the number of child abuse investigations conducted involving DYS staff pursuant to M.G.L. c.119, section 51B (“51Bs”) was 85; (2) the number of substantiated 51B investigations was 26 and, (3) the number of unsubstantiated 51Bs was 59. The Task Force was informed that the statistics on the number of DYS staff included on the DCF “Registry of Alleged Perpetrators” was not available as the DCF electronic system does not identify whether an alleged perpetrator was a DYS employee at the time of the alleged abuse.

Based on what the Safety Task Force learned about investigations, it recommends for the Department to review the agency’s investigation role and responsibilities and to consider establishing a threshold for when the investigation of serious incidents is required. Members of

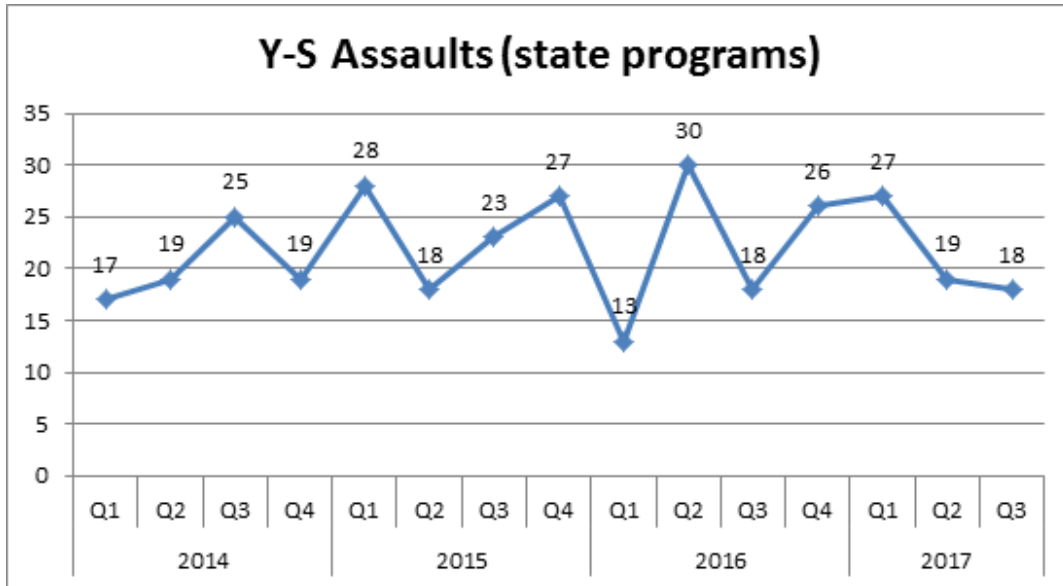
the Task Force commented that there are certain types of incidents that can be addressed promptly through an internal review by the program, and there are certain serious incidents that should be investigated. For youth and staff involved in a serious incident to believe that the incident will be reviewed fairly and objectively, the Safety Task Force recommends the establishment of standards for determining when a full investigation is warranted and when an internal review is sufficient; a clear description of the investigations process; and the establishment of timelines for decisions based on investigations findings and recommendations. A thorough review of the DYS investigations process will enable the Department to improve the efficacy of investigations, allow for the creation of set standards and minimum expectations for investigations, and enable assessment of the capacity of the Investigations Unit to perform its function. The Safety Task Force further recommends that the Department continue to educate staff about the respective roles of DYS, the Department of Children and Families and the Department of Early Education and Care in investigating serious incidents.⁶ By helping staff understand each of these agency's processes and procedures and the efforts made by the agencies to minimize redundancy of investigations that can adversely affect staff and youth involved in the serious incident, the Safety Task Force members believe that DYS can tamp down the skepticism about investigations. Towards that end, the Department has prioritized the development of an Investigations Policy that will address the several concerns voiced about standards and expectations regarding the investigations of serious incidents. The development of the policy will follow the normal DYS process for the review and vetting of agency policies and would include a review by the DYS Policy Steering Committee which invites interested DYS staff and representatives from the collective bargaining unions to participate and provide input.

DYS SAFETY COMMITTEE

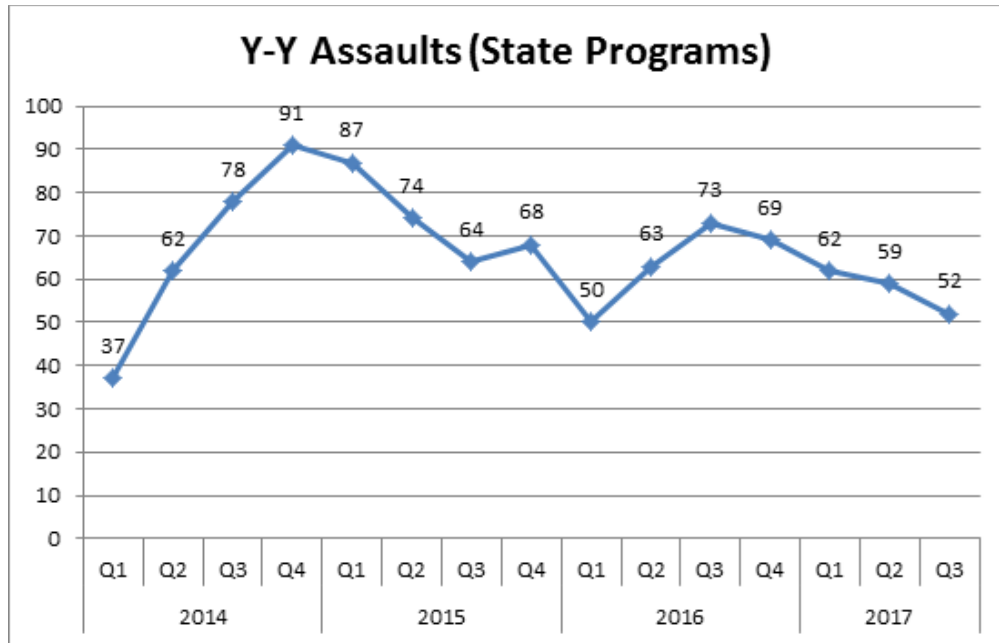
The Safety Task Force commends the work of the DYS Safety Committee. The Task Force recognizes that an important part of the shared work related to youth and staff safety must be the Department's continued commitment to capture relevant data, to measure progress, and to propose strategies and actions for improvement. The two primary transactions where staff gets injured are in restraints and youth assaults on staff. The Safety Task Force applauds the Department's use of data to improve communication about safety in programs and the impact that the different initiatives and strategies are having in reducing restraints, assaults and other risk indicators. As reflected in the most recent reports shown below, most of the critical risk indicators are trending in the right direction.

⁶ DYS is responsible for determining if there was any violation of DYS policies. DCF is statutorily responsible for determining whether abuse or neglect of a child had occurred. DEEC is statutorily responsible for determining if there was any violation of its licensing standards.

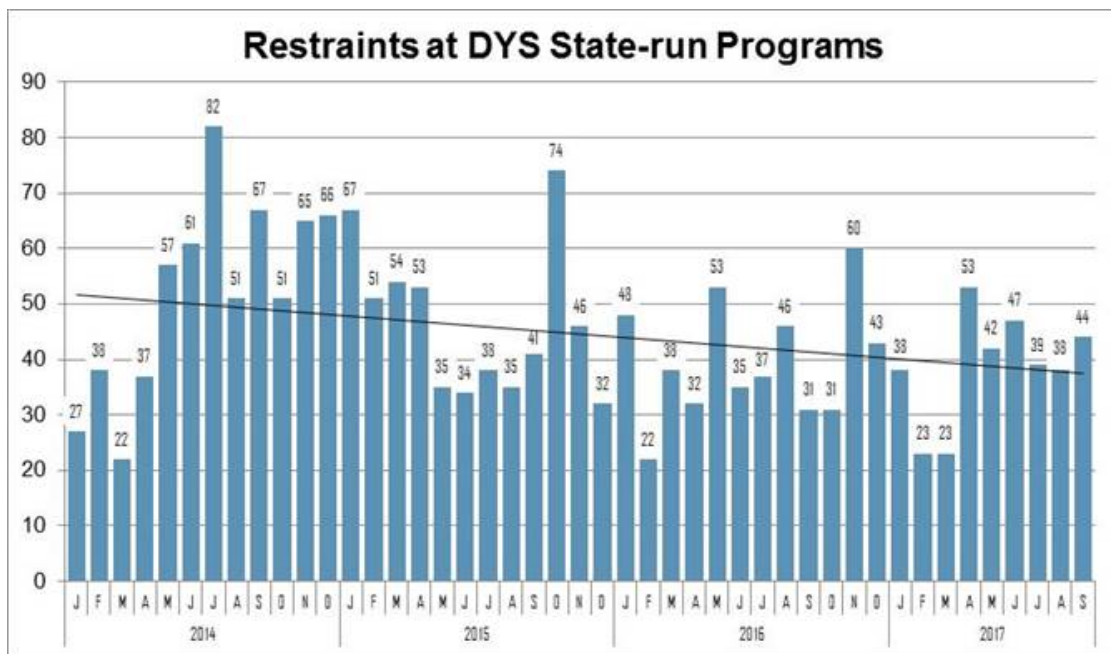
YOUTH ON STAFF ASSAULTS have trended down over the past six quarters with 30 incidents of youth on staff assault in the 2nd quarter of CY 2016 to 18 incidents in the most recent quarter (3rd quarter of CY 2017). The average number of incidents in this category per quarter for CY 2016 and CY 2017 to date is 21.5.



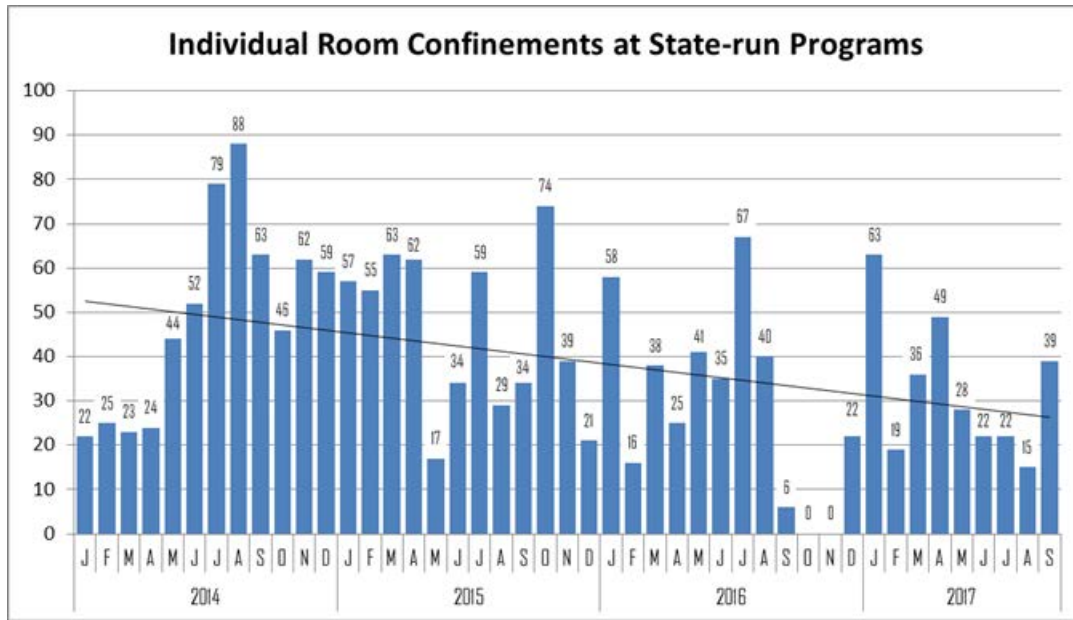
YOUTH ON YOUTH ASSAULTS have trended down over the course of the past 3 years from 87 incidents in the first quarter of CY 2015 to 52 in the most recent quarter (3rd quarter of CY 17) and the average for the past 5 quarters is 63.



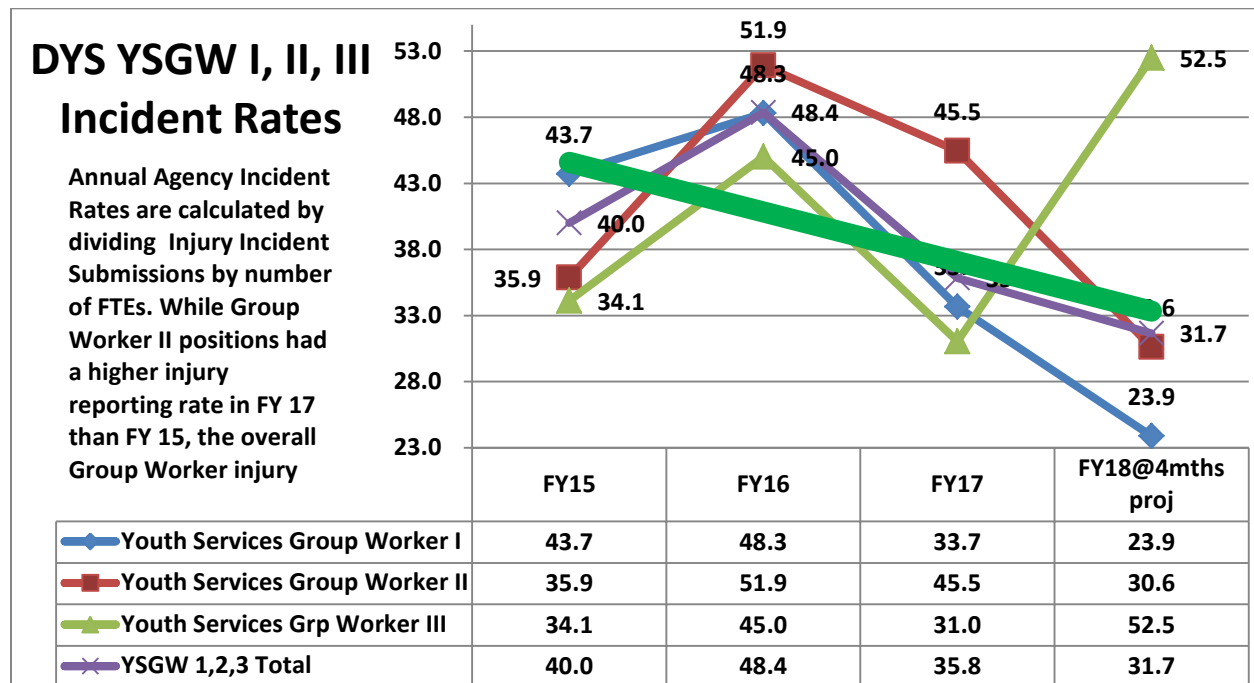
RESTRAINTS have been trending down over the four year period. The state operated secure programs have been averaging 38.1 restraints per program per month over the 9 month period in CY 2017

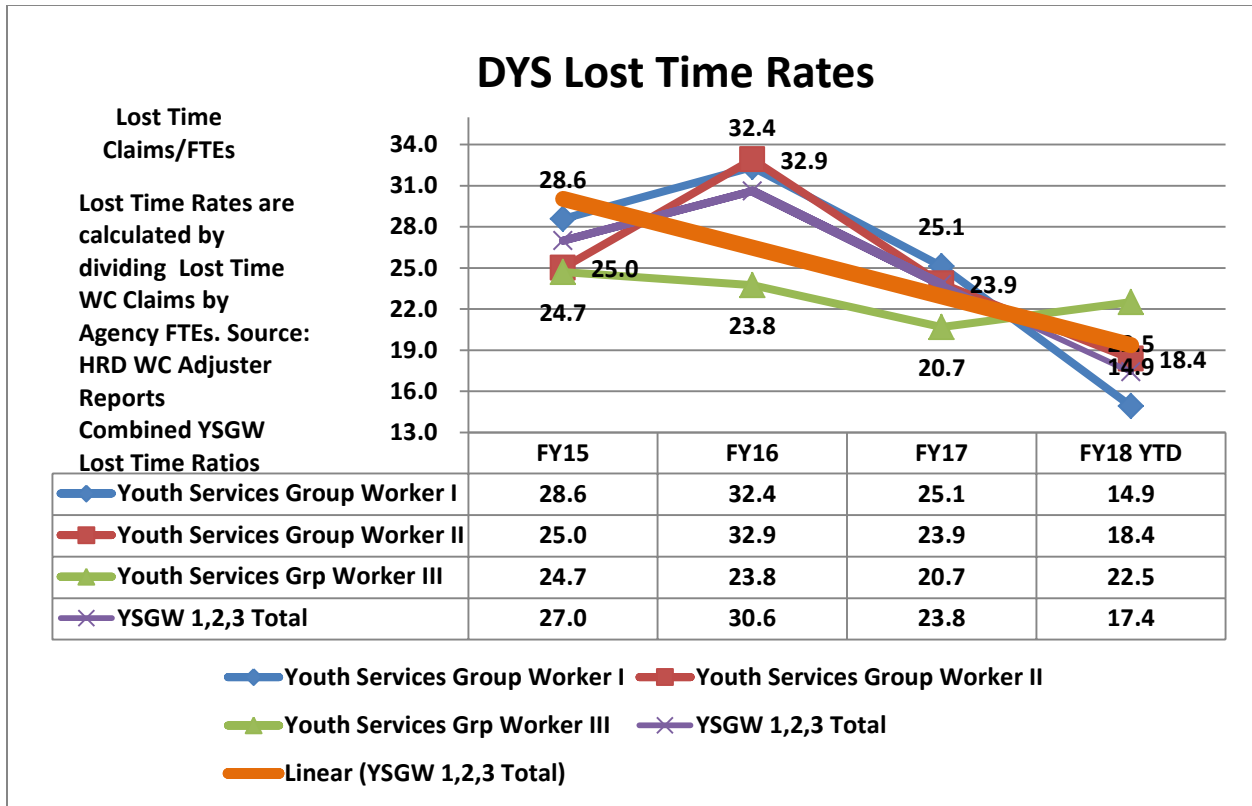


USE OF INVOLUNTARY ROOM CONFINEMENT has trended down over four year period. In CY 2017, room confinement at the 19 state operated programs averaged 35 per month or an average of 1.8 per month per program.



INDUSTRIAL ACCIDENTS have been trending down since FY 2015 across key variables tracked and reviewed by the Safety Committee. The overall group worker Incident Rate has been reduced by 20% and the Loss time Rate by 35.3%.





GROUP WORKER I ATTRITION has trended down over the past several years, from a high of 42.5% GYW I's leaving the job within 1 year of hire to 14.6% in CY 2017. More encouraging is the reduction to 1% of the new hires leaving the position within their probationary period of 6 months.

Calendar Year	Total GYW I Hires	Probationary Period	Discharged Probation CS	Total New GYW I Hires	Turnover rate GYW I within 1 year of hire	turnover rate Probationary Period
2014	88	2	2	88	31.8%	4.5%
2015	87	2	2	87	42.5%	4.6%
2016	114	14		114	39.5%	12.3%
2017	103	1		103	14.6%	1.0%
Grand Total Hires	392	19	4	390	31.9%	5.9%

The Safety Task Force agrees with the Department that the DYS Safety Committee serves an important function. The Safety Task Force supports its role in continuing to review relevant safety data that can help inform changes in agency policies and practices and the Department's

approach in strategically focusing on the secure programs that have demonstrated high concentrations of incidents in the above categories. An increase in incidents may happen for a variety of reasons including program leadership turnover, staff attrition and vacancies or a particularly challenging group of youth. The Safety Task Force agrees with the Department's collaborative approach of working with those programs that are struggling and need additional attention and support in specific areas of operations identified by the Safety Committee.

CONCLUSION

The focus of the DYS Safety Task Force's efforts has been to efficiently and effectively add value to the initiatives and conversations going on at various levels within the Department of Youth Services where many are diligently working to develop and implement strategies for improving safety in the secure residential programs. The Safety Task Force aims to supplement these initiatives and conversations by offering recommendations for next action steps in three major areas: Staffing; Expectations, Programming and Messaging; and Incident Responses and Outcomes. The DYS Safety Task Force believes its work crafting these recommendations to the Secretary of Health and Human Services, will help the Department leadership work with staff and their unions to prepare for, respond to, and reduce assaults in secure residential programs.